CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, May 19, 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 April 21, 2014

COMMUNICATIONS & REPORTS

1) Notice: The Planning Commission Quarterly Workshop scheduled for TUESDAY, May 20 2014 has been cancelled.

2) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, June 16, 2014 at 7:00pm in the City Council Chambers.

3) Update on City Council Actions

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

NEW BUSINESS

NEW DEVELOPMENT APPLICATIONS

1) S-14-11 6 South State Street – Public Hearing and Review of Site Development Plan and Architectural Review Certification to add parking facilities and other site improvements at an existing 6,906 S.F. +/- office/apartment building on a 15,051 S.F. +/- parcel. The property is zoned RG-O (General Residence and Office Zone) and subject to the H (Historic District) zone. Concurrent interior renovations will convert the use from office/residence to all office. The property, known as the Dr. Henry Ridgely House, is located at the southwest corner of South State Street and West Division Street. The owner of record is Six South State, LLC. Property Address: 6 South State Street. Tax Parcels: ED-05-077.05-04-27.00-000, ED-05-077.05-04-27.01-000. Council District 3. *Waivers Requested: Parking Reduction*,

Elimination of Upright Curb Requirement. This application is associated with HI-14-03 heard by Historic District Commission on April 17, 2014.

2) SB-14-01 Dover Mall at 1365 North DuPont Highway: Minor Subdivision Plan – Public Hearing and Minor Subdivision Plan Review to create three (3) lots from an existing parcel totaling 149.3225 acres +/- of land. The lots proposed are Lot 1 of 53.1704 acres, Lot 2 of 30.7046 acres, and remaining residue land of 65.4475 acres. The property is zoned SC-3 (Regional Shopping Center Zone) and a portion is subject to the SWPOZ (Source Water Protection Overlay Zone). The property is located on the east side of North DuPont Highway. The owner of record is Dover Mall, LLC. Property Address: 1365 North DuPont Highway. Tax Parcel: ED-05-057.00-01-14.00. Council District 3. *Waiver Requested: Subdivision Waiver of Requirement for Lot Frontage on a Public Street.*

3) SB-14-02 Lands of Union A.M.E. Church at 222 West Reed Street – Public Hearing and Minor Subdivision Review to create two (2) parcels of land from an existing 5,385 S.F. +/- parcel in order to place the existing church building and house on individual lots. The parcel will be subdivided into a 1,447 S.F. +/- parcel (Parcel A), and a 3,938 S.F. +/- parcel (Parcel B). The property is zoned C-2 (Central Commercial Zone), located at the southeast corner of West Reed Street and South New Street. The owner of record is Union A.M.E. Church. Property Addresses: 222 West Reed Street and 101 South New Street. Tax Parcel: ED-05-077.09-01-36.00-000. Council District 4. *This application is associated with V-14-03 heard by the Board of Adjustment on February 19, 2014.*

4) SB-14-03 Lands of Robert & Kathleen Dunn at 276 Troon Road – Public Hearing and Minor Subdivision Review 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 S.F. +/- 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.*

5) US-14-01 Dover High School at One Dover High Drive – Public Hearing and Review of a Unified Comprehensive Signage Plan application to permit the construction and implementation of signage for the 105.6 acre +/- Dover High School campus consisting of illuminated monument and wall signs, non-illuminated building entrance canopy signs and directional signage, and a mesh bleacher banner. The property is zoned R-10 (One-Family Residence Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the south side of Forrest Avenue and east of Dover High Drive. The property owner is Capital School District. Property Address: One Dover High Drive (Previously 1650 Forrest Avenue). Tax Parcels: ED-05-076.00-02-07.00-000. Council District 1.

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 May 9, 2014 at 1:00pm

CITY OF DOVER PLANNING COMMISSION
April 21, 2014

The Regular Meeting of the City of Dover Planning Commission was held on Monday April 21, 2014 at 7:00 PM with Vice Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Cregar, Mr. Holt, Mr. Baldwin, Ms. Still and Mr. Tolbert. Dr. Jones, Mr. Ambruso and Colonel Welsh were absent.

Staff members present were Mrs. Townshend, Mrs. Dawn Melson-Williams, Mr. Cook, Mrs. Harvey and Mrs. Mullaney. Also present were Mr. Sean Sokolowski, Mr. Carl Krienan, Mr. Jonathan Street, Mr. Gregg Moore, Mr. Alan Perry, Ms. Denise Anderson, Mr. Jim Kelly, Ms. Eileen Thorp, Mr. Mark Ziegler, Mr. Jim McCulley, Mr. Dev Sitaram and Mr. Charles Owensbe. Also speaking from the public were Colonel Dix, Ms. Rachel Dunning, Ms. Lois Dunning, Mr. Rhett Ruggerio and Mr. John Paradee.

APPROVAL OF AGENDA

Mrs. Townshend stated that application SB-04-01 Dover Mall at 1365 North DuPont Highway: Minor Subdivision Plan has been postponed at the request of the applicant until the Planning Commission meeting scheduled for May 19, 2014.

Mr. Cregar moved to approve the revised agenda to include the applications previously scheduled for the March 17, 2014 meeting and also the removal of application SB-14-01 Dover Mall at 1365 North DuPont Highway: Minor Subdivision Plan, seconded by Ms. Still and the motion was unanimously carried 6-0 with Dr. Jones, Mr. Ambruso and Colonel Welsh absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF FEBRUARY 18, 2014

Ms. Still moved to approve the Planning Commission minutes of February 18, 2014, seconded by Mr. Holt and the motion was unanimously carried 6-0 with Dr. Jones, Mr. Ambruso and Colonel Welsh absent.

APPROVAL OF THE PLANNING COMMISSION QUARTERLY WORKSHOP MEETING MINUTES OF FEBRUARY 19, 2014

Ms. Still moved to approve the Planning Commission Quarterly Workshop minutes of February 19, 2014, seconded by Mr. Holden and the motion was unanimously carried 6-0 with Dr. Jones, Mr. Ambruso and Colonel Welsh absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting will be held on Monday, May 19, 2014 at 7:00 PM in the City Hall Council Chambers.

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop is scheduled for Tuesday, May 20, 2014 at 12:00 noon in the City Hall Conference Room.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on February 24, 2014, March 10, 2014, March 24, 2014 and April 14, 2014.

Mrs. Townshend stated that there were cards on the desks of the Commission members about the "Restoring Central Dover Open House" scheduled for May 2-10, 2014. There is also some available to the public. This is a community driven planning effort to look at how they can revitalize the residential neighborhoods of Downtown. She encourages people to get out and participate because participation is what makes a planning effort successful.

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

Mr. Holden recused himself from applications C-10-05, S-14-04 and S-14-05. His employer is the engineer of record.

2) Revision to Development Applications:
   a) C-10-05 New Dover High School: Revision to Sidewalk – Revision of sidewalk network design for the New Dover High School. The property is zoned R-10 (One Family Residence Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the south side of Forrest Avenue and east of Dover High Drive. The owner of record is the Capital School District. Address: 1650 Forrest Avenue. Tax Parcel: ED-05-076.00-02-07.00-000. *The Planning Commission conditionally approved Conditional Use Site Plan C-10-05 on December 20, 2010, Final Site Plan Approval was granted to S-11-18 and approval granted to a Revised Parking Justification and Waiver Request for Parking Justification on October 21, 2013.*

Representatives: Mr. Sean Sokolowski, Capital School District; Mr. Carl Krienen, ABHA Architects

Mrs. Townshend stated that the area of discussion on the Site Plan for the Dover High School that came to the Planning Commission as a Conditional Use Site Plan in December 2010 is the S-sidewalk located at the front of the site. This sidewalk was included in the Site Plan as part of the requirement to have access from the frontage sidewalk into the site. There are other locations where there is access from the frontage sidewalk into the site but this sidewalk would bring you into the front of the building. As the applicant has been working with the District and DelDOT to get the HAWK signal at the east entrance and the sidewalks on the north side of Route 8 in the vicinity of the high school, it was pointed out by a member of the public at a City Safety Advisory and Transportation Committee meeting that the S-sidewalk creates a reason for students from Cranberry Run to want to cross at an uncontrolled location instead of at the signalized location. Since they are trying to direct pedestrians to go east using the sidewalk and then across the street at the signal, they thought they should bring forward a request to the Planning Commission for that S-sidewalk at the front of the school property be eliminated because it could encourage unsafe crossings of Route 8.

Mr. Cregar stated that the Department of Transportation is in agreement with the elimination of this sidewalk and although they can't guarantee that no one will cross at uncontrolled locations, it is probably a much better situation to try to move people to that signalized location. Responding to Mr. Cregar, Mrs. Townshend stated that the front grass area is actually going to be planted in

meadow grasses so with meadow grasses and no sidewalk it will be more likely to discourage but not eliminate that crossing.

Mr. Cregar questioned if the representatives of this application had any questions or concerns? Responding to Mr. Cregar, Mr. Sokolowski stated that he is the Business Manager for Capital School District. Dr. Thomas sends his apologies as he could not make it; he had a previous engagement tonight. The District doesn't have a strong preference whether the sidewalk goes in or not. Obviously, they want the safest means for their children, but they will defer to the Planning Commission as far as what they feel is most reasonable.

Ms. Still moved to approve C-10-05 New Dover High School: Revision to Sidewalk, seconded by Mr. Baldwin and the motion was unanimously carried 5-0 with Mr. Holden recused and Dr. Jones, Mr. Ambruso and Colonel Welsh absent.

NEW BUSINESS

NEW DEVELOPMENT APPLICATIONS

1) S-14-04 Kent County Community School Additions at 65 Carver Road and 901 Forest Street – Public Hearing and Site Development Plan Review to permit the construction of building additions totaling 18,280 S.F. between two buildings with the associated site improvements on a 45.46 acre parcel. The building additions consist of 2,640 S.F. to the Kent County Community School at William Henry Middle School and 15,634 S.F. to Booker T. Washington Elementary School. The property is zoned I-O (Institutional and Office Zone) and subject to the COZ-1 (Corridor Overlay Zone 1). The property is located on the north side of Forest Avenue between Weston Drive and Carver Road. The owner of record is Dover Special School District (Capital School District). Property Addresses: 65 Carver Road, 901 Forest Street. Tax Parcels: ED-05-076.07-01-55.00-000, ED-05-076.07-01-65.00-000, ED-05-076.07-01-66.00-000, and ED-05-076.08-01-28.00-000. Council District 4.

Representatives: Mr. Jonathan Street, Becker Morgan Group; Mr. Carl Krienen, ABHA Architects

Mrs. Melson-Williams stated that this application was for the Kent County Community School building additions to be located at the William Henry Middle School site and the Booker T. Washington Elementary School site which are part of the same complex located north of Forrest Avenue and east of Carver Road. The property is zoned IO (Institutional and Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone 1) which plays into the some of the design and landscaping requirements for the project. The project has two components. The first is an addition to the main Kent County Community School building. This proposed addition to the east side of the building consists of 2,640 S.F. The second and much larger proposed addition involves the Booker T. Washington Elementary site. It has two components; one is a renovation project to what is the original section of the school building and the second component is a 15,634 S.F. of new building at the site. Previously, the Planning Commission may remember that a Site Development Master Plan was reviewed for this two school complex in 2010. Part of that has actually been implemented in that the first phase did a lot of work to reconfigure the site access and circulation on the property and by improving bus and parent drop-off areas. Subsequent to that first phase, there is a second

phase that made the connection to Weston Drive and as of this morning the light at the intersection of Weston Drive and Forrest Street was to move into a partial operational mode.

This project was not identified as part of that Master Plan project; it stands as its own Site Plan. It has the two components and the Corridor Overlay Zone (COZ-1) focuses on the Forrest Avenue portion of the site. There are a number of provisions of that zone related to landscaping, building placement and setbacks. There are a number of things outlined in the report that are recognized as nonconforming situations because the school building was originally constructed prior to the *Zoning Ordinance* including the Corridor Overlay Zone (COZ-1) provisions. For the most part, where they can comply they are complying. In particular, the proposed addition does bring the building closer to the street which is one of the concepts in the Corridor Overlay Zone (COZ-1).

There are a series of architectural drawings related to the proposed building addition. They continue to utilize the brick and carry a number of the details for the Booker T. Washington Elementary School building in the form of cornice work and window design. Specifically related to the Corridor Overlay Zone, there are architectural review requirements associated with that frontage of the building. They are complying with those architectural element requirements in proposing windows and an operational entrance as part of the historic porch entrance to that building as well as integrating landscaping to the new building addition.

There are no proposals related to parking with this project. There are a number of sidewalk changes as they make the additions to the front of the Booker T. Washington Elementary School to deal with handicap accessibility to that portion of the building. The site is actually recognized overall as non-conforming related to parking. If going by the total building square footage on the property, it would require over eight hundred fifty (850) parking spaces. Previously, the Planning Commission has recognized that the provision of doing the parking calculation related to the large spaces in those buildings is more appropriate in the case of these elementary and middle school situations so the site actually contains three hundred ninety-four (394) parking spaces and in addition a number of bus parking spaces as well. Bicycle parking is provided on the site and sidewalks are present along the street frontages for the property.

They are including some landscaping as part of this project and will actually be planting a number of trees to meet those tree planting requirements. The Planning Office provided a number of comments specifically with this application. They have one recommendation which is to install a bicycle parking rack in the vicinity of what is the historic front of the school building as that area may actually be utilized for special events and activities as an entrance. They want to give the opportunity for bicycle parking in that area. The other DAC review agencies including the City's Public Works Department, Electric Department, the Office of the Fire Marshal, DelDOT and DNREC's Sediment and Stormwater Management Program have provided comments regarding this Site Plan application. There are no waiver requests.

Mr. Street stated that he is the project manager for the civil portion of this project. Mr. Carl Krienen with ABHA Architects will be handling the architectural piece of the project. As Mrs. Melson-Williams stated, there are two main portions of site construction that will be taking place. There is a modest addition that will be taking place on the back of the Kent County Community School which is located to the rear of William Henry Middle School. Modest improvements include a handrail and sidewalks and curb to accommodate the building egress to the rear of the addition itself. The

majority of the additions and site work will be held to the Booker T. Washington site which fronts Forrest Avenue. He believes there is approximately 15,000 S.F. of building additions to the Booker T. Washington School. Essentially what they will be doing is pulling out most of the non-compliant sidewalks and ramps that currently access the school. There is a lot of pavement in the front of the school that fronts on Forrest Avenue and replacing it with more elegant, more ceremonial entrance to the Booker T. Washington School, to the old historic piece of the building. Mr. Krienen can speak to the improvements that will be done with that. They will also be providing stormwater management in conformance with the new regulations set forth by the State. They will be providing new water access more than likely to the building to include fire suppression systems for the historic piece which is not currently sprinklered.

Mr. Krienen stated that the Kent County Community School allows space for students with special needs within all of Kent County which is sponsored by Capital School District. The need is for additional space. The second aspect to the project really allows for the main Booker T. Washington School site to utilize the historic area of the building which is current underutilized or not utilized. Its part historic renovation and part additional square footage for the students. (Power Point Presentation shown.)

To the left of the drawing shown on the projector in the foreground is the historic area. Part of that is to be completely renovated for the students but also to try to repair as much as possible some historic aspects of the building and to also connect to a new addition location further down along Forrest Avenue. This is making it a school that is integrated with the more modern portions of the Booker T. Washington School. Students from these areas, the historic area and the modern area, will interact together so that the school is considered one school but the renovations really help to facilitate that.

A view of the school right after construction of the original historic wing was shown. As most of the Commission members know, historically this was an African American school for the City of Dover so there are some historic components of that. The second view was a more recent photograph of some of the more recent renovations. What they would like to do is to go back to the original historic frontage of the building. They are trying to recreate the main entry and archway area as well as modify the ramps to allow for appropriate accessibility but so to reinvest the front of that building. To the right as it connects back to the more modern area of the building, there is more contemporary detailing so it kind of meshes between the older building and the newer building. It creates an improved frontage along the entire portion of Forrest Avenue and as Mrs. Melson-Williams mentioned to bring the building a little closer to help fortify that street edge. With the materials shown, brick as much as possible and the detailing for cornices and soldier courses to really pick up some of the new pieces really make it look like what was there before. Similarly, the newer areas pick up some of the detailing in the historic area and this connector porch is to try and to tie the two pieces together.

The last component is the parking lot side of the building which is the main working entrance of the building. In order to get more space and functionality there will be a new corridor piece that will connect between the historic building and the new building that will front the playground areas and then overlook the parking.

Mr. Street stated that they have no questions or comments for staff with the Staff Report with one exception, the recommendation to add bicycle parking at the historic entrance of the building which is the Forrest Avenue side of the building. Since this area is going to be a secure and more of a ceremonial entrance they would like the recommendation to state that they are going to add bicycle parking to the actual entrance of the school. This is located at the back side of the school on the parking lot side in the area of the covered overhang in between where the buses and the parent drop-off areas are located. They would like the front of the building to remain more ceremonial and possibly free of bike racks.

Mr. Tolbert questioned if their only problem was with the bicycle rack? Responding to Mr. Tolbert, Mr. Street stated that they would like the bike rack to be located in the back at the actual physical entrance of the school not the front ceremonial entrance of the school.

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

Mr. Cregar questioned if there was any reaction from staff regarding the bicycle location? Responding to Mr. Cregar, Mrs. Townshend stated that they have no issues with the bicycle rack being located at the back of the school.

Mr. Holt moved to approve S-14-04 Kent County Community School Additions at 65 Carver Road and 901 Forest Street including the bicycle rack being moved to the back of the school at the main entrance of the school and all DAC comments, seconded by Mr. Baldwin and the motion was unanimously carried 5-0 with Mr. Holden recused and Dr. Jones, Mr. Ambruso and Colonel Welsh absent.

2) S-14-05 Winner Volkswagen Showroom at 1387 North DuPont Highway – Public Hearing and Site Development Plan Review to permit the construction of a new 20,178 S.F. showroom and service building adjacent to an existing showroom building with associated site improvements on a 5.505 acre parcel. The property is zoned C-4 (highway Commercial Zone) and a portion is subject to the SWPOZ (Source Water Protection Overlay Zone). The property is located on the east side of North DuPont Highway and northwest of the entrances to Dover Mall. The owner of record is 1387 DuPont Highway, LLC c/o Michael Hynansky and lessee is Winner Dover 1387, LLC c/o Michael Hynansky. Property Address: 1387 North DuPont Highway. Tax Parcel: ED-05-057.00-01-15.00-000. Council District 3. *Waivers Requested: Reduction of Arterial Street Buffer, Consideration of Tree Mitigation Plan.*

Representatives: Mr. Gregg Moore, Becker Morgan Group; Mr. Alan Perry, Montchanin Development Group

Mr. Cook stated that this application is a Site Development Plan to permit construct of a new 20,178 S.F. showroom and service building with associated site improvements at 1387 North DuPont Highway. The property is zoned C-4 (Highway Commercial Zone) and a small portion is subject to the SWPOZ (Source Water Protection Overlay Zone). The existing site consists of two structures: a dealership sales service building along the highway frontage and an additional service building in the rear. A third structure is to be added at the south of the property, south of the existing sales and service building. Starting in the front, the Site Plan proposes a continuous sidewalk along the

highway frontage as well as a sidewalk leading from the frontage into the property. Multiple existing entrances from North DuPont Highway are consolidated down to a single point of entry and exit to and from North DuPont Highway. The proposed new structure is primarily glass with portions of metal panels and metal corrugated siding on the sides. The rear portions are primarily masonry and the rear segments of the sides are also mostly masonry.

Rear portions of the site are currently grass and are proposed to be paved and used as vehicle display and parking. An underground stormwater infiltration area is shown on the Site Plan and the details of that are found in the packet. A reserved area is shown for a future entrance from the Dover Mall entrance road.

There are two waivers being requested by the applicant. One is a request for a reduction of the required thirty (30) foot arterial street buffer to ten (10) feet. The second is a consideration of a Tree Mitigation Plan to allow for the tree plantings to be planted off-site as allowed under conditions of the *Zoning Ordinance*. The applicant has proposed plantings of the total eighty (80) required trees on properties of the Dover Housing Authority and Caesar Rodney School District at locations within the City limits. The DAC Report includes comments from the Planning Office, Department of Public Works, Fire Marshal's Office, DelDOT, Kent Conservation District and the Dover Kent County Metropolitan Planning Organization.

