CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, April 21, 2014 – 7:00 P.M.

City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

1) This agenda includes the applications previously scheduled for the March 17, 2014 meeting of the Planning Meeting. Due to weather conditions the March meeting was cancelled. Public Notice was completed for these applications giving notice of tonight's (April 21, 2014) hearing date.

ADOPTION OF MINUTES OF REGULAR MEETING of February 18, 2014

ADOPTION OF MINUTES OF QUARTERLY WORKSHOP MEETING of February 19, 2014

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, May 19, 2014 at 7:00pm in the City Council Chambers.

2) Reminder: The next Planning Commission Quarterly Workshop is scheduled for TUESDAY, May 20 2014 at 12:00 noon in the City Hall Conference Room

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

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.

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.

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.*

3) 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.*

4) C-14-01 Personal Service Nail Salon at 235 W 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 Addresses: 235 West Loockerman Street. Tax Parcel: ED-05-077.09-01-50.00-000. Council District 4.

5) 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 an 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.*

6) 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.

7) 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)*

8) 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)*

9) 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 associated site improvements in Phase 1. Building 1 – Restaurant of 6,400 SF, Building 2 – Restaurant/Retail of 9,600 SF, Building 3 – Restaurant of 5,030 SF, and Building 4 – Retail of 14,820 SF. 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 N. DuPont Highway and 519 East Division Street. Tax Parcel: ED-05-077.06-01-02.00-000. Council District 2. *This application will 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.*

ADJOURN

THE AGENDA ITEMS MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

Posted Agenda: posted April 11, 2014 at 4:00pm

- **MINUTES OF REGULAR MEETING of February 18, 2014**
    - These Meeting Minutes were distributed to the Planning Commission for the March 17, 2014 meeting. Adoption of these Meeting Minutes will be considered at the April 21, 2014 meeting of the Planning Commission.

- **MINUTES OF QUARTERLY WORKSHOP MEETING of February 19, 2014**
    - These Meeting Minutes were distributed to the Planning Commission for the March 17, 2014 meeting. Adoption of these Meeting Minutes will be considered at the April 21, 2014 meeting of the Planning Commission.

The March Meeting of the Planning Commission was cancelled due to weather conditions.

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

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

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.*

- 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 April 21, 2014 meeting of the Planning Commission. This information consisted of the following item which has been provided again.
    - A copy of Site Plan Sheet C-001C (Bid Pack C – Updated) from Check Print drawing set of 1/28/2014 is provided as reference for this update on the sidewalk network design.
- As previously referenced, Staff is now providing a summary of the information from the Safety Advisory & Transportation Committee and an update on the project status. See Memorandum of March 14, 2014 in reference to "Request to Eliminate 'S' Sidewalk between Dover High Front Entrance and Route 8 Sidewalk."
- 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: March 14, 2014

To: Planning Commission

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

RE: Request to Eliminate "S" Sidewalk between Dover High Front Entrance and Route 8 Sidewalk

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As the Planning Commission is aware, the Planning Office has been working closely with the Capital School District, DelDOT, and other City agencies to ensure that the construction of the Dover High School continues smoothly to completion. The Planning Office provides monthly updates to City Council's Safety Advisory and Transportation Committee on the progress of the school construction and improvements to facilitate safe travel to the school site.

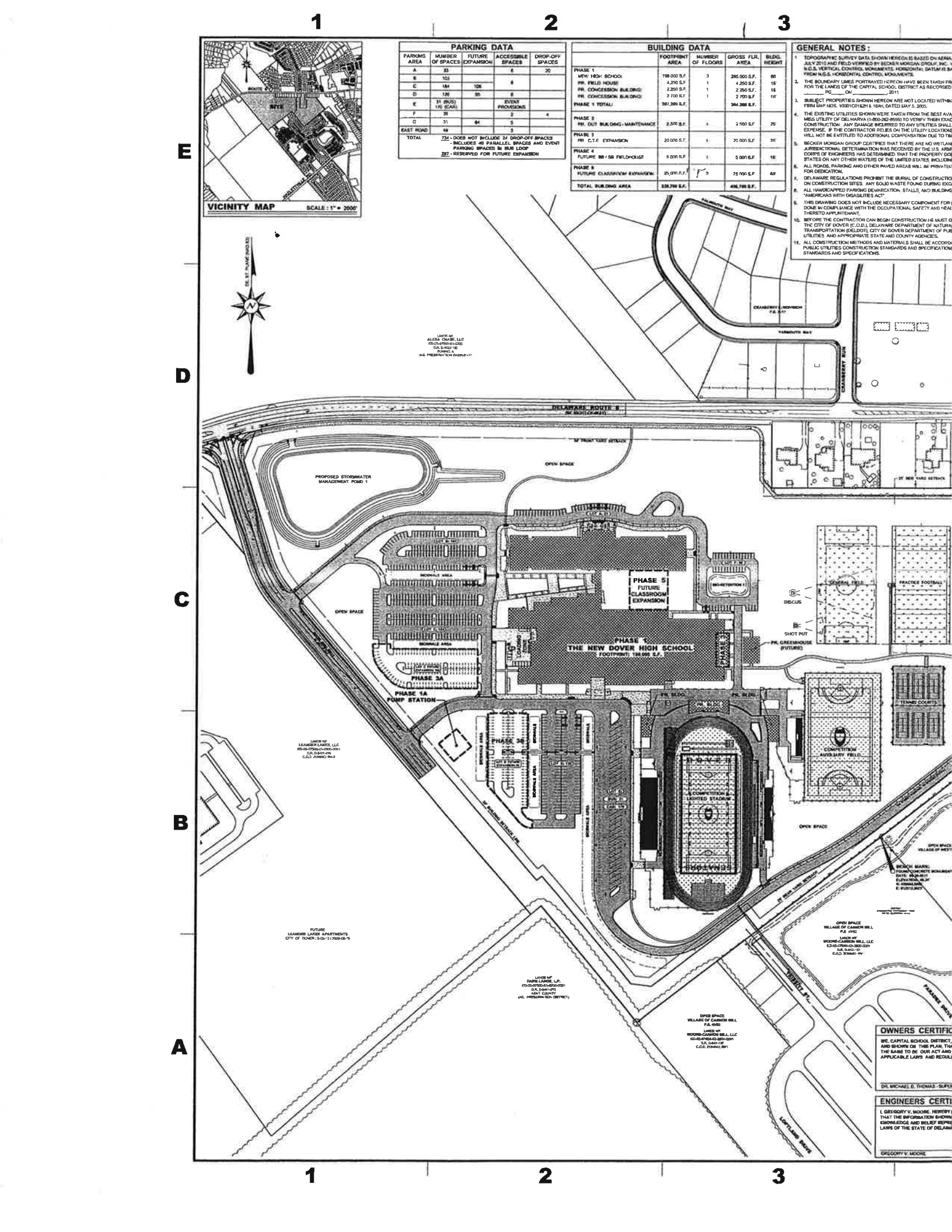
The Safety Advisory and Transportation Committee, City Council, and City staff have been very vocal on the need for sidewalks on the north side of Route 8 and a traffic signal at the east entrance of the Dover High School site. With the support of area legislators and the leadership of the Markell administration, funds were allocated to DelDOT to construct the sidewalks and HAWK signal (pedestrian activated only) at the east entrance of the Dover High School to ensure safe pedestrian access to the site. This project is moving forward thanks to the leadership of DelDOT staff.

During a meeting of the Safety Advisory and Transportation Committee where public input on the installation of the HAWK signal was discussed, residents of Cranberry Run expressed concern about the "S" shaped sidewalk that would connect the sidewalk along Route 8 to the school's front entrance. The specific concern was that this sidewalk would seem to invite students from Cranberry Run to cross at an unsignalized location to access the school rather than walking east to the HAWK signal. Planning staff concurs with this concern.

While eliminating the "S" sidewalk would not guarantee that students walk to the signalized crossing point, it would reduce the convenience of crossing Route 8 at an unsignalized location to access the sidewalk. There are sidewalk entrances along the east and west entrances to the site which would provide the safe pedestrian access and meet the code requirements for sidewalk connection into the site from the street frontage.

Staff requests that the Planning Commission allow for the "S" sidewalk between the Route 8 sidewalk and the front entrance to the school building to be removed from the Site Plan.

cc: Files: C-10-05, S-11-18, MI-13-18
Kevin Lucas, EDiS
Michael Thomas, Capital School District


1
2
3
E
D
C
B
A
VICINITY MAP
SCALE : 1" = 2000'
ROUTE 8
SITE
SOUTHLEDGE RD
PARKING DATA
BUILDING DATA
GENERAL NOTES:
PHASE 5
FUTURE CLASSROOM EXPANSION
PHASE 1
THE NEW DOVER HIGH SCHOOL
FOOTPRINT: 198,000 S.F.
PHASE 3A
PHASE 3B
PHASE 1A
PUMP STATION
PROPOSED STORMWATER MANAGEMENT POND 1
DELAWARE ROUTE 8
OPEN SPACE
CRANBERRY RUN
TURNPIKE WAY
GENERAL FIELD
PRACTICE FOOTBALL
DISCUS
SHOT PUT
TENNIS COURTS
COMPETITION AUXILIARY FIELD
COMPETITION & LIMITED STADIUM
OWNERS CERTIFIC
ENGINEERS CERTI

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.

- 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 April 21, 2014 meeting of the Planning Commission.

- See also the attached Memorandum dated March 11, 2014 from DNREC – Division of Watershed Stewardship regarding the Sediment & Stormwater Management for the project. This is to be made part of the Development Advisory Committee (DAC) Report and Comments.

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

DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF WATERSHED STEWARDSHIP
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

OFFICE OF THE
DIRECTOR

PHONE: (302) 739-9921
FAX: (302) 739-6724

Memorandum

DATE: March 11, 2014

TO: Dawn Melson-Williams, Planner
City of Dover

FROM: Elaine Z. Webb, P.E., Engineer IV EZW
Sediment & Stormwater Program

RE: Development Advisory Committee
S-14-04 Kent County Community School Additions
at 65 Carver Road and 901 Forest Street

CC: Jamie Rutherford, Program Manager
Jonathan Street, Becker Morgan Group

Please accept the following comments from DNREC Sediment and Stormwater Program in regards to the above referenced application:

1. A detailed sediment and stormwater management plan must be approved prior to any land disturbing activity taking place on the site. The DNREC Sediment and Stormwater Program will be the approval agency for this project. The consultant has already met with our office to discuss the stormwater management design for this project.

    a. This project is not grandfathered and must meet all requirements of the revised Delaware Sediment and Stormwater Regulations, effective January 1, 2014, including runoff reduction for the Resource Protection Event (2.7 inch rainfall).

    b. Overmanagement requirements in place for discharges in the Tar Ditch watershed (discharges toward Forrest Avenue) remain in place for this project site.

2. A Notice of Intent for Storm Water Discharges Associated with Construction Activities and the $195 NOI fee must be submitted to DNREC prior to any construction activity taking place on the site.

If you should have any questions, please do not hesitate to contact me at (302) 739-9921 or Elaine.Webb@state.de.us.

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.*

- 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 April 21, 2014 meeting of the Planning Commission.

- See also attached Letter of March 20, 2014 summarizing a meeting between the applicant and DelDOT regarding the transportation planning and off-site improvements for the project.

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

BECKER MORGAN GROUP

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PLANNING OUR
CLIENTS' SUCCESS

March 20, 2014

Ms. Ann Marie Townshend, AICP
Director
City of Dover
Department of Planning and Inspections
P.O. Box 475
Dover, DE 19903-0475

RE: **Delaware Department of Transportation Meeting**
1387 DUPONT HIGHWAY, L.L.C. / WINNER VOLKSWAGEN/SUBARU
Dover, Delaware
2013054.00

Dear Ms. Townshend:

On March 12, 2014, Alan Perry and Guy Winer of Winner VW/Subaru (applicant) along with Gregg Moore and myself met with Delaware Department of Transportation (DelDOT) representatives regarding their comments provided in the Development Advisory Committee (D.A.C.) report for the above referenced project. DelDOT's representatives at the meeting included Todd Sammons, Sean McEvilly, Julio Seneus, and Troy Brestel. The purpose of the meeting was to come to agreement on items of issue prior to the Planning Commission hearing for the project. The major topics of discussion and agreements are as follows:

D.A.C. Comment no. 3
The department will require 40-feet of right-of-way dedication from the innermost edge of the through lane for public use. Also, a 15-foot permanent easement (PE) must be provided along the site frontages. The PE must be shown on the plan as "A X-foot permanent easement (PE) is hereby established to the State of Delaware as per this plat."

Discussion/Agreement: *The right of way as measured from the innermost edge is currently 47' thus, additional right of way is not required however, per the DelDOT representatives the right turn lane required for the site must be fully within the right-of-way. If the dimensions of the turn lane push it outside of the current right-of-way then additional right-of-way will be need to be dedicated and the applicant agreed. Any right-of-way over the required 40' can be used as part of the 15' permanent easement thus, the extra 7' of right-of-way can be applied to the PE and only an additional 8' permanent easement would be required.*

D.A.C. Comment no. 4
Per the site ADT, a right turn deceleration lane with a bike lane is warranted along the site frontage as part of this project.

Discussion/Agreement: *The right turn lane length requirement based on the volume of proposed right turns is 275'. The entrance however is only 195' from the property corner with the Dover Mall property, thus, we cannot provide the full required length. Additionally, there are major utility service equipment boxes located at the property corner that are the main services to the mall and include electric, telecom and gas. These services also prevent the installation of the full required turn lane length. The DelDOT representatives inquired if it was possible to shift the entrance further north, however the applicant stated that it would not be possible as the entrance must remain where it is in order to accommodate truck entry*

BECKER MORGAN GROUP, INC.

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into the site. The DelDOT representatives stated that a shortened right run lane is better than none at all and stated that the turn lane is a necessity due to safety when considering the volumes of traffic on Rt. 13. They stated that even with reduced turns into the site, the lane would still be warranted with the only difference being the required length. The applicant agreed to provide the shorter turn lane. The DelDOT representatives indicated that the applicant should provide a narrative of the constraints limiting the length of the turn lane when the project is submitted for review. We inquired if the turn lane width of 11' would be acceptable and the DelDOT representatives stated that 11' was acceptable but that 12' is always preferable if it is possible to fit it within the right-of-way. The comment states that a bike lane is required, however, we pointed out that a bike lane currently exists on Rt. 13. The DelDOT representatives agreed that we do not need to accommodate as part of our design of the turn lane, other than to modify the striping as necessary across our turn lane.

D.A.C. Comment no. 6
The proposed entrance along US Route 13 will be re-evaluated upon completion of the northern Mall entrance re-alignment, and the new entrance for the Dover VW/Audi/ Subaru will be via the Dover Mall entrance, (see drawing of the US Route 13 Circulation Study for detail). In addition, the site plan and/or building layout must be revised to reflect a future connection to Dover Mall Drive entrance.

Discussion/Agreement: *Alan Perry stated that Winner has no problem with connecting the site to the future re-aligned mall entrance road and actually wants the connection. However, that said, they cannot agree with closing of their Rt. 13 entrance thus leaving the connection from the mall entrance as the only site access to the facility. The Deldot representatives agreed that the connection of the site to the future re-aligned mall entrance would meet the requirements of the Circulation Study and that the improvements to be installed on Rt. 13 for this project would not need to be revised nor be closed. Additionally, the applicant agreed to extend the proposed pavement to the property line at the proposed location for the future connection. As shown on the current plan the proposed connection location is indicated by two curbed islands along the south side of the proposed parking area, and as can be seen on the site plan, the building and parking areas are arranged to allow the connection at this location and provide for traffic flow through the site.*

D.A.C. Comment no. 7
Summary of the comment: A Traffic Impact Study is required for the project, however the department will allow a payment to an Area Wide Study Fee for the additional trips generated. The comment states that the existing trips generated by the site are 716 and that the proposed site will generate 1388 trips/day or an overall increase of 672.

