CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, October 21, 2013 – 7:00 P.M.

City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

ADOPTION OF MINUTES OF REGULAR MEETING of September 16, 2013

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for Monday, November 18, 2013 at 7:00pm in the City Council Chambers.

2) Reminder: The next Planning Commission Quarterly Workshop is scheduled for Tuesday, November 19, 2013 at 12:00noon in the City Hall Conference Room.

3) Update on City Council Actions
    a. Proclamation of National Community Planning Month

4) Update on Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW BUSINESS

1) MI-13-10 Nottingham Meadows: Revised Active Recreation Area – Review and Acceptance of the amount of the cash-in-lieu payment of Active Recreation Area construction for the Nottingham Meadow Subdivision. The property is zoned R-8 (One Family Residence Zone) and a portion is subject to SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area. The subdivision is located on the south side of Hazlettville Road and west of Wyoming Mill Road. The owner of record is Siobain-VI, LLC. Address: Nottingham Subdivision. Council District 2. *The Planning Commission on June 17, 2013 approved a Revised Active Recreation Plan determining that a cash-in-lieu payment was appropriate instead of recreation area construction for this subdivision.*

NEW DEVELOPMENT APPLICATIONS

1) C-13-09 Bee Hive Beauty Shop at 27 West Loockerman Street – Public Hearing and Review of a Conditional Use Plan to allow for the establishment beauty salon within the existing

building at 27 West Loockerman Street. The property is zoned C-2 (Central Commercial Zone) and subject to H (Historic District Zone). The property is located on the north of West Loockerman Street west of South State Street. The owner is Forty S. Bradford Street, LLC c/o Chris Raubacher. The lessee is Kathryn Lord. Address: 27 West Loockerman Street. Tax Parcel: ED-05-077.09-02-37.00-000. Council District 2. *This Application was postponed from the September meetings due to inadequate Public Notice.*

2) C-13-11 Dover Christian Church at 1738 Forrest Avenue – Public Hearing and Review of a Conditional Use Site Plan for construction of one story 9,600 SF place of worship (church building) and associated site improvements. The existing residence on the property is proposed for demolition. The property is 1.5576 acres and is zoned R-10 (One Family Residential Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the south side of Forrest Avenue and west of Dover High Drive. The owner of record is Dover Christian Church, Inc. Address: 1738 Forrest Avenue. Tax Parcel: ED-05-075.00-01-04.00-000. Council District 1.

3) MI-13-16 Request for Street Abandonment: Harmony Lane – Public Hearing and Review for Recommendation to City Council of a request to abandon the improved street known as Harmony Lane which serves the Walker Woods development. This request consists of Harmony Lane as it runs north of Walker Road. This request was filed by Milford Housing Development Corporation. Council District 4. *This Application is associated with Application S-13-18 Redevelopment of Walker Woods.*

4) S-13-18 Redevelopment of Walker Woods: The Village of Sherwood – Public Hearing and Site Plan Review to redevelop the property with twelve (12) two story and three story apartment buildings (a total of 77 units in Buildings A-L) and a 3,400 SF Community Building. The properties are zoned RG-2 (General Residence Zone). The project also includes a Parcel Consolidation Plan. The properties known as Walker Woods Phases 1 and 2 are situated on the north side of Walker Road adjoining Harmony Lane. The owners of record are Walker Woods Properties, LLC and Milford Housing Development Corporation. Addresses: 1357-1383 Walker Road and multiple addresses on Harmony Lane. Tax Parcels: multiple parcels on map ED-05-067.18-01 Council District 4. *This property was rezoned From RG-3 and ROS to RG-2 on September 9, 2013 with Application Z-13-01. This Application is also associated with Applications MI-13-16 Request for Street Abandonment: Harmony Lane and MI-13-17 Active Recreation Area Plan for Walker Woods. Waivers Requested: Partial Elimination of Upright Curbing and Elimination of Rear Emergency Access for Two and Three Story Apartments.*

5) S-13-19 Woodmill Apartment Storage Buildings and Garage Building and Revised Active Recreation Area at Woodmill Apartments – Public Hearing and Site Plan Review for the construction of a Phase 1: 6-unit garage building at 1,632 SF, construction of Phase 2: a storage buildings at 4,800 SF, and construction of Phase 3: a storage building at 4,000 SF for a total of 10,432 SF. The plan also includes revisions to the Active Recreation Area. The revisions to the Active Recreation Area include the removal of the tennis courts and the creation of a park area with a horseshoe pit and picnic table. The property is zoned RG-2 (General Residence Zone). The property is located on the south side of Farmview Drive and east of Mifflin Road. The owners of record are Multiresidential and Multiresidential-M, LLC. Address: 1300 Farmview Drive. Tax Parcels: ED-05-076.10-02-07.01-000 and ED-05-

076.10-02-56.00-000. Council District 1. *This Application partially supersedes S-13-11 Woodmill Apartment Storage Building and Revised Active Recreation Area; information on the Revised Active Recreation Area will still be applicable to S-13-19.*

6) SB-13-05 Wynsome Oaks Subdivision on White Oak Road – Public Hearing and Conceptual Subdivision Plan Review to create twelve residential lots from an existing parcel totaling 12.73 acres +/- of land. The property is zoned R-8 (One Family Residence Zone) and SWPOZ (Source Water Protection Overlay Zone). The property is located on the south side of White Oak Road, southwest of Mourning Dove Lane. The owner of record is TFLD Management, LLC. Address: White Oak Road. Tax Parcel: LC05-068.00-01-18.00-000. Council District 3. *This property was previously reviewed for subdivision as Application SB-10-02C Wynsome Oaks Subdivision: Conceptual Plan in September 2010; however, that plan has expired. Waivers Requested: Length of Dead End Street and Partial Elimination of Sidewalk*

7) MI-13-18 New Dover High School: Revised Parking Justification and Waiver Request for Parking Reduction – Public Hearing and Consideration of Revised Parking Justification for parking associated with the New Dover High School and a Waiver Request for a Reduction in the required parking. 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 and Final Site Plan Approval was granted to S-11-18.*

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: October 11, 2013 posted 1:00pm

CITY OF DOVER PLANNING COMMISSION
September 16, 2013

The Regular Meeting of the City of Dover Planning Commission was held on Monday, September 16, 2013 at 7:00 PM with Chairman Colonel Welsh presiding. Members present were Mr. Holden, Mr. Cregar, Mr. Tolbert, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Still and Colonel Welsh. Mr. Ambruso was absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Mrs. Harvey Ms. Duca and Mrs. Mullaney. Also present were Mr. Greg Scott, Mr. John Paradee, Mr. Rhett Ruggerio and Ms. N. Taylor Collins. Also speaking from the public were Ms. Tricia Arndt, Mr. Eric Czerwinski, Mr. Joe Hutter, Ms. Judy Orr, Mr. Charles Salkin, Mr. Kelly Phillips and Mr. Thomas Smith.

APPROVAL OF AGENDA

Mrs. Townshend read an email from the City Manager regarding application C-13-10 West Denneys Road Elevated Water Tank for City of Dover.

> *Dear Mrs. Townshend,*
>
> *On behalf of the City of Dover Department of Public Works, I am requesting that the above referenced application be postponed until further notice from my office. We working to address a number of inquiries received with respect to this application. In addition, we are going to review all available options for siting of this facility prior to rescheduling of the required Public Hearing.*
>
> *Best Regards,*
> *Scott D. Koenig*

Colonel Welsh stated that if anyone was there as a resident of Maple Glen or someone else who may be interested in the water tower, it will not be heard tonight.

Colonel Welsh stated that application C-13-09 Bee Hive Beauty Shop at 27 West Loockerman Street would not be heard due to inadequate public notice.

Mrs. Townshend stated that C-13-10 West Denneys Road Elevated Water Tank for City of Dover would not be heard tonight.

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

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF AUGUST 19, 2013

Ms. Still moved to approve the Planning Commission minutes of August 19, 2013, seconded by Mr. Baldwin and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

APPROVAL OF THE QUARTERLY WORKSHOP MEETING MINUTES OF AUGUST 20, 2013

Mr. Holt moved to approve the Quarterly Workshop minutes of August 20, 2013, seconded by Mr. Tolbert and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on August 26, 2013 and September 9, 2013.

Mrs. Townshend stated that the next Planning Commission meeting will be held on Monday, October 21, 2013 at 7:00 PM in the City Hall Council Chambers.

Mrs. Townshend stated that Ms. Cornwell has moved on to Kent County and they are in the process of recruiting and hope to have the position filled by November 2013.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:
   a) S-11-21 Inner City Cultural League/Dover Cultural Center at 39 South West Street – Request for one year extension of the conditional approval granted on December 21, 2011 by the Planning Commission for a Site Plan to permit the construction of a 4,085 S.F. building and associated site improvements. The subject site is one parcel of land consisting of 0.5923 acres ± (25,800 S.F.). The property is situated on the east side of South West Street in the block between West Division Street and Forest Street just east of the railroad corridor. The property is zoned C-2A (Limited Central Commercial Zone). The owner of record is Downtown Dover Partnership. Property Address: 39 South West Street. Tax Parcel: ED-05-76.08-06-02.00-000. Council District 4. *The Final Site Plan approval was granted on December 4, 2012 but the project has not commenced construction.*

Mrs. Townshend stated that this application is not actually due to expire until the end of December 2013; however, the applicant submitted their request for the extension. They are diligently working on getting underway due to the environmental issues related to the Brownfield Site Cleanup and the conditions of that. There are a number of issues that are causing delay. They expect to be underway by spring 2014.

Mr. Tolbert moved to approve a one year extension for S-11-21 Inner City Cultural League/Dover Cultural Center at 39 South West Street, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

2) Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 §2.28)
   a) Report on Search for Subcommittee Members

Mrs. Townshend stated that Mr. Holden and Ms. Still were working on recruiting qualified people to serve on this committee. The names that have been submitted of the people who have been

contacted and are willing as well as interested in serving are Ms. Sarah Keifer, Director of Planning Services for Kent County and Dr. R.G. Chandler, Director of Architecture at Del-Tech Community College.

Ms. Still moved to approve the appointment of Ms. Sarah Keifer and Dr. R.G. Chandler as members of the Architectural Review Oversight Subcommittee, seconded by Dr. Jones and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

NEW BUSINESS

1) S-13-17 Lands of Rabail Enterprizes, LLC at 484 North DuPont Highway: Waiver Request – Review and Consideration of a Waiver Request for the Elimination of Upright Curbing as associated with the Administrative Site Plan for the construction of 1,350SF ± of new impervious surface (parking lot). The property is zoned C-2A (Limited Central Commercial Zone). The site is located at the northwest corner of North DuPont Highway and Lakeview Drive. Property Owner: Rabail Enterprizes, LLC. Property Address: 484 North DuPont Highway. Tax Parcel: ED-05-068.13-01-39.00-000.

Representatives: Mr. Greg Scott, Scott Engineering

Mrs. Melson-Williams stated that this application is related to the property at 484 North DuPont Highway. Currently, it is moving through a review process in the Planning Office due to a proposed change of use of the building which was originally constructed as a single family house. The current owner is proposing a commercial use of the building. As such, it requires a new Certificate of Occupancy and a Site Development Plan must be processed. In this case, since they are not adding to the building the Site Plan can be processed through the Administrative Site Plan process. The applicant is proposing improvements to create a parking lot on the site which will add new impervious surface to the property. Currently as designed, the project does not include the upright curbing that is required around parking facilities per the *Zoning Ordinance*, hence their request to the Planning Commission to seek a waiver to eliminate that curbing. Planning Staff is recommending approval of that elimination of curbing finding that it appears to be necessary to assist in accommodating stormwater management on the site. As always, they recommend that anytime curbing is eliminated that curbing bumpers be utilized at the head of any parking space. With this project, Staff notes that the applicant will need to work with DelDOT regarding any improvements along North DuPont Highway which is a State maintained road and the City of Dover Public Works Office related to any entrances off of Lakeview Drive which is on its southern border.

Mr. Scott stated that a substantial portion of the site is already paved and has concrete around it. Some of it from an old foundation and garage that was located on the property but also from sidewalk and concrete entryways that are around the building. To put curbing around the perimeter of the parking now would raise the height of the top of the curb and obviously the grade that then remains behind it would block water. Three-fourths of the rear yard of this property which is grass drains to the front of the property and then the entire front and side yards along Lakeview Drive also drain to the front of the site. There are two (2) catch basins located at the entry way coming off of Route 13. One of catch basins is one that DelDOT got permission to install on the property to accommodate draining off of Route 13 years ago. To put curbing in now it would impede or block the drainage that currently goes to those catch basins. It would require that all the existing concrete and paving be ripped out and the

grass grade be raised up which would be difficult to drain it away from the house the way that the foundation is now, which is the reason why they are requesting a waiver. The applicant does not have any problems putting any concrete bumpers in for parking cars. They have already talked to DelDOT with regards to the Route 13 entrance. This entrance will be closed off and they deferred the decision for the closing the entrance off at Lakeview Drive to the City of Dover since it is a City of Dover street. The position of the existing entrance, whether it remains or has to be shifted will be worked out with the City of Dover staff.

Dr. Jones moved to approve S-13-17 Lands of Rabail Enterprizes, LLC at 484 N DuPont Highway Waiver Request of the elimination of upright curbing, seconded by Mr. Baldwin and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

NEW DEVELOPMENT APPLICATIONS

1) Z-13-03 Lands of Rhett Ruggerio at 109 East Division Street: Rezoning from RG-1 with H to RGO with H – Public Hearing and Review for Recommendation to City Council on a rezoning application for an 11,340 S.F. ± parcel. The property is zoned RG-1 (General Residence Zone) and H (Historic District Zone). The proposed zoning is RGO (Residence General Office Zone) and H (Historic District Zone). The property is located on the north side of East Division Street between Pennsylvania Avenue and Maple Lane. The owner of record is Leg Hall, LLC c/o Rhett Ruggerio. Address: 109 East Division Street. Tax Parcel: ED-05-077.05-02-55.00-000. Council District 3. Ordinance #2013-14.

Representatives: Mr. John Paradee, Pricket Jones; Mr. Rhett Ruggerio

Mrs. Townshend stated that this application is for the rezoning of property located at 109 East Division Street from RG-1 (General Residence Zone), also H (Historic District Zone) to RGO (Residence General Office Zone) also subject to H (Historic District Zone). This is approximately 11,340 S.F. of land that is located on the north side of East Division Street just east of Pennsylvania Avenue. In looking at the surrounding zones on that side of Division Street, the properties adjacent to this property are zoned RG-1 (General Residence Zone). In looking at the larger surrounding area, the block between American Avenue and State Street just north of Division Street is zoned RGO (Residence General Office Zone). There is property across Division Street that is zoned RGO (Residence General Office Zone). Again, all subject to the H (Historic District Zone). There is also One Family Residence Zone in the area. The Comprehensive Plan shows this area as Residential Medium Density. In terms of the Comprehensive Plan, RGO (Residence General Office Zone) is one of the permitted zones in the Residential Medium Density classification. By definition in the *Zoning Ordinance*, RGO (Residence General Office Zone) is considered a residential zone. There are uses that are permitted in this specific RGO (Residence General Office Zone) that are not permitted in the current RG-1 (General Residence Zone). One permitted use is professional offices which is the purpose of the application. There are other types of permitted residential uses such as multiplex townhouses, rooming houses and garden apartments. There are also a number of conditional uses such as antique shops and a bed and breakfast. Citywide, the RGO (Residence General Office Zone) is a closed zone which means that properties are not eligible to be rezoned to RGO (Residence General Office Zone) but it specifically states that RGO (Residence General Office Zone) is a closed zone except in the Downtown Redevelopment Target Area. This property

is located in the Downtown Redevelopment Target Area which means that it is eligible for the rezoning classification.

The other agencies have included their comments. In order for a conversion from residential to office, it would require an administrative review to make sure it complies with all of the applicable building and fire codes.

Colonel Welsh questioned if Mr. Paradee agreed with all of the DAC comments and recommendations? Responding to Colonel Welsh, Mr. Paradee stated yes.

Colonel Welsh opened a public hearing.