Mr. Moore stated that they were separating the Volkswagen dealership from the Subaru dealership. They both are housed in the current building. One building will be renovated and become solely the Subaru building which is the existing building and the new building will be built and used by Volkswagen so that both franchises are separated. This is something that has been done by Winner Ford at one of its other locations. The franchises are pretty much demanding that all of these buildings be separated and operated autonomously because of competition reasons. This plan was actually presented to the Planning Commission a number of years back to have a separate Volkswagen dealership under the previous ownership. That building was never commenced so Winner Group is here for that purpose today.

Mr. Cregar questioned if all of the issues with DelDOT and the entrance to and from the highway have been cleared? Responding to Mr. Cregar, Mr. Moore stated yes, they had a meeting with DelDOT to go over their comments and they are agreeing to install a right turn lane directly in front of the new building which is their basic request. That right turn lane is going to extend the full length of the property and provide safer access into that single entrance. They provided a letter summarizing that.

Mr. Tolbert questioned if there was an agreement with the party they will be dealing with on the Tree Mitigation Plan? Responding to Mr. Tolbert, Mr. Moore stated yes, they presented letters to that affect for each so that the trees will be used in the City. The one waiver request, which is the reduction of the buffer, is necessitated again by widening Route 13 a little bit. It is actually now more important than it was prior to them putting it in.

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

Mr. Baldwin stated that on the earlier application for the old building they were unable to do sidewalk so they did a painted stripe walk because of the geography. Will the applicant be able to address this issue this time? Responding to Mr. Baldwin, Mr. Moore stated yes, this proposal is for a concrete sidewalk for the entire frontage and they have incorporated that into the Site Plan so it won't be paint striped.

Mr. Cregar moved to approve S-14-05 Winner Volkswagen Showroom at 1387 North DuPont Highway, including the waivers for reduction of Arterial Street Buffer and Tree Mitigation Plan as discussed in the DAC comments, seconded by Mr. Holt and the motion was unanimously carried 5-0 with Mr. Holden recused and Dr. Jones, Mr. Ambruso and Colonel Welsh absent.

3) C-14-04 Personal Service Nail Salon at 235 West Loockerman Street - Public Hearing and Conditional Use Review to permit a nail salon in an existing 1,400 S.F. ± first floor tenant space with associated interior improvements. The property is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). A Conditional Use permit is required when other personal service stores are located within 250 feet of the proposed business site. The property is located on the north side of Loockerman Street and east of the intersection with South New Street. The owner of record is Shreege Properties, LLC. Property Address: 235 West Loockerman Street. Tax Parcel: ED-05-77.09-01-50.00-000. Council District 4.

Representative: Ms. Denise Anderson

Mrs. Harvey stated that the Conditional Use Plan is to permit a nail salon on the first floor of an existing building located at 235 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 1920's and listed in the National Register of Historic Places as a contributing resource to the Victorian Dover Historic District. The building consists of three floors. The first floor was most recently utilized as the Ancient Way Massage and Day Spa and the second and third floors consist of two separate apartments. Due to the proposed location and type of land use as a nail 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.

Ms. Anderson stated that she is planning on owning the business "California Nails" and renting from Shreege Properties, LLC. It's going to be a nail salon and even though Tresses Hair Salon is next door, they do not have a manicurist table or a nail tech table inside their salon so they are not competing. They actually told her that they would refer customers to her business. The closest nail salon is Bee Hive Beauty Shop located further down the street towards East Loockerman Street to where the old Loockerman Exchange was located. She doesn't feel like they are any kind of competition to her business. Besides the one manicurist table located in the Bee Hive Beauty Shop which is a hair salon, she is going to be the only manicurist on Loockerman Street. She has found that the closest manicurist to this address is located on Route 13 called "LA Nails". She feels that her business will be a good thing not a bad thing. Even though there are a lot of other salons in the area, she is going to be the only nail salon.

Mr. Tolbert questioned if the applicant had a questions or concerns regarding the DAC Report? Responding to Mr. Tolbert, Ms. Anderson stated no, she is just hoping to get approved so that she can get everything squared away.

Mr. Cregar stated that the applicant would have to do a more detailed presentation with the different comments as were laid out in the DAC Report. He questioned if that represented a problem for the applicant to do so because it's more substantial than the information that was presented. Responding to Mr. Cregar, Ms. Anderson asked for clarification.

Mr. Cregar stated that in the DAC Report there are considerable comments about the plan that needs to be presented with the different notes and things that the Planning Office would require. He questioned if that was going to be a problem for her to prepare and present it back to staff for approval? Responding to Mr. Cregar, Ms. Anderson stated no, that would not be a problem. She went over each requirement in the DAC Report. It was previously the Ancient Way Salon so the plumbing is already setup. The things that are required by the Fire Marshal, the handicap accessible bathroom has already existing. This was kind of her reason for choosing this particular space because everything already exists. The electrical comments were for any kind of major things done where it would need permitting which is not going to happen. They are going with a more natural method of pedicures where it's waterless pedicures. It's even setup for the actual pedicures with the faucet lines but she is choosing not to use them. They are already closed but she is going to use them for sanitary purposes. A lot of water will not be used. In a normal nail salon to water usage would be hundreds of gallons a year or more. The only concern she has with trash collection is that she may need a special trash can or method of eliminating chemical type containers. She already spoke to her landlord regarding this issue and they said to work it out with the maintenance person. She didn't see any of the other comments being a problem since the Ancient Way Spa had taken care of everything.

Mr. Cregar questioned if the Planning staff would work with the applicant to get a more detailed plan? Responding to Mr. Cregar, Mrs. Townshend stated yes, they have done it past where if she has an 8.5"x11" they will provide an 8.5"x11" with all of the information she needs for a data column and then they can copy it as a 11"x17". They make it as easy as possible.

Mr. Baldwin questioned if the current business located within the two hundred fifty (250) feet area would want to do a nail salon what would be their position at a later date? Responding to Mr. Baldwin, Mrs. Townshend stated that they are already a person service business so it wouldn't affect that.

Mr. Baldwin further questioned if the existing business wanted to have a nail salon there wouldn't be any issue? Responding to Mr. Baldwin, Mrs. Townshend stated yes, as long as it's within an existing personal service.

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

Ms. Still moved to approve C-14-01 Personal Service Nail Salon at 235 West Loockerman Street including all DAC comments, seconded Mr. Baldwin and the motion was unanimously carried 6-0 with Dr. Jones, Mr. Ambruso and Colonel Welsh absent.

4) C-14-02 YMCA of Delaware Kent Swim Club at 825 Kenton Road – Public Hearing and Conditional Use Site Plan Review to permit the construction of a new 1,600 S.F. pavilion, conversion of the property to public sewer service, and associated site improvements on the 18.3 acre parcel. The property is zoned R-10 (One-Family Residence Zone). The property is located on the east side of Kenton Road and south of Walker Road. The owner of record is YMCA of Delaware. Property Address: 825 Kenton Road. Tax Parcel: ED05-067.18-02-01.00-000. Council District 1. *Waiver Requested: Partial Elimination of Sidewalk Requirement.*

Representatives: Mr. Jim Kelly, Chief Operating Officer for YMCA of Delaware; Ms. Eileen Thorp, CDA Engineering

Mr. Cook stated that this application is a Conditional Use Site Development Plan to permit site improvements and the construction of a 1,600 S.F. pavilion structure at 825 Kent Road. The property is zoned R-10 (One-Family Residence Zone). This property was formerly the Kent Swim Club and was annexed into the City in 1969 then zoned R-10 (One-Family Residence Zone) in 1996 with one of the City's Comprehensive Rezonings. The *Zoning Ordinance* allows Conditional Uses in residential zoning districts subject to approval by the Planning Commission. An annual membership club is a permitted Conditional Use and the continued use of the property is unchanged following the change of ownership to the YMCA of Delaware.

The 1,600 S.F. pavilion is proposed in the interior of the site adjacent to the existing parking lot. This is a simple wood post structure with a shingled roof and open on all four sides. It's typical of what would be seen in a park. A 120 S.F. mobile restroom facility is proposed adjacent to the existing pool house. It's a mobile facility that has both men's and women's facilities with running water, lighting, heating, ventilation and an air conditioning system. This facility is intended for use by youth camp participants. The applicant is working with the adjacent property owner to establish a connection to public sewer. That is proposed to run through the wooded area and connect to the condominium adjacent to the property.

Tree removal is proposed for the pavilion site as well as along the proposed sewer line path. Tree planting is proposed inside the property line along the Kenton Road frontage near where the existing tennis courts and volleyball courts are located. More tree planting is planned along the entrance drive from Kenton Road and additional tree inside near the parking lot and then a few near the stormwater retention pond at the corner of Walker Road.

The existing courts are proposed to be removed and a future site will be reserved for a playground. Also, a sidewalk from Kenton Road along the entrance drive to the interior of the property is proposed. There is one waiver being requested by the applicant which is a request to eliminate the required sidewalk along a part of the Kenton Road frontage. The applicant seeks a waiver for the portion of Kenton Road south of the entrance drive. That particular part of the property frontage has several utility fixtures that make construction of a sidewalk difficult and future DelDOT capital plans would necessitate reconfiguration of the right-of-way and relocation of the utilities. The applicant has proposed payment to the DelDOT Kent County Sidewalk and Multi-Use Paths Fund in lieu of the requirement to construct the sidewalk.

The DAC Report includes comments from the Planning Office, Department of Public Works, Fire Marshal's Office, DelDOT and the Kent Conservation District.

Mr. Holt questioned if this is going to be strictly a summer time program, what will the hours be? Will there be night time activities as well? Responding to Mr. Holt, Mr. Kelly stated that the hours would be primarily 8AM – 8PM. There may be some activities where they have an evening program once in a while but they would take the time to inform the current members of the community in that area that they would be having a program for the children. They run an evening program currently called Club 58 for kids in 5^{th}-8^{th} grade and they would like to incorporate some of that into the pool area in the evenings but only once in a while not every night. They would normally close at 8PM.

Mr. Cregar questioned if the mobile restroom would be removed when the summer ends and the pool is closed or will it be left permanently? Responding to Mr. Cregar, Mr. Kelly stated that it would be removed. They would like to move it to at least inside the fenced area or someplace else for storage.

Ms. Thorp stated that they are looking to install a 1,600 S.F. pavilion and a small mobile restroom; however, it will have permanent facilities such as sanitary, water and electric for a hygiene hut to be used by children campers during the summer. It will also be providing an ADA accessible port-a-potty on-site for the children who need assistance because this structure will not be ADA accessible. They will also be providing bike racks along the sidewalk that's entering the site and this sidewalk will be ADA accessible as well. They are also adding additional handicap parking stalls within the existing paved surface.

They have made contact with English Village and are heading down the path in which to obtain a right-of-way easement for the sanitary sewer. What they would like to do is to remove the site off of septic. Currently, it has an existing septic field and they do not know the current condition of it. To best serve the community and the YMCA facility it would be best to connect into the City sewer. The way of doing that is through English Village Condominiums. The pool will not dump into the sewer; it has a separate filter system called a wash-out filter system. It does not backwash into the sanitary sewer system so they won't be adversely charging the system frequently with any pool water.

Mrs. Townshend stated that in terms of the DelDOT comments since they are going to be improving Kenton Road there is a payment in lieu of sidewalks.

Mr. Tolbert opened a public hearing.

Colonel Thomas Dix – 664 Independence Blvd Dover DE 19904

Colonel Dix stated that his property borders on the property described as 825 Kenton Road. He received his undated notice in the mail and it came from an applicant who works for CDA Engineering, Inc. It suggested the construction of a 1,600 S.F. pavilion, conversion of public sewer service and associated site improvements. There was one sign posted to tell the public of this review. It was in a ditch near the main entrance on Kenton Road. It's barely visible from Kenton Road; in fact it's behind a tree. No sign was posted on the Walker Road entrance or along any property boundary other than at the main entrance.

Who owns the property and what does the owner plan to do with the property? This would be basic information for a Conditional Use Site Plan. The associated site improvements are very mysterious. He has a few problems with the use of the Conditional Use Site Plan to develop the land at this location. The site is zoned R-10 (One-Family Residence Zone). An open sided pavilion which measures 40'x40' is not architecturally consistent with a residential neighborhood. There is no large pavilion in the residential zones in the City of Dover at this time. The Kent Swim Club used public address systems and bright lights which are not allowed in residential zones. His knowledge of the City *Zoning Ordinance* is rather limited and it is not known for a specific allowance for conditional structures in a low density zone with a Conditional Use Site Plan. On April 17, 2014 he became aware of a mobile hygiene hut which was to be used as he thought a locker room or restroom. Will pool patrons be mixed with the users of the pavilion? This does not sound like a healthy situation. The use of a mobile structure in an R-10 (One-Family Residence Zone) is certainly a violation of the *Zoning Ordinance* and a Conditional Use waiver would be unacceptable to the neighbors.

The real problem is that this site came into the City of Dover as a residential property several years ago and the zoning was never changed. Some type of recreational zoning would seem appropriate with a pavilion and its past use. The use of mobile hygiene hut does seem appropriate with some type of recreational zoning. He is afraid that such a hut would be vandalized in the winter months and become a neighborhood eyesore. He would suggest a permanent restroom for the pavilion. A changing room with showers and lockers would seem to be required by the State of Delaware Public Health Department. He would like to see a commitment of improvements that are permanent. He is lead to believe that within the next few years, the City will be in a position to re-zone this site. He is asking the Planning Commission to promote this zoning change for the entire site in question.

Mr. Tolbert questioned if he has been in contact with the applicant regarding his concerns? Responding to Mr. Tolbert, Colonel Dix stated no, he did not know where the notice came from. He went to the Kent Swim Club site and it said that the property was going to be leased to the YMCA so he was not aware that YMCA had purchased the property. He would love to see campers at this location during the summer but he would like to get the zoning changed.

Ms. Rachel Dunning & Ms. Lois Dunning – 21 Lamplighter Ln Dover DE 19904

Ms. Rachel Dunning stated that her property boarders the property of 825 Kenton Road. As for the Site Plan, where do they intend to build the new clubhouse, pavilion and pool along with the parking lot and possibly sidewalks and landscape buffers? Where are the improvements on the site in relation to 21 Lamplighter Lane? Has DelDOT required a new Traffic Impact Study and have they done a Wetlands Delineation of the remainder of the property? Where do they intend to put the new entrance? If it is off of Walker Road, they will be disturbing the wetlands to create it. Will the pavilion be used by the public as well as by Kent Swim Club members? This will add to additional foot traffic possibly leading to additional crime in the area which is already a problem. The mention of reserving space for a park in the future; there is Independence Park directly next to them so there would be a park on each side of them. She thought was an issue with the spacing of parks. There is the possibility of the traffic interfering with the Fire Department activity. Also with the new Dover High School there will probably be traffic going that way as well. What will happen to the woods on Walker Road that back up to their property? They also have issues with the portable shower units. What upgrades are they planning as far as lighting, sound systems, etc.? In the past, there

have been activities at this location lasting until 10PM or 11PM with the speakers going. How much parking will be available and where will it be located? Will the woods be taken down?

Ms. Lois Dunning stated that with the YMCA holding all of these programs at this location, the community doesn't know who will be there or when they will be held. They need to see some plans as far as what's being planned for that area. If they are going to have activities for children going on once in a while and what times they will be held. They need to see these things in writing. She was not aware that the YMCA had purchased the Kent Swim Club. She was aware that they were leasing Kent Swim Club for swimming meets not for all of this additional activity. She would like more background as to how they got to this point.

Ms. Rachel Dunning stated that they also received the same letter as Colonel Dix just a couple weeks ago and it was very vague. The problem for them is that their property boarders right along this location and they've dealt with the sound and some of the other things throughout the years. But this plan just upset them.

Ms. Lois Dunning questioned where the sidewalks would be located? Would they be going down Walker Road? Responding to Ms. Lois Dunning, Mrs. Townshend stated that there are already sidewalks on Walker Road.

Ms. Lois Dunning further questioned if there were going to be additional sidewalks? What's going to happen to the entrance and exit that is on Walker Road? Responding to Ms. Lois Dunning, Mrs. Townshend stated in terms of the entrance and exit there is no Traffic Impact Study required; this is a very small improvement. It does not generate enough daily trips to warrant a Traffic Impact Study. The entrance off of Kenton Road will remain and the exit only off of Walker Road will remain. A sidewalk will be installed along the north portion of Kenton Road but where they are requesting a waiver is for the southern section. She thinks there are some grade issues at this location but also DelDOT has a Capital Transportation Project to come through and improve Kenton Road in the next several years so the applicant would make a payment to DelDOT in lieu of constructing the sidewalk if they were to get the waiver.

Ms. Lois Dunning questioned what makes it worthwhile to have a DelDOT study because that also affects all of the traffic coming thru? Responding to Ms. Lois Dunning, Mrs. Townshend stated that the property use as a swim club was recently researched by staff. When the property was annexed into the City in 1969 it was zoned Recreational and Commercial (RC). She is not sure of the reason but she suspects that it had to do with a large wooded area but in 1996 when the City did the Comprehensive Plan and the associated Comprehensive Rezoning, the property was re-zoned to R-10 (One-Family Residence Zone). She would suspect that it was done to protect the wooded area from going to a more intense commercial use. What the applicant is proposing at this point does not change anything existing as part of what would be a legal non-conforming use. The only thing that changes is the addition of the pavilion to support the day camp program and the addition of the hygiene hut. The applicant has done a Wetland Delineation; there was no proposed impact to any of the areas that have been delineated as wetlands. The only impacts to the wooded area include the footprint of the pavilion and the area where they will need to connect sewer. Even without this Conditional Use Site Plan, there is no change in what the applicant can do at this location. What Kent Swim Club has done here for years is allowed to continue. It's the addition of the pavilion that brings them to the Planning Commission. The entrances and exit stay the same. There will be

sidewalk installation on Kenton Road north of the entrance and a request for a waiver south of the entrance. None of the wooded area along the property line with English Village or Lamplighter Lane would be changed. What the Planning Commission is reviewing is the pavilion and the removal of some playing courts that have deteriorating over time and have not been maintained. In terms of property transfers, while she believes property transfers are listed in the newspapers there are no public notification process for property transfer. For Kent Swim Club to sell this property to the YMCA is no different than for her to sell her house to someone else from a public notice standpoint.

Ms. Lois Dunning stated that she understood what Mrs. Townshend was saying but she was pointing out that there were all kinds of publicity about leasing and helping the Kent Swim Club out and they there was no knowledge of the sale, like it was done quietly. She is sure that this is above the law and allowable but she feels that things are done whereas the people surrounding the area may not aware. They weren't aware that the YMCA had purchased the property and wanted to have children's programs. Who knows where, how many kids will be around, how safe it's going to be for the children and where this activity is going to take place on the property? She thinks they need more information in writing and a study done.

Ms. Rachel Dunning questioned if the applicant would be able to expand into the wooded area at a later point in time? Responding to Ms. Rachel Dunning, Mrs. Townshend stated that it would be a separate application to the Planning Commission with the same notification process. If the Planning Commission grants approval this evening, they could not go in and put another pavilion elsewhere on the site or clear the trees. They are limited to what's on the plan before the Commission this evening.

Ms. Lois Dunning questioned if the pavilion was closer to Kenton Road? Responding to Ms. Lois Dunning, Mrs. Townshend stated that it was closer to Walker Road just off of the parking lot. It's a notch into the already developed area.

Ms. Lois Dunning further questioned how many parking spaces are there now? Responding to Ms. Lois Dunning, Mr. Cook stated that their existing parking total is one hundred twenty-five (125) and the proposed parking is one hundred twenty-four (124). That happens through striping one parking space to create five (5) handicap parking spaces where there are currently two (2). They are taking one (1) space and creating three (3) spaces.

Ms. Lois Dunning questioned if it was possible to request what activities are being planned for the usage of this area? Such as night time activities, after school activities, summer camps, etc.? Is this something that could be looked into further? Responding to Ms. Lois Dunning, Mrs. Townshend stated that in terms of the scope of the Planning Commission, the most that the Planning Commission could do is put limits on the hours of operation so that they are not having late night activities.