Discussion/Agreement: *Alan Perry stated that the trip generations that the D.A.C. comments indicated are nowhere near reality. He understands that the trips indicated are based on the ITE Trip generation manual which bases the site trips on the square footage of the buildings but that it is just not the reality of the site. Alan also stated that the site currently has both the Subaru and VW dealerships working out of the existing building and that while we are adding more building square footage it will not equate to an almost doubling of the trips as indicated in the comments. This project is basically separating the manufacturers into their own showroom/service buildings, but this separating of the entities will not equate to a significant increase in business and thus will not increase trips significantly. Alan inquired if DelDOT would accept actual site trips, as counted by a tube counter, for the basis of the site trips, subsequent turn lane requirements, and Area Wide Fee determination. DelDOT representatives stated that actual numbers as counted in the field would be acceptable. Troy*

Brestel indicated that should we choose to do the site counts, the counts should be done for 3 consecutive days with those days being a Tuesday, Wednesday and Thursday. We should then submit the counts to both Bill Brockenbrough and Troy for review/agreement prior to proceeding with any design.

Additional Discussion/Agreement: *The DelDOT representatives stated that our proposed storm drain structure to connect to the existing system in Rt. 13 needs to shift back to the proposed turn lane curb if it is to be a catch basin. If the tie-in location is actually out in the paved area then it will need to be a junction box with manhole frame and cover.*

Please present this to the Planning Commission members and contact me with any questions.

Sincerely,

BECKER MORGAN GROUP, INC.

Michael J. Henry, LEED AP
Associate

MJH/rlh

Cc: Alan Perry, Montchanin Development Group, Ltd.
Michael Hynansky, 1387 Dupont Hwy, L.L.C.
Guy Winer, Winner VW/Subaru
Todd Sammons, Delaware Department of Transportation
Sean McEvilly. JMT/ Delaware Department of Transportation
Julio Seneus, Delaware Department of Transportation
Troy Brestel, Delaware Department of Transportation

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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 April 21, 2014 meeting of the Planning Commission.

- See the attached Memorandum dated March 14, 2014 as a follow-up to the Emergency Services concerns 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: March 14, 2014

To: Planning Commission

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

RE: Follow-up to Emergency Services Concerns Regarding Dover Mall Minor Subdivision (SB-14-01)

In the DAC report that was submitted to the Planning Commission, several agencies expressed concerns about the request for a waiver from the requirement that lots have frontage on a public street. Specifically, the Fire Department and Police Department objected to the subdivision unless certain provisions were made. On March 13, 2014, a meeting was held to follow up on this issue. The meeting was attended by representatives of the Planning Office, Public Works Department, Fire Marshal's Office, Police Department, Fire Department, DelDOT, and the applicant. Based on the discussion at this meetings, the agencies in attendance concur that the proposed subdivision, including the requested waiver from the requirement that all lots have street frontage, would be acceptable with the provision that no development of the eastern parcels would be permitted unless:

- Rustic Lane were extended to the northeaster parcel to allow emergency access. The details of this would be addressed during a development plan, and the access may be gated in a way that would restrict access to emergency vehicles or access only.
- The Dover Mall ring road were updgraded and maintained to a public City street standard, to include curbs and sidewalks and controlled access. The road may remain a private access road, but would need to be upgraded as previously stated. It is noted that speed enforcement by the Dover Police would not be allowed unless the road were dedicated to City ownership and maintenance.

In addition, all cross access easements for utilities and vehicle access would need to be provided as condition of approval.

cc: SB-14-01
Major Paul Bernat, Dover Police Department
Jason Osika, Deputy Fire Marshal
Mark Hall, Dover Fire Department
Julio Seneus, DelDOT
Bill Brockenbrough, DelDOT
Jason Lyon, Public Works

City of Dover

DATA SHEET FOR CONDITIONAL USE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF April 9, 2014

PLANNING COMMISSION MEETING OF April 21, 2014

Plan Title:	Personal Service Nail Salon C-14-01
Plan Type:	Conditional Use Plan
Property Location:	North side of Loockerman Street east of South New Street
Property Address:	235 West Loockerman Street
Tax Parcel:	ED-05-077.09-01-50.00-000
Owner: Lessee:	Shreege Properties, LLC Denise Anderson
Tenant Space Area:	1,400 SF ±
Present Use:	Vacant first floor tenant space
Proposed Use:	Nail Salon
Sewer & Water:	City of Dover
Zoning Classification:	C-2 (Central Commercial Zone) H (Historic District Zone)

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: April 9, 2014

City of Dover Planning Office

APPLICATION: Personal Service Nail Salon at 235 West Loockerman Street

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

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

PLAN SUMMARY:

This Conditional Use Plan Review is to permit a Nail Salon on the 1,400 S.F. first floor tenant space of an existing building located at 235 West Loockerman Street. The property for the proposed development is zoned C-2 (Central Commercial Zone) and is subject to the H (Historic District Zone). The property is located on the north side of Loockerman Street and east of the intersection of South New Street. The owner of record is Shreege Properties, LLC and the lessee is Denise Anderson. The property address is 235 West Loockerman Street. Tax Parcel: ED-05-077.09-01-50.00-000.

Project Site

This building was built in 1920's as a mixed-use building. It is within the Historic District Zone and listed in the National Register of Historic Places as a contributing resource to the Victorian Dover Historic District (K-396.81). The following excerpt on the building is from the National Register nomination.

> K-396.81 233-239 West Loockerman Street – 1920s, 3-story, 4 x 8 bay, brick commercial/residential structure; flat roof, decorative brick cornice, pilaster strips; 6/1 sash triple windows on 2nd and 3rd floor levels; large display windows for 4 separate businesses on 1st floor level.

The building is within the Historic District. Any exterior changes including signage are subject to the Architectural Review Certification process and compliance with the *Design Standards and Guidelines for the City of Dover Historic District Zone.*

The building consists of three floors. The first floor of the building is divided into multiple tenant spaces. This tenant space was most recently utilized as the Ancient Way Massage and Day Spa (Application C-06-07). The second and third floors of the building consist of two separate apartments. The tenant space located on the west side of the subject tenant space is a shoe repair establishment, and the adjacent building located to the east side of the proposed site is the Tresses Hair Studio. The Tresses Hair Studio is a personal service store located within 250 feet of the subject site.

Proposed Project

The application seeks to allow for the establishment of a Nail Salon on the first floor of the existing building. The plan indicates there will be a waiting area for clients in the front of the building, a pedicure station, a nail dryer table, a nail bar station, and an eyebrow waxing station.

Due to its location, this type of land use as a Nail Salon (a personal service store) on the first floor requires Conditional Use approval by the Planning Commission as noted in Article 3 §13.21 of the *Zoning Ordinance*.

> 13.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 10.1 [1] of this ordinance and to any specified requirements set forth below. Any of the following uses in existence at the time this ordinance [section] is adopted are considered permitted uses, and shall not lose their status as permitted uses in their existing locations unless the use is changed to one of the uses listed above in [sub] section 13.1 of this ordinance [section]. Changes from one conditional use to another will require conditional use approval.
>
> 13.21 Personal service stores, including, but not limited to, barbershops, beauty shops, tailors, day spas, and other establishments in which the primary business is the sale of a service, rather than a product, located on the first floor on Loockerman Street between State Street and New Street and located within 250 feet of another personal service store.

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

> 1.1 *Accessibility for emergency response.* That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;
>
> 1.2 *Harmony of location, size and character.* That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

For a use seeking conditional use approval that proposes to occupy an existing structure in the C-2 Zoning District, Article 3 §13.3 outlines the submission requirements. These requirements include a map of the property showing existing conditions and a conceptual floor plan with the appropriate legal data.

> 13.3 *Submission requirements for conditional uses in the C-2 zone.* The following submission requirements shall be used in lieu of the requirements of article 10, section 1.6, in the event that the business, office, or establishment seeking conditional use approval will be occupying an existing structure:
>
> (a) The applicant shall cause a site map to be prepared. The applicant shall submit 21 copies of the site map at the time of application. The site map shall conform to the

following specifications and the following elements shall be included on the site map:

1. The map shall be at least 11 [inches] by 17 inches, but not more than 24 [inches] by 36 inches, and at a scale of ten, 20, 30 or 40 feet to the inch, except that, if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

2. The existing building and conditions on the lot must be depicted. It is permissible to utilize the most recent mortgage survey of the property for this purpose. If conditions, such as landscaping and accessory structures, on the lot have changed since the survey was completed, the applicant shall depict these changes on the plan to the best of his/her ability. However, the nature and extent of such revisions must be approved by the city planner at the required pre-application meeting.

3. A conceptual floor plan of the building is required. This floor plan must depict the location and percent of total floor area devoted to the proposed uses. Any uses on separate floors which are not the subject of the application must be referenced by a note on the plan. The city planner may request more detailed information, including architectural floor plans, on a case-by-case basis at his/her discretion.

4. Legal data:
   (a) Lot, blocks, and section number.
   (b) Name and address of the owner of record.
   (c) Name and address of the equitable owner, if any.
   (d) Name and address of the person, firm, or organization preparing the map.
   (e) Date, north point, and written and graphical scale.
   (f) The location and names of adjacent streets.
   (g) The location, zoning, and owners of record of all adjacent properties.

Staff notes that the case of this proposal of the existing building occupies the entire property parcel.

SITE CONSIDERATIONS:

Trash Collection

There is not a specific Dumpster pad requirement for personal service uses. Arrangements for trash collection will need to be made with either the City of Dover or a private trash collection service. Dumpster enclosures are required and must be implemented where space is available on a site. Currently, trash collection along Loockerman Street is curbside pick-up on a designated night by the City of Dover.

Parking

The C-2 zoning district does not have an off-street parking requirement for existing buildings. Staff notes that there are several municipal parking lots located within the immediate area and on street parking.

Bicycle Parking

Bicycle parking is not required as there is no off-street parking requirement. There are bicycle parking facilities along West Loockerman Street (post style).

Sidewalk
There is existing sidewalk along West Loockerman Street.

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 Data and plan drawing column will need to be updated prior to Final Approval with the following items. Staff recommends utilizing an 11x17 plan sheet size to present the project floor plan (on half the sheet) and then to listing the data information.
   a) Any changes recommended or approvals by the Planning Commission.
   b) Indicate the proposed use.
   c) Add legal data items :
      1. Name and address of the owner of record.
      2. Name of lessee as preparer of plan and date.
      3. Tax Parcel identification number
      4. List zoning districts: C-2 and H

2) Provide an Owner's Certification note and signature line to plan sheet. See text below.

   OWNER'S CERTIFICATION:
   I, _____, hereby certify that I am the owner of the property described and shown on this plan, that the plan was made at my direction, and that I acknowledge the same to be my act and desire the plan to be developed as shown in accordance with all applicable laws and regulations.

   DATE _____ SIGNATURE_____

3) Lessee's signature and certification notes will need to be added to the plan sheet.

   LESSES'S CERTIFICATION:
   I, _____, hereby certify that I am the lessee of the tenant space described and shown on this plan, that the plan was made at my direction, and that I acknowledge the same to be my act and desire the plan to be developed as shown in accordance with all applicable laws and regulations.

   DATE _____ SIGNATURE_____

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

None

ADVISORY COMMENTS TO THE APPLICANT:

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

2) The use as a personal service store must comply with applicable Building Codes and Fire Codes. The applicant is advised to meet with the City's Fire Marshall and Building Inspector to learn more about these requirements.

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

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

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

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 2, 2014

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **PERSONAL SERVICE NAIL SALON, 235 W. LOOCKERMAN STREET**

FILE #: **C-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. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is now available on the website at the following link: http://www.cityofdover.com/Public-Documents-4017/.
2. The roadway and curbing must be in.
3. The right-of-way must be within 6" of final grade.
4. The property corners must be staked.
5. Owner is responsible for locating all water, sewer, and storm sewer lines.
6. Owner is responsible for installing all conduits and equipment pads per the City of Dover Engineering Department specifications.
7. Owner is responsible for site and/or street lighting.
8. Meter locations will be determined by City of Dover Engineering Department.
9. Load sheets and AutoCAD compatible DXF or DWG diskettes of site plans, including driveways, are required prior to receiving approved electrical construction drawings.
10. Any relocation of existing electrical equipment will be engineered by the City of Dover Electric Department. Developer may be required to perform a quantity of the relocation. Any work performed by the City of Dover will be at the owner's expense.
11. Prior to construction, owner is responsible for granting an easement to the City of Dover Electric Department. Easement forms will be furnished and prepared by the City of Dover Electric Engineering Department.
12. Fees will be assessed upon final site plans. The owner will be responsible for fees assessed prior to construction. Owner is required to sign off plans prepared by the Electric Department.
13. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
14. Prior to the completion of any/all designs and estimates, the owner is responsible for providing the Electric Engineering Department with a physical address of the property.

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

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. 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.
3. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.
3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures, including cleanouts.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
6. The minimum size of all sanitary sewer laterals shall be six-inch (6").

STORMWATER / STREETS / SANITATION/ GROUNDS / GENERAL

1. None.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

1. Depending on the additional number of fixtures proposed with this project, additional impact fees may be assessed to this property.

WASTEWATER

1. Depending on the additional number of fixtures proposed with this project, additional impact fees may be assessed to this property.

SANITATION

1. Sanitation service shall remain as is until further notice from the City of Dover.

STORMWATER / STREETS / GROUNDS

1. None

GENERAL

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 04/09/14

CITY OF DOVER FIRE MARSHAL

APPLICATION: 235 W Loockerman St Personal Service Nail Salon

FILE #: C-14-01 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

Proposed building is business.

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. Label all suites

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.

Knox Box required.

Project to be completed per approved Site Plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

An on-site meeting is required. NFPA 101 Life Safety Code 24.1.3.3 needs to be ensured.

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: April 2, 2014

D E L D O T

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APPLICATION: Personal Service Nail Salon at 235 West Loockerman Street
FILE#: C-14-01 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
April 2014

APPLICATION: *Personal Service Nail Salon*

FILE #: C-14-01

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 conditional use site plan of the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

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

City of Dover

DATA SHEET FOR CONDITIONAL USE SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF April 9, 2014

PLANNING COMMISSION MEETING OF April 21, 2014

Plan Title:	YMCA of Delaware Kent Swim Club at 825 Kenton Road C-14-02	
Plan Type:	Conditional Use Site Plan	
Applicants:	Owner of Record: YMCA of Delaware	
Location:	Northeast side of Kenton Road, south of Walker Road, entrance across from Fox Hall Road.	
Address:	825 Kenton Road	
Tax Parcel:	ED05-067.18-02-01.00-000	
Site Area:	18.3 acres +/-	
Zoning:	R-10 (One-Family Residence)	
Proposed Use:	Swimming Pool, Annual Membership Club	
Building Areas:	Existing Building(s) – Proposed Building(s) –	2,765 S.F. (Total) (Pool House) 1,600 S.F. Pavilion 120 S.F. Hygiene Hut
Impervious Areas:	Existing – 9% Proposed – 8%	
Floor Area Ratio:	0.005	
Off Street Parking:	Required – N/A Existing – 125 parking spaces (2 ADA) Proposed – 124 parking spaces (5 ADA)	
Sanitary Facilities:	Existing – Private, Proposed – City of Dover	
Water Supply:	City of Dover	
Waivers Requested:	Partial Elimination of Sidewalk Requirement	

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: April 9, 2014

APPLICATION: YMCA of Delaware Kent Swim Club at 825 Kenton Road

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

CONTACT PERSON: Bill Cook, Planner PHONE #: 302.736.7196

PLAN SUMMARY

This is a Conditional Use Site Plan to permit the construction of a 1,600 S.F. pavilion and other associated site improvements on an 18.3 acre parcel. The property is zoned R-10 (One-Family Residence) and is located on the northeast side of Kenton Road, south of Walker Road, with an entrance across from Fox Hall Road. The owner of record is YMCA of Delaware. Property Address: 825 Kenton Road. Tax Parcel: ED05-067.18-02-01.00-000.

Site History

Staff has found no record of past approvals by the City of Dover Planning Commission for the former Kent Swim Club. Records show a series of Building Permits between 1992 and 2012 for minor site improvements, as well as improvements and repairs to structures and site features.