Ms. Tricia Arndt – 11 Pennsylvania Ave Dover DE 19901

Ms. Arndt stated that she had submitted comments and a petition to the Planning Office earlier in the day. She hoped that the documents had been distributed to the Commission members. She briefly went over some of the statements made in the documents submitted. The residential area in the vicinity of the streets of Pennsylvania Avenue and American Avenue and Maple Lane and beyond is a solid block of single family homes all zoned RG-1 (General Residence Zone). The RGO (Residence General Office Zone) zoning proposal for 109 East Division Street would be the first rezoning in their neighborhood and it is neither consistent nor acceptable. The RGO (Residence General Office Zone) designation opens the potential for future uses such as businesses, professional or government offices, rooming houses, garden apartments, art galleries, gift shops and all the uses that were mentioned earlier. None of these uses exist now and she does not want them to in the future. Neither do her neighbors. She circulated a petition amongst her neighbors and has over twenty (20) signatures. They represent the immediate neighbors to the proposed rezoning proposal. On the map, you can see that everyone surrounding the area is opposed to the rezoning as well.

Her reasons for being opposed to the rezoning were future uses of the property. Should the property be rezoned and then sold, they will have no say on what types of business might come to the area. She is very concerned because this is a residence and a neighborhood and they would like to keep it that way. Any parking for additional future uses as well as for Mr. Ruggerio's business would be in the alley. That alley is adjacent to her backyard. She has concerns about additional parking and traffic in the alley. The alleys are used mostly by the residents and by the City as well. They are infrequently traversed by cars. More often the residents use the alley to walk their dogs and to meet with one another. Middle school children use the alleys to go to school since the school is located behind the neighborhood. On a personal note, her kids ride their bikes in the alley. She has small children and she does not want additional traffic; it is a safety concern. She bought her house because she fell in love with house, the location and the neighborhood. Having businesses coming into her neighborhood with affect her quality of life, her neighbor's quality of life and her home value is a very big concern. Not only for her but for all people who signed this petition.

In closing, the purpose of land use and zoning districts specifically is to segregate uses thought to be incompatible, prevent new uses from interfering with those existing and to provide stability in residential areas. Simply put, zoning regulates private land for the common good. While the new property owner at 109 East Division Street is personable, respectful and will likely be a good neighbor, rezoning this property leaves her and her neighbors vulnerable to unpredictable and undesirable future uses. She has no qualms with his intent to conduct his business in the manner he has stated to her,

such as limited hours and supported by only two (2) employees. But this rezoning approval has consequences far beyond one man's vision for his company. The residents have been here, some for generations and they are more permanent than businesses that come and go.

Mr. Eric Czerwinski – 34 Maple Lane Dover DE 19901

Mr. Czerwinski stated that he lives caddy corner from 109 East Division Street. He shares Tricia's concerns with having this property rezoned. As she mentioned, every house on this block is residential. They do not have one office space anywhere close to this current house. The alleys are very narrow. They are old alleyways, not to a standard width, that were established around 1915. 109 East Division Street is actually the original farmhouse to the entire area. It was built in 1857 and owned by the peach orchards. The empire style house next to it was actually built for the farmer's daughter around 1888. He is not just talking about the aesthetics of the property but with the rezoning, it requires six (6) parking spots and that is not possible. When the current occupier moved in, he tore out all of the English style gardens in the back yard. Their concern was that they were going to have a parking lot in the back yard of this house. The access to this property is extremely narrow; the access is unacceptable and inadequate for that kind of business.

Mr. Joe Hutter – 48 Delaware Avenue Dover DE 19901

Mr. Hutter stated that he was located down the street from the proposed rezoning. Mr. Ruggerio has done an excellent job of telling the community exactly what he wants to do and he is doing a great job of putting the home into the historic value of that area. They all have some historic value within the area. The two (2) homes next to him have been in the same family since they were originally built. One was a Sears and Roebucks home; a 1-2-3-4 home. So there is some historic value to that whole area. His problem is not so much what Mr. Ruggerio is doing now but it is the consequences. What happens when Mr. Ruggerio sells the home? He and his father flipped homes, that's a business and it's great. What if he is trying to do that now? Mr. Ruggerio's answer is "well I am putting so much money into it; it is not going to be worth as much as I have into it." He does not want another business coming into his neighborhood. There are children who play in this neighborhood. Again, Mr. Ruggerio is doing a wonderful job, he has already sunk thousands of dollars into this home that, not knowing if he is going to get approval for rezoning. That to him is wrong. People cannot just go and do what they want to do in hopes of getting approval. He is begging the Planning Commission to not approve this rezoning. If there is a compromise, could there be any type of provisional use that Mr. Ruggerio could have that would not move on to subsequent owners if the property was sold? He does not know the laws and has not researched it but it seems to him if an art gallery can do it, why can't he? He does not like when someone starts work before they are approved to do so. Mr. Ruggerio was very upfront with the community about what he was doing. He does not agree with the rezoning of the property.

Ms. Judy Orr – 101 Delaware Avenue Dover DE 19901

Ms. Orr stated that she wanted to share a different point of view of the neighborhood. Her mother resides about three (3) houses down from the proposed rezoning area and she lives about eight (8) houses away. The whole area is a family. They care about each other. It is Mayberry. It is their town, their community, their family. When her father passed away on April 22, 2013, she had a neighbor trim the hedges without asking. They had Mr. Joe Hutter mow the grass without asking as well as selling her father's boats. Families with mothers residing two (2) houses down; they are afraid. They welcome Mr. Ruggerio if he was coming to the neighborhood as residential and he would be lucky to have them as family. But as a business, they do not know and they cannot predict what is

going to happen in the future. She has a son who may get her house or her mother's house one day. There are generations upon generations; it is a very special group of family. It is a close knit family and they do not want to lose that. They care and support each other and they do not want this rezoning to be approved.

Mr. Charles Salkin – 15 Maple Lane Dover DE 19901

Mr. Salkin stated that he and his wife live just around the corner from 109 East Division Street. He has questions on some of the same topics that have been raised. He appreciates the good work done by the new owner and the sensitivity to most aspects of the historic character of the house if not the entire property. He does have concerns about how that is going to play out under the plan that has been presented by the applicant and more particularly about future use. Perhaps, the Commission could answer a few questions for the entire neighborhood tonight or table this application until the questions can be answered.

The first question is regarding the parking lot. He is led to believe that there is going to be only two (2) parking spaces on this site but that in the future the property could be expanded by the current owner or by a future owner to include six (6) or more parking spaces. He thinks everyone would like to understand that situation better. Two (2) parking spaces, deed restricted might be acceptable. Six (6) parking spaces in the future would be an unconscionable intrusion into their neighborhood as just described by the previous speaker. The ingress and egress through the alley from Division Street is not an acceptable access point for any commercial operation. It is narrow, it is unsafe, and the sight lines are poor. These are really one way streets that people occasionally, on very rare occasion drive both ways on. In all of the time that he has been in the neighborhood and he walks the alleys every morning and sometimes in the evening, he has never seen two (2) cars meet down these alleys. They would like to keep it that way. He is curious to know if this has been accessed by the City of Dover and/or by DelDOT.

Hours of operation concern him. The offices of the applicant seemed like they would be compatible with neighborhood use, typically Monday through Friday normal business hours. Is there anything to stop this from being used 24 hours a day with multiple shifts? He thinks that most of the people in the neighborhood do not really understand the answer to that question.

The City Staff assessment of the property makes mention of the fact that there are other properties in this neighborhood in this same zoning category as proposed here. He thinks that is rather disingenuous given that from a house on State Street to the corner property on the north side of Division Street, there is no commercial activity. It is entirely residential and institutional. He believes it should stay that way. He is already concerned about the loss of vegetation. He understands each landowner has a prerogative but there has been a loss of particularly trees and shrubs and he would hope that there would be some commitment or even restriction on this property to get the neighborhood some green cover again so that it does not have the appearance of a commercial property. He is also curious and concerned about their status as being located in the Downtown Redevelopment Target Area. Those of us who live in the Historic Districts of the town, particularly north of Division Street do not believe that they live in a redevelopment zone and do not want that to happen to their community.

Finally, he understands that one of the parking spaces needs to be ADA compliant. He would assume that if the parking space needs to be ADA compliant then the sidewalks and the building need to be ADA accessible with the appropriate ramps, signs and investments to infrastructure. He believes that

everyone should understand that better and understand what that will look like in the back yards of the immediate neighbors. He would like to know from the Planning Commission if the placement of deed restrictions to protect the neighbor's interests and to assure that the applicant's assertions continue into the future under the ownership of the subsequent owners is a possibility to become a requirement for the applicant.

Mr. Kelly Phillips – 103 East Division Street Dover DE 19901

Mr. Phillips stated that he lives directly next door to 109 East Division Street. He had originally signed a letter of support for Mr. Ruggerio in the original discussion as to what the plans were with the rezoning. He does not know much about zoning or rezoning and he does not have any problems with Mr. Ruggerio's business or running his business from the house. It would be as the other neighbors stated future use. Would they turn into South State Street with lawyers and bail bondsman? He sees that a lot of the other applicants have filed for a conditional use. He would be more in support of a conditional use clause versus a rezoning.

Mrs. Townshend read a letter from Mr. Chris Banning located at 9 Pennsylvania Ave Dover DE 19901.

I am writing this letter to represent my views in my absence at tonight's rezoning hearing. My name is Chris Banning and I am the owner of 9 Pennsylvania Avenue which adjoins the property in question for the rezoning. Originally, I had signed a letter in support of the rezoning however, after further research and thought I am retracting my support for the rezoning. When I purchased my home I did so after searching throughout Kent County. I chose my property for its location and quiet neighborhood. I am concerned about the impacts of a rezoning and its future impacts to our neighborhood as I currently know it. I know Mr. Ruggerio and I do support him and his business; however, I believe the best way to handle this is a conditional use variance to operate rather than changing our neighborhood by rezoning. In closing, I would support a conditional use variance however, I strongly object to a rezoning.

Thank you,
Chris Banning – 9 Pennsylvania Ave Dover DE 19901

Colonel Welsh closed the public hearing.

Mrs. Townshend stated that Mr. Salkin had asked about the number of parking spaces. There are two (2) parking spaces that are located in the garage on the property and the applicant was proposing to use the gravel area next to that. Based on the square footage of the building as an office use, six (6) parking spaces would be required; however, under a separate action, separate hearing, separate from a rezoning, the Planning Commission could waive a portion of that parking requirement. At this point there is a required parking space count of six (6), two (2) of which are in the garage, two to three (2-3) could be accommodated on that current gravel pad and they would be able to request a reduction from the Planning Commission.

In terms of ingress and egress, she would defer to Sharon Duca. This is not something that DelDOT would review as the access is off of a City alley and there would be no access from Division Street. The DAC comments did not have anything specific about the access.

Ms. Duca stated that typically when a project is in the rezoning phase, the City would not look at those specific details because that has to be addressed during the Site Plan development phase. For this property to have access off of the alley it would have to be reviewed in terms of sight distance and those types of obstacles to make sure that access could be made safely into the public road.

Mrs. Townshend stated that in terms of hours or operation, under the RGO (Residence General Office Zone) an office is not a conditional use it is a permitted use so there would not be the ability for the Planning Commission to restrict hours.

Regarding the Downtown Redevelopment Target Area, it is a large block of the interior of the City that goes from Cecil Street, follows State Street down to Delaware Avenue and then goes east to the river, goes down to Hope Street, west over to the railroad tracks and back up to Cecil Street. The purpose of the Downtown Redevelopment Target Area is to allow property owners in that area incentives for redeveloping and investing in their properties. The idea of the Downtown Redevelopment Target Area is not commercial development. In some cases it is commercial development but on the whole it is redevelopment. For instance, when building a new house in that area the building permit fees could be waived, impact fees if applicable could be waived and taxes on the value of improvements could be waived. The Downtown Redevelopment Target Area is not something that is intended as a detriment or to say that this is a depressed area. It actually gives people an incentive to invest in the area.

In terms of handicap accessibility, they would be required to provide handicap accessibility to the property. They have discussed access to the rear which would be mostly screened from public view. In terms of how the parking ties in that is something that needs to be looked at.

On the issue of deed restricting a rezoning, the City would not be able to enforce any deed restrictions. Typically, contract conditional zoning is not a accepted practice because it does not give you the assurances you are looking for and then in the future when the City is unable to enforce those conditions it tends to leave people unhappy.

The other issue that came up in both written and verbal comment is the issue of conditional use versus rezoning. The property is zoned RG-1 (General Residence Zone) and offices are not a conditional use in the RG-1 (General Residence Zone). That is certainly something that the City could explore. With a conditional use, if the office were a conditional use in the RG-1 (General Residence Zone), the Planning Commission would be able to apply conditions such as number of employees, hours or operation and parking spaces; the types of things that the residents have expressed as concerns. The City *Zoning Ordinance* does not allow for that conditional use. The rezoning was the path that was perceived. A conditional use is something that could be looked at.

Mr. Paradee stated that he wanted to start by touching on two (2) very important legal concepts that emanate from the City of Dover Comprehensive Plan. The first is the property is located in the Downtown Redevelopment Target Area. Mrs. Townshend explained the incentives and it is important that the Planning Commission under that the City Council has identified this area as an area that should be encouraged for rehabilitation and redevelopment of this nature. So if the Commission is not going to consider favorably applications like this; a blue ribbon submission, then what kind of message does that send to people who might be looking at properties in the Downtown Redevelopment Target Area about whether they should make investments in rehabilitating their properties? The second point is that the Comprehensive Plan actually designates this property as Residential Medium Density so

something more than what has been there historically is what the Comprehensive Plan recommends. These two (2) points are important because under Title 22 Chapter 3 of Delaware Code which governs municipalities, your Comprehensive Plan is supposed to have force and effect of law. That is basically your City Council saying this is what we have declared to be our intent for the future of this property. That has significance; it is not just some whimsical expression. It is something that this City has studied and decided as the future zoning policy for this property.

He heard a lot of the testimony from the public saying that they do not really have a problem with what Mr. Ruggerio is proposing and they should not. It is in fact as the Staff Report suggests, compatible. There are a lot of professional offices up and down Division Street and in this area. In thinking about the type of use that Mr. Ruggerio is proposing; he is a legislative lobbyist. He has an office where he maintains a filing system and a telephone but the bulk of his work is done at Legislative Hall. So he comes into the office in the morning, gets his coffee and heads down to Legislative Hall and that's where his work is done. It is not a business where he sees a lot of customers or a lot of traffic. It is a very low intensity use; there is very little traffic is any at all. There is very little noise or inconvenience. He would submit to the Commission that it is a less intensive use than a General Residential Use which would be a 24 hour use. When Mr. Ruggerio is done at the end of the day, he closes up his shop and goes home; this property is dark. No one is there, it is quiet and there is no activity whatsoever. He pointed out that it really is a five star blue ribbon type of proposed use that would be compatible. He would submit that it is a plus for the community because the property would be rehabilitated; it's an investment and an improvement.

Before Mr. Ruggerio bought this property it was run down. The purpose of the Downtown Redevelopment Target Area is to encourage people like him to come in and rehabilitate properties. That is a good thing for the neighborhood and this is a great example of how and why it should work. From the neighbor's perspective, nothing is going to change other than good things. The property gets fixed up and the use is very low intensity. It is a net plus for the community and it is compatible. He thinks most of the concerns from the community were what could happen if Mr. Ruggerio did something different with the property; if he decided to sell it or lease it. He expressed that Mr. Ruggerio has purchased this property and invested a lot of money fixing it up because it's his intent to stay there permanently. Mr. Ruggerio has no intention of leasing it to anybody.

Obviously at some point in the future the property will be passed into someone else's hands and they cannot control that. However, they are open to talking about that issue. They would be willing to meet with the neighbors to talk about a possible compromise. He thinks Mrs. Townshend expressed that the City does not have the ability to place private deed restrictions on the property. But they are open to considering any and all avenues for compromise; whether that be some other form of application or some other type of relief to alleviate the concerns that have been expressed. The bottom line is this is the type of use that the City of Dover Comprehensive Plan and the City fathers have recommended be made at this location and this is the kind of user that they should be encouraging. So do not punish him because of fears about what could happen in the future. If the Commission members are not inclined to support the application tonight then they would request that the application be tabled which would give them the opportunity to talk to the neighbors about alternatives. Again, they think that this is the type of application that the City fathers contemplated you would be seeing in the Downtown Redevelopment Target Area.

Mr. Cregar questioned a recommendation from Staff stating if rezoned it may require a Site Plan. Is this a maybe or it will it require a Site Plan? Responding to Mr. Cregar, Mrs. Townshend stated that it will require some sort of Site Plan review but it may not be anything that comes to Planning Commission. It would most likely be an Administrative Site Plan review unless it requires a waiver that Staff cannot administratively deal with.

Mr. Cregar further questioned if the applicant requests a waiver from parking, would that come to the Planning Commission? Responding to Mr. Cregar, Mrs. Townshend stated yes, that would come to the Planning Commission.