Ms. Rachel Dunning stated that this has been a problem in the past. They would have swim meets at the location until 10PM or later with their loud speaker system on. They could hear the sound system loud a clear. Their concerns are the wooded area that they back up to. They want it to stay wooded and they don't want more noise than there has already been.

Mr. Tolbert questioned is the noise they heard previously was prior to the YMCA taking over the building? Responding to Mr. Tolbert, Ms. Rachel Dunning stated yes, but the loud speaker system is still there. It has not been removed.

Ms. Lois Dunning questioned if there would be upgrades, more lights, more sounds or better sound systems? Responding to Ms. Lois Dunning, Mrs. Townshend stated that they can't add to the sound system under this application.

Ms. Rachel Dunning questioned if the sound system was legal in the area that it's zoned for? Responding to Ms. Rachel Dunning, Mrs. Townshend stated that technically under the noise ordinance, any time that you can hear something fifty (50) feet away from the premises, the police could be called and the owner could be in violation of the noise ordinance at any time of day.

Ms. Rachel Dunning stated that they can hear everything that is said on the loud speaker system.

Mr. Tolbert questioned how far away they were from the loud speaker system? Ms. Rachel Dunning stated that they are more than fifty (50) feet away.

Mrs. Townshend stated that she would suspect that they could work with the YMCA to adjust the sound on the PA system.

Ms. Rachel Dunning stated that they also wanted to make sure that none of the animals that live in the wooded area near this location were displaced and they don't want Kent Swim Club right up against their back yard.

Ms. Lois Dunning stated that her biggest concern was traffic. There is a lot of traffic in the area and adding to it with the roads not being widened and with the fire department; there are a lot of traffic patterns around this area. Responding to Ms. Lois Dunning, Mrs. Townshend stated that their trip generation is relatively small because it's really the same use.

Ms. Rachel Dunning stated that as Colonel Dix said, none of the neighbors knew anything about this until two (2) weeks ago.

Mr. Tolbert questioned if they received a notice regarding this application? Responding to Mr. Tolbert, Ms. Rachel Dunning stated yes, they received the notice less than two (2) weeks ago.

Mr. Tolbert further questioned if they knew who the notice came from? Responding to Mr. Tolbert, Ms. Rachel Dunning stated no, it was similar to Colonel Dix's notice from CDA Engineering. She was not even aware of the sign that was placed near the entrance on Kenton Road.

Mr. Tolbert closed the public hearing.

Mr. Holden questioned if the fee-in-lieu would guarantee that when DelDOT comes through at a later date that they would construct the sidewalk? Responding to Mr. Holden, Mrs. Townshend stated yes. When the Kenton Road study was done, the road itself and the need of sidewalks were both part of that study.

Mr. Cregar questioned the area that's marked proposed playground; do they need any more detail on what that would be? Responding to Mr. Cregar, Mrs. Townshend stated that she did not think so. The scope really is more about adding structures. They would need to make sure that they are properly distanced from property lines.

Mr. Cregar stated that when the zoning was changed to R-10 (One-Family Residence Zone) it really afforded the community more input into what might be there than before because there would be so many other uses in a RC (Recreational and Commercial Zone) that would be first permitted uses that might be contrary to what would be appropriate in that residential area.

Mrs. Townshend stated that Dover Downs was zoned RC (Recreational and Commercial Zone).

Mr. Cregar stated that zoned as R-10 (One-Family Residence Zone) with a Conditional Use public hearing, these people are here because they have been noticed. By changing the zoning it created more protection for the community. Responding to Mr. Cregar, Mrs. Townshend stated that was correct. From the standpoint of the size of the pavilion, that would not have brought the applicant to the Planning Commission.

Mr. Holt questioned what the floor of the pavilion would be constructed of? Responding to Mr. Holt, Ms. Thorp stated that at the moment it is supposed to be mulch. It's basically to give the campers somewhere to get out of the rain and the sun. It will be somewhere to hold activities in a more controlled space. It's basically a roof structure with pole beams supporting it.

Mr. Baldwin questioned the hours of operation? Responding to Mr. Baldwin, Mr. Kelly stated that activities would usually be held from 8AM to dusk. The existing lighting is not real conducive for safety. They don't want to have activities in the pool at night when you can't properly see the zones on the pool. They will shut down at a time when they feel it's safe to shut down. If there is going to be an activity in the evening, they will notice the community. They do want to be good neighbors and are willing to meet with the community to discuss what they are trying to do for the community and the kids. 8AM-8PM will be their primary goal for hours of operation.

Mr. Baldwin further questioned that as of right now they don't foresee any late evening events? Responding to Mr. Baldwin, Mr. Kelly stated no, from a safety aspect with some of the pools they have they close at 8PM. It's very difficult to run those types of activities in the evening.

Mr. Tolbert questioned if they know at what frequency they would be having these kinds of affairs? Responding to Mr. Tolbert, Mr. Kelly stated that if they do anything it would be once a week at the most and probably one or twice during the summer. It may entail a picnic that runs over into later in the evening. Once it gets dark they prefer children to go home at a time where they can still see the parking lot.

Ms. Still questioned if the hygiene hut was supplemental bathroom space? Responding to Ms. Still, Mr. Kelly stated yes, they wanted it primarily to separate the bath houses from the pool and to prevent the children from having to walk on the pool deck. With the hygiene hut, the children can just use something with running water and sinks to wash. There are no showers.

Ms. Still further questioned if the showers were located in the pool house? Responding to Ms. Still, Mr. Kelly stated that the showers were in the pool house.

Ms. Still questioned if the direction of the one way traffic had been established? Responding to Ms. Still, Mrs. Townshend stated that the key is that the Walker Road access is exit only so they would look to the engineer to provide a circulation that takes that into account.

Ms. Thorp stated that they will add "Do Not Enter" signs at the Walker Road entrance so that people won't turn off of Walker Road into that site entrance. Access to the site will be off of Kenton Road and they plan to sign that properly as well.

Mr. Cregar questioned if the loud speaker was still utilized since the YMCA has taken over the property? Responding to Mr. Cregar, Mr. Kelly stated that they did not use the loud speaker over the past summer when they took over. That was the first summer in a long time that the neighbors did not hear the activity during swim meets. Their hope is to still run swim meets during the day and they will certainly test the equipment to make sure that the kids can hear it safely but also to make sure that they don't disturb their neighbors. They do use the speakers to announce the swimmers as they come up to the starting blocks and then a whistle is fired to start the race. It will be done during a couple hour period and done primarily late morning or early afternoon for these types of activities.

Mr. Tolbert stated that he appreciated the applicant appealing to the public and that he is willing to entertain their concerns and have a dialogue with the community.

Mr. Holden moved to approve C-14-02 YMCA of Delaware Kent Swim Club at 825 Kenton Road to include all staff recommendations and DAC comments, seconded by Mr. Baldwin and the motion was unanimously carried 6-0 with Dr. Jones, Mr. Ambruso and Colonel Welsh absent.

5) S-14-08 Woodland Tree Clearing Plan of 560 Bay Road – Public Hearing and Site Development Plan Review to permit the clearing of approximately 7.45 acres ± of trees (woodland) on a 12.67 acre ± parcel. No buildings or paving are proposed. This is associated with the Woodland Tree Mitigation Plan at the Anne McClements Woodland Tract (Fork Branch Nature Preserve) previously approved by the Planning Commission on April 19, 2010 with Application S-10-03 South Dover Plaza. The Woodland Mitigation Plan was implemented and completed by October 2013. The property is zoned C-4 (Highway Commercial Zone). The property is located on the southwest side of Bay Road. The owner of record is S H E Holdings, LLC. Property Address: 560 Bay Road. Tax Parcel: ED-05-077.00-01-10.00-000. Council District 2.

Representatives: Mr. Mark Ziegler, McBride and Ziegler; Mr. Jim McCulley, Watershed Eco

Mrs. Dawn Melson-Williams stated that this application is for a proposed woodland tree clearing plan for the property located at 560 Bay Road. It is a property that is located on the west side of Bay Road. It's a property of almost 13 acres that is zoned C-4 (Highway Commercial Zone). It is here this evening because they are requesting to exceed the maximum tree clearing on the site and have also included the Woodland Mitigation Plan associated with that tree clearing. This property was the subject of a previous Site Development Master Plan application in 2010 for what was proposed

as a commercial redevelopment of the property; however, that plan known as the South Dover Plaza Project has expired. It was never finalized and no construction activity occurred on the site.

The project today is associated with doing woodland clearing on the subject site but does not include the development of the site any further. There would be no buildings or paving proposed by this plan specifically. They have identified what would be the stabilized construction entrance. There is an existing entrance off of Bay Road that links directly onto this property. They have submitted a written waiver request for the tree clearing plan. Currently the property holds 7.45 acres of woodlands and that was outlined in the Woodlands Delineation Report that the Planning Commission was provided copies of. Their proposal is to clear all of that. The City of Dover Code allows for up to 50% of the woodland on a property to be cleared; however, anything above that 50% has to require a waiver from the Planning Commission and is subject to mitigation for that tree clearing percentage. When that tree clearing is a woodland area it means the planting of new woodland areas. In this case since they are clearing 7.45 acres of land, the area above that 50% is an area of 3.725 acres of woodland. This means the mitigation for that is a new woodland area of 4.65 acres of woodland that must be created somewhere in the City.

With this project it's a little unusual in that there was previously a Woodland Mitigation Plan that was approved by the Planning Commission that involved the property located on the northern part of Kenton Road just south of the intersection with Denneys Road. It is actually part of the Anne McClements Woodland Tract which is part of Fork Branch Nature Preserve which is State owned property. There was a Forest Mitigation Plan that was developed in 2006 and later amended in 2009. That plan proposed the woodland area of a little over 5 acres to be created basically through the replanting of some scrub areas in areas of marginal trees on this State owned woodland tract. That project to actually do the mitigation planting has occurred and was implemented. It was completed in October 2013 and the documentation was included in the packet of the completion of that mitigation project. This is unusual in that the mitigation piece of this has actually already occurred. What did not occur previously was the clearing of this property on Bay Road.

The Planning Commission members received the DAC comments. As part of the review, the Planning Office, specifically the Code Enforcement Division, identified that the property owner of this subject site SHE Holdings, LLC had a number of violations and outstanding fines related to an adjacent property that they own. As of today it appears that the violations have been remedied; however, they are still working with the applicant regarding the outstanding fines. Staff has noted that under the provisions of the Clean Hands Ordinance for the City there is some prohibition about City actions and approvals related to delinquent properties. But we feel that the applicant is making progress in that situation enough to have the Commission members hear this application tonight. If necessary they can withhold any final plan approvals that they would require to actually implement the project if approved this evening.

The other agencies participating in the DAC process including the Public Works Office, DelDOT and the Kent Conservation District have provided comments. Specifically with the Kent Conservation District, they will need to work with that agency related to Sediment and Stormwater Management Planning because of this change in land use cover for this property from woodland to a cleared situation.

Mr. Ziegler stated that Mrs. Melson-Williams gave a very comprehensive summary of this project. It did receive a prior Master Site Plan approval in 2010. The plan ultimately expired in 2013 and because of the economy his client, SHE Holdings, LLC, doesn't want to put forth a plan at this time. With him tonight is Mr. Jim McCulley of Watershed Eco. Mr. McCulley assisted their firm with the off-site Tree Mitigation Plan and it was his understanding that DNREC wanted these trees planted or his client would lose the site. This is the reason they are here tonight. As far as the fines are concerned at 600 Bay Road, the weather had a lot of impact on his client being able to fix the problem. His client has assured him that the repairs to the garage will take place shortly.

Mr. Baldwin questioned if whatever decision was made tonight would be reflected on whether the fines and the violations were cleared prior to starting any work? Responding to Mr. Baldwin, Mrs. Townshend stated yes, they have been working with the applicant as recently as this afternoon to clear it up.

Mr. Holden stated that he thought he read in the report that there was a portion of the Tree Mitigation Plan that wasn't documented. He thinks it was associated with the poor quality portion of the forest that there was some documentation that needed to come in. There were several components to the Tree Mitigation Plan. There was planting of the new trees in the scrub areas and there was some work associated with the poor quality forest and he thought that he had read that staff was waiting on some documentation still. Responding to Mr. Holden, Mrs. Townshend stated that they did receive a Monitoring Report today.

Mr. Cregar stated that the tree mitigation has taken place on the other site. The clearing has not taken place but there are concerns about future development and the trees that will not be cleared at this time? Can they hold the applicant in their next development proposal to try to protect the trees that remain? Responding to Mr. Cregar, Mrs. Townshend stated that they are looking to clear the entire site.

Mr. Cregar questioned if based on the applicants report, they know that the bulk of those trees remaining are not worth saving? Responding to Mr. Cregar, Mr. McCulley stated that the trees that are actually on the site to be cleared are not forest species. There is exotic invasive species and planted species. That area was actually farmed until 1977 so any trees at this location have grown up since 1977. Whats there is Norway Maple, Catalpa, Black Locust and Black Cherry. None of which are really good forest species; two of them are exotic invasive. It's not a really high quality forest area or nice trees that are there already.

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

Ms. Still moved to approve S-14-08 Woodland Tree Clearing Plan of 560 Bay Road including the waiver request to exceed to amount of woodland clearing, DAC comments and with the condition that all fines are cleared prior to any accomplishment of work, seconded by Mr. Holt and the motion was unanimously carried 6-0 with Dr. Jones, Mr. Ambruso and Colonel Welsh absent.

6) MI-14-02 Text Amendment: Revisions to Conditional Uses in RG-1/RG-2 – Public Hearing and Review for Recommendation to City Council on a Text Amendment to the *Zoning Ordinance*, Article 3 Section 2 General Residence Zones (RG-1 and RG-2) relating to conditional uses. The

proposed ordinance re-designates subsection (d) as subsection (e), and inserts a new subsection (d) that allows professional offices as a Conditional Use within the General Residence Zone on State Street and Governors Avenue between Water Street and Mary Street and on Route 8 subject to a series of restrictions. Ordinance #2014-05. *(Applicant Request and City Council Sponsors: Bonar, Hutchison, Lynn)*

Representatives: None

Mrs. Townshend stated that this was a proposed Text Amendment to the *Zoning Ordinance*, Article 3 Section 2 which is the General Residence Zones (RG-1 and RG-2). The Commission members will recall several months ago there was a Rezoning request brought forward to rezone a property on Division Street to RGO. Based on the public feedback that was received at that meeting, the applicant withdrew his Rezoning request and agreed to work with staff on Conditional Use language for the *Zoning Ordinance* that would allow a professional office under very strict criteria within the General Residence Zones (RG-1 and RG-2). This specific amendment has been sponsored by three members of City Council. What this would do is allow professional offices as a Conditional Use within the General Residence Zones (RG-1 and RG-2) on State Street and Governors Avenue between Mary Street and Water Street and on the entirety of Route 8. Staff has provided maps as attachments to the Report that shows specifically where this would apply to; the properties zoned RG-1 or RG-2 that are within that defined geographic area. This did go through the Parks Recreation and Community Enhancement Committee so the meeting minutes from that Committee are also provided. There was discussion of this proposal by members of the public at the open forum prior to the City Council meeting on March 24, 2014 which those comments are provided in the packet as well.

Mr. John Paradee and Mr. Rhett Ruggerio did work very closely with the neighbors who came forward at the prior Public Hearing to make sure that the language reflected that delicate balance. They want a strike between making the older Victorian homes more useable and getting more investment in those houses while also protecting the residential character of the neighborhood. The Ordinance before the Commission this evening encompasses that. It specifically states that the office operations shall be conducted in a manner as to maintain the residential character of the surrounding neighborhood; so it needs to look like a residence from the outside. There's a distancing requirement of two hundred fifty (250) feet so there couldn't be two locations within two hundred fifty (250) feet of each other. No display of goods or products visible from the street. No exterior affects such as noise, traffic, odor, dust and smoke or gas fumes. Those are things that are required for any home based business already in the *Zoning Ordinance*. There is a minimum of two (2) off-street parking spaces but a maximum of four (4) spaces. There is also the idea of screening the parking; limiting the number of employees to six (6) and limiting the hours of operation. These would be the starting point and then with any specific application the Planning Commission could, based on the public comment that is brought forward, apply conditions as appropriate. This strikes that balance of being sensitive to the residential character of the communities but also realizing that they are in transitional areas where they have historic homes that they want to make sure are preserved and sometimes professional offices have more means to do that.

Mr. Holt stated that he remembered when this came up before. He thinks that this will make their jobs easier because the applicant would already know what's expected of him. Responding to Mr. Holt, Mrs. Townshend stated that it definitely sets the bar pretty high at the starting point. If there

are other things that come up that the Commission needs to address, they could add additional requirements.

Mr. Holt stated that the applicant would come before them and already have this background and know what the requirements were. Responding to Mr. Holt, Mrs. Townshend stated yes, the applicant wouldn't make it before the Planning Commission if they didn't meet all of the requirements to begin with.

Mr. Cregar questioned where the number of six (6) employees came from during the research of the area? Responding to Mr. Cregar, Mrs. Townshend stated that it was a number that would allow someone to have a viable business without it becoming excessive. It seemed to be a comfortable number for both the applicants bringing it forward and the residents involved in the process.

Mr. Cregar stated that the reason he asked was because they are only allowing a maximum of four (4) off-street parking spaces; so they won't be able to park their own employees. Responding to Mr. Cregar, Mrs. Townshend stated that with some of the professional offices they have people that aren't there every day. There might be a total of six (6) employees but they won't be there all at the same time. Typically, these are areas where there is on-street parking as well as people within walking distance. The concern of the residents is that they don't end up with paved backyards to accommodate parking.

Mr. Cregar stated that he gets the Division Street properties but he is questioning the State Street and Governors Avenue properties. Responding to Mr. Cregar, Mrs. Townshend stated that in looking at the maps that are provided, on State Street south of Mary Street there is nothing magical about it. One of the people who spoke at the open forum had suggested that it be brought all the way up to Washington Street where the (RG-1) General Residence Zone starts to phase out. That could certainly be amended but the idea is that there is already a lot of (RGO) General Residence and Office Zone on State Street and there is a pretty mixed-use area with the college on both Governors Avenue and State Street. There is mixed-use area already so they are not in the heart of a residential community. For instance, if they went to Delaware Avenue they would be in a much more solidly residential community.

Mr. Tolbert opened the public hearing.

Mr. Rhett Ruggerio – 109 East Division Street, Dover DE 19901

Mr. Ruggerio stated that he owned 109 East Division Street. As Mrs. Townshend mentioned, they have been working with the residents in the neighborhood for the last 6-7 months to discuss some of their concerns and to ensure them that the property will be conducted in the manner that they would want to see it in. Back in September when he came before the Planning Commission for the Rezoning, they had asked for the application to be withdrawn so that they could meet with the neighbors which they did through a series of meetings and also email correspondences back and forth. He thanked Mrs. Townshend for working closely with them on this; she has sort of been the buffer between the two parties.

Mr. Cregar questioned how many employees he had for his operation? Responding to Mr. Cregar, Mrs. Ruggerio stated that he has three (3) including himself.

Mr. Tolbert closed the public hearing.

Ms. Still questioned the signage in the draft. Would the one sign still be subject further to sign regulations for the property itself as far as placement? Responding to Ms. Still, Mrs. Townshend stated yes, but it also couldn't exceed six (6) square feet.

Mr. Cregar stated that he would like for the Commission to consider reducing the number of employees to four (4) because of the maximum off-street parking to be set at four (4). He thinks that they should correspond. He thinks they should be able to park their own employees in that professional situation. He would recommend that the Commission amend this Ordinance to provide a maximum of four (4) employees so that they are able to be parked in the off-street situation.

Mr. Cregar questioned if when discussed prior, were there any concerns addressed about the State Street and Governors Avenue pieces of this as part of the area to allow for this? Responding to Mr. Cregar, Mrs. Townshend stated that if they look at the comments made at the open forum the people who spoke were residents and/or property owners on State Street. They didn't specifically oppose it or support it.

Mr. Cregar stated that the owners of the tea house on State Street live at their location too as well as the owners of the bed and breakfast. Responding to Mr. Cregar, Mrs. Townshend stated that in looking at and listening to their comments, it strikes her that there were at least some concerns but the larger concerns seemed to be with the apartments that already exist. The Code no longer allows that conversion. In the case of Tea for Two, some of the concerns that were brought up were related to parking. There have been times where there have been buses that have brought people to this location. She thinks with the appropriate controls there will be less of an issue. The distancing is important also because one of the big problems is if you lose a block you never get it back but if you intersperse it keeps that character.