The Kent Swim Club is believed to have been established sometime in the 1950's. This property was part of a large area along Kenton Road that was annexed into the City of Dover on August 12, 1969. At an unknown point in time (between 1969-1994), the zoning was set as RC (Recreational and Commercial Zone). Then as part of the *1996 Comprehensive Rezoning* (a follow-up to the adoption of *The Dover Plan: 1996 Comprehensive Plan*) the property was rezoned to R-10 (One-Family Residence Zone).

The continued use of the facility is determined to be a "legal non-conforming use" that is eligible for Conditional Use consideration.

CONDITIONAL USE

Within the R-10 zoning district, the use of a property for an "annual membership club" is permitted subject to approval of a Conditional Use by the Planning Commission. *Zoning Ordinance*, Article 3 Section 1.14c sets specific limitations for outdoor entertainment, exterior lighting, public address systems, and setbacks.

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

sections of the *Zoning Ordinance* which relate to the role of the Commission in reviewing Conditional Use applications:

Article 10. Planning Commission

Section 1. Approval of conditional uses.

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

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

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

PROJECT SUMMARY

This project will add a pavilion structure on a site northeast of the existing parking lot. A mobile restroom structure will be sited northeast of the existing pool house and connected to water and sewer service. Existing tennis and volleyball courts visible from Kenton Road will be demolished and replaced by a playground. A sidewalk will be constructed on the left side of the entrance drive off Kenton Road, and additional ADA parking spaces will be marked and allocated from the existing parking lot. The applicant also proposes removing an existing septic tank and connecting to public sewer service via a connection to be established within the adjacent condominium development.

BUILDING ARCHITECTURE

The plans for the pavilion show a simple open structure of wood columns and pre-engineered

wood trusses with a composite shingle roof. The structure design has been used at other YMCA facilities. The "hygiene hut" is a mobile structure with separate men's and women's restroom facilities, hot and cold water, lighting, and HVAC.

Both the pavilion and hygiene hut comply with zoning requirements of a minimum 50 foot setback from the property lines for all structures for this type of Conditional Use in a residential zoning district.

SITE CONSIDERATIONS

Portions of the property contain identified wetland areas, and the majority of the site remains wooded. Sidewalks are located along the Kenton Road frontage north of the site entrance and along the Walker Road frontage. Various utility infrastructure components are also found along the road frontages. A stormwater pond is found adjacent to the property at the intersection of Walker Road and Kenton Road.

Entrances

The site is accessed by two driveways. The driveway from Kenton Road at Fox Hall Road is approximately 12 feet wide. There are right and left turn lanes from Kenton Road. The second driveway is approximately 17 feet wide and is located off Walker Road near Harmony Lane. Walker Road at this location has paved shoulders on both sides without marked turn lanes. The applicant has indicated the intention to establish a one-way traffic pattern whereby traffic enters from Kenton Road and exits to Walker Road.

Sidewalks

The site plan proposes a new sidewalk to be installed on the northwest side of the Kenton Road entrance driveway, connecting to the existing sidewalk along the Kenton Road frontage. A sidewalk does not exist on the Kenton Road frontage southeast of the entrance.

Waiver Request for Partial Elimination of Sidewalk Requirement

The applicant is requesting a waiver to eliminate the requirement to install a sidewalk along the Kenton Road frontage southeast of the entrance drive. In their written waiver request, the applicant notes that perimeter fencing and a variety of utility structures are found along the roadside. Future DelDOT improvement plans may necessitate reconfiguration of the right-of-way and relocation of utilities, at which time sidewalk construction could take place.

Lighting

The existing Site Plan indicates three (3) light fixtures on poles in the parking area, and two (2) near the entrance to the pool house. No additional lighting is proposed.

Trash

There is no requirement for dumpsters in residentially zoned districts. Trash collection must be provided by a private contractor per comments from the Department of Public Works. Due to the non-residential use of the property a dumpster enclosure is recommended if the applicant requires a dumpster to serve the needs of the property.

Signage

No signage is shown in the proposed plan. Any signage must be approved through a separate sign approval and permitting process.

PARKING SUMMARY

The parking requirement for such a conditional use in an R-10 zoning district is not established, and the *Zoning Ordinance* does not have a parking calculation specific to pools. The number of employees was not identified, and parking demand likely varies due to the seasonal use patterns of an outdoor recreation facility. The proposed parking is reduced by one space from the current condition (125 spaces) to a total of 124 spaces. The number of ADA parking spaces is increased from 2 to 5 by revised marking and the reallocation of one standard parking space.

The applicant is reminded that parking on grass surfaces is prohibited.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one for every twenty parking spaces. Based on the number of parking spaces at 124, then seven (7) bicycle parking spaces are required. The plan indicates seven (7) bicycle parking spaces will be provided by racks on-site located adjacent to the sidewalk entering the facility from Kenton Road.

LANDSCAPE PLAN

The total woodland area prior to proposed site improvements is 714,384 SF (16.4 acres). Following the proposed tree removal, the woodland area to be preserved is 704,236 SF (16.19 acres). The woodland clearance proposed is approximately 1.42% (10,148 SF) of the total pre-project woodland area and does not approach the 50% tree clearing threshold requiring a tree mitigation plan.

The planting of thirty-one (31) trees is required based on the total amount of non-woodland area (92,912 SF) on the site following clearance for the pavilion site and tree clearing for the proposed sewer utility line.

The applicant proposes tree planting along the entrance driveway from Kenton Road, inside the property line adjacent to the Kenton Road frontage northwest of the entrance, and between the parking lot and the new playground area. Additional trees are proposed on the property adjacent to the stormwater pond at the corner of Kenton Road and Walker Road. The proposed trees consist of a mix of deciduous trees, ornamental trees and shrubs, and evergreen trees and shrubs.

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 be updated with changes recommended or approvals including any waivers granted by the Planning Commission. Add to plan as reference notes.

2) Plan Sheet Revisions:
   a) Label dimensions of all existing and proposed structures.
   b) Label dimensions of proposed play area.
   c) Provide label legend(s).
   d) Provide legend/description of identified soil types.

e) The Site Data Column will need to be updated prior to Final Approval with the following:
   i) Provide Floor Area Ratio for project site.
   ii) Any changes recommended or approvals including information on any waivers granted by the Planning Commission.

3) Proposed Hygiene Hut
   a) Provide details on necessary service connections.
   b) Indicate paths and accessibility to the hut.

4) The proposed sidewalk entering the property should terminate in an ADA approved ramp. Provide detail on the Site plan.

5) Add construction details for proposed site elements such as bicycle racks and sidewalks.

6) Provide a narrative description of proposed trash collection.

7) A dumpster enclosure is required. Provide description/details of construction materials and note proposed location on the Site Plan.

8) Documentation of agreements with the adjacent English Village Condominium Association with regards to the sewer connection easement must be provided and indicated on the Site Plan**.**

9) Add note to the Site Plan to indicate direction, power, and time of use for any outdoor lighting.

10) If a Record Plan is required by another agency, then submission is also required to the Planning Office for review and approval.

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

1) <u>Waiver Request- Elimination of Sidewalk Requirement:</u> Staff recommends that the Waiver Request be granted recognizing the potential impact of future DelDOT capital improvements on Kenton Road. Staff accepts the proposed option of payment in lieu of sidewalk construction as outlined in the DelDOT comments. The applicant would pay into the Kent County Sidewalk and Multi-Use Path Fund in lieu of constructing the sidewalk.

2) Provide details of contracted trash collection service, and indicate locations of proposed trash receptacles. Staff recommends construction of a dumpster enclosure to screen trash receptacles.

3) Provide clarification of the vehicle traffic patterns on the site as the main entrance drive appears to accommodate one-way traffic due to the drive width of 12 feet. Appropriate traffic control measures should be added to clearly indicate a one-way circulation pattern.

4) Proposed Pavilion:
   a) Provide a path to the pavilion structure. Indicate dimensions, location, and surface.

b) Indicate floor details of the pavilion (dirt, concrete, etc.).

ADVISORY COMMENTS TO THE APPLICANT:

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

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

3) In the event, that major changes and revisions to the Conditional Use Site Development Plan occur in the finalization of the Plan contact the Planning Office. Examples include reorientation of the buildings, relocation of site components like stormwater management areas, and increases in floor area count. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

4) For building construction, the requirements of the building code or fire code must be complied with. Consult with the Chief Building Inspector and City of Dover Fire Marshal for these requirements. The resolution of these items may impact the site design including such items as building dimensions and height, building openings, and fire protection needs, etc.

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

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

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

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

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 2, 2014

CITY OF DOVER Electric & Public Works Departments

APPLICATION: YMCA OF DELAWARE KENT SWIM CLUB

FILE #: C-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. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is now available on the website at the following link: http://www.cityofdover.com/Public-Documents-4017/.
2. The roadway and curbing must be in.
3. The right-of-way must be within 6" of final grade.
4. The property corners must be staked.
5. Owner is responsible for locating all water, sewer, and storm sewer lines.
6. Owner is responsible for installing all conduits and equipment pads per the City of Dover Engineering Department specifications.
7. Owner is responsible for site and/or street lighting.
8. Meter locations will be determined by City of Dover Engineering Department.
9. Load sheets and AutoCAD compatible DXF or DWG diskettes of site plans, including driveways, are required prior to receiving approved electrical construction drawings.
10. Any relocation of existing electrical equipment will be engineered by the City of Dover Electric Department. Developer may be required to perform a quantity of the relocation. Any work performed by the City of Dover will be at the owner's expense.
11. Prior to construction, owner is responsible for granting an easement to the City of Dover Electric Department. Easement forms will be furnished and prepared by the City of Dover Electric Engineering Department.
12. Fees will be assessed upon final site plans. The owner will be responsible for fees assessed prior to construction. Owner is required to sign off plans prepared by the Electric Department.
13. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
14. Prior to the completion of any/all designs and estimates, the owner is responsible for providing the Electric Engineering Department with a physical address of the property.
15. All Engineering and design for Dover Electric will be engineered upon final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
    b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
    c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
    b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes,

exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.

3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures, including cleanouts.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. The maximum spacing between cleanouts shall be 100 feet. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
6. Calculations must be submitted that prove the downstream sanitary sewer main can properly convey the proposed effluent produced by this project.
7. The minimum size of all sanitary sewer laterals shall be six-inch (6").
8. All structures containing food service facilities require the installation of a minimum 1,000 gallon, two chamber grease trap. All grease traps shall meet all current Kent County, Delaware Code of Ordinances requirements (Article III, § 180-13) A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.
9. Final site plan approval will not be granted until confirmation is made that the existing septic tank will be properly abandoned, per all DNREC requirements.

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.

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. No trees may be planted within ten feet (10') of underground utility infrastructure.
3. 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) month 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 / STORMWATER / STREETS /SANITATION / GROUNDS / GENERAL

1. None.

WASTEWATER

1. This plan proposes a connection to a private sanitary sewer main on the property owned by English Village. As this is not owned, operated or maintained by the City of Dover, an easement and maintenance agreement between YMCA and English Village prior to approval.
2. Further detail must be provided on the proposed "Hygiene Hut", including, but not limited to, plumbing fixtures and use. Depending on the information provided, further comments may be required.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

1. 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.
2. Depending on the additional number of fixtures proposed with this project, additional impact fees may be assessed to this property.

WASTEWATER

1. The proposed layout of sanitary sewer infrastructure will not be owned, operated or maintained by the City of Dover, it is considered private.
2. Prior to plan approval, the sanitary sewer system plans may be required to be submitted to the DNREC, Division of Water Resources, Surface Water Discharges Section for review and approval. The owner/developer is responsible for providing all application fees, completed forms and plan sets directly to DNREC.
3. Sanitary Sewer impact fees will be assessed to this property.

SANITATION

1. Sanitation service must be provided by a private contractor.

STORMWATER / STREETS / GROUNDS

1. None

GENERAL

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: April 9, 2014

CITY OF DOVER FIRE MARSHAL

APPLICATION: 825 Kenton Rd, YMCA of Delaware Kent Swim Club

FILE #: C-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:

CITY AND STATE CODE REQUIREMENTS:
Project to be completed per approved Site Plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:
Future building projects may require a fire hydrant placed within the complex

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.

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: April 2, 2014

DELDOT

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APPLICATION: YMCA of Delaware Kent Swim Club at 825 Kenton Road
FILE#: C-14-02 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. Per Section 3.6.5 of the Standards and Regulations for Subdivision Streets and State Highway Access Adopted February 15, 2010, an 80-foot wide right-of-way (40-feet from the centerline) is required for a major collector. According to the Kent County Classification Maps, KCR 157 (Walker Road) is classified as a major collector road. If the existing right-of-way does not have the proper width along the frontage of the site, the department will require 40-feet of right-of-way dedication from the innermost edge of the through lane for public use.

2. Per Section 3.6.5 of the Standards and Regulations for Subdivision Streets and State Highway Access Adopted February 15, 2010, an 80-foot wide right-of-way (40-feet from the centerline) is required for a minor arterial. According to the Kent County Classification Maps, KCR 104 (Kenton Road) is classified as a minor arterial road. If the existing right-of-way does not have the proper width along the frontage of the site, the department will require 40-feet of right-of-way dedication from the innermost edge of the through lane for public use.

3. ADA compliant sidewalk must be installed along the southern portion of the site on Kenton Road. However, the Department will allow a payment towards the Kent County Sidewalk and Multi-use path (MUP) Fund in lieu of constructing the sidewalk. The developer must submit to the Department an amount of $8,240 for the construction of the sidewalk. I have attached the cost and estimation spreadsheet of the sidewalk for your review. In addition, the

Letter of No Objection (LONOR) will not be released this project until the fee is received and processed by the Department.

4. In order to be issued an entrance plan approval, the Department will require the applicant to provide the proper forms, fees, and plans.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
April 2014

APPLICATION: *YMCA Delaware Kent Swim Club*

FILE #: C-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 conditional use site plan of the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

1. The sanitary sewer show on the plan may require a standard utility plan approval from the Conservation District.
2. 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.

CDA Engineering Inc.

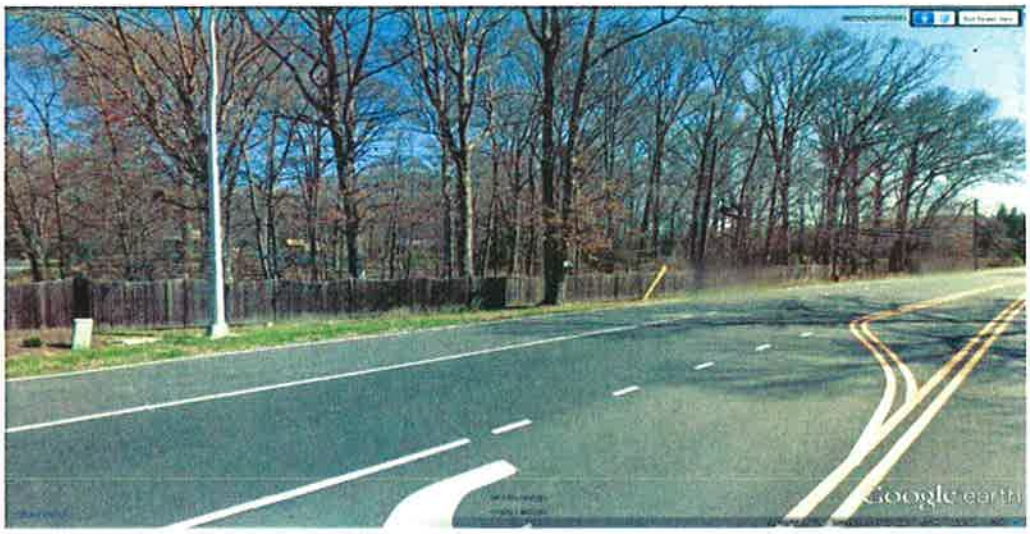
Civil/Site Engineering + Land Planning + Stormwater Management
6 Larch Avenue Suite 401 Wilmington, DE 19804
Tel: 302 998 9202 Fax: 302 691 1314 www.cdaengineering.com

March 6 2014

City of Dover Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903

SUBJECT: **YMCA: Conditional Use Plan at old Kent Swim Club**
Waiver Requests: Elimination of Sidewalk along portion of Kenton Road

On behalf of YMCA of Delaware, CDA Engineering is requesting the following waiver:
Waiver Request: Eliminate the Sidewalk Requirement along Property Frontages
As was discussed at the Pre-Application meeting, this sidewalk waiver is required to allow us to maintain the pre-existing sidewalk configuration along Kenton Road. Currently there are sidewalks along the limits of Kenton Road, extending from the Walker Road intersection south to the entrance drive accessing the YMCA site. This sidewalk extends along the frontage of the improved portion of Kenton and Walker Roads, as part of the DelDOT road improvement project . It is our understanding, when DelDOT extends improvements farther south along Kenton Road, the sidewalks could be installed at that time. There are current conflicts with electrical pedestals, light poles, hydrants, power poles, trees, and also perimeter fencing that would make the installation of the walks at this time, a difficult endeavor and may require relocation of existing utility structures and poles. Given the minimal scope of proposed improvements, this additional sidewalk would have significant impacts on the YMCA and could adversely impact schedule in having to coordinate with potential relocation of utility structures and inherent coordination with utility providers. The below image depicts a portion of the affected utility structures and poles, hydrants, and trees.