Mr. Cregar questioned if the applicant requests a waiver from parking and it is granted, does that stay with the property or does it stay with the use that is intended at that point in time? Responding to Mr. Cregar, Mrs. Townshend stated that the parking waiver would stay with the use because the parking is calculated based on the use. For instance, if a restaurant went in at this location it would likely not cover that use because it would have an increased parking requirement. For any use where it is calculated based on square footage, it would translate to that use.

Mr. Cregar stated that in the existing zone a property owner could have an accessory home occupation that's less than 30% of one floor (in the building). So if the applicant lived there could he have the business at this location? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Cregar questioned if the applicant was living at this location? Responding to Mr. Cregar, Mr. Paradee stated that the applicant was not living there.

Mr. Tolbert questioned if he understood correctly that there was no access off of Division Street? People would have to come in from the alley. Responding to Mr. Tolbert, Mrs. Townshend stated that there is no access off of Division Street. The site is bounded on the east and the north by an alley. Access is currently from the alley on the north but it would need to be worked out off of one of the alleys.

Mr. Tolbert further questioned if this presents a problem since the only access to that site is through the alley? Responding to Mr. Tolbert, Mrs. Townshend stated that it would be reviewed under a use scenario by Public Works.

Mr. Holt stated that he noticed that the neighbors are not as much concerned with this business but maybe a future business. He does not know if there is any way that this can be navigated so that this would not happen.

Colonel Welsh stated that once the zoning is changed, nothing can be done.

Mr. Holt stated that he can sympathize with the neighbors. If he lived in that area, he would feel the same way they do.

Mr. Cregar questioned if the Downtown Redevelopment Target Area talks about reusing buildings that are already zoned? Isn't that part of what the City wants to do? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Paradee stated that Mr. Cregar's question reminded him that they have a plot of the property that shows the proposed parking plan. He wanted to submit that for the record along with a brief explanation. The proposal would be to have two (2) parking spots in the existing garage and then three (3) parking spaces next to the garage in an area that would remain gravel; it would not be paved and is consistent with what is there now. It would be Mr. Ruggerio's intention to ask this body for a waiver to allow the sixth parking spot to be out front of the property on Division Street. Typically, if Mr. Ruggerio had clients come to visit while he was in the office that's where they would park. It is highly unlikely given the nature of his business that people would fill up any of the parking spots out back.

Mr. Cregar stated that in his opinion, at that particular location where there are left hand turns onto Kings Highway along with other traffic, the traffic would be going around the right side of the traffic that's making turns. If someone parked there, they would be taking their life into their hands. It is a bad spot to park.

Mr. Paradee stated that his client asked him to offer a suggestion. He wants to be a good citizen and do the right thing. He has asked if the Commission would be willing to table the application. He would like to have the opportunity to meet with the neighbors, try to work through their concerns and come up with a solution that would be acceptable to everyone. He has also asked that if the members of the Commission have any specific concerns that they would like addressed in that process, they would be happy to do so.

Colonel Welsh stated that he finds twenty-three (23) signatures on a petition from such a small area to be significant. He thinks that it is something that the Commission should not take lightly. In his opinion, the Downtown Redevelopment Target Area is just an area of boundaries that has been identified as needing targeted redevelopment for commercial properties. The Comprehensive Plan is the same way. The zoning that exists at this property is the zoning that is approved by the present Comprehensive Plan which is residential. Although a lobbyist would be a very low intensive use, he just has a hard time particularly with the testimony that has been heard tonight allowing that to change the family residential area. He has admired that area since he has moved here in 1973. He thinks that it is a beautiful area and he can certainly understand the concerns of the residents that live there. There is a lot of vacant commercial property in the City of Dover right now and he thinks there are other places that might be suited to a professional use. The biggest concern that he has is that once they change the zoning of that property it will then be zoned for commercial use. Although he is sure that Mr. Ruggerio is a honorable and trustworthy person, there are no guarantees that he can offer for future use. There are no guarantees that can be giving to these current property owners.

Dr. Jones questioned if there was a possibility that the pending designation of the request could be conditional? Responding to Dr. Jones, Mrs. Townshend stated no, not without a change in the Code.

Colonel Welsh stated that if a motion to table is made, there are no questions concerning the motion. It is simply voted up or voted down.

Mr. Cregar questioned if a motion to table would be something that has happened in the past? Responding to Mr. Cregar, Mrs. Townshend stated that it has happened in the past. She cannot recall any rezoning applications but it has certainly been done on Site Development Plan applications. She knows there have been some rezoning applications that have been deferred because she remembers

having to defer itemsoff of the City Council agenda as well. She cannot recall any applications that were tabled.

Colonel Welsh stated that he does not know where there is room to compromise. Either it is zoned RG-1 (General Residence Zone) or RGO (Residence General and Office Zone); it will be one of the other. One of the concerns that he heard tonight from the neighbors is that they are concerned that once it becomes a commercial use that it opens the door. That is why there is limited ability to compromise regardless of what they come up with.

Mr. Holt moved to table application Z-13-03 Lands of Rhett Ruggerio at 109 East Division Street: Rezoning from RG-1 with H to RGO with H until the applicant brings it forward, seconded by Dr. Jones and the motion fails by roll call vote 3-5 with Mr. Tolbert, Mr. Holt and Dr Jones voting yes and with Mr. Holden, Mr. Cregar, Mr. Baldwin, Ms. Still and Colonel Welsh voting against and Mr. Ambruso absent.

Mr. Paradee stated that his client has asked if it would be okay from him to address the Commission.

Colonel Welsh stated that the hearing portion has been closed so a motion from the floor would need to be made to open the hearing portion in order for the client to comment.

Mr. Tolbert moved to open the hearing to allow the client to speak, seconded by Ms. Still and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

Mr. Ruggerio stated that one of the reasons why he made the suggestion to go back to the neighborhood is because before today he did not realize there was this level of concern in the neighborhood. He has definitely heard the concerns about things like parking and future use. He reached out to as many neighbors as he could. He wants to be someone who is welcomed into the neighborhood and not someone who is not wanted there. His intention is to try to meet with the neighbors about going back to the drawing board. Not necessarily on this application but about what they had talked about prior to the meeting which was the possibility of a conditional use or deed restrictions or even rezoning where it protects them for future use at that facility; so that there is not this sort of thing that they do not want to see.

Mr. Cregar questioned if this rezoning is denied, that does not keep the applicant from coming back with a different rezoning? Responding to Mr. Cregar, Mrs. Townshend stated that if the rezoning is denied, the applicant would not be permitted to apply for a rezoning that is the same or substantially the same for one year. The action of this body does not approve the rezoning. This body makes a recommendation to City Council and they approve or deny the rezoning.

Dr. Jones stated that in view of the discussion and testimonies, she is not sure she is hearing an adversarial kind of situation. Is there an order to withdrawal the application and resubmit?

Mr. Ruggerio stated that he would suggest that the application be withdrawn so that he and the neighbors can go back to the drawing board to reach an agreement.

Colonel Welsh stated that he has heard an overwhelming plea from the surrounding community not to allow this to happen but he did not hear anyone come down and say that this guy is trying to shove this

down our throat. They all had good things to say about Mr. Ruggerio. He is not really sure where to go from here. Can the Commission allow the applicant to withdraw their application? Responding to Colonel Welsh, Mrs. Townshend stated that a motion would have to be made for the applicant to withdrawal.

Mr. Tolbert moved to allow the applicant to withdrawal application Z-13-03 Lands of Rhett Ruggerio at 109 East Division Street: Rezoning from RG-1 with H to RGO with H, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

2) C-13-08 The Galleries on the Green at 325-331 South State Street – Public Hearing and Review of a Conditional Use for the establishment of an art gallery and studio within the existing building located at 325-331 South State Street known as the Parke Building. The property is zoned RGO (General Residence and Office Zone) and H (Historic District Zone). The property is located on the east side of South State Street between North Street and The Green. The owner of record is Henry R. Horsey. Addresses: 325-331 South State Street. Tax Parcel: ED-05-077.09-05-26.00-000. Council District 4.

Representatives: Ms. N. Taylor Collins, Parke Green Galleries

Mr. Cregar recused himself from this application. He lives in this building.

Mrs. Harvey stated that the Conditional Use Plan is to permit an art gallery and studio on the first floor of the existing office building located at 325-331 South State Street. The property is zoned RGO (General Residence and Office Zone) with H (Historic District Zone). The site is an existing two (2) story brick office building known as the Parke Building. The second floor of the building will remain as apartments. The existing building is located in the City of Dover's local Historic District and listed in the National Register of Historic Places as the Dover Green 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 Parke Building consists of four (4) office spaces that are interconnected by the interior doorways where each flows into the next, addressed from 325-331 South State Street and located on the same parcel. There are no proposed changes to the exterior of the building. Planning Staff did receive a letter of support from Willow Rock Gardens, LLC.

Ms. Collins stated she is the spokesperson at this time. Another partner is Mrs. Susan Johnston and her husband is President of Wesley College. Ms. Jan Crumpley is the third partner.

Mr. Holt questioned the parking? He understands that the apartments are going to remain in the building. Responding to Mr. Holt, Ms. Collins stated that they were not making any changes at all to the apartments. The bottom offices have been vacant for quite a few years. There will actually be no changes to the building at all. They are just going to paint the interior of the building.

Mr. Holt questioned the hours of operation? Will they be open eight (8) hours a day, seven (7) days a week? Responding to Mr. Holt, Ms. Collins stated that they would probably be open 10AM-5PM, except on the weekend. First Friday is one of the events that they like to do and hopefully they will have poetry readings and things like that on Fridays as well. The tours are held on Friday evening with the First State Heritage Park but they would be doing compatible things. All of them are very history minded and they understand that they are in the building where the Constitution of the United States

was first ratified on the site of the Golden Fleece Tavern. They are all very aware of that fact and they do want to promote the history and be a bridge between the Green Historic area and Downtown Loockerman Street. They feel that they will be a catalyst to get people down to Loockerman Street to shop.

Colonel Welsh opened a public hearing.

Mr. Thomas Smith -126 Hampton Drive Dover DE 19904

Mr. Smith stated that for twenty-three (23) years he owned Delaware Made General Store. Seventeen (17) years on South State Street and six (6) years on Loockerman Street. For those twenty-three (23) years, he was very involved in Downtown revitalization, serving as the first President of Main Street Dover and as a member of various boards and committees dedicated to revitalization of Downtown Dover. He thinks that what has been discovered is that there is no magic formula or silver bullet that will save our Downtown but that revitalization is a puzzle with many pieces. The arts and arts related businesses are pieces of this puzzle that work in many successful Downtowns all over America. For many years, small office space was at a premium around The Green; however, that has changed as law offices have consolidated and many functions that necessitated being near the Kent County Courthouse have been replaced by electronics and the internet. They now see vacancies in office space near The Green, some for many years. A new use can be found for some of this space, a space for small retail businesses. The area is ideal for that type of use. Arts related retail will help to bring in a new demographic to our Downtown; one which will also utilize other businesses and restaurants as well. The designation of The Green as part of the National Park system will also bring in new visitors and their demographic will fit very nicely into arts and related businesses. He fully supports the request for the change of zoning because new arts related businesses will help to revitalize our Downtown and help to insure the area around The Green continues to be a living historic area that everyone can be proud of.

Colonel Welsh closed the public hearing.

Mrs. Melson-Williams stated that she wanted to make sure that the Commission members saw on their desks the two (2) letters that the Planning Office had received in regards to this application. Attached is a letter dated September 10, 2013 from the Friends of Old Dover. In reading from that letter, the Friends of Old Dover would like to extend their support for the proposed Conditional Use for the establishment of an art gallery and studio at this property. They note the interaction of these artists with the local art community and that letter is signed by the President of the Friends of Old Dover, Mr. Larry Josefowski. The second letter is also dated September 10, 2013 from the Kent County and Greater Dover Delaware Convention and Visitors Bureau, signed by the Director, Mrs. Cynthia Small. It is a letter of support on behalf of the Executive Board of Kent County Tourism for the Parke Green Galleries. They make reference to Downtown Dover as well. As Mrs. Harvey noted, there is a letter received this evening, dated September 1, 2013 noting support of the gallery and it is signed by Ms. Heather Hotaling-Giglio, the co-owner of Willow Rock Gardens, LLC.

Colonel Welsh stated that whoever wrote the letter that accompanied their application packet was very eloquent. It was a very compelling letter. He thinks that this proposed use would be a wonderful use for the City of Dover and an ideal location for it. He looks forward to coming down to purchase art at this location if the application is approved.

Ms. Collins stated that they are so fortunate to have the honorable Mr. Henry Horsey working with them. They have tried for over a year and a half with other business owners and he has just been more than kind and such a friend to the City. They cannot say enough about him.

Mr. Holden moved to approve C-13-08 Parke Green Galleries at 325-331 South State Street to utilize the first floor for an art gallery and studio as it is supported by the community and is in type and scale with the immediate neighborhood, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Cregar recused and Mr. Ambruso absent.

Meeting adjourned at 8:33 PM

Sincerely,

Kristen J Mullaney

Kristen Mullaney
Secretary

City of Dover

DATA SHEET FOR CONDITIONAL USE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF October 9, 2013

PLANNING COMMISSION MEETING OF October 21, 2013

Plan Title:	Bee Hive Beauty Shop C-13-09
Plan Type:	Conditional Use Plan
Property Location:	North side of West Loockerman Street west of South State Street
Property Address:	27 West Loockerman Street
Tax Parcel:	ED-05-077.09-02-37.00-000
Owner: Lessee:	Forty S. Bradford Street, LLC c/o Chris Raubacher Kathryn Lord
Site Area:	2,377 SF ±
Present Use:	Vacant first floor tenant space/ second & third floor apartments
Proposed Use:	Beauty Shop – First floor
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: October 9, 2013

City of Dover Planning Office

APPLICATION: Bee Hive Beauty Salon at 27 West Loockerman Street

FILE #: C-13-09 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 Beauty Salon on the first floor of the existing building located at 27 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 West Loockerman Street west of South State Street. The owner of record is Forty S. Bradford Street, LLC c/o Chris Raubacher, and the lessee is Kathryn Lord. The property address is 27 West Loockerman Street. Tax Parcel: ED-05-077.09-02-37.00-000.

Project Site

This building was built in the 1800s as a three story commercial 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-396.100).

> K-396.100: 27 West Loockerman Street – Late-19th century, 3-story, 3-bay, brick commercial/residential structure; flat roof, ornate cornice; arched fenestration 2nd floor level; modernized 1st floor level; pen eave.

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 was most recently utilized as a restaurant. The second and third floors of the building consist of four separate apartments that are presently occupied. The first floor of the building is currently registered as a vacant building under the provisions of the Vacant Building Ordinance.

Proposed Project

The application seeks to allow for the establishment of a Beauty Shop on the first floor of the

existing building. The plan indicates there will be four (4) working stations, three (3) shampoo bowls, a nail station and a hair color room.

Due to its location, this type of land use as an Beauty Salon 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.

The Bee Hive Beauty Salon was permitted to open in advance of their Conditional Use hearing, as the tenant space they previously occupied experienced severe water damage so that it could no longer be occupied. The Planning Staff met with the applicant and explained the requirement for Conditional Use approval in order to operate, clarifying that if the Conditional Use Permit is not approved, the business would be required to relocate. Opening of the business at this location in advance of the Conditional Use hearing was permitted by the Planning Office, following an inspection by the Chief Building Inspector and Fire Marshal, to ensure that no irreparable harm to their business resulted from prolonged closure due to the property damage that their former location.

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 site.

Parking
The C-2 zoning district does not have an off-street parking requirement for existing buildings. Staff notes that there 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 and loop 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:
   a) Any changes recommended or approvals by the Planning Commission.
   b) Indicate the proposed use.
   c) Indicate the amount of floor area within the building to be utilized by the tenant
   d) Add legal data items :
      1. Name and address of the owner of record.
      2. Name and address of equitable owner, if any.

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_____

   Lessee's signature will need to be added to the plan sheet.

3) Clarify any existing parking spaces that are available on this parcel at the rear of the property.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1. Install a bicycle parking rack in the rear parking lot to serve this facility. This will allow the street side bicycle parking racks to be utilized by customers.

ADVISORY COMMENTS TO THE APPLICANT:

1) The ability of the business to remain at this location is dependent upon approval of the Conditional Use Permit application. The Planning Office issued temporary approval for the business to open in the interim, as water damage made the previous business location unable to be occupied.

2) 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.

3) It appears that this new use will involve a change of occupancy classification with implications for compliance with Building Codes and Fire Codes. The applicant is advised to meet with the City's Fire Marshall and Building Inspector.

4) 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. A Sign Permit # 13-1077 was issued for the installation of a wall sign.