Mr. Holden stated that he agrees with Mr. Cregar to reduce the number of employees to four (4). He thinks that they are setting themselves up for a bad situation by saying they can have six (6) employees but they can only park four (4). He wanted to applaud Mr. Ruggerio's efforts with the neighborhood and he thinks that Mr. Ruggerio has done a very good job. This is what should happen in these cases. Outside of those instances, he is concerned over the breath of the coverage of this on State Street and Governors Avenue and then all the way out Route 8 in both directions. A lot of those properties on Governors Avenue are tiny properties so it concerns him because it makes sense in one instance but he doesn't know that they've thought through it to see if it's going to make sense in these other areas. Responding to Mr. Holden, Mrs. Townshend stated that they are still limited to lot coverage. If the applicant can't provide their parking and can't get it done within their lot coverage then they won't get to that Conditional Use. On Governors Avenue in particular in addition to the already existing presence of the college, there are a lot of properties along Governors Avenue that are in various states of disrepair. Her thought was that this gives another option for someone to invest. On Governors Avenue in particular, staff has had a really hard time enforcing the student housing requirements. A lot of the properties on Governors Avenue were already used as student housing when the student housing requirements went into effect so staff hasn't been able to resolve that issue. On Governors Avenue, they already have an arterial street so there is already a certain expectation of traffic and there are properties where it could actually benefit the area to have somebody make that type of investment. From Mr. Ruggerio's perspective, Division Street was

what he was looking at. She looked at the arterial streets where there is already some transition State Street, Governors Avenue and Division Street are arterial streets under the sign regulations. Governors Avenue could be removed if it doesn't make sense.

Mr. Cregar questioned if this could be something that was looked at as Division Street only and then see what happens? He has concerns about how this moved out. Responding to Mr. Cregar, Mrs. Townshend stated that she has no objections to that.

Mr. Holden stated that one side of Governors Avenue has an alley; one side doesn't have an alley. This is the same on a portion of State Street so the question becomes how you get four (4) parking spaces into an area like this. Responding to Mr. Holden, Mrs. Townshend stated that if the applicant couldn't physically do it then they wouldn't get approval for the Conditional Use.

Mr. Holden questioned if there was a big driver for this zone in those areas? He understands the driver along Division Street and it makes a little more sense. Why grab these other areas as well? The issues along Governors Avenue with regard to student housing, he understands those but he doesn't know that this necessarily seems like a great carrot to entice better activity there. Responding to Mr. Holden, Mrs. Townshend stated that in terms of State Street this is area where there are a number of the older houses that have been on the market. She has gotten questions from time to time about having a professional office in this location so this was her rationale for including State Street. She was trying to think of it in a broader sense. If it gives the Commission more comfort to pull it back to Route 8, she would have no problem with that.

Mr. Cregar moved to recommend approval to City Council for MI-14-02 Text Amendment: Revisions to Conditional Uses in RG-1/RG-2 to include reducing the number of employees to four (4) and to change the boundaries to be Route 8 only, seconded by Ms. Still and the motion was unanimously carried 6-0 with Dr. Jones, Mr. Ambruso and Colonel Welsh absent.

7) MI-14-03 Text Amendment: Revisions to Uses in Shopping Center Development Zones – Public Hearing and Review for Recommendation to City Council on Text Amendments to the *Zoning Ordinance*, Article 3 Section 17 Shopping Center Development (SC-1, SC-2 and SC-3). The proposed ordinance adds light motor vehicle service as an accessory use in the SC-2 zone subject to conditions. The proposed ordinance would permit apartments and multi-family dwellings as part of a mixed-use development in the SC-3 zone. Ordinance #2014-06. *(Applicant Requests and City Council Sponsors: Bonar, Hare, Lynn)*

Representatives: None

Mrs. Townshend stated that this is a text amendment that so far has had an interesting journey to the Planning Commission. The applicant Mr. Paradee brought this amendment forward on behalf of an applicant. What he brought forward was related specifically to the (SC-3) Regional Shopping Center Zone. There are two properties in the City that are zoned (SC-3) Regional Shopping Center Zone and that is Blue Hen Mall and the Dover Mall. The amendment that was brought forward in that regard was to allow apartments as part of a mixed-use development. Mr. Barry Anstine who is the managing partner of Greentree Shopping Center had also approached her on a separate matter about making an amendment to the (SC-2) Community Shopping Center Zone. That amendment would be to add the addition in the permitted uses of light motor vehicle service with very strict

conditions to the (SC-2) Community Shopping Center Zone. Properties within that zone include Greentree Shopping Center, Gateway West, Bay Court Plaza, Edgehill Shopping Center, The Center at Dover, North Dover Shopping Center, Dover Mart, Home Depot, the former Berry Van Lines property, Delaware State University property at College Road and Route 13 on the south side just north of the Ag Museum, and Carroll's Corner.

When this went to the Parks, Recreation and Community Enhancement Committee on March 10, 2014 the emphasis was really the change brought forward by the applicant related to the (SC-3) Regional Shopping Center Zone. The packets contain the minutes from this meeting. They did have opposition from Mr. Dennis McGlynn of Dover Downs and Dover International Speedway to that specific amendment which was the addition of the residential use within the (SC-3) Regional Shopping Center Zone. Following that testimony, the Parks, Recreation and Community Enhancement Committee recommended in opposition to the ordinance. When it went forward from Committee to City Council, it went with an unfavorable recommendation. It was not on Consent Agenda since it did not receive a favorable recommendation and what is on the desk of the Commission members is a letter that Mr. Anstine sent her on behalf of Greentree Properties requesting to City Council that the (SC-2) Community Shopping Center Zone portion go forward and that they amend it to take out the (SC-3) Regional Shopping Center Zone component. When the amendment went through City Council and was discussed there was no action on the Committee's recommendation. It was a 4-4 vote and there needs to be five votes from Council to do anything. There was no recommendation by City Council and then the First Reading was done. There was an expectation on the part of staff that they were going to amend the Ordinance when they did the First Reading but they didn't. What is now in front of the Commission members is the amendment to the (SC-3) Regional Shopping Center Zone to allow the residential use and the amendment to the (SC-2) Community Shopping Center Zone to allow with tight conditions, light automotive use accessory to another permitted use within the (SC-2) Community Shopping Center Zone. Mr. Anstine's letter states that he was looking at an AAA Car Care Center that would be an accessory to the AAA Office. This use would currently not be permitted in the (SC-2) Community Shopping Center Zone.

Mr. Tolbert opened a public hearing.

Mr. John Paradee – 11 N. State Street Dover DE 19901

Mr. Paradee stated that he was an attorney with the law firm of Prickett, Jones and Elliott in Dover. He is here on behalf of Western Development Corporation which is one of the principal owners of the Dover Mall. He commended Mrs. Townshend for reciting the history. He thinks he can save all of them a lot of trouble because in their due diligence, one of the things they did was sit down with Dover Downs asking if they would have any objections to them making this Text Amendment in order to allow them the opportunity to pursue residential development (specifically apartments) behind the Dover Mall. Dover Downs was very clear that they were opposed to this happening; they were gracious enough to talk to him about several different alternatives but at the end of the day it was concluded that Dover Downs could not live with that Text Amendment. The applicant has withdrawn their request for residential development behind the Dover Mall. They do have a pending Subdivision application but at this point in time they are seeking only big box commercial retail. He respectfully submitted that the easiest thing to do since these two concepts were merged into one concept and are now adjoined at the hip is to unjoin them. He suggests that the Commission members amend the proposed Ordinance by striking the section that would have amended the (SC-3) Regional Shopping Center Zone district to allow residential development so that the balance of the Ordinance which is

only for the (SC-2) Community Shopping Center Zone district would remain intact and the Ordinance could move forward without them messing up Mr. Anstine's proposal.

Mr. Tolbert closed the public hearing.

Mr. Cregar questioned the Report talking about diligent oversight to make sure that they are not creating a problem. Responding to Mr. Cregar, Mrs. Townshend stated that the key things are that all work would have to happen inside the building. In other zones that allow vehicle service, only light work can happen outside of the building. Staff ends up fighting with people about whats light. The other piece is that they would not be allowed to store vehicles. They wouldn't be able to have a collection of vehicles accumulating in the parking lot. Staff would have the ability for enforcement because it would state in the Ordinance that vehicles cannot be stored on site. She made sure that the issues that staff is having with a number of automotive places in town would be addressed in order to have the controls to affectively enforce in the future.

Mr. Cregar questioned if they were talking about oil changes, etc.? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Cregar further questioned if there were other regulations that come into play with this situation especially since it's an enclosed building? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Cregar questioned if these would be part on the Fire Marshal's regulations? Responding to Mr. Cregar, Mrs. Townshend stated that there would be Building and Fire Codes that relate to automobile service.

Mr. Cregar stated that Jiffy Lube ends up being all inside but that's a general commercial operation. Responding to Mr. Cregar, Mrs. Townshend stated that's zoned (C-4) Highway Commercial which would allow any degree of automobile service. The other type of place that would have the same type of activity would be a Pep Boys, where you can pull in and get tires but there aren't vehicles in various states of disrepair.

Mr. Cregar stated that he knows Mr. Anstine would not allow that type of business at his location but they need to look at the big picture. Responding to Mr. Cregar, Mrs. Townshend stated that her concern wasn't that something bad would take place in Greentree Shopping Center; it was that the ordinance would be written so that this wouldn't take place anywhere in the city.

Mrs. Townshend stated that in terms of a motion, if Commission members would like to do what Mr. Paradee has recommended they would be able to recommend approval of the Ordinance with an amendment to strike lines 7-18 which strikes everything related to the (SC-3) Regional Shopping Center Zone.

Mr. Cregar moved to recommend approval to City Council for MI-14-03 Text Amendment: Revisions to Uses in Shopping Center Development Zones for the proposed ordinance to add light motor vehicle service as an accessory use in the (SC-2) Commercial Shopping Center Zone subject to conditions and with an amendment to strike lines 7-18 related to (SC-3) Regional Shopping Center Zone, seconded by Ms. Still and the motion was unanimously carried 6-0 with Dr. Jones, Mr. Ambruso and Colonel Welsh absent.

8) S-14-03 Watertower Place at 50 North DuPont Highway – Public Hearing and REVISED Site Development Plan Review (formerly named Tower Commons) to permit the demolition of existing office and industrial buildings and the construction of a shopping center consisting of a total of four restaurant and commercial retail buildings with the associates site improvements in Phase 1. Building 1 – Restaurant of 6,400 S.F., Building 2 – Restaurant/Retail of 9,600 S.F., Building 3 – Restaurant of 5,030 S.F. and Building 4 – Retail of 14,820 S.F. The overall property consists of 9.3 acres and is zoned SC-1 (Neighborhood Shopping Center Zone) and subject to the Source Water Protection Overlay Zone (SWPOZ). The property is bounded by North DuPont Highway, Division Street, Kings Highway and Maple Parkway. The owner of record is Playtex Manufacturing, Inc. and the equitable owner is TC Holdings, LLC. Property Addresses: 50 North DuPont Highway and 519 East Division Street. Tax Parcel: ED-05-077.06-01-02.00-000. Council District 2. *This application may require a Board of Adjustment application for a parking variance. Waivers Requested: Partial Elimination of Sidewalks on Kings Highway and Maple Parkway, Requirement to Reduce Imperious Area (Floodplain Requirement), Reduction of the Arterial Street Buffer.*

Representatives: Mr. Dev Sitaram, Karins and Associates; Mr. Charles Owensby, TC Holdings, LLC

Mrs. Townshend stated that this application is a Site Development Plan for what is known as the former Playtex property at the northwest corner of North DuPont Highway and East Division Street. It is 9.3 acres of land zoned SC-1 (Neighborhood Shopping Center Zone). A portion of the site is subject to the Source Water Protection Overlay Zone (SWPOZ). There are four (4) buildings proposed on the site; a total of 35,850 S.F. Two (2) of the buildings would be restaurant buildings, one (1) would be a retail building and one (1) would be two-story that would be a combination of restaurant and retail. There are one hundred eighty-nine (189) parking spaces required on this site. There is a maximum of two hundred thirty-seven (237) spaces permitted when you take the 25% over the minimum. There are two hundred thirty-four (234) parking spaces proposed. The parking calculation is based on the square footage for retail and the seat count for the restaurant uses. There are twenty (20) bicycle parking spaces proposed and they are distributed among the four (4) buildings. At this point there are three (3) access points proposed; one on Maple Parkway that would be full access, rights in/rights out off of North DuPont Highway and full access off of East Division Street. A small portion of the southwest portion of the site is within the Flood Hazard area. Within this area there is actually a reduction in the impervious cover. As for the internal circulation, the vehicle thru traffic is separated from the backing out traffic so that there are not conflicting movements in that regard. In the Landscape Plan there are one hundred thirty-six (136) trees required. There are one hundred forty-one (141) trees proposed. There is required landscaping along East Division Street because it is across the street from a residential use. The Landscape Plan shows that required screening.

There are three (3) waivers being requested. One is a reduction in the width of the arterial street buffer from thirty (30) feet to twenty (20) feet. There is a waiver request from the 15% reduction from the total impervious area due to the site being impacted by the 100 year flood plain. Only 5% of the site is within the flood plain. If the site has less than 33% in the flood plain, the Planning Commission can relax that 15% impervious cover reduction. In the area of the site that is impacted by the flood plain they are improving the conditions and reducing the impervious cover, they just aren't reducing it on the entirety of the site. They have also requested sidewalk waivers in two areas. One is on Kings Highway. In this area there is a grade issue that would make the sidewalk a technical difficulty. They are also requesting a sidewalk waiver on Maple Parkway where the second building would remain

until the future phase of development. In this case there isn't a technical infeasibility to putting the sidewalk in. The development of the site will relate to the majority of the property, there would be an existing building that would remain to be re-developed at a future point in time.

The other DAC agencies including DelDOT, Kent Conservation District, Public Works Department and the Fire Marshal's Office have reviewed the plans and submitted their comments. This project does require a Traffic Impact Study and she believes that the Traffic Impact Study has been recently submitted. There have also been very detailed discussions with DelDOT about the access to the site and they have been working on that issue throughout the entire planning of the site.

Mr. Sitaram stated that he is the engineer and project manager for this project. He recognized Mr. Charles Owensby, the equitable owner of this property and the developer for the site. Mrs. Townshend gave a very detailed review of the various waivers that are being requested as well as an overview of the site. The Mayor and City Council have designated this area as a re-development area. The limits of the re-development area are North DuPont Highway on the eastern side, Division Street on the southern side, Kings Highway on the west and basically where Kings Highway comes back and intersects North DuPont Highway across from White Oak Road. That triangle is designated as a re-development area for about three (3) years now. The site that is proposed for development is an existing manufacturing facility and is 9.3 acres and about 150,000 S.F. is the total existing square footage within the site. What is before the Commission tonight is just Phase 1. Phase 1 is about 7.3 acres. Phase 2 is one of the buildings which is about 55,000 S.F.; it is going to remain on about 2 acres of the remaining site. They are looking at uses for that phase; however, they don't have anything nailed down at this point in time. They will definitely come back to the Planning Commission once they have plans for Phase 2 but right now they are asking for is approval for Phase 1 of the site. It consists of four (4) buildings. Two of the buildings are retail, one is mixed use and two are exclusively restaurant uses. They have met all of the requirements of the code with the exception of the waivers that are being requested and staff has recommended the waivers except for one. Staff has recommended that the waiver for sidewalks along Maple Parkway be denied and they understand Staff's reasoning for it. The only reason they had requested the waiver of sidewalks on that portion of Maple Parkway, just the portion within Phase 2, was so that they could integrate it with whatever they do in Phase 2. But they do not have a problem with proposing that sidewalk now. They accept all of the other conditions and recommendations in the DAC Report and will obviously comply as they move forward with Final Site Plan and Construction Plan approval. The applicant is requesting a recommendation from the Planning Commission for this project to move forward with the conditions that are laid down by Staff and with the waiver requests being granted.

They are aware of architectural requirements at this stage of the process. While they are working with tenants on the buildings and has identified the possible tenants that will go into these, the tenants have not made themselves public and they would like them to be further along in the process than they currently are before they announce that they are going on this site. At that point in time, the tenants will be willing to give the owner the architectural plans for these buildings. They recognize that they will have to come back before the Planning Commission with those architectural plans. They recognize that this is a gateway to Dover as Staff has indicated. His client will work with the tenants to make this a showcase for the City of Dover.

Mr. Tolbert questioned if the applicant agreed with the staff recommendations regarding the application? Responding to Mr. Tolbert, Mr. Sitaram stated yes.

Ms. Still questioned if the applicant was withdrawing the waiver request for the elimination of sidewalk along Maple Parkway? Responding to Ms. Still, Mr. Sitaram stated yes, they are withdrawing the waiver request for the elimination of sidewalk along Maple Parkway. There is technical difficulty with providing a sidewalk on the eastern side of Kings Highway; there is an embankment. Where the substation is, there is also a guardrail that goes right up to the edge of the roadway and prevents the construction of sidewalks.

Ms. Still further questioned if they were requesting a waiver on Kings Highway? Responding to Ms. Still, Mr. Sitaram stated yes, they are requesting a waiver on Kings Highway not on Maple Parkway and staff has recommended this waiver as well.

Ms. Holden questioned the support for the waiver for the sidewalk along Kings Highway? He recognizes that there are challenges there now with construction but if Phase 2 area is going to be developed or if there are people walking from the north or trying to get to the northern end of the development, it certainly seems like it would be nice if the City had sidewalk through the substation area that would connect through. One, he wants to know why staff supports it and two, he offers his own comment that maybe that portion of sidewalk be reexamined at Phase 2. He is a little more uncomfortable with waiving a requirement for sidewalk there all together. Responding to Mr. Holden, Mrs. Townshend stated for clarification that staff's position is to allow the waiver at this point. Phase 2 application would be a separate application; at that point she believes that it would be appropriate. It does pain her to recommend a sidewalk waiver especially in an area like this but since the applicant is not getting into that Phase 2 area yet, the technical issues are real. At the time that they are taking down that other building and making those site improvements, she thinks it's a realistic expectation to complete the sidewalk at that point.

Mr. Cregar questioned if the applicant understands that it's only a temporary waiver at this point? Responding to Mr. Cregar, Mr. Sitaram stated that they are okay with that and they will work with staff to look at that situation when they begin developing Phase 2.

Mr. Cregar questioned if the Traffic Impact Study was already submitted? Responding to Mr. Cregar, Mrs. Townshend stated that it was submitted to DelDOT last week.

Mr. Holt stated that his big concern was the traffic in that area. It's really congested in that area and he will have to take a hard look at that Traffic Impact Study. Responding to Mr. Holt, Mr. Sitaram stated that they have done a total analysis of this entire block; essentially the redevelopment area. They haven't analyzed the intersection at North DuPont Highway and Division Street; the signalized intersection and the concerns that DelDOT has. That is the reason why they have been meeting with DelDOT and with Mrs. Townshend with regard to access on Division Street. Initially, the recommendation was from DelDOT because of the eastbound traffic that is stopped at the traffic light on DuPont Highway that backs up along Division Street that is waiting for the light to turn green. DelDOT's concern was that they provide an access as far away from Route 13 as possible. Therefore they had explored an intersection across Bayard Avenue but then they would have to go through City property for that, through the substation basically. In those discussions they recognized that there was really no support for an access from across Bayard Avenue so that access was eliminated. They met with DelDOT again last week to review the access location and their concern is still the same. Their concern is how many ques are there going to be from that traffic light and this intersection going to

operate. Based on his company analysis it does operate. It operates at acceptable levels of service. DelDOT considers this as an acceptable level of service at Level D. The un-signalized intersection operates much better than a level of service D. However, the signalized intersection operates at a level of service D with or without them. They are going to have traffic and create some impact but the impact is not significant enough to degrade that intersection. That analysis has been submitted and they have a very good reputation with DelDOT as far as the Traffic Impact Studies that they perform and he is confident that they will agree with the analysis that was performed. It does take some time for the review process. DelDOT passes the Traffic Impact Study to a consultant for review and comments. He expects the consultants and DelDOT to agree with the analysis that was submitted.