By granting this waiver, the City will allow YMCA to maintain this current walk configuration and will maintain continuous pedestrian access from Walker Road and areas north, to the existing entrance.

Sincerely,

Colmcille DeAscanis
Colmcille DeAscanis, P.E. LEED AP

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF April 9, 2014

PLANNING COMMISSION MEETING OF April 21, 2014

Plan Title:	Woodland Tree Clearing Plan of 560 Bay Road
Plan Type:	Site Development Plan (Woodland Tree Clearing Plan)
Property Location:	West side of Bay Road across from the Blue Hen Corporate Center
Property Addresses:	560 Bay Road, Dover
Tax Parcels:	ED-05-077.00-01-10.00-000
Owner:	S.H.E Holdings, LLC
Site Area:	12.9371 acres +/-
Zoning Classification:	C-4 (Highway Commercial Zone)
Waiver Requested:	Request to Exceed Maximum Tree Clearing on site Woodland Mitigation Plan Review

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: April 9, 2014

APPLICATION: Woodland Tree Clearing Plan at 560 Bay Road

FILE #: S-14-08 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:

This a Site Development Plan for Woodland Tree Clearing to permit the clearing of approximately 7.45 acres +/- of trees on a 12.67 acre +/- parcel. No buildings or paving are proposed by this plan. This proposal 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.

Previous Application

On April 19, 2010, the Planning Commission granted conditional approval of a Site Development Master Plan (S-10-03) for the construction of a four commercial retail buildings known as the South Dover Plaza on the properties at 560 and 600 Bay Road. The project was granted an extension of approval for the start of Phase 1 on March 21, 2011 and a second extension of approval on February 21 2012. As a result of the extensions, the approval for the South Dover Plaza project was to expire on April 30, 2013. The plan has expired as the Administrative Site Plan for first phase was not finalized and no construction activity commenced. An associated application (V-10-02) to the Board of Adjustment where variances associated with required lot width per building were granted in March 2010 has also expired.

SITE CONSIDERATIONS

Site Entrance

The site will utilize the existing access point to Bay Road (labeled as U.S. Route 113) in the northeast corner of the property to serve as the stabilized construction entrance for the proposed tree clearing project. The site does not have sidewalks along the Bay Road frontage; however, the implementation of sidewalks will not be required for consideration of this Woodland Clearing Plan. Permanent site entrances and street frontage sidewalks will be reviewed with any future redevelopment plan for the property.

TREE CLEARING PLAN

A written waiver request to exceed the maximum amount of tree clearing on the property at 560 Bay Road and Woodland Mitigation Plan has been submitted to the Planning Office for consideration by the Planning Commission.

Waiver Request: Request to Exceed Woodland Clearing

The site has approximately 7.45 acres of woodland as shown on the Tree Clearing Plan sheet and documented in the Woodland Delineation Report (dated May 2005) for the project site. The Site Plan proposes to clear all of the woodland on the site. The proposal to clear all of the woodland on the site exceeds the 50% amount of woodland clearing permitted in the *Zoning Ordinance*. (Article 5 Section 16.53). A waiver to exceed the 50% clearing of woodland may be granted by the Planning Commission; however, mitigation for the tree clearing occurs in the form of planting new woodland areas. (Article 5 Section 16.91b). See excerpt from *Zoning Ordinance*.

Article 5 §16.9 Tree mitigation.

16.91 Planning commission waiver. The planning commission may waive the provisions of [sub]sections 16.52, 16.53, and 16.62, and require replacement planting for mitigation purposes should the planning commission determine, after demonstration by the applicant, that due to physical limitations of the land which would otherwise prohibit the reasonable use of the land, or for purposes of preserving, protecting and promoting the interest of public health, safety, welfare and/or public convenience. All tree mitigation plantings must occur within the corporate limits of the City of Dover. Tree mitigation may occur off-site in accordance with the provisions listed below in this ordinance:

(a) If a waiver is sought from the provisions of § [subsection] 16.62, new tree plantings are required at a rate of 1:1. All new tree plantings shall meet the minimum size at planting requirements of the City of Dover table of trees.

(b) If a waiver is sought from the provisions of § [subsection] 16.52 and/or § [subsection] 16.53, then mitigation must be in the form of newly created woodland areas. New woodlands shall be created at a rate of 1.25 times the amount of woodlands to be removed. A woodland mitigation plan shall be prepared by a licensed forester, landscape architect, or certified nursery professional, for the consideration of the planning commission.

(c) All tree mitigation must occur on-site unless an off-site location is specifically approved by the planning commission. When considering off-site locations for tree mitigation, the commission shall consider:

1) A physical hardship related to the land which would otherwise prohibit compliance on the subject site;

2) Whether the mitigation plan proposed by the applicant is superior in terms of environmental benefits, tree quantity, or aesthetic qualities compared to strict compliance with the ordinance on-site.

In this case, the mitigation shall occur as newly created woodland at a rate of 1.25 times the amount cleared. For this site the existing woodland area is 7.45 acres whereas, 3.725 acres could be cleared without mitigation. For the remaining 3.725 acres of woodland cleared above the maximum clearing threshold, the new woodland area must be 4.65 acres. Plan indicates the cleared area will be stabilized with grass plantings.

Review of Woodland Mitigation Plan

Tree mitigation shall occur on-site unless an off-site location is approved by the Planning Commission (*Zoning Ordinance*, Article 5 Section 16.91c). The tree mitigation for this site was

proposed to occur on a State-owned parcel of land located on Kenton Road known as the Anne McClements Woodland Tract (Fork Branch Nature Preserve) in a Mitigation Plan previously approved by the Planning Commission in 2010. The details of the tree planting plan were outlined in the Forest Mitigation Plan Report (Dated March 2006 and as proposed for amendment by letter of 10/16/2009).

A plan sheet entitled Woodland Mitigation Plan (dated 3/1/2006) shows the areas of potential planting on the east side of Kenton Road. The plan shows planting in three areas: Old Field Mitigation Area of 0.3241 acres, Scrub/Shrub Mitigation Area of 1.7937 acres, and Agricultural Mitigation Area of 2.8920 acres. This totals to 5.0098 acres+/- for the mitigation planting areas. The Letter of 10/16/2009 describes the planting of 140 trees throughout a 2.12 acre field and a 2.9 acre scrub-shrub/forested area. Copies of the Woodland (Forest) Mitigation Plan Report (March 2006 and as proposed for amendment by letter of 10/16/2009) have been provided.

A note on the Tree Clearing Plan indicated that the Woodland Mitigation Plan (of March 2006) was implemented and the mitigation was completed on October 17, 2013 and a letter of October 25, 2013 documenting the planting of 140 trees. Thus, the Woodland Mitigation Plan was implemented prior to the tree clearing on the subject site.

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) **Review of the application by the City's Property Maintenance/Code Enforcement Division notes that the property owner S.H.E. Holdings, LLC has outstanding fines related to violations on the property at 600 Bay Road. The provisions of the "Clean Hands Ordinance" prohibit City actions and approvals associated with delinquent properties. In accordance with the provisions of *Dover Code, Chapter 1, Sec. 1-13. Denial of permits or approvals for failure to comply with requirements for payment, actions, or filing* these outstanding fines must be paid prior to action by the Planning Commission on the subject application S-14-08. Contact the Code Enforcement Division at (302)736-7010 for more information.**

2) The maximum amount of tree clearing shall be complied with in accordance to the Zoning Ordinance unless a waiver is granted by the Planning Commission and acceptance of the Woodland Mitigation Plan (as already implemented) is also approved as the mitigation for the tree clearing. A written waiver request to exceed the maximum amount of tree clearing has been submitted to the Planning Office for consideration by the Planning Commission.

3) A letter of October 25, 2013 from DNREC – Delaware Division of Parks and Recreation documents the completion of the initial tree plantings as outlined to be implemented in the Woodland Mitigation Plan. Also submit to the Planning Office copies of the Monitoring Reports on the five acre mitigation site in the Fork Branch Nature Preserve following the completion of any monitoring activities.

4) Revise the following on the Tree Clearing Plan:
   a. Revise the street name from U.S. Route 113 to Bay Road on all Plan Sheets. This street segment is no longer identified as U.S. Route 113.
   b. The building on the Lands of Peterson is not a restaurant building; update.
   c. Update ownership of property at 600 Bay Road (shown as owned by H.B.H Investors).

5) Provide the following information in the Plan Data Column on the Tree Clearing Plan Sheet:
   a. The Plan will need to be updated to reflect any changes recommended or approvals or waivers granted by the Planning Commission.
   b. List the amount of existing woodlands.
   c. Check number of Plan Data column items.
   d. Item #27 – list the date of Planning Commission action on the Off-Site Tree Mitigation Plan.
   e. Delete Item #27 that refers to Planning Commission review of architectural elevations.
   f. Delete Item #35 that refers to the Board of Adjustment action on the lot width variance. The approval of this variance has expired.
   g. Delete Item #40 as lane closures will not apply to this tree clearing project.
   h. In the Sequence of Construction, add a requirement for a City of Dover Administrative Building Permit to track tree clearing project and add notification of the Kent Conservation District.

6) Indicate the following on the Woodland Mitigation Plan Sheet.
   a. Indicate the number of trees planted and types of trees planted.
   b. Reference the Report documents and any approved modifications.
   c. Indicate any special conditions for management of the mitigation plantings.
   d. Document implementation of Woodland Mitigation Plan and monitoring.

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

1) <u>Recommendation on Waiver Requests</u>:
   a. <u>Exceed maximum amount of woodland clearing:</u> Staff recognizes the poor quality make-up of the existing woodland on the property at 560 Bay Road and recommends the applicant maintain any woodland area not proposed for development while pursuing approval of a Woodland Mitigation Plan for the areas exceeding the clearing maximum.

   b. <u>Woodland Mitigation Plan:</u> Staff supports the Woodland Mitigation Plan developed in conjunction with DNREC-Division of Parks & Recreation for the McClements Woodland Tract at the Fork Branch Nature Preserve (Forest Mitigation Plan dated March 2006 and as proposed for amendment by Letter of 10/16/2009). Staff recommends acceptance of the Mitigation Plan as implemented in 2013. The Plan mitigates the successional poor quality woodland located on the property at 560 Bay Road with a quality reforestation of a large contiguous natural area.
      i. Staff requests copies of the annual Forest Monitoring Reports. Document of completion of the initial planting has been received.

ADVISORY COMMENTS TO THE APPLICANT:

1) In the event, that major changes and revisions to the Tree Clearing Site 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 and commissions making recommendations in regards to the plan.

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

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. An Administrative Building Permit application will be required to track the activities of the Tree Clearing.

5) Tree clearing activities may have an effect on the adjacent properties. Any work requiring the closing or rerouting of residents or visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience to the adjacent property owners.

6) The applicant shall be aware that Site Development Plan review and approval will be required for the redevelopment of the property including any proposed addition of impervious surfaces, buildings, etc. to the existing property.

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: APRIL 2, 2014

CITY OF DOVER Electric & Public Works Departments

APPLICATION: Woodland Tree Clearing Plan, 560 Bay Rd

FILE #: S-14-08

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

1. No objection to this proposal.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

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

1. In the future, if this site is developed, it shall be held to all applicable requirements of the City of Dover, pertaining to Site Plan or Subdivision submission.

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: April 2, 2014

D E L D O T

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APPLICATION: Woodland Tree Clearing Plan of 560 Bay Road
FILE#: S-14-08 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
April 2014

APPLICATION: *Woodlands Tree Clearing Plan 560 Bay Road*

FILE #: S-14-08

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. ***As of January 1, 2014 the new Delaware Stormwater Regulations have taken effect.***
2. A ***Stormwater Assessment Study*** (SAS) package must be submitted to the Kent Conservation District prior to a pre application meeting being scheduled.
3. As the disturbance for this site will exceed 5,000 square feet, a detailed sediment and stormwater management plan must be reviewed and approved by our office prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to our office. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.
4. The following notes must appear on the record plan:
    - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
    - The Kent Conservation District reserves the right to add, modify, of delete any erosion or sediment control measure, as it deems necessary.
    - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.
5. A soils investigation supporting the stormwater management facility design is required to determine impacts of the seasonal high groundwater level and soils for any basin design.

ADVISORY COMMENTS TO THE APPLICANT:

1. The change in land use cover requires that the project be subject to sediment and stormwater management plan approval.
2. Green Technologies (bio retention, bio swales etc.) must be considered before traditional facilities can be considered.
3. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
4. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
5. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

PETITION TO AMEND ZONING ORDINANCE TEXT

Report to the
Dover Planning Commission
April 21, 2014

Proposed Change:	Amendment to *Zoning Ordinance*, Article 3 –District Regulations, Section 2 – General Residence Zones (RG-1 and RG-2), to add a new conditional use.
Summary of Amendment:	The proposed amendment was sponsored by members of City Council in response to a constituent request. The amendment would add allow for professional offices as a conditional use within the General Residence Zones on State Street and Governors Avenue between Mary and Water Streets and on the entirety of Route 8. Maps are provided as an attachment to this report to show what parcels currently meet the criteria to be considered for professional offices under the proposed amendment.
Ordinance Number:	2014-05
File Number:	MI-14-02

CITY OF DOVER PROPOSED ORDINANCE #2014-05

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General residence zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses, of the Dover Code be amended by re-designating existing subsection (d) as subsection (e), and inserting a new subsection (d) to read as follows:

(d) Professional offices may be permitted on State Street and Governors Avenue between Water Street and Mary Street, and on Route 8 in its entirety, subject to the following restrictions:

i. The office operations shall be conducted in such a manner as to maintain the residential character of the surrounding neighborhood, and no changes or improvements shall be made to the premises which might preclude utilization of the premises for residential purposes in the future.
ii. There shall be no other professional office located in the same zoning district within 250 feet of the premises.
iii. No display of products or goods shall be visible from the street.
iv. There shall be no exterior effects such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.
v. A minimum of two (2) off-street parking spaces shall be required.
vi. No more than four (4) off-street parking spaces shall be permitted. Furthermore, all off-street spaces shall be visually screened from adjacent residential uses, to the greatest extent possible, by employing a landscape screen no less than six and one half (6½) feet high, which landscape screen shall be properly maintained throughout the duration of the professional office use on the subject premises.
vii. Signage shall be limited to one (1) sign, not to exceed six (6) square feet in area. No sign may be illuminated.
viii. The hours of operation shall not commence prior to 6:00 a.m. and shall cease no later than 8:00 p.m., with no more than six (6) employees engaged in the operations upon the premises at any given time.
ix. The Planning Commission shall have the authority to impose such additional conditions and restrictions as may be necessary or appropriate to protect the general health, safety, and welfare of the residents of surrounding properties.

ADOPTED: *

S:\ORDINANCES\2014\DRAFT\Ordinance #2014-05 Amending Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General Residence-First Reading.wpd

SYNOPSIS

The proposed ordinance would allow 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 in its entirety, subject to a series of restrictions. Under the proposed ordinance, the establishment of such an office would be subject to conditional use approval, which includes a public hearing before the Planning Commission.