5) 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.

6) 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: AUGUST 28, 2013

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **BEE HIVE BEAUTY SHOP AT 27 W. LOOCKERMAN ST.**

FILE #: **C-13-09**

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. 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/.

WATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. 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.
3. Due to the fact that this property is changing uses, water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine if the size of the existing domestic and irrigation (if applicable) water meter for the building is sufficient. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. If the meter needs to be changed, a waiver letter must be submitted to the Department of Public Works requesting a relaxation of the requirement that all water meters must be installed in a pit.

WASTEWATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. 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.
3. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met, to correctly determine if the size of the existing sanitary sewer lateral for the building sufficient. All proposed wastewater utility components must meet the requirements of the Water / Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

STORMWATER / SANITATION / STREETS / GROUNDS

1. None

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. None

WATER / WASTEWATER / STORMWATER / STREETS / GROUNDS / GENERAL

1. None

SANITATION

1. The City of Dover will continue to provide the current level of trash service to 27 West Loockerman Street. If additional trash service is required, the owner shall secure a private company to take over the sanitation service.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

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

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:

CITY OF DOVER FIRE MARSHAL

APPLICATION: Bee Hive Beauty Shop at 27 W. Loockerman St.

FILE #: C-13-09 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 mercantile. The Fire Marshal has already reviewed the business and at the time of inspection the location met all of the requirements of the Office of the Fire Marshal and was ready for business occupancy. The current business has already moved in under those conditions due to severe water damage at their prior location.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

The proposed building will be reviewed under Business Occupancy.

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 28, 2013

D E L D O T

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APPLICATION: Bee Hive Beauty Shop at 27 West Loockerman Street
FILE#: C-13-09 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.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE:

CITY OF DOVER FIRE MARSHAL

APPLICATION: Bee Hive Beauty Shop at 27 W. Loockerman St.

FILE #: C-13-09 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 mercantile. The Fire Marshal has already reviewed the business and at the time of inspection the location met all of the requirements of the Office of the Fire Marshal and was ready for business occupancy. The current business has already moved in under those conditions due to severe water damage at their prior location.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

The proposed building will be reviewed under Business Occupancy.

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

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

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

City of Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF October 9, 2013

PLANNING COMMISSION MEETING OF October 21, 2013

Plan Title:	Dover Christian Church C-13-11
Plan Type:	Conditional Use Site Plan
Property Addresses:	1738 Forrest Avenue, Dover
Location:	South side of Forrest Avenue (Route 8) and west of Dover High Drive
Tax Parcels:	ED-05-075.00-01-04.00-000
Owner:	Dover Christian Church Inc.
Site Area:	1.5576 +/- acres (67,850 SF)
Present Use:	Residential Dwelling (to be demolished)
Proposed Use:	Place of Worship (Church)
Sewer & Water:	City of Dover
Zoning Classification:	R-10 (One Family Residence Zone) COZ-1 (Corridor Overlay Zone)

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: October 9, 2013

CITY OF DOVER PLANNING

APPLICATION: Dover Christian Church at 1738 Forrest Avenue

FILE#: C-13-11 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn E. Melson-Williams, AICP PHONE#: 736-7196

PLAN SUMMARY:
This Plan is for review of a Conditional Use Site Plan to permit the construction of a one story 9,600 SF place of worship (church building) and other associated site improvements. The existing residence on the property is proposed for demolition. The property is 1.5575 acres and is zoned R-10 (One Family Residence Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The subject property is located on the south side of Forrest Avenue (DE Route 8) and west of Dover High Drive. The owner of record is Dover Christian Church, Inc. Property Address: 1738 Forrest Avenue. Tax Parcel: ED-05-075.00-01-03.00-000. Council District 1.

Existing Property and Surrounding Area:
The property was annexed into the City in early 2007. (AX-06-09) At the time of annexation the property was zoned to R-10 (One Family Residence Zone) and COZ-1 (Corridor Overlay Zone).

The subject property is located in the western edge of the City of Dover. Located to the north across Forrest Avenue (Route 8) are a series of lots with single family homes which are outside City limits and under the jurisdiction of Kent County. Also to the north across Route 8 but within City limits is an Agricultural Preservation District with a State agricultural easement (Purchase of Development Rights). To the east is property owned by the Capital School District which is being developed as the New Dover High School (C-10-05/S-11-18). Adjoining this church site to the west and south, there is a proposed multi-family development for 240 apartment units known as Leander Lakes. Leander Lakes (S-12-18) was conditionally approved by the Planning Commission on October 15, 2012 (previously reviewed as Application S-09-13. The Leander Lakes application is in the Check Print review process with the reviewing agencies to obtain final plan approval including entrance plan design review with DelDOT regarding the design of the southern segment of Dover High Drive and connection to Tribbitt Street. The design and construction of Dover High Drive is a joint effort of the Capital School District as associated with the High School project and Leander Lakes.

CONDITIONAL USE
Within the R-10 zoning district, the use of a property as a site for a place of worship (church) is permitted subject to approval of a Conditional Use by the Planning Commission. *Zoning*

Ordinance, Article 3 Section 1.14a gives specific conditions for property size, setbacks, lot coverage and percentage for buildings.

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

Article 10. Planning Commission

Section 1. Approval of conditional uses.

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

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

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

PROJECT SUMMARY

The proposed project is for demolition of the existing residential dwelling on the property and then construction of a 9,600 SF church building. The one story building sits parallel to Forrest Avenue with parking located on the west and south sides of the building. This (rear) parking lot is proposed to be accessed from Dover High Drive.

COZ-1: Corridor Overlay Zone

The subject site involved with this application is located within the COZ-1 (Corridor Overlay Zone). The *Zoning Ordinance* details the requirements of the COZ-1 in Article 3 §26 and its subsections. The Corridor Overlay Zone as a planning and growth management tool is designed to foster and attractive, efficient, and economically vibrant urban corridor along Route 8/Forrest Avenue and Saulsbury/McKee Roads. To this end, more stringent standards are applied to development taking place in the corridor. A discussion of the provisions of the COZ-1 which apply to this application follows below.

The plan as presented is in compliance with the requirements listed below.

- The COZ-1 does not specify a required front yard setback for non-residential properties in this segment of the corridor; therefore, the setbacks prescribed in the Article 3 Section 1 are applied.
- The building must sit parallel to the road with the longest side facing the road; the design achieves this concept.
- Achieves the following for the parking lot layout/arrangement: parking lot location no closer to the street than the building and also not in the front yard setback, the number of spaces versus islands (10 feet width) and median placements, and the sizing thereof.
- A landscaped buffer (varying width) and sidewalk at a width 6.75 feet combines to meet the minimum total of 12 feet that is required between the building and parking/drive aisles.
- Building complies with the allowable number of stories in the COZ-1; however, compliance with the maximum height of 35 feet is unclear due to the presence of a steeple on the church building.
- The proposal meets the requirement that 25% of the lot consist of landscaped open space. As shown 37.1% of the lot is open space.
- Street frontages (Forrest Avenue frontage) are required to have a landscaped open space of 25 feet and provide one tree per 50 (fifty) feet of frontage. (See Landscape discussion)
- Non-frontages (side and rear yards) are required to have landscaped open space of 15 feet when adjacent to residential uses and landscaped open space of 5 feet when adjacent to non-residential uses and to provide one tree per 75 (seventy-five) feet.
- The building shall have a corridor elevation with specific architectural features (See Building Architecture discussion).

BUILDING ARCHITECTURE (Drawings dated 9/6/2013)

The Plan submission includes the requisite Architectural Elevation drawings presenting all elevations of the church building. See attached elevation color renderings and site plan drawings for detailed information on building dimensions, locations, and material choices.

The exterior finish materials for the church utilize two different colors of split face masonry and metal siding for the walls and a metal roof system for the pitched hipped roofs. Other exterior finish details in the form of banding, windows, trimwork of openings include the use of ground face masonry and translucent panels. Main entrances to the building are located on the north elevation and south elevation. These entrances highlighted by a glass and aluminum storefront window/door systems and a metal canopy. A series of tall arched windows are used in the sanctuary section (west end) of the building and on east elevation of the building with aluminum storefront window systems utilized on the east section of the building and on the south elevation.

The roof is metal gable roof on two sections of the building with flat roof systems used in other areas. A cupola with steeple is centered at the main entrance section of the building. No information is provided on the height of this element. The applicant is still considering the concept and design of a steeple element.

This building is subject to the Architectural Review requirements found in Article 3 §27.69 for properties located within the Corridor Overlay Zone. See text below.

> *27.69 Architectural Review.* The side of any building which faces the corridor (or corridors) shall be referred to as the "corridor elevation." Buildings in the COZ-1 shall be designed to front on the corridor, and the corridor elevation shall contain architectural elements traditionally associated with the front of a building. Blank walls without functioning windows are prohibited along the corridor. Windows must be incorporated into the overall design concept of the corridor elevation. Providing one or several small windows on a large corridor elevation shall not constitute compliance with this ordinance.
>
> A "functioning window" shall be defined as a window which lets light into the interior of the structure, and is integrated and related to the interior layout of the space. In addition to functioning windows, the corridor elevation shall have the following elements:
>
> a) A primary entrance door or doors (except for loading doors).
> b) A primary entrance feature, such as a porch, portico, awning, entrance walk, or other similar feature.
>
> In addition, the corridor elevation shall have one of the following elements:
> a) Landscaping integrated into the building design concept.
> b) Architectural or urban design elements which link adjacent structures together, such as plazas, walkways, colonnades, or similar features.
> c) Architectural relief, such as vertical and horizontal off-sets in exterior wall elevations, band courses, lintels and sill courses, cornices and the like to create shadow lines.

As currently proposed, the corridor elevation of this building includes a series of windows which qualify as functioning windows. With the architectural elevations showing a set of main entrance doors and primary entrance feature of a canopy on the corridor elevation, this project is in compliance with the code requirement. The plan as submitted complies with the second requirement of the corridor elevation (items a and c) by providing tree and shrub plantings immediately adjacent to the front of the building and also providing a variety of architectural relief on the corridor façade (material changes, window detailing, appearance of multiple sections, etc.).

PARKING SUMMARY

The parking requirement for a place of worship is based on a rate one parking space per 200 square feet of floor area but not less than one space for each four (4) seats. Based on floor area the facility would require forty-eight (48) parking spaces; however, the parking calculation based on seating will govern. From the initial seat counts of 260, the overall parking required for the site is sixty-five (65) parking spaces. The plan appears to shows a total of sixty-seven (67) parking spaces including handicapped accessible spaces. A loading space is not required.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) parking spaces. Based on the number of parking spaces at 65, a minimum of four (4) bicycle parking spaces are

required. The Plan indicates the location of bicycle parking racks near the building's south entry.

SITE CONSIDERATIONS

Building placement requirements of the Corridor Overlay Zone are found in Article 3 §27.52. It includes the requirement that the building be placed with the long side to the roadway. This site design places the long side parallel to Forrest Avenue.

Entrances

The site is accessed from Dover High Drive. This requires the crossing of two adjacent properties: lands of the Capital School District and Lands of Leander Lakes, LLC. No access from Forrest Avenue (Route 8) is shown and the existing driveway curb cut serving the existing dwelling is to be removed.

Delaware 8 Concept Plan and Operations Study

In 2007, the Dover/Kent County Metropolitan Planning Organization developed and approved the *Delaware 8 Concept Plan and Operations Study* to identify circulation improvements along the Route 8 corridor on the west side of Dover, from the railroad tracks to Artis Drive. The study identifies a number of north/south connector roads to relieve traffic conditions along the Route 8 corridor. An initial segment of one of these connector roads is Dover High Drive which this church project proposes to access from. The first segment of Dover High Drive has been constructed.

Sidewalks

The site shows a multi-use path along the street frontage of Forrest Avenue/Route 8. Additionally, a sidewalk is shown on one side connecting into the site along its entrance drive from Dover High Drive. The plan seems to provide for handicapped accessible ramps at the points of intersection.

Other Site Elements

Dumpsters are required for institutional uses at a rate of one per 40,000 SF of gross building area and one for each additional 40,000 SF of building area. For this site it requires one Dumpster based on the total square footage of 9,600 S.F. A masonry Dumpster enclosure with screening plantings is shown in the southwest corner of the parking lot.

Lighting

The location of the lighting is proposed in the form of light poles around the perimeter of the parking lot. The church facility would be considered a commercial-like use, thus requiring a minimum of 1.5 foot candles at grade. The proposed lighting must be adequate to safely light all parking and pedestrian areas yet must be shielded and directed as to not create a nuisance on the adjacent properties.

TREE PLANTING AND LANDSCAPE PLAN

The tree density requirement is calculated at rate of one tree per 3000 S.F. of total site area. Based on the 1.5576 acre (67,850 S.F.) site area, a total of twenty-three (23) trees would be required. A total of thirty-one (31) trees are proposed. The proposed tree plantings are a mix of deciduous and ornamental trees with groupings placed along the property frontages, in the

parking lot islands, and near the building. These tree planting locations should maintain appropriate separation distances from utilities lines, buildings, and other site improvements.

COZ-1 Landscaping Requirements

The COZ-1 requires that a minimum of 25% of the site be landscaped open space. For this site approximately 37.1% is open space. Trees are utilized for the landscaping within the parking lot islands. Article 3 §27.53 C requires a landscaped buffer area of twelve (12) feet in width between the building and the parking lot or drive areas inclusive of a minimum six (6) foot wide sidewalk; this is shown on the Plan for the west and south sides of the church building.

The COZ-1 (Corridor Overlay Zone –1) also includes specific tree planting requirements along property lines. One tree per fifty feet of frontage is required. A series of Red Maples, Crabapples, and Cryptomeria trees are shown along the frontage of Forrest Avenue. One tree per 75 feet is required on the non-frontage perimeters within the COZ-1. Tree plantings in these areas include Red Maples, Willow Oaks, and Green Vase Zelkovas.

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 Final Plan set must include notes indicating the action taken by the Planning Commission in regards to any waivers and listing any additional conditions of approval. The plan set is be revised to reflect all changes recommended by the Planning Commission.

2) The actual building heights (to eave, to roof ridge, steeple, etc.) must be provided in order to confirm compliance with the maximum building height. It appears that the steeple element may exceed the maximum height limit for the zoning district which is 35 feet. Should the applicant wish to include a steeple a Board of Adjustment application may be necessary. *The applicant has noted that they are considering the concept and design for a cupola and/or steeple element at this time and understand the requirement for compliance with the height limitations.*

3) Documentation from the adjacent property owners regarding the proposed permanent cross access easement is required. A Record Plan sheet may also be required to document this information and the property's access to Dover High Drive as part of the Entrance Plan approval from DelDOT.
   a) It appears that revisions to the Landscape Plans and other construction plans for the Dover High School project and the pending Leander Lakes Apartment project will need to be made to accommodate this proposed site entrance design. There are a number of tree plantings proposed in this area of the adjoining properties.
   b) Ensure stormwater management and drainage systems continue to function and /or are designed to accommodate this site entrance.

4) Coordination efforts regarding the provision of water and sanitary sewer services to this church property as routed from the proposed Leander Lakes project must continue. The Planning Commission in its conditional approval of Application S-12-18 Leander Lakes

Apartments noted the requirement for Leander Lakes' coordination with adjacent properties for such services due to the regional design approach to the water and sanitary sewer system.

5) Sheet C-001:
   a) Correct COZ listing to be COZ-1.
   b) In Item #9, list that maximum lot coverage allowed is 75%.
   c) In Item #10, correct the side and rear setbacks to be 25 feet in the R-10 as required for this conditional use. There are no side and rear setback requirements in the COZ-1.
   d) Clarify the height of the building and how measured (mean of eave and ridge or to top of steeple).
   e) Update references in General Notes to Public Works from Public Utilities. Update references to DNREC that should be the Kent Conservation District.
   f) Check spelling in General Note #24.
   g) Add location of permanent easement along Forrest Avenue frontage.
   h) Add notes outlining any conditions of the Planning Commission approval.

6) Clarify the address of the property. The City records indicate the address as 1738 Forrest Avenue (not 2055 Forrest Avenue which is shown in County records). Consult with the City of Dover Tax Assessment Office to clarify address. Update all plan sheets.

7) Sheet C-101:
   a) Evaluate if existing tree can remain.
   b) A Demolition Permit will be required for the demolition of the existing dwelling. The existing utilities services must be appropriately abandoned this includes any wells, septic systems, etc. on the site.

8) Ensure handicapped access ramps are shown at the required points of intersection of streets, parking lot entrances, intersections of sidewalks with parking lot drive aisles, etc. Check detail of ramp at entrance from Dover High Drive.