Mr. Tolbert stated that their plan submitted stated that they were going to have three (3) restaurants and a drug store at this location. Have they identities that are going to come to these locations? Responding to Mr. Tolbert, Mr. Sitaram stated that this is the issue that they have. They are not able to identify the names of the entities that are going to occupy this location. When they are able to identify them, the architectural details will be provided.

Mr. Tolbert stated that he only raised that question because there are three restaurants together and he thinks that will be problematic. Responding to Mr. Tolbert, Mr. Sitaram stated that one of them is a two story, combination of a restaurant and retail.

Mr. Owensbe stated that they are very excited about the site. A lot has gone on behind the scenes. They are probably a year into their analysis and planning to get them to this stage. As far as the particular uses, they feel they are far enough along with their understanding of the users and the types of tenants that they were going to seek to attract and that were in turn attracted to location. They have retail designated on the corner of Division Street and Route 13 and at the other corner of Maple Parkway and Route 13 they are showing another purely restaurant use. They are also showing a restaurant building next to the larger retail building by Division Street and Route 13. Again, they are in discussion with specific tenants. Those discussions are not far enough along to where the tenants view it as appropriate to make public at this point. But they are far enough along as to where they feel this is an accurate plan to show Council. As far as the other building, they see some restaurant use of that building but they have also seen demand for second story retail/professional office as well which is why they designated that building as two stories. What they see materializing are two purely casual dining restaurant users on the location, one being the building by Maple Parkway and the other being the building adjacent to the larger retail building. The other building they see a high likelihood of seeing some food use but it would be of a different nature to the others, more of a quick casual not something that would be necessarily a true large restaurant use. As far as architecture is concerned, they are aware as well as the tenants that it's a requirement that it be reviewed but again the tenants aren't at the stage where they are willing to have specific architecture shown. They also felt that it didn't make sense to kind of makeup architecture; they would rather approach staff with the accurate architecture at the appropriate time.

Mr. Holt stated that this site is a historic landmark for Dover. Playtex did a lot during World War II for our forces. Will a plaque or anything that put at the site? Responding to Mr. Holt, Mr. Owensby stated that they would certainly be open to anything that the City or the Planning Commission would deem appropriate. It would certainly have to be something from a corporate standpoint that they were comfortable with. They have certainly been a good corporate citizen of the area for many years not only at this site but at other sites in the City. Obviously, this is an environmentally sensitive site. There

a lot of concerns with what's there, what did they do, what's been going on. They actually made the decision up front to take this site through the DNREC Brownfield Program which really gave them the horsepower and latitude to poke and prod, to leave no stone unturned. They have supplied staff with what he terms the executive summary of the executive summary because the actual report that was produced was over 6,000 pages. The executive summary is over 100 pages. They provided a lay person summary because even some of the terminology was over his head. The good news is that the previous owners seemed to have been pretty good stewards to the site. There does not seem to be any environmental concerns that will prevent the redevelopment or that would be 'A' typical. This does drain towards the west and certainly if there were issues there they could have posed problems not only for the redevelopment but for the area in general. The Energizer Corporation was completely cooperative, gave complete card blanche access to the facility. There were multiple borings done within the building itself, actually down through the floor of the building. It was not just kind of peeking into from the outside, it was an invasive study; literally everything other than lifting the building up. Their consultants have a high level of confidence that there are no issues lurking underneath the building that they haven't been able to identify. Are there always surprises that could happen? Yes, but again that's part of what the Brownfield Program is meant to address as well. The previous owners seemed to be a very good corporate steward of this site from the standpoint of protecting the environmental both the site and surrounding areas. The minor issues on the site are actually migration from off-site issues. The Brownfield Report is in draft form and is being submitted to the Energizer Corporation for them to review but he expects that to take about a week or so. That final report should be going to DNREC within a couple of weeks and they expect within 2-3 months to bring the Brownfield process to a conclusion. That is for the entire site, it's not just for Phase 1. That analysis was conducted on the entire tax parcel so the report applies to the entire property. DNREC will review that and ultimately a plan for remedial action will be recommended which in the case will be very minimal. The access on Division Street is still a bit fluid because they are still working with DelDOT. Not that they opposed access on Division Street it's just finding the right place for it. DelDOT originally, immediately thought that the right fit was Bayard Avenue. There were concerns expressed by folks who had concerns about Bayard Avenue tying directly into City's property so that was taken off the table. What they are showing right now is one of the options that is probably the leading contender. Again there is a little bit of fluid nature of exactly where that access point is other than it being there or to the east. There's no option on the table right now that has any access closer to Bayard Avenue than what's currently shown. The other issue is that there are some pretty significant electric poles. Some of the access including the one shown would require relocation of one of those poles. They are reaching out to the City Electrical Department to understand the costs and inconvenience associated with that. Ultimately all of that information is going to feed into what hopefully will be a consensus between themselves as the developer, the City and DelDOT as to what is the right location for that access.

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

Mr. Holden questioned what was to become of the water tower? He saw that it was to stay and he saw the overall project title as Watertower Place. Is it intended to be a visual? Responding to Mr. Holden, Mr. Owensbe stated that they really do want this site to be a gateway project. It's a highly visible location; it's somewhere where they want to do a first class retail project. At the same time, character is important. They felt that the water tower was a natural way to preserve some of the character at the site. Ultimately where the access ends up on Division Street may dictate it. He doesn't see it

necessitating it coming down but they would like to preserve it. The only way they really want to preserve it is if it's an asset to the center as a historical landmark or reference to what was there but also if it was an asset to the community. It's something that would be presented as part of a Master Signage Plan. It would not be functional if it stays. There have been numerous examples across the country where those towers have been reused by municipalities as gateways into communities. It would be something that if retained would be completely redone, repainted and ultimately associated with the center that would require the maintenance to ensure that it would not ever fall into disrepair, the same way that there would be maintenance of the stormwater facility and other private amenities within the center. Yes, they would love to retain it; they think it could be an asset to the center.

Mr. Cregar questioned how to proceed with the plan since the entrance off of Division Street has not been established at this time? Responding to Mr. Cregar, Mrs. Townshend stated that she thinks if what is seen tonight is the approximate entrance; if something drastically changes the application will have to come back to the Planning Commission. If it's a little tweaking, this is typically done administratively. If there is something that changes the overall layout of the property, it would have to come back to the Commission.

Ms. Still moved to recommend approval for S-14-03 Watertower Place at 50 North DuPont Highway including all DAC comments and all waivers with the stipulation that there is partial elimination of sidewalk at this point in time on Kings Highway.

Mr. Holt questioned if this was going to be for Phase 1? Responding to Mr. Holt, Mrs. Townshend stated that it's implicit that everything is only related to Phase 1, the next phase is a whole new process.

Ms. Still moved to recommend approval for S-14-03 Watertower Place at 50 North DuPont Highway including all DAC comments and all waivers with the stipulation that there is partial elimination of sidewalk at this point in time on Kings Highway, seconded by Mr. Holt and the motion was unanimously carried 6-0 with Dr. Jones, Mr. Ambruso and Colonel Welsh absent.

Meeting adjourned at 10:05 PM

Sincerely,

Kristen Mullaney
Secretary

Melson-Williams, Dawn

From: Bill Swiatek, President, APA Delaware <president=delawareapa.org@mail126.us2.mcsv.net> on behalf of Bill Swiatek, President, APA Delaware <president@delawareapa.org>
Sent: Wednesday, May 07, 2014 11:36 AM
To: Melson-Williams, Dawn
Subject: APA Delaware: May News Update!



APA Delaware May 2014 News Update

Request for Proposals - City Planner - Due May 9, 2014

The City of Lewes Delaware seeks proposals from qualified individuals, entities or teams of professionals to provide consulting services to the City concerning city planning, zoning and development issues. Successful candidate(s) should be AICP-certified, have a Bachelor's Degree in Urban Planning or a related field, have a minimum of 3-years experience as a City Planner, or demonstrate comparable qualifications.

The project duration will be July 1, 2014 – June 30, 2015, which may be extended.

A detail description of the proposal can be found on the City's website at www.ci.lewes.de.us, under Employment Opportunities, or by contacting the City Manager's Office at (302) 645-7777 x108 or hr@ci.lewes.de.us.

Completed proposals must be addressed to the City Manager, City of

Lewes, PO Box 227, Lewes DE 19958 and postmarked on or before May 9, 2014

The City of Lewes is an Equal Opportunity Employer.

Jane Jacobs' Legacy and New Urbanism (1 CM)

Format: Web lecture
Date/time: May 14, 2014; 4 PM – 5:00 PM
Locations: WILMAPCO, 850 Library Ave. (Suite 100) & Kent County Administrative Complex, 555 Bay Road (Room 220)
Cost: Free
Sponsors: APA Delaware & Kent County

Jane Jacobs, a key urban thinker of the 20th century, continues to have a major impact on the theory and practice of community design. New urbanism, in particular, invokes her ideas. But how do Jacobs' ideas and new urbanist tenets actually mesh? Where has her legacy been sustained and where has it changed to accommodate modern communities? Take a step back, see the wider picture, and consider the ongoing impact of "big thinkers" on planning.

Panelist

Jill L. Grant
Professor, School of Planning, Dalhousie University
Halifax, Nova Scotia, Canada

Introducing New Density to the Neighborhood (1.5 CM)

Format: Webcast
Date/time: June 4, 2014; 4 PM – 5:30 PM
Locations: New Castle Room, New Castle County Government Center (87

Reads Way) & Kent County Administrative Complex, 555 Bay Road (Room 220)
Cost: Free
Sponsors: APA Delaware & City of Dover

Residents of existing neighborhoods do not always welcome new development, and project opponents often cite density as a primary concern. Discover how to focus community conversations about infill and redevelopment on design. In this program, planning and design experts will explore how communities can use planning, design, and policy to minimize and mitigate the impact on existing neighborhoods of dense infill and redevelopment. Learn how to address neighborhood compatibility concerns without sacrificing the goal of promoting walkable, urban places.

Communicating With Your Constituents: Effective Municipal Websites and Social Media Tactics

Date: June 9, 2014
Location: DVRPC, 190 N. Independence Mall West, 8th Floor, Philadelphia
Source: APAPA-SE

Whether you work for local government, a Business Improvement District, or another local organization, effective communication with your constituents is essential. These days, much of our communication takes place online—either through websites or social media. How can you ensure that your constituents find the information they seek quickly and effectively? How can you use social media more effectively given time and budget constraints? We will discuss these questions and more.
Information: http://www.apapase.org/?p=997#more-997

National Capital Area Chapter of the APA Annual Conference (7 CM)

Date: June 21, 2014
Location: Catholic University
Source: APA Maryland

The National Capital Area Chapter of the APA will hold its annual conference on Saturday, June 21 from 8:30 AM - 4:00 PM. Attendees can receive up to 7 AICP CM credits, check out the lunchtime student poster session, and may choose to participate in the mobile workshop at the end of the day. Information: http://ncac-apa.org/conference-awards/

APA PA

SAVE THE DATE!!!

APA Pennsylvania 2014 Annual Conference
October 12-14
Sheraton Society Hill Hotel
Philadelphia, Pennsylvania

INNOVATION from Historic Foundations
APA PA 2014 Annual Conference

"Innovation from Historic Foundations"

Mark your calendars for the premier planning conference in Pennsylvania featuring three days of educational programs, workshops, exhibitors, annual awards presentation and fun networking events. Join professional, citizen, and student planners, educators, state and community leaders, meet new friends, re-connect with colleagues from around the state, and earn AICP credits – all while learning about a wide variety of planning techniques, trends and issues. Reserve the dates now so you don't miss it!!!

Check for updates and sponsorship opportunities at http://planningpa.org

We hope to see you there!!!

Your Local Host Committee: PA Chapter of APA Southeast Section

The Pennsylvania Chapter of the American Planning Association is an organization of 3000 professionals and citizen planners providing vision and leadership for the future development of Pennsylvania's communities.



PLANNING FOR HEALTHY AND SUSTAINABLE PLACES

APA DE APA MD Nemours

REGIONAL CONFERENCE
OCTOBER 28-29, 2014
NEWARK, DELAWARE



Save the Dates!
October 28-29, 2014

Embassy Suites - Newark, Delaware
Co-sponsored by Nemours

Highlights:
- Three Tracks: Health, Revitalization, Sustainability
- Four 90-minute sessions per track each day
- Four mobile workshops
- Young planner mentor match
- Lunch with keynote speaker each day
- Interactive design session

All sessions and keynote talks will be CM approved

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Professional Development and Training Opportunities for Local Government

offered through the

Institute for Public Administration at the University of Delaware

CREATING A FLOOD READY COMMUNITY

This is a **new** session that qualifies for certificate credit in the Academy for Excellence in Local Government Leadership, and the Delaware Planning Education Program (as **Planning 201**).

Basic Information

Thursday, June 12, 2014, from 9:00 a.m. to noon

University of Delaware Paradee Center
69 Transportation Circle
Dover, Delaware

Registration fee: $50.00 / Registration deadline: June 2, 2014

A limited number of scholarships are available for municipal officials, please send requests to: martinw@udel.edu

Course Description and Details

This course reviews the multiple sources of flood risks to Delaware communities that can be addressed and mitigated through planning, codes, and ordinances. It begins with an overview of flood risks, covers floodplain requirements for municipalities, and discusses statewide sea level rise adaptation recommendations applicable at the community level. Tools for adapting to flood risk and sources of funding and technical assistance will also be introduced.

Course Topics

- Identifying Community Flood Risks
- Assessing Vulnerability to Flooding
- Strategies for Reducing Flood Vulnerability
- Funding and Technical Assistance

Course Instructors

Wendy Carey
Delaware Sea Grant

Greg Williams
DNREC Flood Mitigation Program

Susan Love
Delaware Coastal Programs

Please register for this and other Local Government Training events online at

www.ipa.udel.edu/events.html

Note: Registration for this event can only be done online

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF May 20, 2014

PLANNING COMMISSION MEETING OF May 19, 2014

Plan Title:	Parking Lot & Site Improvements at 6 South State Street S-14-11 HI-14-03
Plan Type:	Site Plan Architectural Review Certification (HI-13-01)
Project Location:	Southwest corner of South State Street and Division Street
Property Address:	6 South State Street
Tax Parcels:	ED-05-077.05-04-27.00-000 ED-05-077.05-04-27.01-000 accessory parking area
Owner:	Six South State, LLC
Present Zoning:	RGO (General Residence and Office Zone) H (Historic District Zone)
Previous Uses: Proposed Uses:	Office (first floor) with Apartment Units (upper floors) Offices with Parking Lot
Site Area:	15,015 S.F.
Waivers Requested:	Elimination of Curbing Reduction of Parking Requirement

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 7, 2014

APPLICATION: 6 South State Street: Parking Lot Construction & Site Improvements

FILE #: S-14-11 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:
This application is for review of a Site Development Plan application and Architectural Review Certification to add parking facilities and other site improvements at 6 South State Street. The property includes an existing 6,906 S.F. +/- office/apartment building on a 15,051 S.F. +/- parcel. The property is zoned RG-O (General Residence and Office Zone) and subject to the H (Historic District) zone. Concurrent interior renovations will convert the use from office/residence to all office. The property, known as the Dr. Henry Ridgely House, is located at the southwest corner of South State Street and West Division Street. The owner of record is Six South State, LLC. Property Address: 6 South State Street. Tax Parcels: ED-05-077.05-04-27.00-000, ED-05-077.05-04-27.01-000. Council District 3.

This project requires Site Plan Review and Architectural Review Certification. Due to the amount of site disturbance and it's adjacency to residentially zoned property this Site Plan Review process is required.

PROJECT PROPOSAL (Drawings dated 3/14/2014 and 4/3/2014):
The application proposes construction of a parking lot in the backyard area of the property at 6 South State Street accessible from the alley. The elements of the project are as follows:

1. Parking Lot: A ten (10) space paved parking lot is proposed with access directly from the alley which divides the block between South State Street and South Bradford Street. There are no direct vehicular curb cuts from South State Street or West Division Street onto the property. The parking lot consists of one handicapped accessible space and nine regular spaces. As no upright curbing is proposed for the parking lot, a series of parking bumpers are placed at the head of each parking space. All parking spaces are perpendicular to the alley thus facing east and the parking lot spans almost the entire width of the property. A second parking area is to be provided on a nearby parcel which also has access from the rear alley.

2. Sidewalks/ Paved Areas: An asphalt paved area is proposed at the head of the parking spaces to serve as a sidewalk. Then a new sidewalk of concrete is proposed from the parking lot area to the rear of the existing building. The handicapped ramp (separate

from the sidewalk) will also be of concrete. The property has existing brick sidewalks along the public street frontages of South State Street and Division Street.

3. Landscaping: The Landscape Plan shows a series of ten existing trees to be removed by this project; the trees are identified as being in poor condition or located in areas proposed for the parking lot development. Five other existing trees will be preserved and care maintenance issues addressed including a Japanese maple, two White Pines, a Willow Oak, and an American Holly. Two additional Crepe Myrtle trees are proposed to flank the front entrance walk from South State Street with a series of new shrub plants surrounding the front porch. A row of plantings is shown between the northernmost parking space and Division Street as screening.

4. Fences: An existing wrought iron decorative fence exists along a portion of the north property line adjacent to West Division Street. The fence height is not specified on this plan sheet. A remnant of the wrought iron fence along the alley will be removed to create the parking lot.

5. Site Furnishings: The site includes a metal gazebo between the rear wing of the building and West Division Street. An illuminated sign is proposed at the corner of West Division Street and South State Street. An acorn style light fixture with decorative pole in a black finish is proposed at the rear of the house.

HISTORIC DISTRICT COMMISSION - REVIEW

The project site is located within the H (Historic District Zone). For the Parking Lot Construction project, the Historic District Commission considered the application HI-14-03 on April 17, 2014 regarding an Architectural Review Certificate for the construction of these site improvements. **The Historic District Commission will forward a recommendation on the Architectural Review Certificate to the Planning Commission; see the Architectural Review Recommendation Report.**

The Planning Commission must act upon the Architectural Review Certification as part of any motion regarding this project, or as a separate motion if necessary. In taking this action, the Planning Commission is to consider the *Design Standards and Guidelines for the City of Dover Historic District Zone*.

PARKING SUMMARY

The use of a building within the R-GO (General Residence and Office Zone) is also allowed for offices and the parking requirement for offices is one parking space per 300 S.F. of floor area. Based on the size of the building at 6,906 S.F. a total of twenty-four (24) parking spaces would be required. The project proposes construction of ten (10) parking spaces on-site and a second parking area located on a separate parcel further south also off the alley. The second parking area will accommodate six (6) parking spaces and is located approximately fifty (50) feet away from the subject site (See survey plan sheet for location). This complies with the provisions of *Zoning Ordinance,* Article 6 §3.3. The project is proposed a total of sixteen (16) parking spaces.

Waiver Requested: Reduction in Required Parking for Office Use

The *Zoning Ordinance* in Article 6 §3.9 includes methods for adjustments to parking requirements; however, the reduction in parking by the Planning Commission is not to exceed 50% of the required number of parking spaces. This property is located within the Downtown Redevelopment Target Area making it eligible for a twenty (20) percent reduction in off-street parking (See Article 6 §3.9). A written waiver request was submitted to the Planning Office for consideration by the Planning Commission. See attached waiver request. The applicant is seeking a waiver reduction of 33% which results in a parking requirement of sixteen (16) parking spaces.

Bicycle Parking

The project is required to provide bicycle parking. The bicycle parking calculation is one for every twenty parking spaces. Based on the total required parking of twenty-four (24) parking spaces, two bicycle parking spaces are required. A location of bicycle parking is not shown on the plan.

Waiver Requested: Partial Elimination of Curbing

Article 6 §3.6(b) requires upright curbing for all parking areas. The proposed parking lot does not incorporate curbing but does indicate the placement of concrete bumpers at the head of each parking space. A written waiver request for the elimination of curbing in these areas was submitted to the Planning Office for consideration by the Planning Commission. See attached waiver request.

SITE CONSIDERATIONS

Trash Collection

The plan needs to provide information on the location and screening of the Dumpsters for trash collection and recycling.