(SPONSORS: BONAR, HUTCHISON, AND LYNN)

Actions History

03/24/2014 - Scheduled for First Reading
03/10/2014 - Introduced at Parks, Recreation, and Community Enhancement Committee

Draft

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: APRIL 2, 2014

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **TEXT AMENDMENT: REVISIONS TO CONDITIONAL USES IN RG-1/RG-1**

FILE #: **MI-14-02**

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

CONTACT PERSON: **Aren Wright - Electric**
Jason A. Lyon – 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 / WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. Our office has no objections to the proposed amendments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

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

1. None.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 04/09/14

CITY OF DOVER FIRE MARSHAL

APPLICATION: Revisions to Conditional Uses in RG-1/RG-2

FILE #: MI-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:

CITY AND STATE CODE REQUIREMENTS:

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. Label all suites

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.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

Any change of use will need building and fire plan review and approval

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.

EXCERPTS FROM DRAFT MEETING MINTUES OF THE DOVER CITY COUNCIL MEETING OF MARCH 24, 2014

FROM PAGE 1 and PAGE 2

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on March 24, 2014 at 7:30 p.m. with Council President Bonar presiding. Council members present were Mr. Anderson, Mr. Dixon, Mr. Perza, Mr. Slavin, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mr. Lynn was absent.

Council staff members present were Police Chief Hosfelt, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Fire Chief Carey, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Carey was also present.

OPEN FORUM

The Open Forum was held at 7:15 p.m., prior to commencement of the Official Council Meeting. Council President Bonar declared the Open Forum in session and reminded those present that Council was not in official session and could not take formal action.

Mr. EShed Alston, 406 Arnold Court, stated that his family name, Alston, is Swedish in origin and that there is a rural marker designated "Alston Branch" en route to Smyrna. He advised members that he recently attended a Federal District Court hearing for a case involving dog fighting and cruelty to animals charges against Mr. Hazzard. He reminded members that last year, he and Professor Jahi Issa were threatened with a pit bull dog. They attempted to use the same prosecutory authority on their behalf but to no avail. Mr. Alston expressed his belief that there is a status arrangement in the State of Delaware whereby a black dog has better civil rights than a black man. He explained that the State of Delaware will prosecute when a black litigant, in this case, Mr. Hazzard, uses a black dog as an instrument of crime. However, a black dog was used by a Caucasian as an instrument of crime against himself and Dr. Issa, and no action had been taken as of one (1) year later. Mr. Alston stated that the goal should be for everyone to have a cohesive understanding for the betterment of the entire community. He stated that limitations should not be placed on a citizen's right to be heard but rather on the government. It was his opinion that the state that had existed the longest, Delaware, had changed the least in this regard.

Mr. Joseph D'Urso, 305 N. State Street, relayed concerns regarding Proposed Ordinance #2014-05, which would allow professional offices as a conditional use within the General Residence Zones on State Street and Governors Avenue between Water Street and Mary Street, and on Route 8 in its entirety. He stated that he, his family, and neighbors were most concerned about safety issues. Mr. D'Urso also expressed concern regarding the proposed boundaries, explaining that his property is located between Mary Street and Hazel Street and that the proposed ordinance extends to Mary Street. He requested that consideration be given to extending the boundary to Washington Street to bring it into conformity with the present RG-1 zoning classification. *(City Clerk's Office Note: Proposed Ordinance #2014-05 was scheduled for consideration during the latter part of the meeting.)*

Ms. Yvonne Hall, 228 N. State Street, stated that she was not opposed to Proposed Ordinance #2014-05; however, she requested reassurance that there would not be changes to the appearance of the City's Victorian/Historic District. She advised members that she, along with several other neighbors, wanted to be sure that there would not be additional apartments, explaining that there had been several issues involving those apartments currently established in the area. Ms. Hall noted that there were 21 homes along North State Street that currently have an RG-1 zoning
classification and that these homeowners desire assurance that there will not be a lot of changes that would affect their neighborhood. She indicated that the property owners along North State Street are not currently provided safety and the area is not quiet or trash free. Ms. Hall explained that these residents were requesting assurance of ample parking if businesses are permitted, since there was currently a lack of parking. *(City Clerk's Office Note: Proposed Ordinance #2014-05 was scheduled for consideration during the latter part of the meeting.)*

Mrs. Nancy Gardner, 213 N. State Street, stated that she and her husband had been residents for 40 years and had seen all types of changes during that time - some for the better and others for the worse. She felt that if the changes were made as stipulated in Proposed Ordinance #2014-05, then the City must enforce them equitably. She noted that she resided between two (2) buildings, one (1) of which was converted from single-family to multi-rental, and had not observed equitable attention to either historic district requirements or the law/spirit under which the historic district was created. Mrs. Gardner indicated that she had observed substantial violations of building codes, etc., and realized that the City works extremely hard in code enforcement in those neighborhoods that have more difficulty. She stated that it had become apparent that she and her husband should live in a one
(1) floor dwelling; however, selling their home, which is located between two (2) buildings that are non-conforming and continuously becoming more non-conforming, would be difficult and frustrating. In addition, Mrs. Gardner suggested that residents be notified of any proposed amendments through the media, such as the local newspapers, rather than being dependent upon neighbors. *(City Clerk's Office Note: Proposed Ordinance #2014-05 was scheduled for consideration during the latter part of the meeting.)*

Responding, Mrs. Ann Marie Townshend, Director of Planning and Community Development, explained that Proposed Ordinance #2014-05, which amends the Zoning Code, would have a First Reading, public hearings before both the Planning Commission and City Council, and a Final Reading prior to adoption. She noted that the public hearings would be advertised in the newspaper. Mrs. Townshend offered to meet with anyone with questions prior to these public hearings if the matter was referred beyond a First Reading.

At the request of Mr. Slavin, Mrs. Townshend explained that the process for consideration of a zoning text amendment involves two (2) months of meetings prior to any final action being taken.

Ms. Paula Kinsey, 224 N. State Street, reminded members that, two (2) years ago, members of City Council authorized her to open "Tea for Two" at 224 N. State Street. She indicated that it had been very successful and had served thousands of people from all over the State of Delaware. For years, she had heard that Dover needed "something" and suggested that "Tea for Two" should be only a beginning and that other such improvements should continue along State

Street. Ms. Kinsey stated that Wesley College had beautiful office buildings and business localities on State Street. However, she felt that the area around The Green was deteriorating rather than improving, noting that the buildings were in disrepair and appearing more commercialized. She advised members that properties along State Street continued to deteriorate, with buildings becoming fire hazards, etc., and felt that the City should review the area for possible improvements.

The invocation was given by Councilman Perza, followed by the Pledge of Allegiance.

EXCERPTS FROM PAGE 8 and PAGES 9-12

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - MARCH 10, 2014

The Parks, Recreation, and Community En ancement Committee met on March 10, 2014 with Chairman Dixon presiding.

Proposed Ordinances Amending Appendix B - Zoning, Article 3 - District Regulations

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the proposed ordinances amending Appendix B - Zoning, Article 3 - District Regulations, were being presented at the request of Mr. John Paradee, on behalf of his clients, and that the required sponsorship from members of City Council had been obtained.

#2014-05 Amending Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses (Sponsors: Bonar, Hutchison, and Lynn)

Mrs. Townshend explained that Proposed Ordinance #2014-05 would amend Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses by allowing 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 in its entirety. The proposed ordinance includes provisions that would protect the character of the residential area and would allow professional offices as a conditional use, subject to a public hearing and review by the Planning Commission.

Staff recommended adoption of Proposed Ordinance #2014-05.

Responding to Mr. Hutchison, Mrs. Townshend stated that most of the properties along State Street and Governors Avenue would be subject to the proposed amendment. She noted that the Wesley College properties are not zoned General Residence. She indicated that the proposed amendment would primarily affect the older Victorian homes along State and Division Streets; however, it was her estimation that there was not a large number of such properties.

In response to Mr. Perza regarding feedback from members of the residential communities along State Street, Governors Avenue, or Route 8 regarding this proposal, Mrs. Townshend stated that Mr. Rhett Ruggerio, the property owner who requested the proposed amendment, in conjunction with his attorney, Mr. John Paradee, met and worked very closely with the neighbors of his property (north of Division Street - Delaware Avenue, Pennsylvania Avenue, Maple Avenue, etc.) to address any concerns they may have had. Mrs Townsend reminded members that Mr. Ruggerio originally requested a rezoning; however, due to the large variety of uses allowed in the General Residence and Office (RGO) zone and not allowed in the General Residence Zone, the residents seemed more comfortable with the conditional use approach within the residential zone. She noted that owners were having difficulty selling older Victorian homes along State and Division Streets and that the proposed amendment would assure that the properties are maintained.

Mrs. Townshend explained that the process would require an application for each property to the Planning Commission and would provide required public notices and public hearings, etc. She confirmed that there were parking requirements which would be regulated through the permit process.

The Committee recommended adoption of Proposed Ordinance #2014-05, as recommended by staff.

During the Council Meeting of March 24, 2014, members considered the Proposed Ordinance.

Mr. Anderson moved for approval of the Committee's recommendation, seconded by Mr. Hutchison.

Mr. Slavin noted that the proposed amendment was initiated after a single rezoning request for property located on Division Street did not receive support. He questioned why this matter was now being presented for all properties along Division Street and some property along State Street. Responding, Mrs. Townshend explained that the individual rezoning request, for property located on Division Street, was for a zoning classification of General Residence and Office (RG-O). She indicated that the neighboring residents were very concerned with the array of uses permitted in the RG-O zoning classification, which could include apartments. During the public hearing before the Planning Commission, these concerned residents indicated that they were not in opposition to an office but were in opposition to the other permitted uses within the RG-O zoning classification. At that point, she indicated that there was discussion regarding the possibility of creating a very narrowly defined conditional use that would allow professional offices with proper distancing requirements within the RG-1 and RG-2 zones along those major roads, rather than changing the zoning of the property, which would allow uses that would be considered objectionable.

Referring to the off-street parking requirements for offices, Mr. Slavin stated that this would require traffic to flow through the alleyways of North State Street (both east and west alleys) near many of the properties along Division and State Streets. Confirming, Mrs. Townshend stated

that a minimum of two (2) parking spaces would be required for off-street parking, which is the same requirement

for a residence, and a maximum of four (4) parking spaces; therefore, these requirements would limit the size of any type of office establishment. As a resident who lives along one (1) of those alleys, Mr. Slavin relayed his concern that these alleys are not engineered for additional traffic.

In response to Mrs. Williams, Mrs. Townshend explained that, if the ordinance were adopted, a conditional use application would be required for any professional office to be established in the area. As a result, information relevant to a specific property would be submitted and public notice would be provided that would include a mailing to property owners within 200 feet, a legal ad in the newspaper, and posting at the property. At that point, residents would be given the opportunity to express their concerns. She concurred that there may be properties that cannot feasibly provide the specific requirements, but there are others than can. She reminded members that with a conditional use application, these types of issues and requirements are reviewed by the Planning Commission on an individual basis. Mrs. Townshend indicated that there had been instances where a request for a conditional use had been granted and the property owners/tenants had violated the conditions of the conditional use. When the City becomes aware of violations, staff documents them and then presents them to the Planning Commission for consideration of revoking the conditional use.

Referring to concerns relayed during the Open Forum regarding the potential effect of the proposed amendment on the Historic District and being aware that the City's Victorian District, which encompasses portions of North State Street, is on the National Register of Historic Places, Mr. Slavin requested clarification regarding the City's Historic District. Responding, Mrs. Townshend stated that the City's Historic District includes properties on State Street to Delaware Avenue; therefore, the proposed amendments would not affect properties within the City's Historic District. As a result, any conditional use application would go only before the Planning Commission for their review and would not require a review by the Historic District Commission, unless the City were to change the Historic District boundaries.

The motion to approve the Committee's recommendation for adoption of Proposed Ordinance #2014-05 was unanimously carried. *(The First Reading of Proposed Ordinance #2014-05 will take place during the latter part of the meeting.)*

The Parks, Recreation, and Community Enhancement Committee Meeting was held on March 10, 2014, at 3:31 p.m. with Chairman Dixon presiding Members present were Mr. Hutchison, Mr. Perza, Mr. Caldwell, and Mrs. Horsey (arrived at 3:33 pm).

Proposed Ordinances Amending Appendix B - Zoning, Article 3 - District Regulations

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the proposed ordinances amending Appendix B - Zoning, Article 3 - District Regulations, were being presented at the request of Mr. John Paradee, on behalf of his clients, and that the required sponsorship from members of City Council had been obtained.

#2014-05 Amending Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses (Sponsors: Bonar, Hutchison, and Lynn)

Mrs. Townshend explained that Proposed Ordinance #2014-05 would amend Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses by allowing 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 in its entirety. The proposed ordinance includes provisions that would protect the character of the residential area and would allow professional offices as a conditional use, subject to a public hearing and review by the Planning Commission.

Staff recommended adoption of Proposed Ordinance #2014-05.

Responding to Mr. Hutchison, Mrs. Townshend stated that most of the properties along State Street and Governors Avenue would be subject to the proposed amendment. She noted that the Wesley College properties are not zoned General Residence. She indicated that the proposed amendment would primarily affect the older Victorian homes along State and Division Streets; however, it was her estimation that there was not a large number of such properties.

In response to Mr. Perza regarding feedback from members of the residential communities along State Street, Governors Avenue, or Route 8 regarding this proposal, Mrs. Townshend stated that Mr. Rhett Ruggerio, the property owner who requested the proposed amendment, in conjunction with his attorney, Mr. John Paradee, met and worked very closely with the neighbors of his property (north of Division Street - Delaware Avenue, Pennsylvania Avenue, Maple Avenue, etc.) to address any concerns they may have had. Mrs Townsend reminded members that Mr. Ruggerio originally requested a rezoning; however, due to the large variety of uses allowed in the General Residence and Office (RGO) zone and not allowed in the General Residence Zone, the residents seemed more comfortable with the conditional use approach within the residential zone. She noted that owners were having difficulty selling older Victorian homes along State and Division Streets and that the proposed amendment would assure that the properties are maintained.

Mrs. Townshend explained that the process would require an application for each property to the Planning Commission and would provide required public notices and public hearings, etc. She confirmed that there were parking requirements which would be regulated through the permit process.

Mr. Hutchison moved to recommend adoption of Proposed Ordinance #2014-05, as recommended by staff, seconded by Mrs. Horsey and unanimously carried.