9) Provide construction details for the following items but not limited to: barrier free sidewalk, curbing, traffic control signage, paving section, lighting fixtures, handicap signage, bike rack, Dumpster, etc. in the Site Plan

10) Provide a Signage and Striping Plan or provide that information on a Plan Sheet. This includes location of stop signs, location of stop bars, crosswalks, directional arrows, fire lane markings, etc.

11) As plan evolves plan for the location of future site signage in compliance with the code requirements. Consider the location of landscaping and tree planting to ensure intended visibility of the signage. Currently the monument sign along Forrest Avenue may be located within the permanent easement for the multi-modal path.

12) Landscape Plan, L-101:
   a) Correct zoning listing of COZ to read as COZ-1.
   b) Any revisions to the tree plantings must be approved by the Planning Office. Update General Note #19.

c) Ensure that tree and other plantings do not conflict with utilities lines such as sewer, water, stormwater, etc. and that separation distances are maintained. The proposed screening plantings near the Dumpster enclosure may be too close to the water line. Also check spacing of Zelkova in this same area.
d) Ensure Redbud trees are planted an adequate distance from the building to allow for maturity.
e) Clarify how shrub plantings to the east of the south entrance door will survive under the proposed canopy. Relocate as necessary.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Planning Staff notes that the proposed site entrance from Dover High Drive is an appropriate location rather than an entrance off Forrest Avenue given the recent and continuing transportation improvements in this general area. However, the applicant shall be aware of their responsibility to seek and document the necessary easements from the adjacent property owners and satisfy the DelDOT requirements to achieve Entrance Plan approval.

2) Planning Staff also encourages the continued efforts regarding the linkages of this church property to the proposed water and sanitary sewer systems that are under construction and proposed for construction in this area. However, the applicant shall be aware that timing of construction of such services may not coincide with their own construction timing.

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

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

4) Construction and demolition may have an effect on the adjacent property owners and travelers on nearby streets. Any work requiring the closing or rerouting of residents, travelers, or visitors to the adjacent properties and streets should be coordinated as to offer the least amount of inconvenience.

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

6) 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. The Building Permit submission must comply with the conditions of approval of the pertaining to the architectural requirements of the COZ-1.

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.

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: OCTOBER 2, 2013

CITY OF DOVER Electric & Public Works Departments

APPLICATION: DOVER CHRISTIAN CHURCH

FILE #: C-13-11

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. 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.
7. The minimum spacing between fire hydrants and hydrant valves shall be fifteen feet (15'). (See construction detail W-3 of the Water / Wastewater Handbook).

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 mains showing that velocity and all other requirements are met. Any projected future flow requirement must be clearly identified.
6. 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.
7. The minimum size of all sanitary sewer laterals shall be six-inch (6").
8. 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 / 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 / WASTEWATER / STORMWATER / STREETS /SANITATION / GROUNDS / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

1. It is recommended that the developer coordinate with the Leander Lakes development to the south to obtain water service. If the water infrastructure necessary for service is not installed prior to construction of this project, the developer shall provide another method of connecting to water services. 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. It is recommended that the developer coordinate with the Leander Lakes development to the south to obtain wastewater service. If the wastewater infrastructure necessary for service is not installed prior to the construction of this project, the developer shall provide another method of connecting to wastewater service. 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 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.

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:

CITY OF DOVER FIRE MARSHAL

APPLICATION: Dover Christian Church 1738 Forrest Ave

FILE #: C-13-11 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: David Truax, Fire Marshal PHONE #: (302) 736-7011

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 9,600 Sq. Ft assembly occupancy. Submitted fire lanes are ok. Show required perimeter access on drawing.

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

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

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

Full building and fire plan review is required.

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

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

Sprinkler system required. System to be monitored.

Fire alarm system required. Voice Evac if over 300 persons.

Knox Box required.

Project to be completed per approved Site Plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

The proposed building will be reviewed under Assembly 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: October 2, 2013

DELDOT

==========

APPLICATION: Dover Christian Church
FILE#: C-13-11 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 proposed entrance location on Dover High Drive is within the proposed stormwater bay area of Leander Lake Apartments project. The Department recommends the necessary coordination between the two projects in order to resolve this issue.

2. In order to be issued a Letter of No Objection (LONO), the department will require the applicant to provide the proper forms, fees, and plans.

3. 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. In addition, the department will allow a payment towards an Area-Wide Study Fee for the additional trips, in lieu of performing the TIS. The Area-Wide Study Fee is calculated at $10 per daily trip, and it would be payable to DelDOT prior to the issuance of a Letter of No Objection. Payment of the TIS would exempt the developer from performing the study, but would not exempt them from participation in off-site improvements or a Traffic Operational Analysis if one is required during the review of the entrance plans. If the developers would like to pay the fee in lieu of doing a TIS, the developer should contact me at (302) 760-2145.

4. The applicant will be required to provide a monetary contribution towards the installation of the traffic signal at the intersection of Forest Avenue and the Dover High Drive.

5. The proposed monument sign cannot be located within the 15-foot permanent easement (PE) along the site frontage.

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
October 2013

APPLICATION: *Dover Christian Church*

FILE #: C-13-11

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

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

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

1. Land disturbing activities in excess of 5,000 square feet are regulated under the Delaware Sediment and Stormwater Regulations. A detailed sediment and stormwater management plan must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place.
2. A pre application meeting with the site engineer shall be required with the Conservation District prior to plans being submitted for review.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 10/9/13

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Dover Christian Church on Forest Avenue

FILE #: C-13-11 REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: James Galvin, AICP PHONE #: (302) 387-6030

The Dover/Kent County MPO has participated in the State's Preliminary Land Use Services (PLUS) process for several months. The MPO requested the opportunity to bring the recommendations on issues of our concern to the City as well. The MPO will limit comments to projects to development proposals and applications that may lead to new development. Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission 10/21/2013
Project Review
C-13-11 Dover Christian Church on Forrest Avenue

the site design for this property considers many of the elements under the MPO's purview. It has reasonable pedestrian access to the site both from DE 8/Forrest Avenue and from Dover High Drive.

The development of the Dover High School and in the potential development of Leander Lakes Apartments on the adjacent parcels will likely require review by the Delaware Transit Corporation for the location of a new bus stop. The applicant should coordinate with the adjacent applicants/owners to bring bus service to the area at the discretion of the Delaware Transit Corporation.

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.

PETITION TO ABANDON AN IMPROVED CITY STREET
Public Hearing before the
Dover Planning Commission
October 21, 2013

Applicants:	Milford Housing Development Corporation Green Street Development
Location:	Harmony Lane, North of Walker Road
Present Use:	Public Streets
Proposed Use:	Private Drive and Parking Area
Reason for Request:	Redevelopment of Walker Woods and Walker Woods II
File Number:	MI-13-16

Summary of the Request:
The applicant has requested abandonment of Harmony Lane in coordination with their plan to redevelop Walker Woods and Walker Woods II (S-13-18). As a part of the Site Development Plan, the 55 parcels will be consolidated to one.

Recommendation of the Planning Staff:
The Planning Staff has no objection to the proposed abandonment; however we recommend that the abandonment be conditioned upon the completion of the Site Development Plan and parcel consolidation and that the City not give up ownership of the road until such time that the parcel consolidation is recorded.

Advisory Comments to the Applicant:

1. The Planning Commission's role is to make a recommendation to City Council on the matter. City Council has ultimate authority on the request for abandonment.

2. Abandonment of public streets and alleys does not constitute approval for physical alteration of such streets and alleys. Any modification or ground-disturbing activity must be reviewed through the appropriate site plan process and receive all requisite approvals by regulatory agencies.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: OCTOBER 2, 2013

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: Request for Street Abandonment : Harmony Lane

FILE #: MI-13-16

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

1. Our office has no objections to the proposed street abandonment.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC / WATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

WASTEWATER

1. A permanent cross access easement must be provided to the City of Dover for access to the pump station and associated force main.
2. A permanent public utility easement shall be provided for the existing four-inch (4") force main and pump station on this site. No temporary or permanent structures, including signage or stormwater management areas, shall be placed within the easement areas established.
3. The neighboring property to the west currently connects to the sanitary sewer man hole within this proposed development. A permanent maintenance agreement must be created between the two properties, said agreement shall hold the City of Dover harmless of any operational issues between the two parties.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. Once streets are abandoned and turned into a private road, the streetlighting is no longer required & becomes private, Customer has four options: (1) contact Customer Service to set up an account to pay for existing lights monthly, (2) contact Customer Service & set up metering for existing lights, (3) City will disconnect existing lights from City system, abandon lights to customer & they can energize from their system or (4) contact Kent County and inquire about the possibility of setting up a lighting district. . Options 1,2 & 4, City of Dover provides maintenance for lights. Option 3, lights & wiring are the sole responsibility of customer (City will recommend a metering point if necessary)

WATER

1. The water infrastructure within the existing development will become private; the City of Dover will not provide any maintenance on any water infrastructure within the proposed property. In addition, services including, but not limited to, hydrant maintenance and water flushing will not be performed by the City.

WASTEWATER

1. The gravity sanitary sewer infrastructure within the existing development will become private; the City of Dover will not provide any maintenance on any gravity sanitary sewer infrastructure, including sanitary sewer laterals within the proposed property. The City will maintain ownership the existing pump station and associated force main.

STORMWATER

1. The stormwater infrastructure within the existing development will become private; the City of Dover will not provide any maintenance on any stormwater infrastructure within the proposed property.

STREETS

1. Harmony Lane will become private, the City of Dover will not provide any maintenance on Harmony Lane, including, but not limited to, street sweeping, leaf collection, snow removal and road repair within the proposed property.

SANITATION

1. Harmony Lane will become private, the City of Dover will not provide any sanitation service to this property, including, but not limited to, the provision of bulk waste, yard waste and domestic sanitation services within the proposed property.

GROUNDS

1. The City of Dover will not provide any service for street tree maintenance (if any) within the proposed property.

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: October 2, 2013

DELDOT

APPLICATION: Request For Street Abandonment: Harmony Lane
FILE#: MI-13-11 REVIEWING AGENCY: DelDOT

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
October 2013

Application Name:	Milford Housing Development Corp.
Application/Project Number:	MI-13-16
Reviewing Agency:	Kent Conservation District (302)-741-2600 ext.3
Project Reviewer:	David C. Cahill

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:

Source:
Delaware Sediment and Stormwater Regulations

Requirements:

1. Kent Conservation District has no objection to request for street abandonment of the above referenced street.

Comments:

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.

977 East Masten Circle
Milford, DE 19963

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City of Dover
RECEIVED
AUG 14 2013
CITY MANAGER/MAYOR

August 6, 2013

Mr. Scott Koenig
City Manager
City of Dover, DE
City Hall – 15 LoockermanPlaza
Dover, DE 19903

RE: Petition for Abandonment of Harmony Lane

Dear Mr. Koenig:

Tom and I appreciated your time last week to sit down and discuss our proposed redevelopment for the Walker Woods Townhome community in Dover, DE. Attached to this letter is a list of the parcels, for which Milford Housing Development Corporation is the equitable owner, that comprise the Subject Parcels.

In our redevelopment process and in the site plan submissions that are forthcoming, we are proposing to consolidate all of the Subject Parcels and reconfigure many features of the site in conformance with the requirements of the City of Dover and the Delaware State Housing Authority and all other authorities having jurisdiction.

As you know, Harmony Lane is a public road that is currently owned and maintain by the City of Dover, yet it exclusively serves the Subject Parcels. In the initial development of Walker Woods, with the intention to ultimately provide affordable homeownership opportunities in the townhomes located on the property, the public road was essential. In our optimal redevelopment scenario, which consists of a desertion from the intent to ever sell individual townhomes, we would own and privately maintain Harmony Lane from the limits of our property boundary on Walker Rd. Along with the abandonment, we are seeking a mutually acceptable form of letter of intent for the transfer of title to MHDC of the abandoned road contingent upon the City's final approval of the site plan and the acquisition and consolidation of the Subject Parcels

In our discussions, it is our understanding that the City has a specific process to petition for abandonment of a public right of way. Please accept this letter as my formal request to begin this abandonment process for Harmony Lane.

Should you have any questions about the subject, please feel free to call me at 302-422-8255.

Sincerely,

Russell Huxtable
Vice President

cc: Tom Ayd – Green Street Housing

City of Dover

DATA SHEET FOR SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF October 9, 2013

PLANNING COMMISSION MEETING October 21, 2013

Plan Title:	The Village at Sherwood (Redevelopment of Walker Woods/Walker Woods II) S-13-18
Plan Type:	Site Development Plan
Applicant/Owner:	Milford Housing Development Corporation Walker Woods Properties LLC
Project Engineer:	Parker and Associates
Location:	North Side of Walker Road, East of Kenton Road
Address:	Harmony Lane
Tax Parcel:	Various
Site Area:	7.70 acres ±
Zoning:	RG-2 (General Residence Zone)
Present Use:	Residential – 72 townhomes on 55 lots
Proposed Use:	Residential – 77 garden apartment units on one lot
Sanitary Facilities:	City of Dover
Water Supply:	City of Dover
Waivers Requested:	Elimination of Emergency Rear Access Requirement Partial Elimination of Curbing

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: October 9, 2013

CITY OF DOVER PLANNING

APPLICATION: The Village at Sherwood (Redevelopment of Walker Woods/ Walker Woods II)

FILE #: S-13-18 REVIEWING AGENCY: City of Dover Planning Office

CONTACT PERSONS: Ann Marie Townshend, AICP and Tracey Harvey
PHONE #: 302-736-7196

PLAN SUMMARY

This is a Site Development Plan Review to permit the construction of the 77 garden apartments in twelve (12) buildings. The property is zoned RG-2 (General Residence Zone). The owners of record are Walker Woods Properties, LLC and Milford Housing Development Corporation. Tax Parcel: Multiple Parcels on map ED-05-064.18-01

PARKING SUMMARY

The minimum parking requirements for this project as multiple dwelling/apartment buildings is two (2) parking spaces for every dwelling unit, one for every 200 S.F. of office space, and 0.25 for every dwelling unit for guest parking. Based on the number of proposed 77 dwelling units 174 parking spaces are required; however no square footage for an on-site office is included. When this information is provided, the number of required parking spaces may increase. The plan as submitted shows 174 parking spaces. There are eight (8) handicap parking spaces located throughout the complex.

Parking for Buildings A, B, J, K and L is located off of Harmony Lane on separate access drive/parking areas. Parking for Buildings C, D, E, F, G, H and I is pull-in parking located on Harmony Lane.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) parking spaces. Based on the number of parking spaces at 174, a minimum of nine (9) bicycle parking spaces are required. Once the plan is adjusted to reflect the required number of parking spaces (174 plus any required for the office area), the number of required bicycle parking spaces may increase. The Plan shows 8 bicycle parking racks at various locations throughout the complex. There is no indication of how many bicycle parking spaces are provided in each rack.

BUILDING ARCHITECTURE

Architectural elevations are required to be submitted as a part of the Site Plan (*Zoning Ordinance,* Article 10 §2.54(o) and Article 5 §19). Elevations were submitted for Building B and Building I. The submitted elevations reflect two and three story buildings that include a

combination of vinyl siding and brick. The elevation for Building B shows a brick water table; and the elevation for Building I shows a brick water table and the incorporation of brick into other architectural elements. The buildings will have pitched roofs with asphalt shingles. There are gables provided with metal seem roofs. The front and rear sides of the building will have balconies with railings. The ends of the buildings will have vinyl siding. Current elevations do not include windows on the building ends.

No elevations were provided for the community center building.

SITE CONSIDERATIONS

Site Access

The site will have one access point to Walker Road, which is Harmony Lane. Harmony Lane is a City of Dover street. Milford Housing has requested to the City that Harmony Lane be abandoned and be used as an internal access drive. This request is being reviewed under another application number (MI-13-16). Harmony Lane is a cul de sac, and the existing street layout is proposed to remain, with the addition of a landscaped median for a portion of the street length. The layout of the Site Development Plan and its compliance with the requirements of the *Zoning Ordinance* are dependent upon abandonment of Harmony Lane. If this request for abandonment is not successful, then the Site Development Plan will require further review and may be required to appear before the Planning Commission again.

Site Circulation

In addition to Harmony Lane, the proposed Site Plan makes use of an existing drive parallel to Walker Road, just north of the buildings closest to Walker Road. Two parallel drive aisles extend north on either side of this drive, providing access to parking for buildings B, J and K.

Lighting

The location of lighting is not indicated on the plan. Adequate lighting needs to be provided throughout the site. Additional lighting should be placed along the walking. The lighting should be deflected away from other properties. The design/style of the fixtures should be provided on the Site Detail Plan sheet.