Sidewalks

The project site has existing brick sidewalks along the South State Street frontage and West Division Street. An existing sidewalk connects from South State Street to the front porch of the building. This project includes construction of a sidewalk and handicapped access ramp system from the parking area to the rear of the building which will serve as the functional entrance to the office building.

Lighting

The parking lot project identifies additional site lighting in the format of an acorn style fixture on a black decorative post.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan presents information on the existing trees on the property and the proposal for shrub plantings. Based on the total property area of 15,015 S.F., a total of six (6) trees are required. The plan shows five (5) existing trees to remain on the property and two additional Crepe Myrtle trees to be planted meeting the requirement. There are a number of existing trees that will be removed due to poor condition, proximity to the building, or are located in the area proposed for construction of the parking lot. As clean-up of the existing site landscape occurs, additional evaluations of the health and location of trees may determine that the removal of

additional trees is necessary. The property is required to have a total of six (6) trees either through preservation of existing trees or by new tree plantings.

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 Site Plan must reflect any changes recommended by the Planning Commission.

2) Upright curbing shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request was submitted for the elimination of the curbing for consideration by the Planning Commission.

3) The site shall comply with the parking requirements of the *Zoning* Ordinance unless a waiver is granted by the Planning Commission. A written waiver request was submitted to reduce the parking requirements of the proposed use of the site as offices for consideration by the Planning Commission.

4) Site Plan Sheet:
   a) Show the location of the corner visibility area.
   b) Indicate the site of the subject property on the location map diagrams.
   c) Provide a key map to show the location of the accessory parking location. And add notes about its use as parking for 6 South State Street.
   d) In the Project Notes:
      i) Item #1, revise directions describing the property location.
   e) The data column needs to be updated prior to Final Approval. Some of the items which need revising are as follows:
      i) Correct the tax parcel number for the property to be ED-05-077.05-04-27.00-000 and also list the parcel information for the separate parcel to be utilized for parking.
      ii) Also indicate the zoning H (Historic District Zone) under the zoning for the site.
      iii) Add the number of bicycle parking spaces required and provided.
      iv) Clarify the impervious surface coverage listing. It should include the paved sidewalk areas on the site and give an overall total area.
      v) Add a note to the Plan to provide information on any waivers granted by the Planning Commission.
      vi) Add a note to the plan indicating the date and actions of the Historic District Commission review of the application.

5) Landscape Plan Sheet:
   a) Add north arrow.
   b) Identify the type of screening plantings at the north end of the row of parking.
   c) Clarify the surface treatment (lawn areas, plantings, type of mulch, etc.) between the building and Division Street. The plan currently includes several "landscape bed" labels. Define the limits of the landscape beds on the north side of the building.
   d) Correct the tax parcel number to be ED-05-077.05-04-27.00-000.

6) The Historic District Commission has provided a Recommendation in regards to the Architectural Review Certificate for this project. See Architectural Review Recommendation Report.

7) The accessory parking spaces located on the separate parcel shall be subject to a deed restriction per the provisions of *Zoning Ordinance*, Article 6 §3.3.

8) Provide a dumpster location. The design of any proposed enclosure or screening method for trash/recycling collection containers should be compatible with the character of the Historic District.

9) Provide bicycle parking location and detail of bicycle parking rack.

10) The *Zoning Ordinance* limits the height of fences to four (4) feet within the front yard setback (Article 5 §1.55) with other provisions for increases in height for side yards, rear yards, and the second front yard on corner lots. Within the Historic District, fences shall not exceed four (4) feet in height. If the existing wrought iron fence exceeds this height, it may be retained as an historic element of the property.

11) In addition, for corner lots such as this, fences, landscaping, signage etc. are limited to a maximum height of three (3) feet within the corner visibility area (triangle) as per *Zoning Ordinance,* Article 5 §1.3. It is noted that in consideration of the Architectural Review Certification, the Historic District Commission cannot grant relief from the corner visibility height limits. The proposed sign at the corner will need to comply with this requirement.

12) All mechanical equipment should be located so as to not be visible from the streets. Appropriate screening by plantings, lattice, etc. must be implemented.

13) Additional information on the size and materials of the proposed sign will be required for submission and review of the required Sign Permit.

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

1) The Historic District Commission at their meeting of 4/17/2014 took action to provide a Recommendation with conditions regarding the Architectural Review Certification (ARC) for the project including a series of comments. These comments/recommendations may be adopted by reference to the Architectural Review Recommendation Report when taking action on the Architectural Review Certification.

2) Planning Staff as part of the ARC application review process prepared a series of recommendations and review comments in regards to the Architectural Review Certification and compliance with the *Design Standards and Guidelines.* The following are recommended conditions to increase the project compliance with the *Design Standards and Guidelines for the City of Dover Historic District Zone*:
    a. Staff recommends the removal of the northernmost parking space in order to better accommodate the landscape screening of the parking lot from Division

Street. Currently, there is approximately two feet between the edge of pavement and the existing fence for landscape planting. Along with this parking space's proximity to the intersection of the alley with Division Street, potential conflicts with accessing the parking space and getting out of the vehicle and grading issues in the area, the elimination of the parking space appears to be a better solution. This parking space can be eliminated by increasing the parking reduction.

b. The proposed shrubs along the northernmost parking space and fence should be evergreen varieties with the ability to grow to screen the car parking. The specific planting was not identified. A minimum height of two feet at time of planting is recommended.
c. Staff recommends relocating the proposed Crepe Myrtle trees from the front sidewalk area to the lawn area north of the building. The location in front of the building will obscure the decorative front porch and main façade of the building.
d. Utilize black posts for any signage elements to be attached to posts i.e. handicapped parking signage.
e. The required bicycle parking rack should be black in finish color and of a decorative style. This may be an opportunity to adaptively reuse the wrought iron fence segment being removed along the alley.
f. If the sign is to be illuminated, it must be externally lit and the lighting fixture should be screened from view. The sign may not require additional lighting due to existing street lighting in the area.
g. While the asphalt sidewalk and the concrete sidewalk connecting to the building have limited visibility to the public way, it is recommended that the developer considered the use of brick paving materials for these items to be more compatible with the historic character and architectural features of the building.

3) Waiver Requests: The following is the Staff recommendation regarding the waiver requests.
    a. Partial Elimination of Curbing: Staff recommends approval of the request to eliminate the curbing for the parking lot.

    b. Parking Reduction: Staff recommends approval of the request to reduce the required parking from twenty-four (24) parking spaces to sixteen (16) parking spaces. In addition, Staff recommends a further reduction for an overall reduction of 40% thus requiring a total of fifteen (15) parking spaces. This would allow for the elimination of the northernmost parking space off the alley to accommodate appropriate screening of the parking lot and ease of access to the parking spaces.

ADVISORY COMMENTS TO THE APPLICANT:

1) The Planning Commission must act upon the Architectural Review Certification as part of any motion to approve this project, or as a separate motion if necessary.

2) 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.

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

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

5) Construction will have an effect on the adjacent property owners and nearby streets and alley. Any work requiring the closing or rerouting of owners or visitors to the adjacent properties and streets shall be coordinated with the Planning Office and other City Staff as to offer the least amount of inconvenience.

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

7) The applicant should be aware of the potential for historic archaeological resources which may include previous building locations, wells, privies, etc. on the property. The State Division of Historical & Cultural Affairs can provide technical assistance when dealing with archaeological resources including previous studies at the subject properties.

8) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A Building Permit will be utilized as a tracking mechanism for the site improvements and a Building Permit for the fence installation must be submitted. A separate application process is required for issuance of a Building Permit from the City of Dover. The permit application also must comply with the conditions of approval of the Architectural Review Certification and Site Plan Review process.

9) The applicant shall be aware that Site Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Certain types of signage require a Sign Permit from the City of Dover prior to placement of any such sign; please consult with Planning Staff in regards to signage.

10) The City of Dover offers a *Tax Credit Program for Historic Properties* as an incentive for the preservation, restoration, and/or rehabilitation project involving exterior improvements to the architectural facades of building. Contact Planning Staff for more information on this program. In addition, there is *State of Delaware Historic Preservation Tax Credit Program* and a *Federal Rehabilitation Tax Credit for Historic Properties* program.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: APRIL 30, 2014

CITY OF DOVER Electric & Public Works Departments

APPLICATION: 6 South State Street

FILE #: S-14-11

REVIEWING AGENCY: City of Dover Electric and Public Works Departments

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER

1. The current plan does not depict any change to the water character that serves the building. If any change occurs to the water service of the building, the following comments will be required to be addressed:

   a. 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.

   b. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan. Please note that the water service located within the property will be owned, maintained and operated by the owner.

   c. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. All water meters shall be installed outside, in a meter pit or vault, on the domestic water service, in a non-traffic bearing location (which includes vehicular, bicycle and pedestrian traffic). Also, a dual check valve is required downstream of the meter.

   d. Each water service line from the main to a property or principle structure shall be metered by a single water meter so as to control the entire domestic supply.

   e. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.

   f. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.

   g. Additional impact fees may be required, depending on the fixture count.

WASTEWATER

1. The minimum vertical cover for a sanitary sewer lateral is three-feet (3'). Please confirm that the proposed regrading will not decrease the vertical cover below the required depth.

2. The current plan does not depict any change to the wastewater character that serves the building. If any change occurs to the water service of the building, the following comments will be required to be addressed:

   a. 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.

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

   c. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.

   d. 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.

   e. The minimum size of all sanitary sewer laterals shall be six-inch (6").

f. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.

g. Additional impact fees may be required, depending on the fixture count.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District is submitted to our office.
2. Provide stormwater management calculations that provide the post-development stormwater runoff is less than or equal to the pre-development stormwater runoff from this site. If it is greater, provide appropriate design to accommodate the stormwater.
3. The proposed regrading lines cross outside of this property, please revise.

STREETS / SANITATION / GROUNDS

1. None.

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

WATER / WASTEWATER / STORMWATER / GROUNDS / GENERAL / SANITATION

1. None.

STREETS

1. Provide a turning radius diagram that proves adequate area for vehicles to access all parking spots from the alley.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

WATER

1. The City of Dover water system is currently serving the site. If any upgrades are necessary, the developer is responsible for all costs associated with providing adequate service to the proposed development.
2. Hydrant flow testing is currently only performed during the spring and fall. The applicant must call the Department of Public Works directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.

WASTEWATER

1. The City of Dover sanitary sewer system is currently serving this site. If any upgrades are necessary, the developer is responsible for all costs associated with providing service and capacity to the proposed site.

STORMWATER / STREETS / GROUNDS

1. None

SANITATION

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

GENERAL

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 7, 2014

CITY OF DOVER FIRE MARSHAL

APPLICATION: 6 South State Street

FILE #: S-14-11 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:

Proposed building is business.

Firefighter perimeter access will be 30% and clearly shown on the plans

Any gas fired HVAC equipment must be equipped with emergency cut off switches remotely located.

Address numbers of at least 12 inches in height must be placed on the street side of the building visible from the street.

Any natural or LP gas bottles, meters, values, regulators, etc., must have impact protection.

Full building and fire plan review is required.

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

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

Fire alarm system required throughout the tenant space

Knox Box required.

Project to be completed per approved Site Plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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.

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

The proposed building will be reviewed under Business Occupancy.

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.

The Dover Fire Department request that a 8 ½ X 11 copy of the floor plan and site plan be submitted to Station 1, attention Fire Chief, prior to the Certificate of Occupancy being issued.

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: 4/30/14

DELDOT

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APPLICATION:
FILE#: S-14-11 (6 South State Street) REVIEWING AGENCY: DelDOT

CONTACT PERSON: Joshua Schwartz PHONE#: 760-2768

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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:

The Delaware Department of Transportation has no comments at this time.

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
May 2014

APPLICATION: *6 South State Street*

FILE #: S-14-11

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 approval and/or issuing of construction permits for the above referenced site.
2. The proposed site improvements are less than 5000 square feet, the site is therefore exempt from strormwater management requirements.

ADVISORY COMMENTS TO THE APPLICANT:

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

Office Location
SunRay Professional Center
155 S. Bradford Street
Suite 200
Dover, DE 19901

Mailing Address
P.O. Box 558
Dover, DE 19903

Phone: 302-465-5567
Fax: 866-672-6428
www.mountainconsultinginc.net

mountain consulting
CIVIL ENGINEERS

Kim I. Adams
President

Troy L. Adams, P.E.
Vice President

April 3, 2014

Ann Marie Townshend
City of Dover Planning & Inspections
P.O. Box 475
Dover, DE 19903

RE: Request for Parking Waiver
6 South State Street
ED-05-07608-04-2700-000

Dear Mrs. Townsend:

On behalf of the applicant, Six South State, LLC, it is requested that the number of required parking spaces be reduced by 33% in accordance with Article 6, Section 3.9. Per the Tax Assessor's Office, the structure has a gross floor area of 6,096 sf. Based on a parking requirement of 1 space per 300sf of floor area, 24 spaces are required. A total of 10 spaces are proposed to be constructed in the rear of the property.

An additional parcel was included in the deed when Six South State, LLC acquired 6 South State Street. The tax map number of the additional parcel is ED-05-07608-03-2701-000 and it currently serves as accessory parking. A total of six 9' x18' parking spaces fit on the parcel. Accessory parking areas are allowed per Article 6, Section 3.3 provided the parking is within walking distance of 150 feet of the lot. The accessory parking is within walking distance of approximately 50 feet of the lot. Therefore, a total of 16 spaces are available between both parcels.

Please feel free to give me a call with any questions. I can be reached directly at 302-672-0610 x4567 or by email at tadams@mountainconsultinginc.com. Thank you for your cooperation.

Sincerely,
MOUNTAIN CONSULTING, INC.

Troy L. Adams, P.E.
Vice President

Office Location
SunRay Professional Center
155 S. Bradford Street
Suite 200
Dover, DE 19901

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mountain consulting
CIVIL ENGINEERS

Kim I. Adams
President

Troy L. Adams, P.E.
Vice President

April 3, 2014

Ann Marie Townshend
City of Dover Planning & Inspections
P. O. Box 475
Dover, DE 19903

RE: Request for Elimination of Curb
6 South State Street
ED-05-07608-04-2700-000

Dear Mrs. Townsend:

On behalf of the applicant, Six South State, LLC, it is requested that the curb requirement be waived for the proposed project. Parking bumpers will be installed for all parking spaces located on the subject property. The parking bumpers will be sufficient enough to prevent damage to vehicles and surrounding infrastructure while parking. The addition of curb will serve no benefit to directing stormwater runoff. The rear of the property along the alley will continue to drain to the alley and out to Division Street. For these reasons, please grant a waiver from the installation of curbing around the parking areas.

Please feel free to call with any questions. I can be reached directly at 302-672-0610 x4657 or by email at tadams@mountainconsultinginc.com. Thank you for your cooperation.

Sincerely,
MOUNTAIN CONSULTING, INC.

Troy L. Adams, P.E.
Vice President

City of Dover

ARCHITECTURAL REVIEW STAFF REPORT
Recommendation of the Historic District Commission
Meeting of April 17, 2014

Application:	Lands of Six South State, LLC at 6 South State Street: Parking Lot & Site Improvements Construction, HI-14-03 Site Plan S-14-11
Project Location:	Southwest corner of South State Street and Division Street
Property Address:	6 South State Street
Tax Parcel:	ED-05-077.05-04-27.00-000
Owner:	Six South State, LLC
Present Zoning:	RGO (General Residence and Office Zone) H (Historic District Zone)
Previous Uses:	Office (first floor) with Apartment Units (upper floors)
Proposed Uses:	Offices with Parking Lot
Site Area:	15,015 S.F.

Project Description:
The Historic District Commission conducted a Public Hearing and acted on a recommendation to the City of Dover Planning Commission for an Architectural Review Certificate for the Parking Lot and Site Improvement project at 6 South State Street. It is Site Plan (S-14-11) project filed for review by the Planning Commission on May 19, 2014.

This application consists of a project involving the construction of a parking lot, handicap access to the building, and the landscape plan at 6 South State Street. The property is zoned RGO (General Residence and Office Zone) and is subject to the H (Historic District Zone). The property is located on the southwest corner of South State Street and Division Street. The owner of record is Six South State, LLC.

RECOMMENDATION OF THE HISTORIC DISTRICT COMMISSION:
The application was considered at the April 17, 2014 meeting of the Historic District Commission. The following members were present: Chairman Dick Scrafford, Mr. Chazz Salkin, Mr. Joe McDaniel, and Mr. George Fisher. Mr. Terry Jackson was absent. The application was represented by Conny Malmberg and Glenn Mandalas of 6 South State Street, LLC; Troy Adams of Mountain Consulting; and Cameron Llewellyn of Tidemark, LLC. No public testimony was received during the Public Hearing.

Action Taken by Historic District Commission:

The motion to recommend approval passed 4-0 of the members present. **The Historic District Commission recommends approval of the Architectural Review Certificate for application HI-14-03 Parking Lot & Site Improvements at 6 South State Street allowing the construction of a parking lot, handicap access, and landscaping on the site subject to the following conditions:**

1) **The Historic District Commission recommended retaining the northernmost parking space in the off-alley parking spaces.**

2) **The Historic District Commission recognized the use of concrete for the construction of the handicapped ramp system.**

3) **The Historic District Commission recommended the approval the use of asphalt as the paving material for the sidewalk located at the head of the row of parking spaces for ease of maintenance adjacent to the asphalt parking area.**

4) **The Historic District Commission recommendation of approval is also subject to the Staff Recommendations (originally #1-12) as derived from Architectural Review Staff Report – Staff Comments & Recommendations. The Recommendations have be renumbered below as Items #5-15 subject to the noted exceptions:**

5) **The following conditions are recommended to improve project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. The following are recommended conditions:**
    a. **Exception: Historic District Commission recommended retaining the northernmost parking space.** *(Staff had recommended its removal to better accommodate screening, grading, and access.)*
    b. **The proposed shrubs along the northernmost parking space and fence should be evergreen varieties with the ability to grow to screen the car parking. The specific planting was not identified. A minimum height of two feet at time of planting is recommended.**
    c. **Retain and maintain the wrought iron fence and the metal gazebo on the property.** *(Applicant intends to retain these items.)*
    d. **Recommends relocating the proposed Crepe Myrtle trees from the front sidewalk area to the lawn area north of the building. The location in front of the building will obscure the decorative front porch and main façade of the building.** *(Applicant agreed to tree relocation.)*
    e. **Maintain unpaved areas of the property as lawn areas with landscape beds in the areas of shrub plantings for ease of maintenance.**
    f. **Utilize black posts for any signage elements to be attached to posts i.e. handicapped parking signage.** *(Applicant agrees.)*
    g. **If the sign is to be illuminated, it must be externally lit and the lighting fixture should be screened from view. The sign may not require additional lighting due to existing street lighting in the area.**

6) **Some of the site improvements/amenities were not specifically described with the application information. Please provide information for consideration and discussion.** *(Additional information provided at the HDC Meeting is noted.)*
    h. **Clarify if a retaining wall will be utilized or just re-grading of the site in the northwest corner of the site near the parking lot will occur. If a retaining wall is proposed this should be constructed of brick (not concrete paver block).** *(Applicant states no retaining wall will be necessary, only regrading of the site area.)*
    i. **Clarify the construction format and materials of the handicap access ramp. A larger landing at the entrance door may be required.** *(Applicant stated it will be constructed of concrete.)*
    j. **While the asphalt sidewalk and the concrete sidewalk connecting to the building have limited visibility to the public way, it is recommended that the developer considered the use of brick paving materials for these items to be more compatible with the historic character and architectural features of the building.** *(Applicant stated it will remain as asphalt.)*
    k. **Clarify the surface treatment (lawn areas, plantings, type of mulch, etc.) between the building and Division Street. The plan currently includes several "landscape bed" labels.** *(Plans will be clarified.)*
    l. The required bicycle parking rack should be black in finish color and of a decorative style. This may be an opportunity to adaptively reuse the wrought iron fence segment being removed along the alley.
    m. All mechanical equipment should be located so as to not be visible from the streets. Appropriate screening by plantings, lattice, etc. must be implemented.
    n. Additional information on the size and materials of the proposed sign will be required for submission and review of the required Sign Permit.