Exhibit Map
Proposed Ordinance
#2014-05

Map 1 of 3

Downtown Dover Area

N

LEGEND

- Zoned RG-1, RG-2
- Defining Streets
- Zoning Districts
- Dover Parcels
- Historic District
- Corridor Overlay Zone
- City Limits

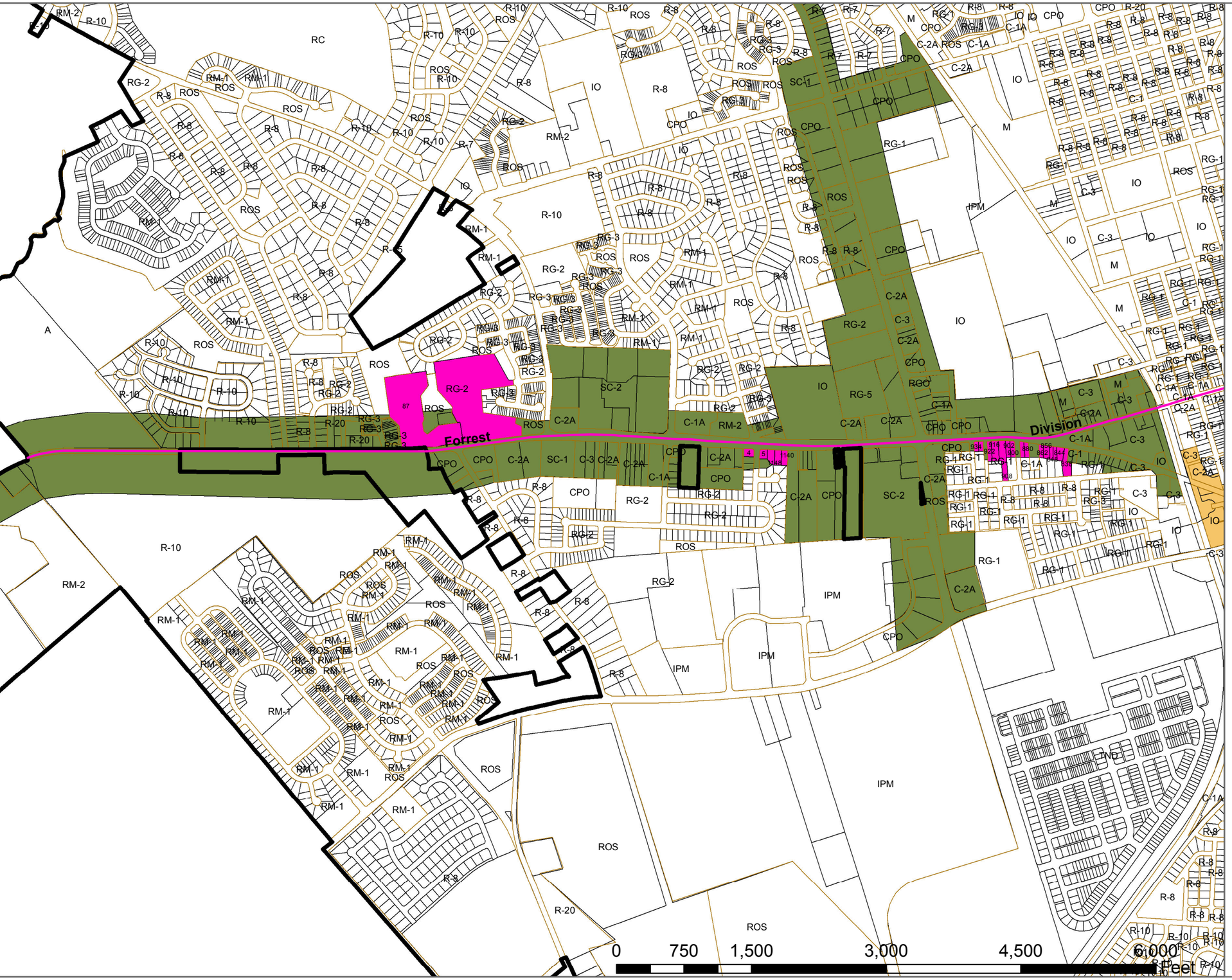
0 325 650 1,300 1,950 2,600 Feet

MI-14-02

Exhibit Map
Proposed Ordinance
#2014-05

Map 2 of 3

West of Downtown



LEGEND

- Zoned RG-1, RG-2
- Defining Streets
- Zoning Districts
- Dover Parcels
- Historic District
- Corridor Overlay Zone
- City Limits

MI-14-02

Exhibit Map
Proposed Ordinance #2014-05

Map 3 of 3

East of Downtown

N

LEGEND

- Zoned RG-1, RG-2
- Defining Streets
- Zoning Districts
- Dover Parcels
- Accident Potential Zone
- 65 Noise Zone A
- 70 Noise Zone B
- 75 Noise Zone C
- 80 Noise Zone D
- City Limits

0 600 1,200 2,400 3,600 4,800 Feet

MI-14-02

PETITION TO AMEND ZONING ORDINANCE TEXT

Report to the
Dover Planning Commission
April 21, 2014

Proposed Change: Amendment to *Zoning Ordinance*, Article 3 – District Regulations, Section 17 – Shopping Center Development (SC-1, SC-2 and SC-3), to add a new use to the SC-2 (Community Shopping Center) zone and add to add a new use to the SC-3 (Regional Shopping Center) zone.

Summary of Amendment: The proposed amendment was sponsored by members of City Council in response to constituent requests. There are two pieces of this amendment:

1. The addition of "light motor vehicle service" as an accessory use to a permitted use with certain restrictions in the SC-2 Zone.

   Properties within the City that are zoned SC-2 include Greentree Shopping Center, Gateway West, Bay Court Plaza, Edgehill Shopping Center, Center at Dover (Kohl's, AC Moore, etc.), North Dover Shopping Center (Acme, TJ Maxx, etc.), Dover Mart, Home Depot, former Berry Van Lines property at Leipsic Road and Route 13, Delaware State University property at southwest corner of College Road and Route 13, and Carroll's Corner.

2. The addition of apartments as part of a mixed use development, in accordance with specified bulk standards, in the SC-3 Zone.

   Properties within the City that are zoned SC-3 include Dover Mall and Blue Hen Corporate Center.

Comments: At the March 10, 2014 meeting of the Parks, Recreation and Community Enhancement Committee, the Committee heard public testimony in opposition to the proposed amendment to the SC-3 Zone. A copy of the Committee meeting minutes is attached, along with the draft City Council minutes from March 24, 2014 where the proposed ordinance was discussed on the floor of City Council.

Ordinance Number: 2014-06

File Number: MI-14-03

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2014-06

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Appendix B - Zoning, Article 3 - District Regulations, Section 17 - Shopping Center Development [(SC-1, SC-2 and SC-3)], Subsection 17.32 be amended by adding a new paragraph 6 to read as follows:

6. Light motor vehicle service accessory to a permitted use, provided that all work is completed inside a building and that no automobiles are stored outside.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 3 - District Regulations, Section 17 - Shopping Center Development [(SC-1, SC-2 and SC-3)], Subsection 17.33 be amended by striking the text indicated in red strikeout and inserting the bold, blue text, as follows:

17.33 In a regional shopping center (SC-3), [the following are permitted uses:]

1. All retail, office, personal service, recreational and institutional facilities which can be shown, by market analysis, to be needed, and which will have no adverse effect on adjacent land uses~~:~~**;**

2. Apartments and multi-family dwellings as part of a mixed-use development, subject to the following requirements:

(a) a maximum building height of six (6) stories or 75 feet, whichever is less; and

(b) a maximum floor area ratio of 3.0.

ADOPTED: *

S:\ORDINANCES\2014\DRAFT\Ordinance #2014-06 Amending Appendix B - Zoning, Article 3 - District Regulations, Section 17 - Shopping Center Development .wpd

SYNOPSIS

The proposed ordinance would permit apartments and multi-family dwellings as part of a mixed-use development in the regional shopping center (SC-3) zone.

(SPONSORS: BONAR, HARE, AND LYNN)

Actions History

03/24/2014 - Scheduled for First Reading

03/10/2014 - Introduced at Parks, Recreation, and Community Enhancement Committee

Draft

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: APRIL 2, 2014

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **TEXT AMENDMENT: REVISIONS TO USES SHOPPING CENTER DEVELOPMENT ZONES**

FILE #: **MI-14-03**

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

CONTACT PERSON: **Aren Wright - Electric**
Jason A. Lyon – 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 / WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. Our office has no objections to the proposed amendments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

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

1. None.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 04/09/14

CITY OF DOVER FIRE MARSHAL

APPLICATION: Revisions to Uses in Shopping Center Development Zones

FILE #: MI-14-03 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:

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. Label all suites

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.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

Any change of use will need building and fire plan review and approval

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: April 2, 2014

D E L D O T

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APPLICATION: Text Amendment: Revisions to Uses In Shopping Center Development Zones

FILE#: MI-14-03 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE MEETING OF MARCH 10, 2014 **Excerpt from PAGE 3 and 4**

The Parks, Recreation, and Community Enhancement Committee Meeting was held on March 10, 2014, at 3:31 p.m. with Chairman Dixon presiding Members present were Mr. Hutchison, Mr. Perza, Mr. Caldwell, and Mrs. Horsey (arrived at 3:33 pm).

Proposed Ordinances Amending Appendix B - Zoning, Article 3 - District Regulations

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the proposed ordinances amending Appendix B - Zoning, Article 3 - District Regulations, were being presented at the request of Mr. John Paradee, on behalf of his clients, and that the required sponsorship from members of City Council had been obtained.

#2014-06 Amending Section 17 - Shopping Center Development (Permitted Uses) (Sponsors: Bonar, Hare, and Lynn)

Mrs. Townshend explained that Proposed Ordinance #2014-06 amending Section 17 - Shopping Center Development (Permitted Uses) would allow apartments and multi-family residential uses within mixed use developments as permitted uses within the SC-3 (Regional Shopping Center) Zone. She explained that there are two (2) properties in the City with the SC-3 Regional Shopping Zone classification, the Dover Mall and the Blue Hen Mall, and that the request for the ordinance amendment was submitted on behalf of the Dover Mall.

Mrs. Townshend advised members that the proposed ordinance also included an amendment to the SC-2 (Community Shopping Center) Zone to allow light automobile maintenance, provided that vehicles not be stored on the site and that all work take place within an enclosed building. She indicated that this request was submitted by the owner of the Greentree Shopping Center and that other properties in the City with an SC-2 zoning classification that would be affected by the amendment include the North Dover Shopping Center, Value City Shopping Center, Dover Mart Shopping Center, and Metro Shopping Center.

Staff recommended adoption of Proposed Ordinance #2014-06.

Responding to Mr. Perza regarding possible environmental concerns, Mrs. Townshend stated that staff realizes that some properties are not well managed and to assure such instances are not allowed, the permitted use would be for light maintenance, entirely within a building (no maintenance done on outside of building), etc. She explained that the City would have to keep a close watch to assure that no fluids are being discharged inappropriately. Mrs. Townshend stated that if a business was not being operated properly, the City would be authorized to close the business and intermediately, the business would be notified of the violation, then fined, and if compliance was not obtained, the City would issue a provisional order. If compliance was not met at that time, she stated that the business would then be closed. She advised members that fines for commercial properties start at $50 and technically, the City can fine up to $1,000 per day.

In response to Mr. Hutchison, Mrs. Townshend assured members that compatibility issues with the adjacent properties are considered in reviewing application requests for a permitted use.

Mr. Denis McGlynn, Chief Executive Officer (CEO) of Dover Downs and Dover Motor Sports, advised members that the Dover Downs property is adjacent to the Dover Mall, where the proposed project would be located. He met with representatives of the Dover Mall to explain the concerns of Dover Downs, not with the subdivision or additional expansion of commercial use on the site, but with the addition of residential properties to the site. He explained that their concern was that the residential properties would only add enemies to the Speedway and this proposed residential development would be closer to Dover Downs than other existing residential areas. Allowing such a project would make a lot of residents unhappy due to the NASCAR races, NASCAR testing done throughout the summer, the Monster Racing experience that operates 60 days per year, the Firefly Music Festival, etc. He admitted that Dover Downs and Dover Motor Sports operations create noise and traffic on a regular basis and stated that it was not their desire to make life more difficult for all. Mr. McGlynn noted that the Comprehensive Plan assigned the SC-3 zoning classification for the Dover Mall property for a reason and he believed that one (1) of those reasons was due to the existence of Dover Downs.

Mr. Hutchison moved to recommend against adoption of Proposed Ordinance #2014-06 due to to encroachment issues with Dover Downs, seconded by Mr. Perza and unanimously carried.

EXCERPTS FROM DRAFT MEETING MINTUES OF THE DOVER CITY COUNCIL MEETING OF MARCH 24, 2014

FROM PAGE 1

REGULAR COUNCIL MEETING

The Regular Council Meeting was held on March 24, 2014 at 7:30 p.m. with Council President Bonar presiding. Council members present were Mr. Anderson, Mr. Dixon, Mr. Perza, Mr. Slavin, Mrs. Williams, Mr. Hare, and Mr. Hutchison. Mr. Lynn was absent.

Council staff members present were Police Chief Hosfelt, Mrs. Mitchell, Mr. Koenig, Mrs. Townshend, Fire Chief Carey, City Solicitor Rodriguez, and Mrs. McDowell. Mayor Carey was also present.

EXCERPTS FROM PAGE 8 and PAGES 13-15

PARKS, RECREATION, AND COMMUNITY ENHANCEMENT COMMITTEE REPORT - MARCH 10, 2014

The Parks, Recreation, and Community Enhancement Committee met on March 10, 2014 with Chairman Dixon presiding.

Proposed Ordinances Amending Appendix B - Zoning, Article 3 - District Regulations

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the proposed ordinances amending Appendix B - Zoning, Article 3 - District Regulations, were being presented at the request of Mr. John Paradee, on behalf of his clients, and that the required sponsorship from members of City Council had been obtained.

#2014-06 Amending Section 17 - Shopping Center Development (Permitted Uses) (Sponsors: Bonar, Hare, and Lynn)

Mrs. Townshend explained that Proposed Ordinance #2014-06 amending Section 17 - Shopping Center Development (Permitted Uses) would allow apartments and multi-family residential uses within mixed use developments as permitted uses within the SC-3 (Regional Shopping Center) Zone. She explained that there are two (2) properties in the City with the SC-3 Regional Shopping Zone classification, the Dover Mall and the Blue Hen Mall, and that the request for the ordinance amendment was submitted on behalf of the Dover Mall.

Mrs. Townshend advised members that the proposed ordinance also included an amendment to the SC-2 (Community Shopping Center) Zone to allow light automobile maintenance, provided that vehicles not be stored on the site and that all work take place within an enclosed building. She indicated that this request was

submitted by the owner of the Greentree Shopping Center and that other properties

in the City with an SC-2 zoning classification that would be affected by the amendment include the North Dover Shopping Center, Value City Shopping Center, Dover Mart Shopping Center, and Metro Shopping Center.

Staff recommended adoption of Proposed Ordinance #2014-06.

Responding to Mr. Perza regarding possible environmental concerns, Mrs. Townshend stated that staff realizes that some properties are not well managed and to assure such instances are not allowed, the permitted use would be for light maintenance, entirely within a building (no maintenance done on outside of building), etc. She explained that the City would have to keep a close watch to assure that no fluids are being discharged inappropriately. Mrs. Townshend stated that if a business was not being operated properly, the City would be authorized to close the business and intermediately, the business would be notified of the violation, then fined, and if compliance was not obtained, the City would issue a provisional order. If compliance was not met at that time, she stated that the business would then be closed. She advised members that fines for commercial properties start at $50 and technically, the City can fine up to $1,000 per day.

In response to Mr. Hutchison, Mrs. Townshend assured members that compatibility issues with the adjacent properties are considered in reviewing application requests for a permitted use.

Mr. Denis McGlynn, Chief Executive Officer (CEO) of Dover Downs and Dover Motor Sports, advised members that the Dover Downs property is adjacent to the Dover Mall, where the proposed project would be located. He met with representatives of the Dover Mall to explain the concerns of Dover Downs, not with the subdivision or additional expansion of commercial use on the site, but with the addition of residential properties to the site. He explained that their concern was that the residential properties would only add enemies to the Speedway and this proposed residential development would be closer to Dover Downs than other existing residential areas. Allowing such a project would make a lot of residents unhappy due to the NASCAR races, NASCAR testing done throughout the summer, the Monster Racing experience that operates 60 days per year, the Firefly Music Festival, etc. He admitted that Dover Downs and Dover Motor Sports operations create noise and traffic on a regular basis and stated that it was not their desire to make life more difficult for all. Mr. McGlynn noted that the Comprehensive Plan assigned the SC-3 zoning classification for the Dover Mall property for a reason and he believed that one (1) of those reasons was due to the existence of Dover Downs.

The Committee recommended denial of Proposed Ordinance #2014-06 due to encroachment issues with Dover Downs.

During the Council Meeting, at the request of Chairman Dixon, Mrs. Townshend briefed members on the proposed ordinance and Committee's recommendation. She explained that there were two (2) issues to be considered, as follows: 1) amendments to the Shopping Center Zoning Classification (SC-3) which would allow apartments and multi-family dwellings if made a part of a mixed use development and assigned some of the bulk standards relative to the height of the buildings, which did not receive favorable recommendation by the Committee due to the testimony shared during the Committee meeting; and 2) amendments to the Shopping Center Zoning Classifications (SC-1, SC-2, and SC-3) which would allow for light motor vehicle service accessory to a permitted use.