Dumpsters

Apartments require one (1) dumpster pad for the first 24 units and one (1) for every additional 24 units or a fraction thereof. Based on this calculation four (4) dumpster pads are required for the 77 dwelling units. The site plan currently depicts four (4) dumpster pads. The proposed dumpster pads are located throughout the site. The method of private trash collection has been identified on the plan. A dumpster enclosure detail should be provided on the Site Detail Plan sheet. The architectural components of the Dumpster enclosures are to match the construction materials of the proposed buildings and be of a durable construction.

With this project, there is the opportunity to design for recycling collection on the site. Indicate if recycling will be provided for the complex and the location of the recycling area.

Active Recreation Area Plan

Based on the proposed 77 dwelling units and 150 square feet of recreation area required per unit, the site is required to have 11,550 square feet of recreation area. The applicant has proposed to

meet this requirement through a variety of amenities throughout the development. On the southwest portion of the site, there is a community center building with meeting rooms and activity rooms. A playground area is adjacent to this community center. A small tot lot is proposed on the east side of the site. On the east side of the site there is also an ADA accessible picnic area. There is also a proposed five-foot-wide mulch path leading from the picnic area to the end of the cul de sac and an ADA accessible path extended from this to the west side of the site where the playground is. There are three (3) 15'x12' exercise stations proposed throughout the development.

In addition to these amenities, the applicant has proposed a series of benches and relaxation stations scattered through the development. The relaxation stations include a bench, trash receptacle, recycling receptacle, and smoking receptacle on a concrete pad. There are four (4) relaxation stations and nine (9) stand-alone benches distributed throughout the proposed development.

The plan shows tree plantings throughout the development, including areas adjacent to the recreation amenities.

Waiver Request: Elimination of Emergency Rear Access Requirement

The *Zoning Ordinance* requires a 16 foot alley or an 18 foot secondary fire lane and an 18 foot subgrade emergency access lane to provide emergency access to the rear of two and three story apartment buildings (Article 5 §17.5(a)). The plan submitted does not include the required emergency access lane. A written waiver request has been submitted. The Planning Commission shall make a recommendation to City Council who has the final authority to grant the request for the elimination of the emergency rear access.

Waiver Request: Partial Elimination of Curbing

The *Zoning Ordinance* requires that all parking areas be enclosed with upright curbing at least six inches in height. This is provided on most areas of the plan; however, the applicant is requesting that the Planning Commission approval a waiver for partial elimination of curbing, specifically for areas between the parking spots and buildings. A waiver request is attached for consideration by the Planning Commission.

TREE PLANTING AND LANDSCAPE PLAN

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 51,081 SF of woodland area, 43,857 of which will be preserved. The tree density requirement is based on the 335,412 SF of non-woodland area on the site. Based on this, 96 trees are required on the site. An Active Recreation Area and Tree Planting Plan was submitted as part of the Site Plan package. The Active Recreation Area and Tree Planting Plan indicates that 96 trees are required to be planted on the site.

The woodland area must be clearly delineated on the plan, as well as the proposed woodland clearing.

The Landscape Plan does not include any landscape detail regarding the shrubs proposed for planting, including locations or species. There is also not a summary table of trees to be planted.

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 review of the Site Plan was completed with the assumption that Harmony Lane will be abandoned. If the request to abandon Harmony Lane is not successful, a full re-review of the Site Plan with regard to compliance with the *Zoning Ordinance* will need to be completed and may require additional review by the Planning Commission. Any approval granted by the Planning Commission prior to action by City Council on the abandonment request is conditioned upon the success of the request to abandon Harmony Lane.

2) The Active Recreation Plan details (notes and arrows) should be removed from the Site Plan sheet, as it causes clutter and makes the sheet difficult to read.

3) On the Title Sheet, please separate the General Construction Notes from the Plan Detail Column.

4) On the Title Sheet, the location map shown at a scale of 1'=1,500 feet should be changed to 1'=1,200'.

5) Update all plan sheets to show the curb line on Walker Road and to indicate the right-of-way width of Walker Road along the frontage of the site.

6) Update all plan sheets to indicate the building setback lines and setback distances.

7) The following data must be added to the Plan Detail Column (as indicated on the Checklist for Site Plan Applications under Legal Data Required):
   a) Walker Woods Properties LLC needs to be included as an "owner of record."
   b) Required parking and provided parking need to be included, including the bicycle parking. The parking calculations need to be shown.
   c) Include the total woodland area and non-woodland area.
   d) Total amount of existing and proposed impervious cover. The submitted plan shows lot coverage by structures, not by impervious surface.
   e) Include total number of units existing and total number of units proposed.
   f) The following zoning bulk requirements need to be added:
      i) Lot area per dwelling (minimum required and provided)
      ii) Building height in feet and stories (maximum required and proposed)
   g) Please indicate the number of units proposed per building.
   h) Any waivers or conditions granted as a part of the Site Plan approval by the Planning Commission or City Council.
   i) A note needs to be added confirming by the design professional that there are no wetlands present on the site. If there are wetlands present, then a wetland delineation must be submitted.

8) The plan set is to be revised to reflect all changes recommended by the Planning Commission.

9) Rear alleys shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by City Council.

10) Curbing shall be constructed according to the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. On the plan set submitted, it is not clear whether curbing around all drive aisles and parking areas.

11) Please provide an updated parking calculation that includes the floor area of the on-site office. The Site Plan submitted shows 174 parking spaces, eight (8) of which are handicap spaces. Once an updated parking calculation is completed, the Site Plan must be revised to include the minimum number of required parking spaces.

12) Provide a Signage and Striping Plan or provide that information on a Plan Sheet. This includes location of stop signs, location of stop bars, crosswalks, directional arrows, fire lane markings, etc.

13) Indicate the locations of the fire hydrants and fire department connections on the appropriate plan sheets.

14) Indicate the number of parking spaces in each parking section on the Site Plan Sheet.

15) Provide adequate lighting throughout the site. Additional lighting should be placed throughout the Active Recreation Areas. Provide a Lighting Plan to depict this information.

16) Provide a construction detail sheet with construction details for the following items: barrier free sidewalk, dumpster enclosures (including gates), dumpster pad, curbing, parking bumpers, traffic control signage, crosswalks, paving section, lighting fixtures, fence, gates, handicap signage, pathways, bicycle racks, etc.

17) The Landscape Plan needs to be revised as follows:
   a) Separate the Landscape Plan from the Active Recreation Plan.
   b) Add the zoning to the Landscape Plan sheet.
   c) Add the developer's name, address and telephone number to the Landscape Plan sheet.
   d) Indicate the lot area in terms of acreage and square footage.
   e) Delineate the woodland on the plan and clarify the location of the existing trees to be preserved. A description of the delineated woodland area should be provided, including the mix of species and condition of the woodland.
   f) Include the approximate location and description of protective measures that will be implemented to protect the preserved woodland area during construction.
   g) More specific information needs to be included regarding the tree planning. Please add a summary table of new trees to be planted and existing trees to remain, to include at a minimum the species caliper dimensions and planting, and number of trees.
   h) Add a note that all trees have a one-year replacement guarantee.
   i) Landscaping other than the trees needs to be added to the Landscape Plan, including shrubs around buildings and any site signage.

j) If as sign is proposed at the entrance of the neighborhood, the location should be shown on the plan. All signage is subject to a sign permit, which is a separate submission from the Site Plan application.
k) The Landscape Plan and Tree Planning and Preservation Plan need to be signed and sealed by a Landscape Architect, Architect or Nursery Professional.

18) Refer to the Active Recreation Area Plan Review Report for Staff's comments and recommendations regarding this aspect of the plan.

19) There shall be provisions which ensure that the common open space land (including active recreation areas) shall continue as such and be properly managed and maintained. As the project is proposed as an apartment complex, the complex shall be responsible for the management and maintenance of all common areas, including the active recreation amenities.

20) The Record Plan is included with the plan submission. A thorough review of the Record Plan will be completed following City Council action on the request to abandon Harmony Lane. Any easements required as a condition of the requested abandonment will need to be included on the Record Plan.

21) Please add the easement for the sewer pump station and force main to the Record Plan.

22) Please add an Owner's Certification to be signed by an authorized member of Walker Woods Properties LLC.

23) The Site Plan shows some encroachments of patios and balconies into the required yards. These encroachments are permitted under the provisions of the *Zoning Ordinance*, Article 5, Section 1.54:

> 1.54 *Open decks.* An open deck or patio extending to within ten feet of a rear lot line or within 20 feet of a rear lot for second story decks shall be exempt from rear yard setback requirements and lot coverage requirements so long as the principal structure complies with the regulations. Such open decks or patios shall not be enclosed and used as a part of the principal structure.

24) The Site Plan shows the encroachment of portions of Buildings A, G, K and L into required yards. These are part of existing building foundations that are intended to be reused. Therefore, the encroachments are considered non-conforming and treated as such under the *Zoning Ordinance*, Article 7 – Nonconforming Uses:

> 1.3 Normal maintenance and repair, structural alteration in, and moving, reconstruction or enlargement of a building which does not house a nonconforming use, but is nonconforming as to the district regulations for lot area, lot width, front yard, side yard, rear yard, maximum height, maximum lot coverage, or minimum livable floor area per dwelling is permitted if the same does not increase the degree of, or create any new nonconformity with such regulations in such building.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Waiver Requests: The following are Staff recommendation regarding each waiver requested.
   a) Elimination of Rear Emergency Alley Access: Staff recommends approval for the elimination of the rear emergency alley access as the buildings will be sprinklered.
   b) Partial Elimination of Curbing: Staff recommends approval of the partial elimination of curbing. Staff recommends that parking bumpers be installed where depressed is used.

2) Staff made several recommendations in the Active Recreation Area Plan Report. The comments and recommendations of that report are included here by reference and as listed.
   a) Please provide additional detail on the Active Recreation Area Plan sheet regarding what amenities will be provided as a part of the exercise stations.
   b) The mulch path should include a defined edging that will prevent encroachment of grass and/or weeds into the mulch path area.
   c) Include a grill at the picnic area.

3) Staff recommends that windows be added to the ends of each building to break up the expanse of vinyl wall.

4) Staff recommends the applicant plan for the placement of recycling collection areas on the site near or by expanding the Dumpster enclosures. As part of a comprehensive statewide recycling program, single stream recycling will be required of multi-family residential areas in the coming years. For more information see Delaware Universal Recycling Program at Delaware Solid Waste Authority.

5) Staff recommends that the applicant indicate a bus stop if one exists currently in the vicinity of this project. Staff recommends coordination with DART First State (Delaware Transit Corporation) to determine if any upgrades, changes, or a new stop would be necessary to provide transit services to the apartment complex.

6) Staff recommends that any outside HVAC Equipment be designed to minimize the impact on adjacent property areas and residents, adequately screened from public view and the overall visible impact on the streetscape/complex. Indicate the location of the equipment and provide screening (landscaping or walls) around the equipment.

ADVISORY COMMENTS TO THE APPLICANT:

1) Please note that all comments made as a part of this review are conditioned upon the successful abandonment of Harmony Lane. If this abandonment request is not granted by City Council significant changes to the comments provided will result.

2) Planning Commission shall take final action regarding the Active Recreation Area Plan with consideration of the recommendations made by the Parks, Recreation and Community Enhancement Committee.

3) The applicant included floor plans and building elevations as part of the Site Plan set. These plan sheets are not required to accompany future Site Plan submissions. Full

building plans will be required to be submitted with each building permit application.

4) The Planning Commission should act upon the waiver requests for the project as part of any motion to approve this project, or as a separate motion if necessary. Note: All waivers are at the discretion of the Planning Commission and/or City Council. The Commission and/or City Council may approve or deny waiver requests

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

6) The Record Plan for the project shall be recorded in the Kent County Recorder of Deeds Office prior to Final Site Development Plan approval.

7) In the event, that major changes and revisions to the Site Development Plan occur in the finalization of the Site Development Plan contact the Department of Planning and Inspections. Examples include reorientation of buildings, relocation of site components like stormwater management areas, and increases in floor area/unit 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.

8) Following Planning Commission approval of the Site Development 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.

9) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections, Pre-Construction meeting and permits are required.

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

11) 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 or building identification sign shall require a Sign Permit from the City of Dover prior to placement of any such sign.

12) 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 Office soon as possible.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: OCTOBER 2, 2013

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **Redevelopment of Walker Woods: The Village of Sherwood**

FILE #: **S-13-18**

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 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. In addition, label all fire hydrants as either existing or proposed.
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 property. 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. Per the Water / Wastewater Handbook, each property shall be served by one water service that includes domestic and fire service. The proposed design must be redesigned to have one service to the property; said service must be sized correctly to handle peak domestic and fire flow. The existing water services to the east and west of the property entrance that were proposed to be used for a fire main loop must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
6. The 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.
7. 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.
8. A water valve must be installed one foot (1') outside of the right-of-way of the property.

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.

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. This information must be provided to verify the adequacy of the existing pump station.

5. 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.

6. A permanent cross access easement must be provided to the City of Dover to access and maintain the existing pump station and associated force main. Additionally, a permanent public utility easement must be provided for the existing pump station and force main, the force main shall be located within five feet (5') of the center of a twenty feet (20') wide easement.

7. The neighboring property to the west currently connects to the sanitary sewer man hole within this proposed development. A permanent maintenance agreement must be created between the two properties, said agreement shall hold the City of Dover harmless of any operational issues between the two parties.

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.

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).

3. All comments within this report are contingent on the approval of application MI-13-16 (Abandonment of Harmony Lane). If MI-13-16 is not approved, the City of Dover Department of Public Works reserves the right to amend this report.

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

1. Street lighting not required on a private road. If lighting is requested,customer has four options: (1) contact Customer Service to set up an account to pay for proposed lights monthly, (2) contact Customer Service & set up metering for proposed lights, (3) customer can install from their system or (4) contact Kent County and inquire about the possibility of setting up a lighting district. . Options 1,2 & 4, City of Dover provides maintenance for lights. Option 3, lights & wiring are the sole responsibility of customer (City will determine a metering point)

WATER

1. The water infrastructure within the existing development will become private; the City of Dover will not provide any maintenance on any water infrastructure within the proposed property. In addition, services including, but not limited to, hydrant maintenance and water flushing will not be performed by the City.
2. 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 property.
3. 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.
4. 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.
5. The applicant shall be advised as currently designed, the fire hydrants located downstream of the water meter will be billed to the property owner when used.
6. Profiles of the water main must be provided with the construction plans. All wastewater and storm sewer crossings must be shown on the profiles.

WASTEWATER

1. The gravity sanitary sewer infrastructure within the existing development will become private; the City of Dover will not provide any maintenance on any gravity sanitary sewer infrastructure, including sanitary sewer laterals within the proposed property. The City will maintain ownership the existing pump station and associated force main.
2. 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.
3. 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.
4. 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.

STORMWATER

1. The stormwater infrastructure within the existing development will become private; the City of Dover will not provide any maintenance on any stormwater infrastructure within the proposed property.

STREETS

1. The plan proposes that Harmony Lane will become private, the City of Dover will not provide any maintenance on Harmony Lane, including, but not limited to, street sweeping, leaf collection, snow removal and road repair within the proposed property.

GROUNDS

1. The City of Dover will not provide any service for street tree maintenance (if any) within the proposed property.

SANITATION

1. Sanitation service must be provided by a private contractor.
2. The plan proposes that Harmony Lane will become private, the City of Dover will not provide any sanitation service to this property, including, but not limited to, the provision of bulk waste, yard waste and domestic sanitation services within the proposed property.

GENERAL

1. This proposed project is contingent on the abandonment of Harmony Lane, if the abandonment is approved by the City, all existing Public Works services will be discontinued, and this property will be treated like a single property.
2. 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.
3. 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:

CITY OF DOVER FIRE MARSHAL

APPLICATION: Village of Sherwood

FILE #: S-13-18 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: David Truax, Fire Marshal PHONE #: (302) 736-7011

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:

Consultation with Fire Marshals with regard to perimeter access and fire lanes required.

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

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

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

Full building and fire plan review is required.

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

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

Sprinkler system required. System is to be monitored.

Fire Department connection is to be located within 50 feet of main entrance.

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.

Knox Box required.

Standpipes required. In Three story units

Elevator cars to meet the interior dimensions set forth in the Delaware State Fire Prevention Code.

Project to be completed per approved Site Plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

Fire Marshal's Office is ok with the removal of the rear access requirement for apartments for this project. Buildings will be fully sprinklered and will meet the access required by the State Fire Prevention Regulations.