7) **The *Zoning Ordinance* limits the height of fences to four (4) feet within the front yard setback (Article 5 §1.55) with other provisions for increases in height for side yards, rear yards, and the second front yard on corner lots. Within the Historic District, fences shall not exceed four (4) feet in height. If the existing wrought iron fence exceeds this height, it may be retained as an historic element of the property.** *(Applicant noted that the existing wrought iron fence is 36 inches in height.)*

8) **In addition, for corner lots such as this, fences, landscaping, signage etc. are limited to a maximum height of three (3) feet within the corner visibility area (triangle) as per *Zoning Ordinance,* Article 5 §1.3. It is noted that in consideration of the Architectural Review Certification, the Historic District Commission cannot grant relief from the corner visibility height limits. The proposed sign at the corner will need to comply with this requirement.**

9) **The design of any proposed dumpster enclosure or screening method for trash/recycling collection items should be compatible with the character of the Historic District. Currently, no provisions are shown on the plan.**

10) **The plan does not present information on any exterior improvements or repairs to the building. Any exterior improvements and/or repairs, if visible from the public way, are subject to Architectural Review Certification and must comply with the *Design Standards and Guidelines for the City of Dover Historic District Zone.* Permits and other review processes are required to confirm compliance.**

11) **The applicant should be aware of the potential for historic archaeological resources which may include previous building locations, wells, privies, etc. on the property. The State Division of Historical & Cultural Affairs can provide technical assistance when dealing with archaeological resources including previous studies at the subject location. Survey information indicates a privy was previously located on the property.**

12) **In the event, that major changes and revisions to the design, materials, or site layout occur in the finalization of the plan and/or construction drawings contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Historic District Commission.**

13) **The plan for this project is also subject to the application and review process for Site Development Plan (Article 10 §2 of the *Zoning Ordinance*) before the Planning Commission. Note: Additional technical items for compliance with the *Zoning Ordinance* and other regulations may be identified during the Plan Review Process. There are a number of items presented on the plan on the drawings and data information tables to be corrected.**

14) **The applicant shall be aware that the Building Permit is required to track the construction activities for the site improvements on the property. The permit applications must comply with the approvals and conditions granted through the Architectural Review Certification and Site Plan Review process. Separate Permits are also required for building construction activities and signage.**

15) **The City of Dover offers a *Tax Credit Program for Historic Properties* as an incentive for the preservation, restoration, and/or rehabilitation project involving exterior improvements to the architectural facades of building. Contact Planning Staff for more information on this program. In addition, there is *State of Delaware Historic Preservation Tax Credit Program* and a *Federal Rehabilitation Tax Credit for Historic Properties* program.**

This Recommendation is forwarded to the Planning Commission for the final action on the Architectural Review Certification.

The following information was considered by the Historic District Commission in marking their recommendation including the initial recommendations made by Planning Staff in regards to the application. Discussion at the Historic District Commission meeting also included a presentation of the project including project details, a discussion of the trees and landscape plantings, parking, materials for handicap ramp, bicycle rack location, paving surfaces, and building improvements.

Property Information:
The project site is located with the local Historic District Zone (H) and subject to the provisions of the *Zoning Ordinance*, Article 3 §21 and referenced sections.

This building is located within the boundaries of a National Register Historic District, specifically the Victorian Dover Historic District. Known as the Dr. Henry Ridgely House, it is a listed as a contributing resource of this National Register Historic District. Provided below is the building summary from the building inventory listing found within the National Register nomination completed for the Victorian Dover Historic District (nomination completed 1978-79). The building is identified as K-396-119 in the Delaware Cultural Resource Survey. This Italianate- style residence with physician's office includes architectural detailing on the front porch and cornicework.

> *K-396.119 6 South State Street (Dr. Henry Ridgely House, Landmark) – 1869, 3-story, 5-bay, massive brick dwelling; re stone quoins, central 5-sotry façade tower; low-hipped roof with paired bracketed cornice and dentils; mansard roof on tower; (1-story, façade porch, ornate wooden posts with brackets, decorative porch cornice;) wrought iron gazebo in garden; frame privy with ornate cornice, 2/2 double hung sash, moulded lintels, green louvered blinds on 2nd and 3rd floor levels; large 6-pane windows utilized as entryways 1st floor level.*

A series of historic maps were reviewed by Planning Staff for preliminary information on this block of South State Street. The *1859 A.D. Byles Map of Kent County (Dover insert)* shows this subject property as part of a larger tract owned by M.C. Conwell (a civil engineer) consisting of over half the block on the west side of Main Street (State Street). The subject property remains part of a larger parcel on the *1868 Beers Map* published by Pomeroy & Beers listed in the ownership of M.C. Conwell. By 1885 this block on the west side of South State Street consists of a series of residences including this building as shown on the *1885 Bird's Eye View of Dover.* The *1887 Map of the Town of Dover* by W.R. Roe shows the building owner Dr. H. Ridgely.

Other map series such as the *Sanborn Fire Insurance Maps* are also a reference source for information on the building which occupied this property over time. For Dover, this series of maps dated from 1897-1944.

PROJECT PROPOSAL (Drawings dated 3/14/2014 and 4/3/2014):
The application proposes construction of a parking lot in the backyard area of the property accessible from the alley. The elements of the project are as follows:

1. Parking Lot: A ten (10) space paved parking lot is proposed with access directly from the alley which divides the block between South State Street and South Bradford Street. There are no direct vehicular curb cuts to South State Street or West Division Street onto the property. The parking lot consists of one handicapped accessible space and nine regular spaces. As no upright curbing is proposed for the parking lot, a series of parking bumpers are placed at the head of each parking space. All parking spaces are perpendicular to the alley thus facing east and the parking lot spans almost the entire width of the property.

2. Sidewalks/ Paved Areas: An asphalt paved area is proposed at the head of the parking spaces to serve as a sidewalk. Then a new sidewalk of concrete is proposed from the parking lot area to the rear of the existing building. It appears that the handicapped ramp (separate from the sidewalk) will also be of concrete. The property has existing brick sidewalks along the public street frontages of South State Street and Division Street.

3. Landscaping: The Landscape Plan shows a series of ten existing trees to be removed by this project; the trees are identified as being in poor condition or located in areas proposed for the parking lot development. Five other existing trees will be preserved and care maintenance issues addressed including a Japanese maple, two White Pines, a Willow Oak, and an American Holly. Two additional Crepe Myrtle trees are proposed to flank the front entrance walk from South State Street with a series of new shrub plants surrounding the front porch. A row of plantings is shown between the northernmost parking space and Division Street as screening.

4. Fences: An existing wrought iron decorative fence exists along a portion of the north property line adjacent to West Division Street. The fence height is not specified on this plan sheet. A remnant of the wrought iron fence along the alley will be removed to create the parking lot.

5. Site Furnishings: The site includes a metal gazebo between the rear wing of the building and West Division Street. An illuminated sign is proposed at the corner of West Division Street and South State Street. An acorn style light fixture with decorative pole in a black finish is proposed at the rear of the house.

Review of DESIGN STANDARDS AND GUIDELINES

The subject project site is located in the Dover Historic District Zone within Victorian Historic Context. The Victorian Historic Context is described on pages 2-5 through 2-7. Location within the Dover Historic District Zone requires proposals for demolition, new construction, additions, and certain renovation or rehabilitation activities to existing buildings to receive an Architectural Review Certificate.

As stated in the *Design Standards and Guidelines for the City of Dover Historic District Zone*, an Architectural Review Certificate will be granted "if it is found that the architectural style, general design, height, bulk and setbacks, arrangement location and materials affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district." In accordance with Article 10 §3.2, the Historic District Commission will provide a recommendation to the Planning Commission regarding the project's compliance with the architectural review standards.

This proposal should be reviewed for conformity with the design criteria and development guidelines found in the *Design Standards and Guidelines* of Chapter 3: Maintenance, Repair, Preservation, and Restoration of Existing Historic Buildings. More specifically the sections on Design Guidelines for Landscaping and Site Amenities, Fencing and Walls, Paving and Bordering, and Parking Lots found on pages 3-24 through 3-27. These guidelines highlight the

consideration that should be given to the areas surrounding buildings including the choice of materials. It notes that fences in the Historic District should not exceed four (4) feet in height. Also the *Design Guidelines* recommend that 20% of parking lots should be unpaved and planted.

STAFF COMMENTS AND RECOMMENDATIONS

The following are Staff comments and recommendations for this application regarding project activities and Architectural Review Certification.

1) Staff recommends conditional approval of the Architectural Review Certificate for the concepts presented in the Parking Lot & Site Improvements Construction Plan on the property at 6 South State Street. This recommendation is made subject to the following comments and suggested revisions.

2) The following conditions are recommended by Staff to improve project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. The following are recommended conditions:
    a. Staff recommends the removal of the northernmost parking space in order to better accommodate the landscape screening of the parking lot from Division Street. Currently, there is approximately two feet between the edge of pavement and the existing fence for landscape planting. Along with this parking space's proximity to the intersection of the alley with Division Street, potential conflicts with accessing the parking space and getting out of the vehicle and grading issues in the area, the elimination of the parking space appears to be a better solution. (It is noted that the application is requesting a parking reduction waiver from the Planning Commission.)
    b. The proposed shrubs along the northernmost parking space and fence should be evergreen varieties with the ability to grow to screen the car parking. The specific planting was not identified. A minimum height of two feet at time of planting is recommended.
    c. Retain and maintain the wrought iron fence and the metal gazebo on the property.
    d. Staff recommends relocating the proposed Crepe Myrtle trees from the front sidewalk area to the lawn area north of the building. The location in front of the building will obscure the decorative front porch and main façade of the building.
    e. Maintain unpaved areas of the property as lawn areas with landscape beds in the areas of shrub plantings for ease of maintenance.
    f. Utilize black posts for any signage elements to be attached to posts i.e. handicapped parking signage.
    g. If the sign is to be illuminated, it must be externally lit and the lighting fixture should be screened from view. The sign may not require additional lighting due to existing street lighting in the area.

3) Some of the site improvements/amenities were not specifically described with the application information. Please provide information for consideration and discussion.

a. Clarify if a retaining wall will be utilized or just re-grading of the site in the northwest corner of the site near the parking lot will occur. If a retaining wall is proposed this should be constructed of brick (not concrete paver block).
b. Clarify the construction format and materials of the handicap access ramp. A larger landing at the entrance door may be required.
c. While the asphalt sidewalk and the concrete sidewalk connecting to the building have limited visibility to the public way, it is recommended that the developer considered the use of brick paving materials for these items to be more compatible with the historic character and architectural features of the building.
d. Clarify the surface treatment (lawn areas, plantings, type of mulch, etc.) between the building and Division Street. The plan currently includes several "landscape bed" labels.
e. The required bicycle parking rack should be black in finish color and of a decorative style. This may be an opportunity to adaptively reuse the wrought iron fence segment being removed along the alley.
f. All mechanical equipment should be located so as to not be visible from the streets. Appropriate screening by plantings, lattice, etc. must be implemented.
g. Additional information on the size and materials of the proposed sign will be required for submission and review of the required Sign Permit.

4) The *Zoning Ordinance* limits the height of fences to four (4) feet within the front yard setback (Article 5 §1.55) with other provisions for increases in height for side yards, rear yards, and the second front yard on corner lots. Within the Historic District, fences shall not exceed four (4) feet in height. If the existing wrought iron fence exceeds this height, it may be retained as an historic element of the property.

5) In addition, for corner lots such as this, fences, landscaping, signage etc. are limited to a maximum height of three (3) feet within the corner visibility area (triangle) as per *Zoning Ordinance*, Article 5 §1.3. It is noted that in consideration of the Architectural Review Certification, the Historic District Commission cannot grant relief from the corner visibility height limits. The proposed sign at the corner will need to comply with this requirement.

6) The design of any proposed dumpster enclosure or screening method for trash/recycling collection items should be compatible with the character of the Historic District. Currently, no provisions are shown on the plan.

7) The plan does not present information on any exterior improvements or repairs to the building. Any exterior improvements and/or repairs, if visible from the public way, are subject to Architectural Review Certification and must comply with the *Design Standards and Guidelines for the City of Dover Historic District Zone.* Permits and other review processes are required to confirm compliance.

8) The applicant should be aware of the potential for historic archaeological resources which may include previous building locations, wells, privies, etc. on the property. The State Division of Historical & Cultural Affairs can provide technical assistance when dealing

with archaeological resources including previous studies at the subject location. Survey information indicates a privy was previously located on the property.

9) In the event, that major changes and revisions to the design, materials, or site layout occur in the finalization of the plan and/or construction drawings contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Historic District Commission.

10) The plan for this project is also subject to the application and review process for Site Development Plan (Article 10 §2 of the *Zoning Ordinance*) before the Planning Commission. Note: Additional technical items for compliance with the *Zoning Ordinance* and other regulations may be identified during the Plan Review Process. There are a number of items presented on the plan on the drawings and data information tables to be corrected.

11) The applicant shall be aware that the Building Permit is required to track the construction activities for the site improvements on the property. The permit applications must comply with the approvals and conditions granted through the Architectural Review Certification and Site Plan Review process. Separate Permits are also required for building construction activities and signage.

12) The City of Dover offers a *Tax Credit Program for Historic Properties* as an incentive for the preservation, restoration, and/or rehabilitation project involving exterior improvements to the architectural facades of building. Contact Planning Staff for more information on this program. In addition, there is *State of Delaware Historic Preservation Tax Credit Program* and a *Federal Rehabilitation Tax Credit for Historic Properties* program.

<u>Historic District Commission Action on April 17, 2014</u>

The Historic District Commission considered the proposal and provided a recommendation to the Planning Commission in regards to the Architectural Review Certification for the project site development plan. The recommendation reflected consideration of the *Design Standards and Guidelines.* The specific conditions of the recommendation are noted in the Report under the heading "Recommendation of the Historic District Commission."

SB-14-01 Dover Mall at 1365 North DuPont Highway: Minor Subdivision Plan – Public Hearing and Minor Subdivision Plan Review to create three (3) lots from an existing parcel totaling 149.3225 acres +/- of land. The lots proposed are Lot 1 of 53.1704 acres, Lot 2 of 30.7046 acres, and remaining residue land of 65.4475 acres. The property is zoned SC-3 (Regional Shopping Center Zone) and a portion is subject to the SWPOZ (Source Water Protection Overlay Zone). The property is located on the east side of North DuPont Highway. The owner of record is Dover Mall, LLC. Property Address: 1365 North DuPont Highway. Tax Parcel: ED-05-057.00-01-14.00. Council District 3. *Waiver Requested: Subdivision Waiver of Requirement for Lot Frontage on a Public Street.*

- Information on this application was distributed to the Planning Commission for the March 17, 2014 meeting. Please utilize this information as the application will be considered at the May 19, 2014 meeting of the Planning Commission.

- This application was originally scheduled to be heard at the March Planning Commission meeting which was cancelled due to weather conditions. At the April Planning Commission Meeting the Commission deferred consideration of this application at the applicant's request.

- See the attached Memorandum dated May 9, 2014 as a follow-up to the original proposal for potential residential use of one of the subdivided lots for this project.

- If you have questions or need additional copies of the application information, please contact Planning Staff at 736-7196.

MEMORANDUM

Department of Planning & Inspections
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7196 Fax: 302.736.4217

Date: May 9, 2014

To: Planning Commission

From: Ann Marie Townshend, AICP
Director of Planning & Community Development

RE: Update on Activity Related to Dover Mall Minor Subdivision - Waiver from Public Street Frontage (SB-14-01)

The initial plan for the Dover Mall minor subdivision included the potential development of apartments on what would be the northeast parcel created by the subdivision. At the time City Council was considering a zoning text amendment that would allow multifamily residential development within the SC-3 (Regional Shopping Center) zone. This amendment has since been withdrawn, and there is currently no plan to construct apartments on the site. Emergency service agencies expressed concern about the waiver from the requirement that all parcels have frontage on a public street, primarily due to the potential for multifamily residential development on a parcel without street frontage. Some of these concerns have been allayed due to the absence of potential multifamily residential development.

As stated in the DAC report, if the Planning Commission recommends in favor of the waiver of the requirement of public street frontage, staff recommends the following:

a. That the Planning Commission require cross access easements among all three lots (between the Residual Lot and both Lots 1 and 2; and between Lot 1 and Lot 2) so that permanent access to U.S. Route 13 is secured. Similar easements may also be required of the Boscov's lot, the JC Penney's lot, and the land leased from the State of Delaware on the northwest corner of the ring road.
b. That these easements allow for the owners of each lot to make any improvements necessary to the internal circulation system, specifically to the Mall ring road and the access drives to U.S. Route 13, that would be required to improve this access to the satisfaction of the Planning Commission as specified in the *Zoning Ordinance*, Article 8 § 1, and to ensure that internal circulation and site access are beneficial to the public health, safety and general welfare.
c. That the applicant be required to explore the feasibility of extending Rustic Lane to the proposed Lot 1.

cc: SB-14-01

City of Dover

DATA SHEET FOR MINOR SUBDIVISION PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF May 7, 2014

PLANNING COMMISSION MEETING OF May 19, 2014

Plan Title:	Lands of Union AME Church SB-14-02
Plan Type:	Minor Subdivision Plan
Property Location:	Southeast corner of New Street and Reed Street
Tax Parcel Number:	ED-05-077.09-01-36.00-000
Owner:	Union AME Church
Site Area:	5,385 SF +/-
Parcels to be created:	Parcel A: 1,447 SF Parcel B: 3,938 SF
Existing Sewer & Water:	Water: City of Dover Sewer: City of Dover
Zoning Classification:	C-2 (Central Commercial)

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 7, 2014

APPLICATION: Lands of Union AME Church: Minor Subdivision

FILE #: SB-14-02 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY

This Minor Subdivision Plan proposes to create two (2) parcels of land from the existing 5,385 SF +/- parcel. The parcel will be subdivided into a 1,447 square foot +/- parcel, a 3,938 square foot +/- parcel. The property is zoned C-2 (Central Commercial Zone). The property is located on the southeast corner of New and Reed Streets. The owner of record is Union AME Church. Address: 222 West Reed Street and 101 South New Street. Tax Parcel: ED-05-077.90-01-36.00-000. Council District 4.

The property is developed with two buildings, a church building located at the corner of New and Reed Streets and a house located east of the church building fronting on Reed Street. The Minor Subdivision Plan proposes to strike a lot line between the church and the house, allowing the church to sell the house. The house would sit on a parcel of 1,447 square feet, and the church would sit on a parcel of 3,938 square feet.

Parcel Considerations

The subject property is zoned C-2 (Central Commercial Zone). The table below summarizes the required bulk standards in the C-2 zone, as well as those requested by the applicant for each lot. The requested setbacks were approved by the Board of Adjustment.

	C-2 - Required	Lot A (as approved by Board of Adjustment)	Lot B (as approved by Board of Adjustment)
Minimum required:			
Lot depth (ft.)	70 feet	48.20 feet	N/A

	Side yard (ft.)	None required, but 10 feet min. if provided	1.8 feet	0.3 feet
	Rear yard (ft.)	20 above ground floor. At ground floor, 5 ft. required	0.3 feet	1.9 feet

Variance Application:
The property owner applied to the Board of Adjustment for a reduction in the lot depth, side yard, and rear yard requirements (V-14-03). Following a public hearing on February 19, 2014, the Board of Adjustment granted the variance request, citing the staff's recommendation that the proposed variance would be in keeping with the character of the zone and that the applicant had demonstrated exceptional practical difficulty in that they would be unable to create a separate lot for each structure without the variance.

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) In the Data Column, please add the following information specific to the residual lot, listing the code requirement and the existing/proposed condition:
   a) Proposed setbacks for each lot.
   b) Note indicating the V-14-03 was granted by the Board of Adjustment on February 19, 2014, and the bulk standards approved for each lot as a part of this variance.

3) The information on a cross easements, utility easements, and stormwater management are to be noted on the Final Plan. A copy of the documents must be submitted to the Planning Office upon recordation.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

None

ADVISORY COMMENTS TO THE APPLICANT:

1) The building on the proposed Parcel A was formerly a residence. Single family detached residences and residential uses on the first floor are not permitted within the C-2 Zone. The residential structure has been vacant for a period of more than one year. A use variance may be required before a residential use may be re-established on this property.

2) The structure on the proposed Parcel A has been designated as a Dangerous Building by the City of Dover Department of Planning and Inspections. Prior to establishing any use of the property, a code report from a qualified design professional must be submitted, and all corrections identified in the report must be completed in accordance with a City of Dover Building Permit.