Mrs. Townshend referred to a letter, dated March 24, 2014, submitted by Mr. Barry Anstine, Managing Member of the JBP Greentree Properties, LLC, developers and owners of the Greentree Village Center ***(Exhibit #2)***, noting that Proposed Ordinance #2014-06 included amendments to the SC-3 Zone regarding apartments and multi-family dwellings that may not have the support for further consideration. Rather than not taking further action on the entire ordinance, she stated that Mr. Anstine requested that the City move forward with considering Proposed Ordinance #2014-06 and striking any uses in the SC-3 Zone that members did not wish to pursue at this time. As indicated in Mr. Anstine's letter, she explained that the Greentree Village Center had been in discussions with Mid-Atlantic AAA regarding the possibility of developing a Car Care Center in the vacant building previously occupied by Blockbuster. The AAA Car Care Center would offer automotive services, such as tire, battery, and wiper blade replacements, with the anticipation that car owners would wait while services are completed.

In response to Mr. Slavin, Mrs. Townshend indicated that without an amendment, the owners of the Greentree Village Center would not be permitted to request a conditional use for the property.

Mr. Hutchison stated that since he is a Board Member of AAA, he would abstain from voting on the issue.

Responding to Mrs. Williams, Mrs. Townshend explained that building renovations to the former Blockbuster building would be required to accommodate the desires of the owners of the Greentree Village Center to establish a AAA Car Care Center. She assured members that the owners would be required to submit building plans that would require fire code, building code, and zoning review by the City. Although the proposed amendment would not automatically allow such a business, it would provide the opportunity to establish such a business as a conditional use.

Mr. Hare felt that an amendment to the SC-2 Zoning Classification could possibly cultivate the establishment of businesses in the City of Dover. He concurred with the concerns relative to the proposed amendments to the SC-3 Zoning Classification that would allow apartments and multi-family dwellings and questioned why there would be an interest in residing in such close proximity to either the Dover Mall or Dover Downs.

In response to Mr. Hare, Mrs. Townshend clarified that the elimination of the proposed amendments to the SC-3 Zoning Classification that would allow apartments and multi-family dwellings would require striking Lines #7-18 of the proposed ordinance. If the amendment were approved, the First

Reading and referral of the proposed ordinance, scheduled for the latter part of the meeting (Agenda Item #10B), would include the proposed ordinance as amended (striking Lines #7-18).

Mr. Slavin moved for approval of the Committee's recommendation for denial of Proposed Ordinance #2014-06 due to encroachment issues with Dover Downs, seconded by Mrs. Williams.

Mr. Anderson felt that the proposed ordinance could add value to the City and that making certain amendments could alleviate some legitimate concerns. He suggested that members approve the proposed ordinance, with amendments, to be referred and allow for its consideration and public input. It was his feeling that the City too often shackles businesses and that denying the consideration of the proposed amendment would deny more jobs and people's rights to use their property. He suggested stipulating that such use would not adversely affect adjacent property owners.

Responding to Mr. Perza, Mrs. Townshend explained that if the Committee's recommendation were approved, the proposed ordinance would not move forward for a First Reading and referral (in essence, Agenda Item #10-B would automatically be eliminated for consideration). In order for a First Reading and further consideration and public testimony of Proposed Ordinance #2014-06, members of City Council would need to vote in opposition to the motion to approve the Committee's recommendation.

The motion for approval of the Committee's recommendation unanimously failed. *(The First Reading of Proposed Ordinance #2014-06 will take place during the latter part of the meeting.)*

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF April 9, 2014

PLANNING COMMISSION MEETING OF April 21, 2014

Plan Title:	Tower Commons (Water Tower Place) S-14-03
Plan Type:	Site Plan
Property Location:	Northwest corner of North DuPont Highway (U.S. 13) and East Division Street (Delaware Route 8) and bounded by Kings Highway and Maple Parkway
Property Address:	50 North DuPont Highway
Tax Parcel:	ED-05-077.06-01-02.00-000
Owner:	Playtex Manufacturing Inc.
Equitable Owner:	TC Holdings LLC
Project Engineer:	Karins and Associates
Building Area:	Proposed 35,850 SF
Existing Use:	Vacant Industrial Buildings
Proposed Use:	Two Restaurant Buildings, One Retail/Restaurant Building, and One Retail Building
Off Street Parking:	Proposed: 234 spaces Required: 189 minimum and 237 maximum
Sewer & Water:	City of Dover
Zoning Classification:	SC-1 (Neighborhood Shopping Center Zone) SWPOZ (Source Water Protection Overlay Zone) – portion of site
Waiver Requested:	Requirement to Reduce Impervious Area (Floodplain Requirement) Partial Elimination of Sidewalk Reduction in Arterial Street Buffer

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: April 9, 2014

CITY OF DOVER PLANNING

APPLICATION: Water Tower Place (Formerly Tower Commons) at 50 N. DuPont Highway

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

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

PLAN SUMMARY:
This Site Plan would provide for redevelopment of the former Playtex Manufacturing site at the northwest corner of North DuPont Highway and East Division Street. The subject property is zoned SC-1 (Neighborhood Shopping Center Zone), with a portion of the site along the western edge within the SWPOZ (Source Water Protection Overlay Zone) – Tier 1 Secondary Wellhead Protection Area. The owner of record is Playtex Manufacturing Inc. The property address is 50 North DuPont Highway. Tax Parcel: ED-05-077.06-01-02.00-000.

The proposed site renovations include the demolition of one of the two existing industrial buildings and the construction of four buildings as follows:

Building 1 – Restaurant (1 story)	6,400 SF
Building 2 – Retail/Restaurant (2 story)	9,600 SF
Building 3 – Restaurant (1 story)	5,030 SF
Building 4 – Retail (1 story)	14,820 SF

The proposed access for the site includes a total of four (4) access points. These include one full access location off of Maple Parkway, one right in/right out from North DuPont Highway, and two access points from East Division Street (one right in and one full access).

Parking Summary
The minimum parking requirement for the SC-1 (Neighborhood Shopping Center Zone) is one

(1) parking space for every three hundred square feet of gross leasable area for the retail buildings, and one space for every four table seats and one space for every three bar seats for the restaurants. Based on the proposed retail floor area of 19,620 square feet and the seat count provided for the restaurants, a total of 189 parking spaces are required. This includes 66 spaces for the retail uses and 123 spaces for the restaurant uses. The proposed Site Plan includes 234 spaces, which is less than the 237 maximum allowable spaces. Thirteen handicap accessible spaces are provided.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) parking spaces provided. Based on the number of 234 proposed parking spaces, twelve (12) bicycle parking spaces are required. The proposed plan shows 20 bicycle parking spaces, with bicycle racks located near each proposed building.

Architecture

No architecture has been provided for review as required by *Zoning Ordinance*, Article 5, §19.

SITE CONSIDERATIONS

Source Water Protection Overlay Zone Requirements

The property is located partially within the SWPOZ – Tier 1 (Secondary Wellhead Protection Area). The following uses are prohibited within the area of the site that is within the SWPOZ:

29.51 *Uses prohibited:*

a) Automobile body/repair shop, motor vehicle, boat or farm equipment service;
b) Gas stations and motor vehicle service stations;
c) Fleet/trucking/bus terminal;
d) Dry cleaner;
e) Electrical/electronic manufacturing facility;
f) Machine shop;
g) Metal plating/finishing/fabricating facility;
h) Chemical processing/storage facility;
i) Wood preserving/treating facility;
j) Junk yard/scrap yard/salvage yard;
k) Mines/gravel pit;
l) Land divisions resulting in high density (> one unit/acre) septic systems;
m) Equipment maintenance/fueling areas;
n) Injection wells/dry wells/sumps, except for single-family residences directing gutter downspouts to a drywell;
o) Underground storage tanks;
p) All uses not permitted in the underlying zone district.

The SWPOZ Tier 1 is subject to the following:

29.92 *Open space.* Areas within 50 feet of the well shall be 100 percent open space.

29.93 *[Hazardous materials restrictions.]* New development within 75 feet of the well must demonstrate that the new development will not produce, store, transfer or otherwise handle hazardous materials.

29.94 *[Runoff.]* The natural runoff flowing into wellhead areas shall be allowed and all new stormwater runoff shall be diverted around the wellhead protection areas wherever practical.

Waiver Requested: Flood Hazard Area

A portion of the site is within the Flood Hazard Area (100 year flood plain) as identified on the FIRM Panel of Kent County Delaware Map Number 10001C0167H, dated May 5, 2003. In accordance with the *Zoning Ordinance,* Article 5 §11.21, redevelopment of the site must include a 15 percent reduction in the amount of impervious from predevelopment conditions. Because less than 33 percent of the site is within the Flood Hazard Area, the Planning Commission may waive or reduce the amount of impervious cover reduction required. A waiver request has been submitted.

Dumpster

The proposed shopping center will be served by private trash collection. For the restaurant uses, two (2) dumpster pads are required for the first 3,000 square feet, and one (1) additional dumpster pad is required for each additional 3,000 square feet or fraction thereof. Based on this calculation, three (3) dumpster pads are required for the smaller restaurant in Building 3, four (4) dumpster pads are required for the larger restaurant in Building 1, and three (3) dumpster pads are required for the mixed retail/restaurant in Building 2. For the remainder of the shopping center, two (2) dumpster pads are required for the first two tenants and one for each additional tenant thereafter. Therefore a total of twelve (12) dumpster pads are required for the site. The minimum size of a dumpster pad is 12'x12'. The minimum size of the dumpster enclosures is 10'x10'. The Site Plan shows two dumpster pads on the site, behind Building 2 and Building 3. Each measures approximately 10'x20'. Building 1 and Building 4 appear to have trash compactors proposed. If the dumpster requirements exceed what is needed on the site, areas can be shown as reserved for future use. The City Planner may require the owner of record to construct the dumpster pad and enclosure on the area shown as reserved if the dumpsters are needed in the future.

Loading Space

Zoning Ordinance, Article 6 §4.23 requires loading spaces to be installed for retail and service buildings at a rate of one space per 8,000 SF to 25,000 SF and one for each additional 25,000 SF. Based on the square footage of Building 1 and Building 3, no loading spaces are required; however, one (1) loading space is required for Building 2 and Building 4. The proposed plan shows loading spaces at the rear of each building.

Waiver Requested: Sidewalks

Zoning Ordinance, Article 5 §18 requires sidewalks to be installed along the public street frontage of a property. Sidewalk currently exists along East Division Street. The proposed plan shows sidewalks along the frontage of the site on East Division Street, North DuPont Highway, and a portion of Maple Parkway. Sidewalk is not shown along the Kings Highway frontage or the westernmost portion of the Maple Parkway frontage of the property. These are the portions of the

site identified as Phase 2. Unless a waiver is granted by the Planning Commission, sidewalk must be constructed along these frontages during the initial development. A sidewalk waiver request for installation of this sidewalk has been submitted.

The *Zoning Ordinance* also requires that sidewalks be provided into the site. The Plan as proposed shows sidewalk access into the site at all vehicle access points at several other locations on the site.

The *Zoning Ordinance,* Article 3 § 17.6 requires that pedestrian traffic be separated from vehicle traffic by means of appropriate site design and traffic control devices.

Internal Circulation
The site includes drive aisles around each of the buildings and a drive aisle that goes through the site in a north/south direction connecting East Division Street and Maple Parkway. The drive aisle coming off North DuPont Highway terminates at this drive aisle. The primary drive aisles have been designed to avoid conflicts between through traffic and cars backing out of parking spaces.

Curbing
Article 6 § 3.6 (b) requires curbing for all parking areas. The plan provides curbing around the building drive aisles and the parking areas. There are no areas shown on the plan without curbing.

Lighting
The location of lighting is not indicated on the plan. Lighting shall be provided at 1 ½ footcandles at grade. The lighting should be deflected away from residential properties and shall not be distracting to traffic on adjacent roads. The design/style of the fixtures should be provided on the Site Detail Plan sheet.

Landscaping and Tree Planting
One (1) tree is required for every 3,000 SF of non-woodland lot area. Based on the Tree Density Worksheet on the Checklist for Site Plan Applications, the site includes 9.3 acres or 405,108SF of lot area (no woodland area). Based on this, 136 trees are required on the site. The Landscape Plan shows 141 trees. All trees shall be located ten (10) feet from utilities.

The site also requires a 30-foot Arterial Street Buffer along North DuPont Highway and a 10-foot landscaped buffer along all lot lines. A minimum of ten percent of the lot area shall include landscaping, pedestrian malls and courtyards; and parking areas shall be landscaped.

The *Zoning Ordinance,* Article 5, §7.23 requires that when a parking lot is located across the street from a residential zoning district:

> it shall be screened from view of such land by a thick hedge located along a line drawn parallel to the street and a distance of 20 feet therefrom, such hedge to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the same street. A fence five feet high may be required while such hedge is growing to a suitable thickness.

There are residential uses located across the street on the south side of East Division Street; therefore this thick hedge is required between the parking lot and East Division Street. The Landscape Plan shows a thick hedge in this area to be planted with Foster Holly and Hicks Yew.

Waiver Requested: Arterial Street Buffer

North DuPont Highway (U.S Route 13) is considered as a principal arterial and requires a thirty (30) foot landscape buffer along the road frontage known as an Arterial Street Buffer. The buffer is measured from the edge of the right-of-way. This plan does not provide the required thirty (30) foot landscape buffer along DuPont Highway. The plan provides twenty (20) feet of landscape buffer along DuPont Highway. The Arterial Street Buffer is required to be planted in a variety of trees, shrubs and ground cover. Planting of the Arterial Street Buffer is required to be reviewed and approved by the Planning Commission. A written waiver request for the reduction in the width of the Arterial Street Buffer has been submitted to the Planning Office for consideration by the Planning Commission.

The SC-1 (Neighborhood Shopping Center Zone) requires a ten (10) foot landscape area to be located along all lot lines.

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 Arterial Street Buffer shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request for a reduction of the Arterial Street Buffer width to twenty (20) feet has been submitted to the Planning Office for consideration by the Planning Commission.

2) Building architectural elevations must be reviewed and approved by the Planning Commission. These may be reviewed as old business once architectural elevations are available.

3) Provide or revise the following information in the Data Column on the Title Sheet:
    a) The Plan will need to be updated to reflect any changes recommended or approvals or waivers granted by the Planning Commission.
    b) In Note 6 the existing zoning should reflect the SWPOZ, as a portion of the site is subject to this zone.
    c) Include the percent of the site that will be comprised of landscaping.
    d) Include the percentage and acreage of the site that is located within the Flood Hazard Area.
    e) Revise the number of dumpster pads and enclosures required to twelve (12), including the detail of the calculation as provided in the DAC report. Show areas reserved for future dumpster locations on the plan, and provide a note that any reserved dumpster areas shall be constructed if determined to be necessary by the

Planning Director.

f) Changes to plan drawings may require additional corrections and/or additions to the Data Column.

4) A sidewalk is required along all street frontages. As submitted, the Site Plan does not show sidewalk along a portion of the Maple Parkway frontage and the Kings Highway frontage. A waiver request has been submitted to the Planning Commission to waive the requirement that these sidewalks be constructed with the proposed improvements.

5) Please provide the name and address of the owner of record of the adjoining property, as well as the zoning of this property.

6) Show locations for twelve (12) dumpster pads at 12'x12' each. Also, please note that State regulations require recycling for commercial trash pick-up. All dumpsters are required to be within an enclosure. Please ensure that the site accommodates both trash and recycling pick-up in accordance with City and State requirements.

7) As it relates to the Flood Hazard Area requirements in the *Zoning Ordinance,* Article 5 § 11.211, a 15% reduction of impervious cover on the **entire site** is required. Because less than 33% of the site is within the Flood Hazard Area, the applicant may request that the Planning Commission waive this requirement. Note 17 states that a 15 percent reduction of impervious cover within the Flood Hazard Area is achieved through the proposed Site Plan. If a 15 percent reduction is not achieved on the entire site, then a waiver is necessary. A waiver request has been submitted for consideration by the Planning Commission.

8) Any proposed construction within the Flood Hazard Area is subject to the requirements of Chapter 50 of the Dover Code of Ordinances.

9) On the Site Development Plan sheet please add the boundary of the Source Water Protection Overlay Zone on the lot.

10) Provide construction details for the following but not limited to: lighting, crosswalks, dumpster pad and enclosure, paving, bicycle racks, curbing, traffic control signage, etc.