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 Apartment 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: October 2, 2013

DELDOT

APPLICATION: Redevelopment of Walker Wood-The Village of Sherwood
FILE#: S-13-18 REVIEWING AGENCY: DelDOT

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

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 a Letter of No Objection (LONO), 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 major collector. According to the Kent County Classification Maps, KCR 157 (Walker Road) 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 innermost edge of the through lane for public use.

4. An additional 15' permanent easement will be required along the site frontage for this project.

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.

August 19, 2013

Roadway Information

Name of Project	Redevelopment of Walker	Date of Submittal	10/3/2013
Maintenance Road No. (i.e. K234A)	KCR 157	Road Name	Walker Road
Signalized / Unsignalized	Unsignalized		
Total Number of Through Lanes (* Does Not Include Turn Lanes)	2 lanes	Roadway Functional Classification	Major Collector
Number of intersection legs	3	Calculation for (specify leg)	Proposed Entrance 1
Posted Speed Limit	35	Design Speed	40
Roadway ADT (From DelDOT Traffic Manual)	7144	Projected 10yr ADT	8879
Committed Development ADT (Add Additional Trips to Roadway)	592		
Traffic Pattern Group	6	K Factor	14.5
		D Factor	62.62

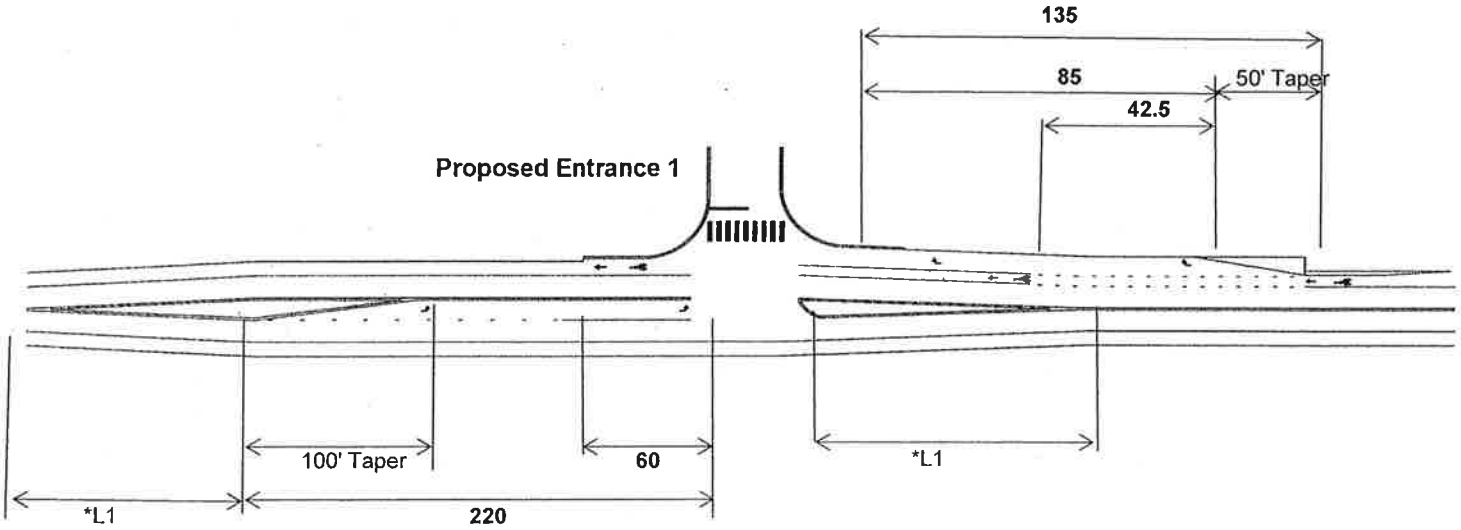
Left Turn Information

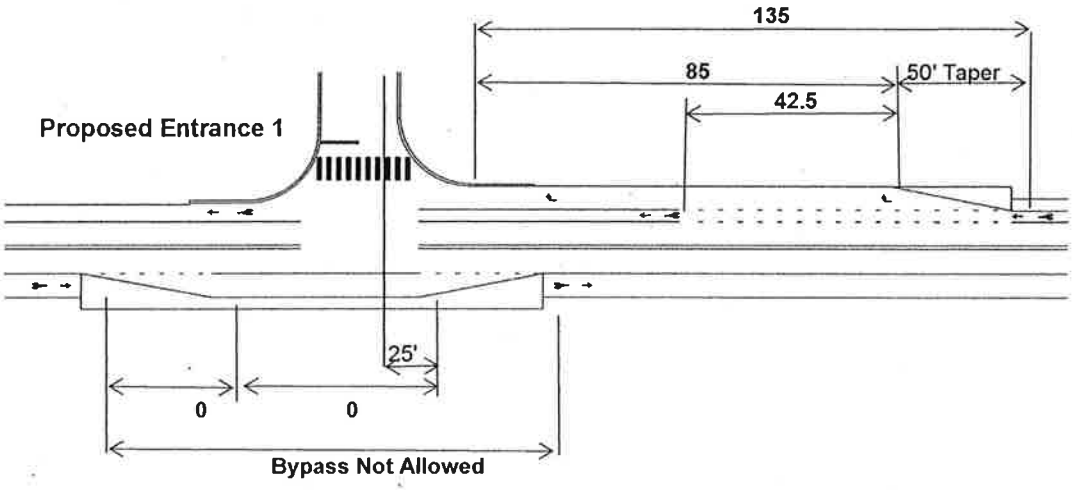
Left Turn ADT	0-50
Left Turn VPH (0 - 400)	5
Left Turn Approach Grade *(-9% - 9%)	0.0%
Heavy Vehicle %	30
10 Yr Opposing Vol. (COUNT based)	0
10 Yr Opposing Volume (Calculated)	806
10 Yr Opposing Volume (Calculated Vol.)	806
Left Turn Length (ft.)	220
Bypass Lane Taper	Bypass Not Allowed
Bypass Lane Storage	Bypass Not Allowed

Right Turn Information

Right Turn ADT	101 - 200
Right Turn Approach Grade *(-9% - 9%)	0.0%
Entrance Radius	R>50'
< With DelDOT's concurrence, this cell may be used to override the automatically calculated 10-year opposing volume. This alternative 10-year opposing volume may be obtained from a TIS / TOA or shall otherwise be reviewed and approved by DelDOT Development Coordination Staff.	
Right Turn Length (ft.)	135

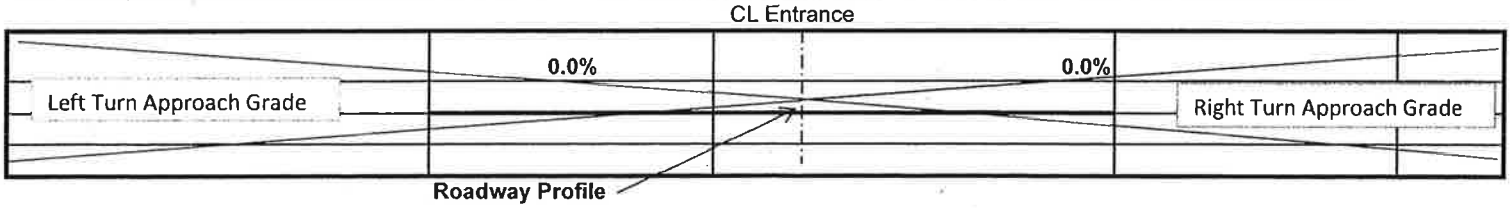
NOTE: This worksheet is for Right Turn Auxiliary Lanes, and Unsignalized Left Turn Auxiliary Lanes. If a signal analysis is required, please refer to signalized intersection analysis spreadsheet (Tab 6).





Note:

*L1 - See Typical Entrance Diagram located at: http://www.deldot.gov/information/business/subdivisions/Typical_Entrance_Diagrams.pdf



KENT CONSERVATION DISTRICT

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
October 2013

APPLICATION: *The Village of Sherwood*

FILE #: S-13-18

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 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.
2. 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.
3. 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 engineer for the site has had a pre application meeting with the KCD. Green technologies were discussed and a course for the site has been agreed upon.
2. 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.
3. 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.
4. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

Kent County

Department of Planning Services

Division of Geographic Information Systems

SARAH E. KEIFER, AICP
Director of Planning Services

SABRINA FITE
GIS Specialist

Phone: 302/744-2420
FAX: 302/736-2128
Email: sabrina.fite@co.kent.de.us

TO: *- Dawn E. Melson-Williams, AICP*
The City of Dover
- Parker Associates Inc.

FROM: *Sabrina Fite*
911 Addressing

DATE: *September 26, 2013*

PIN #:

OWNER: *Milford Housing Corporation*

REF: *S-13-18 Redevelopment of Walker Woods- The Village at Sherwood*

-The following street names are APPROVED and reserved for use on the above referenced property:

HARMONY LANE
KLEIN COURT
UNISON LANE

-The road labeled ACCORD CIRCLE should have a suffix that better reflects the type of street such as Lane.

-Kent County does not approve the development name THE VILLAGE AT SHERWOOD.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: July 3, 2013

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Walker Woods Redevelopment: Village of Sherwood

FILE #: S-13-18 REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: James Galvin, AICP PHONE #: (302) 387-6030

The MPO will limit comments to projects, development proposals and applications that may lead to new development. Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission 10/21/2013
Project Review
S-13-18 Walker Woods Redevelopment: Village of Sherwood

This request is for a Site Development Plan that relies on the abandonment of Harmony Lane serving Walker Woods that is part of application MI-13-16. This application is to demolish 55 townhouse units of housing available to low or moderate income families to be replaced with 77 apartment units in 12 buildings. The MPO will not offer comments on the related abandonment proposal.

Commenting on the proposed demolition and construction is beyond the purview of the Dover/Kent County MPO. The MPO will however comments on the transportation implications of site redevelopment. The MPO promotes sidewalks in most parts of the City and, as stated above, supports the City's bicycle policies. The existing neighborhood includes sidewalks adjoining all the parcels and buildings. Redevelopment of the site should ensure that the pedestrian access remains, including front sidewalks separated from planned parking areas. The MPO endorses the plans continuation of sidewalks along Walker Road. Under most circumstances the MPO recommends the connection of streets in neighborhoods. There does not appear to be an adequate connection of the street to adjoining subdivisions or to State College Road. Given that this is a neighborhood road on a low speed cul-de-sac, the MPO will not recommend additional bicycle amenities on the property.

This site is on the DART routes 101 and 101. The MPO understands the Delaware DOT traffic section suggested bus shelters for the bus stops adjacent to the property on both sides of Walker Road. The MPO considers these improvements to be important for the bus dependent population along this portion of Walker Road.

Thank you for the opportunity to comment on the proposal.

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.

977 East Masten Circle
Milford, DE 19963

MHDC
AFFORDABLE HOUSING SOLUTIONS

302-422-8255 *phone*
302-422-8260 *fax*
www.milfordhousing.com

October 8, 2013

Ann Marie Townshend
City of Dover, Planning & Zoning
PO Box 475
Dover, DE 19903

Re: Waiver Request: Rear Alleys and Elimination of Emergency Rear Access Requirement

Dear Ann Marie,

As noted in the DAC Response comments, the plan, as submitted, does not include the required emergency access lane, as defined in Article 5 Section 17.5(a). Please accept this letter as our request for a waiver of this requirement, as we are requesting this waiver because we are a major renovation project, making use of the existing building foundations. We are increasing the fire protection thru a sprinkler system and additionally providing a rear alley where possible. In buildings where rear access is not possible, we are providing additions to ensure that the main face of these buildings is within range for front primary fire lane access.

As noted in the DAC Response comments, the plan, as submitted, does not include the required rear alleys in accordance with the *Zoning Ordinance*. Please accept this letter as our request for a waiver of this requirement. Relief is being sought due to the locations of the existing buildings.

Sincerely,

Russell Huxtable

977 East Masten Circle
Milford, DE 19963

MHDC
AFFORDABLE HOUSING SOLUTIONS

302-422-8255 *phone*
302-422-8260 *fax*
www.milfordhousing.com

October 9, 2013

Ann Marie Townshend
City of Dover, Planning & Zoning
PO Box 475
Dover, DE 19903

Re: Waiver Request: Curbing around all Drive Isles and Parking Areas

Dear Ann Marie,

As noted in the DAC Response comments, the plan, as submitted, does not include the required vertical curbing as required by the zoning ordinance. Please accept this letter as our request for a waiver of this requirement, as we are requesting this waiver because we are a major renovation project, being forced to make use of many of the pre-existing grades, elevations, and construction methodologies.

We are proposing to construct curbing around 100% of the drive isles and parking areas in this site. However, in a few locations we have been forced to depress this curbing so that the stormwater drainage of the site can be facilitated, specifically around the buildings. The problem we encountered through the design of this project is that the existing townhomes are a crawl space type of construction. Unfortunately, the vents into same have been covered with earthen fill. As part of this renovation, I have directed my design team to lower the adjacent grades around the outside of the structures by around 24" so that we can provide adequate ventilation to mitigate any mold, mildew, and standing water under the homes. As a result of lowering the grades outside of the buildings, drainage away from the buildings became a challenge. So, in order to provide positive drainage of stormwater from the buildings to the stormwater collection system, we have been forced to lower the curblines along the faces of the majority of the buildings. Form these areas of depressed curb, the curb transitions back to a 6" reveal vertical curb, which encompasses most of the remainder of the site.

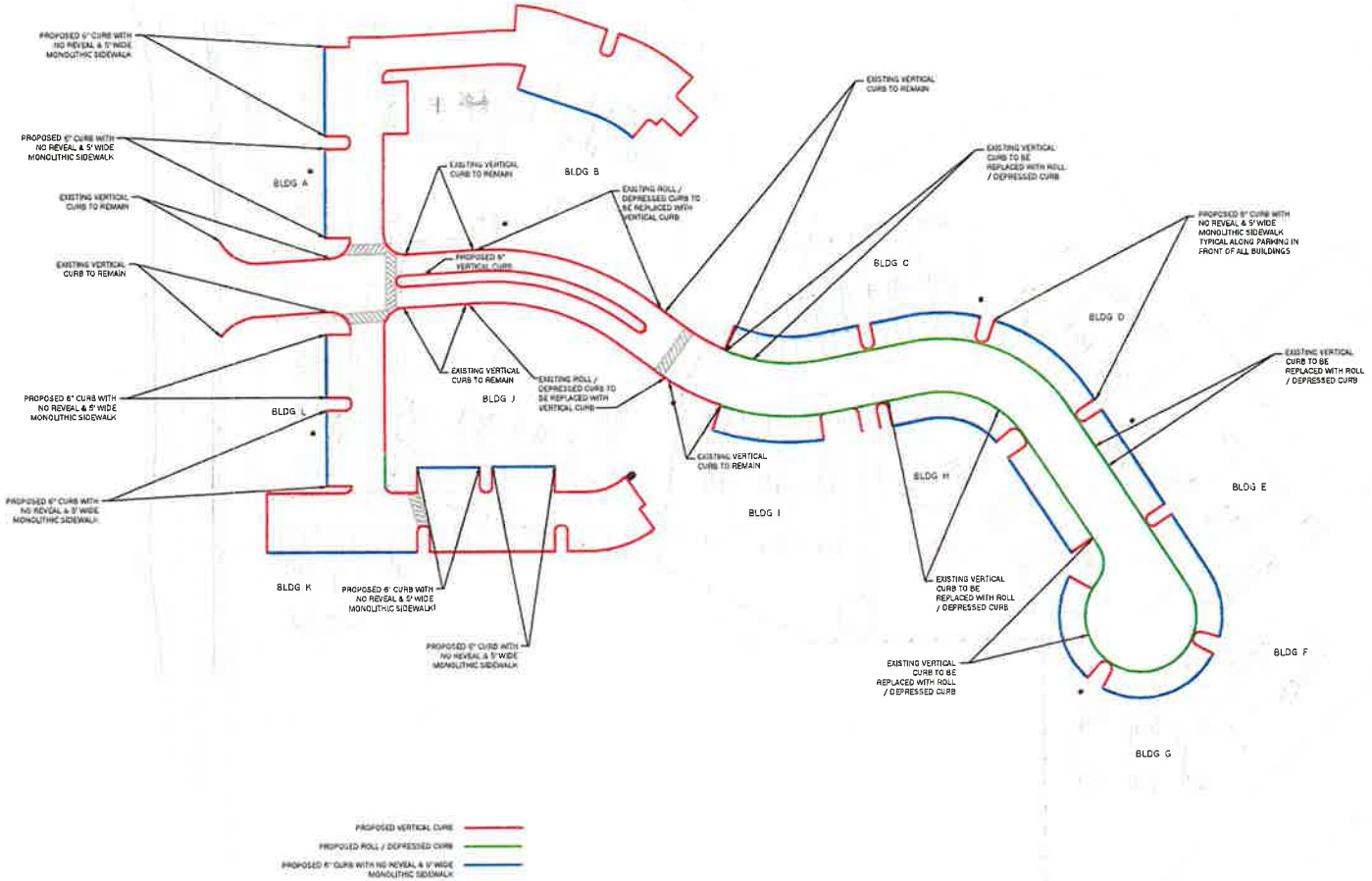
It is important to note that we are still installing the curbing, but are only depressing same. I point this out, only to illustrate that this is not an economic decision to minimize expense, but purely and engineering one- to facilitate the drainage of stormwater. Further, in all areas where there will not be a 6" curbing bordering the drive isles and spaces, we have specified a parking bumper, which I am confident will achieve the same objective as the vertical curbing, but still allow the drainage of stormwater.