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

4) 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.

5) 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 Final Plat may be submitted for final endorsement.

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

7) 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.

8) 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.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: APRIL 30, 2014

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Lands of Union A.M.E. Church, 222 E. Reed St.**

FILE #: **SB-14-02**

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. The Electric Department has no objection to Minor subdivision.

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. Per the Water / Wastewater Handbook, each property shall be served by a single sanitary sewer lateral which shall be furnished and installed by the property owner. The sanitary sewer lateral shall be six-inch (6") PVC pipe with cleanouts located within five feet (5') of the building and one foot (1') outside of the right-of-way. Please verify the existing sanitary sewer lateral connections for each proposed parcel.
3. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.

WATER / STORMWATER / STREETS / GROUNDS / SANITATION

1. None

GENERAL

1. The final site plan must be submitted in a digital format compatible with AutoCAD 2010 (.dwg format) and Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None.

SANITATION

1. Currently, the proposed parcel "A" has City of Dover sanitatation service, as this is a residential structure, said parcel can continue to utilize the City for solid waste disposal. As parcel "B" is non-residential, the solid waste disposal shall be supplied by a private contractor, please contact the Department of Public Works to discuss the feasibility of this requirement.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

1. Currently, there is a separate water service to each proposed property, therefore a new water service is not required.
2. If the water character is altered to either parcel, the property may be subject for bringing the current water service up to current standards and specifications, as outlined in the Water / Wastewater Handbook.
3. Impact fees may be required if the fixture count increases.

WASTEWATER

1. If the wastewater character is altered to either parcel, the property may be subject for bringing the current wastewater service up to current standards and specifications, as outlined in the Water / Wastewater Handbook.
2. Impact fees may be required if the fixture count increases.

STORMWATER / STREETS / SANITATION / GROUNDS

1. None

GENERAL

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 7, 2014

CITY OF DOVER FIRE MARSHAL

APPLICATION: 222 West Reed Street

FILE #: SB-14-02 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:

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

This office needs additional information in regards to the plan for the two parcels. This office has concerns in regards to the amount of spacing between the current two structures in reference to the code requirements (fire separation) for spacing between buildings and property lines.

ADVISORY COMMENTS TO THE APPLICANT:

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.

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

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: 4/30/14

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APPLICATION:
FILE#: S-14-02 (Landings of Union A.M.E Church) REVIEWING AGENCY: DelDOT

CONTACT PERSON: Joshua Schwartz PHONE#: 760-2768

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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:

The Delaware Department of Transportation has no comments at this time.

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
May 2014

APPLICATION: *Lands of Union A.M.E. Church*

FILE #: SB-14-02

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:

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.*

City of Dover

DATA SHEET FOR MINOR SUBDIVISION PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF May 7, 2014

PLANNING COMMISSION MEETING OF May 19, 2014

Plan Title:	Lands of Robert and Kathleen Dunn at 276 Troon Road SB-14-03
Plan Type:	Minor Subdivision Plan
Property Location:	Located on the north side of Troon Road, north of Merion Road, northeast of Maple Dale Golf Course
Tax Parcel Number:	ED-05-067.09-02-06.00-000
Owners:	Robert & Kathleen Dunn
Site Area:	26,997 S.F. +/-
Parcels to be created:	Lot 6: 12,803 S.F. +/- Lot 6A: 14,194 S.F. +/-
Sewer & Water:	City of Dover
Zoning Classification:	R-10 (One Family Residence Zone)
Waiver Requested:	Elimination of Sidewalks

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 7, 2014

CITY OF DOVER PLANNING

APPLICATION: Lands of Robert & Kathleen Dunn at 276 Troon Road

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

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

PLAN SUMMARY

This Minor Subdivision Plan proposes to create two (2) parcels of land (Lot 6 and Lot 6A) from the existing 26,997 S.F. +/- parcel of land. The land is currently shown as one parcel. This request will re-subdivide the land into two parcels consisting of 12,803 S.F. and 14,194 S.F. The property is zoned R-10 (One Family Residence Zone). The property is located on Troon Road, north of Merion Road, northeast of Maple Dale Golf Course. The owners of record are Robert & Kathleen Dunn. Property Address: 276 Troon Road. Tax Parcel: ED-05-067.09-02-06.00-000.

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 §1 and referenced sections outline the permitted uses for the R-10 (One Family Residence Zone). The following table highlights some of the design standard requirements for the R-10 (One Family Residence Zone). (NOTE: This chart is not an all-inclusive listing of the code requirements, but is provided as information on development requirements.)

MINIMUM REQUIRED:	R-10 One Family Residence Zone
Lot Area	10,000 S.F.
Lot Configuration- width/depth (ft.)	80 ft./110 ft.
Front yard setback (ft.)	25 ft.
Side yard setback (ft.)	15 ft.
Rear yard setback (ft)	30 ft.
Off Street parking spaces/dwelling units	2
Maximum Permitted : Building Height: Stories Feet	 2 ½ stories 35 feet
Lot Coverage	30%

Site Considerations

For the Minor Subdivision Plan, the proposed parcels must be in compliance with the lot requirements of the *Zoning Ordinance*. The proposed lots appear to meet the setback and lot dimension requirements of parcels within the R-10 (One Family Residence Zone) Zoning District.

The existing parcel will be subdivided into two parcels. The existing land identified as Lot 6 will be divided into Lot 6 and Lot 6A in keeping with the previous lot numbering of the Fox Meadows Subdivision.

Waiver Request: Elimination of Sidewalks

Sidewalk is not present along the street frontage of Troon Road of the proposed lots. *Zoning Ordinance,* Article 5 Section 18 requires sidewalks along the public street frontage of a property whenever a property involves the Planning Commission review of the development activity. The Planning Commission has the ability to modify or waive this sidewalk requirement (Article 5 § 18.4). The applicant has submitted a waiver request for consideration by the Planning Commission seeking to eliminate the required sidewalk**.** The plans must be corrected to show the required sidewalks unless a waiver is granted by the Planning Commission.

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) Remove statement about "Growth Zone Overlay District." This is an element of Kent County provisions; not the City of Dover provisions.

3) Sidewalk along Troon Road frontage is required. The applicant submitted a waiver request for consideration by the Planning Commission seeking to eliminate the required sidewalk on both lots.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Waiver Request: The following is the staff recommendation regarding the waiver request:

    a. Elimination of Sidewalks: Staff recommends approval of the request to eliminate the sidewalks for the proposed two parcels (Lot 6 and Lot 6A) finding that this area is

isolated with respect to sidewalks as this area of the Fox Meadows Subdivision does not include sidewalks.

ADVISORY COMMENTS TO THE APPLICANT:

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: APRIL 30, 2014

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Lands of Robert & Kathleen Dunn, 276 Troon Rd.**

FILE #: **SB-14-03**

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 Electric Department has no objection to Minor subdivision.

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. Per the Water / Wastewater Handbook, each property shall be served by a single water service line which shall be furnished and installed by the property owner. Each water service line shall have a curb stop located on the property line with a new water meter. All water meters shall be installed outside, in a meter pit on the domestic water service, in a non-traffic bearing location (which includes vehicular, bicycle and pedestrian traffic). Currently, there is a water service stubbed to Lot 6. An additional water service must be provided to Lot 6A prior to certificate of occupancy.
3. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
4. Impact fees must be paid prior to certificate of occupancy on both properties.

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. Per the Water / Wastewater Handbook, each property shall be served by a single sanitary sewer lateral which shall be furnished and installed by the property owner. The sanitary sewer lateral shall be six-inch (6") PVC pipe with cleanouts located within five feet (5') of the building and one foot (1') outside of the right-of-way. Currently, there is a sanitary sewer service stubbed to Lot 6. An additional sanitary sewer service must be provided to Lot 6A prior to certificate of occupancy.
3. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
4. Impact fees must be paid prior to certificate of occupancy on both properties.

STREETS

1. The driveway to each lot must meet the requirements of the City of Dover Department of Public Works. This driveway plan shall be submitted to the Department by way of a right-of-way permit, please contact our office for details.

STORMWATER / GROUNDS / SANITATION

1. None

GENERAL

1. The final site plan must be submitted in a digital format compatible with AutoCAD 2010 (.dwg format) and Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. The lighting for both properties are billed to one customer.

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

GENERAL

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

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

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
May 2014

APPLICATION: *Lands of Robert and Kathleen Dunn*

FILE #: SB-14-03

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.*

City of Dover

DATA SHEET FOR UNIFIED COMPREHENSIVE SIGNAGE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF May 7, 2014

PLANNING COMMISSION MEETING OF May 19, 2014

Plan Title:	Dover High School Comprehensive Sign Plan US-14-01
Plan Type:	Unified Comprehensive Signage Plan
Property Location:	South side of Forrest Avenue and East of Dover High Drive
Property Addresses:	1 Dover High Drive (formerly 1650 Forrest Avenue)
Tax Parcels:	ED-05-076.00-02-07.00-000
Owners:	Capital School District
Project Professional:	Gable Signs, ABHA Architecture
Site Area:	105.69 acres ±
Existing Signs:	N/A
Proposed Signs:	One (1) illuminated monument sign with LED displays, two (2) non-illuminated building entrance canopy signs, eight (8) non-illuminated directional signs, one (1) illuminated field house logo sign, one (1) mesh bleacher banner
Zoning Classification:	R-10 (One-Family Residence Zone) COZ-1 (Corridor Overlay Zone)
Roadway Classifications:	Forrest Avenue – Urban Minor Arterial Dover High Drive – Urban Collector/Local Street

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 7, 2014

CITY OF DOVER PLANNING

APPLICATION: Dover High School Comprehensive Signage Plan

FILE #: US-14-01 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY

This is an application to the Planning Commission for a Unified Comprehensive Signage Plan Review. The plan includes the construction and implementation of signage for the Dover High School campus to include: one (1) illuminated monument sign with a design including two (2) LED displays, two (2) non-illuminated building entrance canopy signs, eight (8) non-illuminated directional signs, one (1) illuminated field house logo sign, and one (1) mesh bleacher banner. The property is zoned R-10 (One-Family Residence Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the south side of Forrest Avenue and East of Dover High Drive. The owner of record is Capital School District. Address: One Dover High Drive (previously 1650 Forrest Avenue). Tax Parcel: ED-05-076.00-02-07.00-000.

The campus consists of five buildings. The project area qualifies for the Unified Comprehensive Sign Plan because the site is considered an educational use, and also has three or more principal structures under common management located on a contiguous property, as defined in Article 5 §4.8 and 4.3 of the *Zoning Ordinance*.

SIGNAGE REGULATIONS

The subject site includes frontage on two different types of roads. The Sign Regulations for non-residential uses in residential districts have the same permitted sign standards for all road types.

For non-residential uses in residential districts, the *Zoning Ordinance* permits one (1) Post or Monument Sign, per entrance, limited to 12 S.F., or two (2) Monument or Post and Panel Signs per entrance, limited to 32 S.F.

The following table illustrates in greater detail the size and types of signs permitted under the *Zoning Ordinance*:

Use		Road Type	Sign Type	Number Permitted	Max Size	Max Height	% of Total Wall Area	Setback (R.O.W.)	Exclusion Zone
Residential Uses and Non-Residential Uses in Residential Districts	Professional Office Subdivisions Multi-Family Residential Uses Manufactured Home Parks	All Streets	Post or Monument	1/entrance	12 SF	7 ft.	N/A	5 ft.	20 ft.
			Wall	1/frontage	16 SF	N/A	</= 15%	N/A	N/A.
			Wall &	1/frontage	32 SF	N/A	</= 15%	N/A	N/A.
			Monument or Post and Panel	2/entrance	32 SF	7 ft.	N/A	5 ft.	20 ft.

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

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

DESIGN GUIDELINES AND OBJECTIVES FOR COMPREHENSIVE SIGNAGE PLANS

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

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

B. *Design guidelines for unified comprehensive signage plans.*

1. Unified campuses and complexes applying for a unified comprehensive signage plan may not be held to the height, size, number and area regulations for signs found in other subsections of this section. However, the number, type and size of signs proposed may not be excessive, and must be in proportion to the scale of the buildings and the uses on the site.

2. All unified comprehensive signage plans must comply with all design guidelines found in subsection 4.4-Design requirements of this section, as well as all specific design guidelines found in this section.

3. Building signs shall be in harmony with the overall architectural concept for the site, and be compatible with each other and the building facades.

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

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

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

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

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

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

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

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

SUMMARY OF PROPOSED SIGNS

This project is to establish building signage, entrance signage, and internal wayfinding signage for the Dover High School campus. The submission outlines the placement and construction details for each sign, as well as design details such as typeface, color, and dimensions. The paint colors are specified and the signage plan develops consistent text and graphic formats.

Sign area is calculated based on the largest sign face, and area totals include both sides of double-faced signs. The following table represents a listing of all signs proposed for the Dover High School campus:

Proposed Exterior Signage

Sign	Type	Location	Text	Height	Sign Area S.F.
(A) Primary Entrance Monument	Illuminated Monument Sign with brick wall base and 2 LED displays	SE corner of Forrest Ave and Dover High Drive	Dover High School One Dover High Drive	total height pending confirmation	99 SF letter area 32 SF LED panel area (total) brick base area
(B1) North Entrance Canopy	Non-Illuminated Dimensional Copy	Building entrance fronting Forrest Avenue	Dover High School	3 feet	240 SF
(B2) South Entrance Canopy	Non-Illuminated Dimensional Copy	Rear building entrance facing parking lots and stadium	Home of the Senators	3 feet	240 SF
(C) Directional Signs (Total:7) 5 Single-sided 2 Double-sided	Non-Illuminated Post and Panel Sign	Various locations along internal drives	Main Title: Dover High School (Various)	8 feet	8.5 SF each 76.5 SF total
(C) Directional Sign	Non-Illuminated Post and Panel Sign	West side of east entrance drive	Dover High School Please Use Main Entrance	6 feet	12.9 SF
(D) Field House Logo	Internally Illuminated Cabinet	Stadium field house structure facing interior of stadium site	N/A (School Mascot)	9 feet	75.6 SF
(E) Bleacher Banner	Mesh Banner (Material TBD)	Back of bleachers on west side of stadium. Facing parking lots.	Dover High School (Final Text TBD)	20 feet (Final TBD)	4,200 SF (Final TBD)
Total	**13 Signs**				**At least 4,736 SF**

SUMMARY OF SIGNAGE AND RECOMMENDATIONS

The applicant is requesting a total of thirteen (13) signs for the Dover High School campus. These include one (1) illuminated monument sign with a design incorporating two (2) LED displays, two (2) non-illuminated building entrance canopy signs, eight (8) non-illuminated directional signs, one (1) illuminated field house logo sign, and one (1) mesh bleacher banner.

The monument sign marks the main entrance to the site at the corner of Forrest Avenue and Dover High Drive. This curved sign is constructed with a brick base, "Dover High School" in metal dimensional letters, and two (2) LED panels to allow changeable messages. The facility address is also displayed on the brick base of the sign. The sign is externally illuminated by uplights near ground level.

The front and rear entrances of the main school building feature metal dimensional letters on the entrance canopies. The signs mark the public face of the building and identify the primary entrance points.

A total of eight (8) directional signs are found along the main campus entrance drive and at points along other internal drives directing drivers to parking areas, facility entrances, and various places of activity on the campus. These are aluminum painted panels with painted aluminum posts. The signs feature the school mascot and easily legible text copy.

One (1) internally illuminated sign is proposed to be placed on the center field house structure, facing the football field in the main stadium. This sign consists of a metal cabinet with a translucent face depicting the school mascot. The color scheme is consistent with that used for directional signage.

A large banner is attached to the back of the bleachers located on the west side of the football field main stadium. The artwork and lettering is consistent with the design of other signage found on the campus.

Staff Recommendations for Dover High School Signs

Staff recommends approval of the Unified Comprehensive Signage Plan for the Dover High School facility, consisting of signs outlined in the preceding table, finding that the signage presents a harmonious concept through the use of various materials and graphics. The brick base of the monument sign at the Dover High Drive entrance continues the architectural theme of the main building. Similarly, the dimensional metal letters of the monument sign match the style found on the entrance canopies of the building. The directional signage, field house logo, and bleacher banner designs feature the school colors and mascot. The typeface used in the signage is consistent with that used for the monument and entrance canopy signage, creating easily legible signage within a common style and theme for the facility.

Overall, staff finds the proposed monument and canopy signage to be complimentary to the architecture of the building. The directional signage is legible and appropriate in terms of number and overall style. The field house logo and bleacher banner relate to the directional sign design, and create a consistent theme and identity.

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

CITY AND STATE CODE REQUIREMENTS:
The following revisions to the Comprehensive Signage Plan submission documents are listed:

1) Page 3:
   a) For final submission confirm and show the brick specifications.

2) Page 4:
   a) Identify the red symbol at the southwest corner of the east entrance drive and Forrest Avenue. If this is a sign or future sign identify it as such.
   b) Add a north arrow to site map

3) Page 5:
   a) Label the height of the brick base and total height of the monument sign.
   b) Indicate total signage area as with subsequent sign elevations in the submitted plans.
   c) For final submission confirm and show the brick specification to be used for the monument sign base.
   d) Additional detail of the placement and setbacks for the monument sign must be provided in order for staff to evaluate potential conflicts.

4) Page 7:
   a) For final submission confirm the canopy length.

5) Page 8:
   a) Add a north arrow to site map
   b) Adjust the scale of sign elevation, or insert break lines.
   c) Adjust the scale or perspective to correctly depict the relationship between the sign and the male figure.
   d) Confirm final total of signs and ensure number agrees with site illustration.

6) Page 9:
   a) Add a north arrow to site map
   b) Show height in elevation details on page 8 and page 9 consistently relative to grass or ground.
   c) Suggest designation "D" since this sign differs in size and height from other directional signs designated type "C".

7) Page 11:
   a) Identify the type of mesh material used for the banner (i.e. PVC, aluminum, steel, etc.)
   b) Confirm the dimensions shown.
   c) Show dimensions of the lettering and sign area.
   d) Include final artwork in plan.

8) Sign illumination, including LED displays, must comply with established standards (*Zoning Ordinance*, Article 5§4.D. List these illumination standards in the plan documents.

9) The LED displays (Electronic Message Center) in the monument sign must comply with the requirements of *Zoning Ordinance*, Article 5§ 4E as related to timing of the changes, methods of change, and prohibited effects. List these requirements in the plan documents.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) The monument sign offers the opportunity for additional landscaping areas. However, the signs and any associated landscaping must not impair sight visibility at the intersection and entrances.

2) The applicant is advised to be aware of the landscaping plan for the site, and consider the potential for tree conflicts with some of the proposed directional signs.

3) Staff recommends a height of six (6) feet for the directional signage, which is believed to be more appropriate to the vehicle speeds and site context.

4) Staff requests clarification of the Site Plan and conditions surrounding the east entrance drive and whether signage is proposed for that area. Any signage in that area would require inclusion into the submitted plan and evaluation by City staff and reviewing agencies.

ADVISORY COMMENTS TO THE APPLICANT:

1) The football and baseball field scoreboards are not shown in the plans. The applicant is advised that signage on the reverse side of scoreboards would be treated as signage, subject to permitting, and should not face residential areas.

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

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

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

5) Staff requires a final submittal of the Unified Comprehensive Signage Plan, including any revisions and conditions of Planning Commission approval, to be reviewed administratively before applications for Sign Permits will be accepted.

6) The walls constructed as part of the main entrance monument sign may be subject to a Building Permit Application. Consult with the Department of Planning & Inspections.

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

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: APRIL 30, 2014

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **DOVER HIGH SCHOOL SIGN, ONE DOVER HIGH SCHOOL DR.**

FILE #: **US-14-01**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER / WASTEWATER / STORMWATER

1. No structures, including permanent signage, may be located within ten feet (10') of underground utility infrastructure.

STREETS / SANITATION / GROUNDS

1. None

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

ADVISORY COMMENTS TO THE APPLICANT

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 4/30/14

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APPLICATION:
FILE#: US-13-01 (Dover High School) REVIEWING AGENCY: DelDOT

CONTACT PERSON: Joshua Schwartz PHONE#: 760-2768

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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:

The Delaware Department of Transportation has no comments at this time.

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.