11) The site is being reviewed through the State of Delaware Brownfield Program. Please provide documentation to the Planning Office of any documentation with regard to environmental contamination and/or clean-up related to the site.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Recommendation on Waiver Request:
    a. Reduction of Impervious Cover on Floodplain Impacted Site: Staff recommends approval of this waiver. The proposed plan shows a reduction of impervious cover

within the floodplain portion of the site, but does not achieve a 15% reduction of impervious cover on the entire site. Only 5% of the site is within the floodplain, and conditions in this portion of the site will be improved.

b. Elimination of Requirement to Install Frontage Sidewalk along Areas of the Site Identified as "Phase 2":
    i. Kings Highway: Staff recommends approval of this waiver and acknowledges that the issues with grade changes cause difficulty with construction of a sidewalk along the Kings Highway frontage. Such a sidewalk would need to be constructed at the time that Phase 2 is developed. If DelDOT requires that the frontage sidewalk be constructed, then the applicant must comply with this requirement.
    ii. Maple Parkway: Staff recommends denial of this waiver, as this is an important component of infrastructure, and there are no technical issues that would prevent the sidewalk from being constructed.

c. Reduction of Arterial Street Buffer: Staff recommends approval of the reduction of the Arterial Street Buffer to twenty (20) feet. The buffer provided will include the required landscaping. The addition of deceleration lanes creates a condition that justifies the reduction.

2) Staff notes that this location is a gateway from DuPont Highway to the downtown and recommends that the architecture of the buildings on the site incorporate architectural elements consistent with the location of a downtown gateway through incorporation of brick and other materials and features characteristic of the area.

3) Staff recommends crosswalks be provided to allow for crossing from the sidewalk on the west side of the north/south drive aisle to the building locations.

4) Staff recommends that where sidewalks enter the site and cross a drive aisle, crosswalks be provided and the sidewalks line up on either side of the drive aisle. There are several locations on the site, where the sidewalks are offset as they cross drive aisles.

5) Staff recommends that a safe pedestrian path be provided from the north/south drive aisle to Building 3 and Building 4.

6) Staff recommends that any outside HVAC equipment be designed to minimize the impact on adjacent property owners, adequately screened from public view and the overall visible impact on the streetscape. The locations should be depicted on the plan.

7) Staff would recommend the applicant consider a Unified Comprehensive Sign Plan to address signage on the site. The site qualifies for a Unified Comprehensive Sign Plan as there are four buildings under common ownership located on one parcel.

ADVISORY COMMENTS TO THE APPLICANT:

1) The submitted Site Plan proposes retaining one of the two buildings and the surrounding

area for future development. Development of this area will be subject review by the Planning Commission under a separate application.

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

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

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

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: APRIL 2, 2014

CITY OF DOVER Electric & Public Works Departments

APPLICATION: Watertower Place, 50 N. DuPont Hwy.

FILE #: S-14-03 REVISED

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The 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.
3. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed 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.
4. 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.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The 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.
3. 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.
4. Sizing (flow) calculations must be submitted for all sanitary sewer mains showing that velocity and all other requirements are met. Any projected future flow requirement must be clearly identified. Please note that the sanitary sewer service located within the property will be owned, maintained and operated by the owner.
5. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
6. The minimum size of all sanitary sewer laterals shall be six-inch (6").
7. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.

STORMWATER

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

STREETS

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

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

1. The current water allocation that is associated to this site shall be transferred to the City of Dover.
2. Please locate all wells that are located on the property, depict on plan set.

STREETS

1. The entirety of Maple Parkway shall be milled and overlaid to the City of Dover standard, depth of the mill and overlay will be determined by the submission of core samples, to be provided by the owner / developer.

WASTEWATER / STORMWATER / SANITATION / GROUNDS / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

WATER

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

WASTEWATER

1. The City of Dover sanitary sewer system is available to this site. The developer is responsible for all costs associated with extending and providing service and capacity to the proposed development.
2. Prior to plan approval, the sanitary sewer system plans must be submitted to the DNREC, Division of Water Resources, Surface Water Discharges Section for review and approval. The owner/developer is responsible for providing all application fees, completed forms and plan sets directly to DNREC.
3. Profiles of the sanitary sewer main must be provided with the construction plans. All water, sanitary sewer and storm sewer crossings must be shown on the profiles.

STREETS

1. Further analysis must be submitted with regards to the entrance on Maple Parkway. The analysis should provide data that justifies the proposed parking orientation with relation to safe entering and exiting of the proposed site.
2. One of the entrances on East Division Street should be eliminated.

STORMWATER / SANITATION / GROUNDS

1. None.

GENERAL

1. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.
2. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter 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: 04/09/14

CITY OF DOVER FIRE MARSHAL

APPLICATION: 50 N. DuPont Hwy - Watertower Place (Plans of 3/14/14)

FILE #: S-14-03 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 two restaurants, a combination restaurant/retail, and a drug store. Primary fire lanes are required to be 24 feet wide and cover the side of the building that has the primary entrance and exit. Secondary fire lanes can be reduced to 16 feet wide. Both can be no closer than 10 feet to the building and no farther than 50 feet from the building. Fire lanes shall cover the proposed building as discussed in the consultation meeting with the Fire Marshal. This must be clearly shown on the plans.

Firefighter perimeter access will be clearly shown on the plans as discussed in the consultation meeting with the Fire Marshal. Need to further discuss building 2 since it has changed since the consultation.

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. Label all suites

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.

As building is not sprinkler, all portions of the exterior of the first floor shall be within 400 feet of a fire hydrant.

Sprinkler system required in building 1, 2, and 4. Systems to be monitored. Suggest running a water line for a sprinkler system to building 3.

Sprinklers required in basements over 2500 sq. ft.

Fire Department connection is to be located within 50 feet of main entrance. Parking cannot interfere with access to the FDC.

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

Fire alarm system required in buildings 1, 2, 4, and possibly 3.

Knox Box required at each building. Building 2 would require one at the restaurant and one at the retail.

Project to be completed per approved Site Plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

As discussed in the consultation meeting with the Fire Marshal, the following is required:
2 fire hydrants, one in the area of the East entrance and one in the area of the West entrance between buildings 2 and 3.

This office suggests no on street parking on Maple Parkway

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 _____ 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: January 6, 2014

D E L D O T

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APPLICATION: Tower Commons at 50 North DuPont Highway

FILE#: S-14-02 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. In order to be issued an entrance plan approval, the Department will require the applicant to provide the proper forms, fees, and plans.

2. ADA compliant curb ramps and sidewalks will be required for this project along the site frontage on Walker Road.

3. Per Section 3.6.5 of the Standards and Regulations for Subdivision Streets and State Highway Access Adopted February 15, 2010, an 80-foot wide right-of-way (40-feet from the centerline) is required for a minor arterial. According to the Kent County Classification Maps, KCR 002 (US Route 13) is classified as a minor arterial. If the existing right-of-way does not have the proper width along the frontage of the site, the Department will require 40-feet of right-of-way dedication from the innermost edge of the through lane for public use.

4. Per Section 3.6.5 of the Standards and Regulations for Subdivision Streets and State Highway Access Adopted February 15, 2010, an 80-foot wide right-of-way (40-feet from the centerline) is required for a minor arterial. According to the Kent County Classification Maps, KCR 016 (East Division Street) is classified as a minor arterial. If the existing right-of-way does not have the proper width along the frontage of the site, the Department will require 40-feet of right-of-way dedication from the center line of the road for public use.

5. Per Section 3.6.5 of the Standards and Regulations for Subdivision Streets and State Highway Access Adopted February 15, 2010, an 80-foot wide right-of-way (40-feet from the centerline) is required for a major collector. According to the Kent County

Classification Maps, KCR 066 (Kings Highway NE) is classified as a major collector. If the existing right-of-way does not have the proper width along the frontage of the site, the Department will require 40-feet of right-of-way dedication from the center line of the road for public use.

6. An additional 15' permanent easement will be required along all site frontages for this project.

7. A Traffic Impact Study (TIS) will be required for this project, since the proposed development exceeds 50 VPH (Vehicle per Hour) or 400 VPD (Vehicle per Day). When the study is completed, DelDOT will review it and send the recommendations of the improvements to the City. The improvements contained in the study will be implemented by the developer per DelDOT's discretion. To set up a scoping meeting for this project, please contact Mr. Troy Brestel at (302) 760-2167 or via e-mail at Troy.Brestel@state.de.us.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

- The Department is requiring a pre-submittal meeting with the applicant, and the auxiliary lanes warrants will be evaluated and discussed at the pre-submittal meeting.

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
April 2014

APPLICATION: *Tower Commons at 50 North DuPont Highway*

FILE #: S-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. ***As of January 1, 2014 the new Delaware Stormwater Regulations have taken effect.***
2. A ***Stormwater Assessment Study*** (SAS) package must be submitted to the Kent Conservation District prior to a pre application meeting being scheduled.
3. As the disturbance for this site will exceed 5,000 square feet, a detailed sediment and stormwater management plan must be reviewed and approved by our office prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to our office. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction. Please refer to the fee schedule for those amounts.
4. The following notes must appear on the record plan:
    - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
    - The Kent Conservation District reserves the right to add, modify, of delete any erosion or sediment control measure, as it deems necessary.
    - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.
5. A soils investigation supporting the stormwater management facility design is required to determine impacts of the seasonal high groundwater level and soils for any basin design.

ADVISORY COMMENTS TO THE APPLICANT:

1. The project is currently under review by the District and is grandfathered under the old Delaware Stormwater Regulation.
2. Green Technologies (bio retention, bio swales etc.) must be considered before traditional facilities can be considered. The use of green technologies are contingent on the soil conditions.
3. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
4. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
5. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

Karins and Associates

Engineers • Planners • Surveyors
Newark, DE and Georgetown, DE

17 Polly Drummond Center, Suite 201, Newark, DE 19711
Phone: (302) 369-2900 Fax (302) 369-2975

April 8, 2014

Honorable Chairman and Members of the Planning Commission
City of Dover
City Hall
PO Box 475
Dover, DE 19903

RE: S-14-03 - Site Development Plan Submission
WATERTOWER PLACE

Request for following Waivers from conformity of Dover Zoning Code:

- **Article 5 Section 11.211 – Requirement for reduction of 15% impervious coverage within the Flood Hazard Zone;**
- **Article 5 Section 18.1 - Requirement to provide sidewalk along the entire street frontage, including future phase of the development.**

Honorable Chairman and Members of the Planning Commission:

Please accept this request for waivers from strict conformity of the Dover Zoning Code pertaining to the above referenced project, as follows:

1. **Article 5 Section 11.211(a)** – In a redevelopment site nonresidential uses seeking to redevelop a property are required to reduce the impervious coverage for the entire lot by 15 percent from the predevelopment condition. However, when less than 33% of the entire lot is within a flood hazard zone, the Planning Commission may waive or reduce the amount of impervious coverage reduction.

   The development site has approximately 5% of its entire site within the Flood Hazard Zone (significantly under the 33%). The impervious coverage within the site that is currently mapped as a Flood Hazard Zone is being reduced by more than 60% of its predevelopment impervious coverage. So, while the reduction in impervious coverage within the Flood Hazard Zone is significantly less than the target of 15%, however, within the entire site the impervious coverage reduction is 2%.

   The impervious coverage is significantly reduced in the flood hazard zone, further, there is no habitable area of this site that will remain in the flood hazard zone after development and thus the hardship resulting from a small portion of the site touching the boundaries of the property in question. Therefore, due to the unusual nature of the site and the flood hazard boundaries, the reduction of impervious coverage be waived from the entire site, in lieu of the benefits of reductions being achieved within the flood hazard zone in particular.

2. **Article 5 Section 18.1** – Requires sidewalks to be installed along all the public street frontage of a property by the property owner or developer whenever such property involves a development proposal which is subject to planning commission review and approval.

   Please note that sidewalks are being proposed along all frontage within Phase 1 of the development, however, this request is for a waiver from installing sidewalks along the public street frontage that is within Phase 2 boundaries of the site. Phase 2 of the site will be brought back to the Planning Commission for its review and consideration at such time as that portion is developed. It is our opinion that the design of the site and the frontage should be integrated with any sidewalk that will be placed along Maple Parkway. Therefore, it is our request that the requirement of installing sidewalks along Maple Parkway be waived until the development of Phase 2 of the property.

   There are no sidewalks along Kings Highway and the topography of the land adjacent the existing roadway does not allow for the placement of sidewalks as is evident from the attached photographs. Therefore, due to this exceptional practical difficulty, it is our request that the requirement of sidewalks be waived along the Kings Highway frontage of this property.

3. **Article 10 Section 2.28** – Requires the consideration of physical orientation and architectural characteristics of the proposed buildings to existing buildings and other proposed buildings.

   All of the buildings depicted within Phase 1 of the project are based on discussions and/or letters of intent with national brands that desire to occupy the location immediately after signing a lease agreement, but are however reluctant to identify themselves at this stage of the process, and definitely before some vested rights have been established. It is our intent to conform with the architectural intent and comply with the requirements of the reference article and Article 5, Section 19 of the City of Dover Code.

   We are hereby requesting that the planning commission grant an approval of the Site Development Plan, **with a condition** that we submit for your review the architectural elevations of each building depicted on the plan prior to seeking a building permit for the particular building.

4. **Article 5 Section 7.3** – Requires the provision of a 30 feet wide buffer along arterial streets. A request for reduction of this buffer to 20 feet was submitted to the planning commission on December 6, 2013.

Thank you again for your review and consideration of this project and the waivers listed above. We look forward to your approval, with the condition that we meet the requirements listed by the City Planner and the DAC, as well as any other conditions that the planning commission may require for compliance with the requirements of the City Code.

We look forward to presenting the project and discussing the above waivers at the public hearing later this month.

Sincerely yours,

KARINS AND ASSOCIATES,



Dev Sitaram, P.E.

/enclosures.

cc: Mr. Charles Owensby


Kings Highway Northeast
Exit Street View
Google earth
39°09'52.32" N 75°31'06.09" W elev 17 ft eye alt 26 ft


Kings Highway Northeast / Maple Parkway
Exit Street View
N
© 2014 Google
© 2014 Google
Google earth
39°09'51.15" N 75°31'05.66" W elev 29 ft eye alt 26 ft


Kings Highway Northeast
Exit Street View
© 2014 Google
© 2014 Google
Report a problem
Google earth
39°09'50.47" N 75°31'05.79" W elev 15 ft eye alt 24 ft


Kings Hwy NE
© 2014 Google
Google earth
1992
Imagery Date: 7/3/2010 39°09'51.45" N 75°31'06.26" W elev 18 ft eye alt 536 ft

Karins and Associates

Engineers • Planners • Surveyors
Newark, DE and Seaford, DE

17 Polly Drummond Center, Suite 201, Newark, DE 19711
Phone: (302) 369-2900 Fax (302) 369-2975

December 6, 2013

Office of the Planning Commission
City Hall
15 Loockerman Plaza
Dover, DE 19903

Reference: **Planning Commission Application and Request for Waiver from Article 5 Section 7.3 Buffer Requirements**

Project: **Tower Commons**

Dear Officers of the Planning Commission:

Please accept the request on behalf of the Developer, TC Holdings, LLC for the project Tower Commons:

The Application Fee of $325
Three complete and signed Application Forms
Twenty -Three Full Sets of Plans
Completed "Application for Mailing List"
Completed "Project List"
Completed "Checklist for Site Plan Applications"

In addition, please accept this formal request for a Waiver of the 30 foot wide front buffer requirement. The Preliminary Site Plan as submitted provides a 20 foot wide buffer in lieu of the 30 foot buffer as stated in the Article 5 Supplemental Regulations.

The hardships that were determined are twofold; the first is the proposed entrance on Route 13 and the approach to the intersection of Route 13 and Division Street require deceleration lanes. The additional dedication to DELDOT has resulted in a loss of significant area.

The second hardship is the existing building that is to remain until construction of phase 2. In order to provide the proper separation distance and associative screening of the building from phase 1, the additional 10 feet of space was found necessary to accommodate the travel lanes and parking dimensions.

If there any additional materials that are needed or additional questions, please do not hesitate to contact me.

Sincerely Yours,

John R. Barwick
Design Engineer

cc: Dev Sitaram, P.E.
Charles Owensby