Additionally, along the existing city road which is presumably being deeded to the project, there are several sections of existing road that contain curbing that we propose to retain. Albeit, some of this is existing "roll" curbing, or depressed curbing. We would like to respectfully request permission to be allowed to keep these sections as well, as this is mostly existing curbing. To pull this curb out and raise the top of curb elevations will pose similar problems with the drainage of the stormwater. Therefore, we would also like to keep the existing roadway as the City constructed and accepted it.

I have attached a plan that illustrates the areas to which this letter refers. If you have any questions, please feel free to contact me. Otherwise, I would like to reiterate that, as noted in the DAC Response comments, the plan as submitted does not include the required full faced, fully bordered vertical curbing, in accordance with the *Zoning Ordinance*. Please accept this letter as our request for a waiver of this requirement. Relief is being sought due to the need to properly drain the stormwater away from the buildings. I also believe the alternatives proposed in plan will also meet the objectives of the requirement of the vertical curbing, while at the same time, allow my site to drain as effectively as possible.

Sincerely,

Russell Huxtable



SHEET 1 OF 1

CURB WAIVER EXHIBIT
THE VILLAGE AT SHERWOOD

WALKER ROAD
DOVER, DELAWARE

PARKER & ASSOCIATES

REVISED

DATA SHEET FOR RECREATION PLAN REVIEW

PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE
MEETING OF September 9, 2013

Plan Title:	Walker Woods/Walker Woods II (Village of Sherwood)
File Number:	MI-13-17
Plan Type:	**Active Recreation Area Plan**
Location:	North Side of Walker Road East of Kenton Road
Owner:	Walker Woods Properties, LLC Milford Housing Development Corporation
Site Area:	77 Residential Units on 9.0722 ± acres
Property Use:	Proposed Apartments
Number of Dwelling Units:	Total - 77 dwelling units proposed
Zoning Classification:	**Current Zoning** – RG-3 (Group Housing Zone) and ROS (Recreation and Open Space Zone) **Proposed Zoning** – RG-2 (General Residence Zone) – City Council will act on rezoning request on September 9, 2013. (Application #Z-13-02/ Ordinance #2013-13)

PROJECT SUMMARY

The proposed project is to redevelop Walker Woods and Walker Woods II into an apartment complex. This will include consolidation of the parcels that currently make up the townhouse community. The proposed project includes 77 dwelling units on 9.0722 acres, which is a density of approximately 8.5 dwelling units per acre. Therefore, the development qualifies for the open space exemption in the *Zoning Ordinance*, Article 5 – Supplementary Regulations, § 10.5:

> 10.514 *Residential developments of ten (10) or fewer acres with a density over six units per acre.* These developments shall be exempt from the area requirements set forth in section 10.16, but shall be required to provide 150 square feet of active recreation area per dwelling unit or 10,000 square feet of active recreation area, whichever is greater. If the commission determines that the construction of some or all of the required active recreation area is not practical or desirable, the commission shall require a cash in lieu donation for the active recreation area determined as not practical or desirable. Cash-in-lieu amount shall be in accordance with subsection 10.173 of this article.

Proposal for Active Recreation Plan

Based on the proposed 77 dwelling units and 150 square feet of recreation area required per unit, the site is required to have 11,550 square feet of recreation area. The applicant has proposed to meet this requirement through a variety of amenities throughout the development. On the southwest portion of the site, there is a community center building with meeting rooms and activity rooms. A playground area is adjacent to this community center. A small tot lot is proposed on the east side of the site. On the east side of the site there is also an ADA accessible picnic area. There is also a proposed five-foot-wide mulch path leading from the picnic area to the end of the cul de sac and an ADA accessible path extended from this to the west side of the site where the playground is. There are three (3) 15'x12' exercise stations proposed throughout the development.

In addition to these amenities, the applicant has proposed a series of benches and relaxation stations scattered through the development. The relaxation stations include a bench, trash receptacle, recycling receptacle, and smoking receptacle on a concrete pad. There are four (4) relaxation stations and nine (9) stand-alone benches distributed throughout the proposed development.

The plan shows tree plantings throughout the development, including areas adjacent to the recreation amenities.

The following table provides information from the submitted Plan for the Active Recreation Area:

	Required	**Provided on Plan**
Active Recreation Area (Article 5 §10.514)	150 S.F. per dwelling unit or a minimum of 10,000 SF 77 DU = 11,550 SF required • Age Oriented to development • Parking • Setbacks: 30 feet from residential lots and 25 feet from right-of-way for street • Landscaping	11,567 SF provided as follows: • Community Center Meeting and Activity Rooms • Playground • Tot Lot • 5' wide mulch path • ADA accessible path • ADA picnic area with table and grill • 9 benches • Covered public area • 4 relaxation stations • 3 Exercise stations

STAFF RECOMMENDATIONS

The following are comments and recommendations from Staff of the Department of Planning & Inspections following review of the Active Recreation Area Plan.

1. Staff recommends approval of the Active Recreation Area Plan as submitted with the following recommended changes:

    a. Please provide additional detail on what amenities will be provided as a part of the exercise stations.

    b. The mulch path should include a defined edging that will prevent encroachment of grass and/or weeds into the mulch path area.

    c. Include a grill at the picnic area.

2. The ability of the Site Development Plan for this project to move forward is subject to City Council approval of the rezoning application (Z-13-02), which is scheduled for City Council Action on Monday, September 9, 2013.

3. The project, including the Active Recreation Plan, is subject to review and approval of the Site Development Plan by the Planning Commission, which includes:

    a. Review of the building architecture for the community center;

    b. Compliance of Site Development Plan with tree planning and landscape requirements in the *Zoning Ordinance*, Article 5 – Supplementary Regulations, §15 Landscape Guidelines and §16 Tree Planting and Preservation.

4. The applicant is reminded of the requirements for construction phasing of the recreation area as associated with the development of the residential units.

    > 10.6 *Construction phasing.* The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that 100 percent of the recreation and open space areas shall be completed prior to issuing building permits for the final 20 percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

5. There shall be provisions which ensure that the common open space land and community room (including active recreation area) shall continue as such and be properly managed and maintained. The developer shall either retain ownership and responsibility for maintenance of such open land; or provide for and establish one (1) or more organizations for the maintenance of all common open space.
    a. Add a note on the Site Plan regarding who is responsible for maintenance, and insurance on the common open space.

The Parks, Recreation, and Community Enhancement Committee shall submit to the Planning Commission a report detailing the recommendations as to the Recreation Area Plan.

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF October 9, 2013

PLANNING COMMISSION MEETING OF October 21, 2013

Plan Title:	Woodmill Apartments Storage Buildings, Garage Building and Revised Active Recreation Area S-13-19
Plan Type:	Site Plan Revised Recreation Area Plan and 6-unit Garage Building
Property Location:	South side of Farmview Drive and east of Mifflin Road
Property Address:	1300 South Farmview Drive
Tax Parcels:	ED-05-076.10-02-07.01-000 ED-05-076.10-02-56.00-000
Owners:	Multi-residential Multi-residential-M, LLC
Present Zoning:	RG-2 (General Residence Zone)
Existing Use:	Apartment Complex
Proposed Use:	Apartment Complex with storage buildings and 6-unit garage building
Site Area:	8.553 ac. +/- (north parcel) 5.630 ac. +/- (south parcel) 14.183 ac. +/- (total of both parcels)
Building Area:	Proposed – 2 storage buildings for a total of 8,800 S.F. Proposed – 6 unit garage building for a total of 1,632 S.F.
Waivers Requested:	None

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: October 9, 2013

City of Dover Planning Office

APPLICATION: Woodmill Apartments Storage Buildings, 6 Unit Garage Building and Revised Active Recreation Area

FILE #: S-13-19 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:

This Plan is for review of the Site Plan for the construction of two (2) storage buildings for a total of 8,800 SF, one 6-unit garage building for a total of 1,632 SF and revisions to the Active Recreation Area for the apartment complex. The revisions to the Active Recreation Area are to remove the two (2) existing tennis courts and replace with the two (2) storage buildings. New Active Recreation Area in the form of open space, a picnic table and horseshoe pit will be established on the west side of the property. The project area consists of two parcels of land zoned RG-2 (General Residence Zone). The property site is located at the south side of Farmview Drive and east of Mifflin Road. The owners of record are Multi-residential and Multi-residential-M, LLC. The property address is 1300 South Farmview Drive. Tax Parcels: ED-05-076.10-02-07.01-000 and ED-05-076.10-02-56.00-000. *The application partially supersedes S-13-11 Woodmill Apartment Storage Building and Revised Active Recreation Area; information on the Revised Active Recreation Area will be applicable to S-13-19.*

The apartment complex consists of two (2) parcels of land with eight (8) apartment buildings between the two parcels. The parcel to the north has five (5) buildings and the Active Recreation Area. All of the Active Recreation Area is on this parcel. On the east side of the parcel is the swimming pool, clubhouse, volleyball court, and tennis courts. The swimming pool was constructed as part of a Site Plan (S-00-7). There is a playground located on the west side of the parcel. The parcel to the south has three (3) buildings. The apartment complex was constructed in several phases between 1987 through 1990 (S-90-5). The complex was constructed prior to the *Zoning Ordinance* requiring Active Recreation Area. The site is considered legal non-conforming with regards to Active Recreation Area.

ACTIVE RECREATION AREA

Parks, Recreation and Community Enhancement Committee

The revisions to the Active Recreation Area were reviewed by the Parks, Recreation, and Community Enhancement Committee at their meeting on April 8, 2013. The revisions include the removal of the two (2) tennis courts, the placement of a picnic table, open space, and

horseshoe pit on the west side of the property with the existing playground. Based on 258 units the complex requires 1.6288 acres of Active Recreation Area. The revisions will provide 1.75 acre of Active Recreation Area. The Committee recommended approval of the plan with staff comments. The Active Recreation Review Report is attached.

	Required	**Provided on Revised Plan**
Active Recreation Area (Article 5 §10.16)	275 S.F. per dwelling unit or 0.5 acre, greater thereof 258 DU = 70,950 S.F. (1.6288 ac) Requires 1.6288 acres	East: Clubhouse, swimming pool, volleyball court, West: lawn area, horseshoe pit, picnic table, and playground area Total of 1.75 acres
Active Recreation Amenities (Article 5 §10.15)	Accessibility	Distributed throughout the development. Accessible access to the community building, volleyball court, and swimming pool. The complex lacks sidewalks throughout the development.
Active Recreation Amenities (Article 5 §10.15)	Age Oriented to development	Clubhouse Playground Area Equipment Swimming pool Volleyball court Horseshoe pit Picnic Table
	Parking	Off-street parking provided for each dwelling unit on the parcels. There are 34 parking spaces located near the Clubhouse and swimming pool.
	Setbacks: 30 feet from residential lots and 25 feet from right-of-way for street	Clubhouse and volleyball court are legal non-conforming as they are located within 30 feet of the property line. The playground and swimming pool are in compliance with the setbacks as required. The other areas shall comply with the 30 foot setback.
	Landscaping	The Revised Active Recreation Plan shows woodland around the proposed area.

Two (2) parking spaces will be eliminated along the Active Recreation Area in order to provide access to the Area and two (2) new parking spaces will be constructed between Buildings G and H at the north end of the property to replace the removed spaces.

PHASE 1: 6 UNIT GARAGE BUILDING

The plan is for the construction of a six (6) unit garage building at 1,632 SF for the use of the current residents for the apartment complex. The proposed building will be constructed in the first phase in the parking lot on the east side of Apartment Building L on Parcel 3. The garage consists of six (6) interior parking spaces. The construction of the garage building will occupy the current location of eight (8) existing parking spaces.

PHASE 2 AND 3 STORAGE BUILDINGS

The plan is for the construction of two (2) storage buildings for the use by the current residents for the apartment complex. The storage buildings will replace the existing tennis courts. The building to the south (Phase 2) is at 4,800 SF. The building to the north (Phase 3) is 4,000 SF. The storage buildings are proposed to be constructed in two phases. The south building is proposed to be constructed in the second phase. The north building is proposed to be built within the third phase. The construction of the second building shall be completed within one year of the issuance of a Certificate of Occupancy for the first building or prior to the expiration of the Site Plan.

Parking Summary

In the RG-2 (General Residence Zone), based on the current parking requirements there are 2.25 off street parking spaces required for each dwelling unit (2 parking spaces per dwelling unit and 0.25 parking spaces for visitors per dwelling unit). Based on the number of 258 dwelling units a total of 581 parking spaces are required. There are 477 existing parking spaces included on the plan. Since the project does not increase the number of dwelling units on the site, the existing parking will be considered legal non-conforming. A total of twenty-three (23) handicap parking spaces have been included on the Plan. The storage buildings are considered accessory structures and do not require additional parking as they are for use by current tenants of the apartment complex only. The applicant notes that with the proposed construction of the six (6) unit garage a total of eight (8) parking spaces will be removed and two (2) parking spaces will be relocated in the parking lot on the south end of Building N on Parcel 3. The existing cross striping in the parking spaces will be removed to create two (2) parking spaces.

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 required parking spaces thirty (30) bicycle parking spaces are required.

SITE CONSIDERATIONS

Dumpsters

There are existing dumpster pads and enclosures throughout the apartment complex.

Sidewalks

The site has existing sidewalks around the swimming pool and clubhouse. There are also sidewalks leading into the buildings.

Lighting

There is existing lighting provided on the site.

Curbing

There is limited curbing within the parking areas on the site. There are parking bumpers placed at each parking space. This is an existing condition and is not impacted by the construction of the storage buildings or garage building.

BUILDING ARCHITECTURE (Drawings dated 9/6/13):

The submission Plan includes the proposed Architectural Elevation drawings for the storage buildings and the garage. The storage buildings and garage will have a pitched roof with asphalt shingles, siding, and large doors on the west side for access for the storage buildings. The storage buildings and garage will reflect the architecture of the existing garages located on the site.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan includes the Landscaping details. Based on the 361,217 S.F. of non-woodland area (8.2924 ac. +/- for Site Plan property) for Parcel 2, a total of 121 trees are required. The plan proposes the planting of twenty-five (25) new trees to meet the requirement. There are 96 existing trees on the property. The tree planting requirement for parcel 2 has been met. Based on the 228,461 S. F. of non-woodland area (5.2447 ac. +/- for Site Plan property) for Parcel 3, a total of 76 trees are required. The plan proposes the planting of fifty-three (53) proposed trees; however, there are forty-nine (49) shown on the plan. There are 25 existing trees on the property. Parcel 3 does not meet the tree planting requirement. The new trees will be located within Parcel 2 and Parcel 3. The proposed trees are a mixture of shade and ornamental trees. The mixture includes Honey Locust, Red Cedar, Crape Myrtle, Sweetbay Magnolia, White Pine, White Oak, Willow Oak and Village Green Zelkova. For the tree planting calculation, the two parcels of land on which the buildings are being constructed are being used.

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 project data column needs to be updated prior to Final Approval. Some of the items which need revising are as follows:

   a) A total of 581 parking spaces are required based on the number of apartment units and the current parking requirement. There are 477 spaces included on the plan. Since there will not be any construction of apartment buildings increasing the number of dwelling units on the site, the existing parking will be considered legal non-conforming. However, any impact to the existing number of parking spaces must be compensated for with this project. Add a note to the plan the parking is considered legal non-conforming.

   b) Based on the bicycle parking calculation for 1 space for every 20 parking spaces, a total of 30 parking spaces are required. There are twenty-five (25) on the plan. Seventeen (17) parking spaces are required for Parcel 2 and thirteen (13) parking spaces are required for Parcel 3. Identify five (5) additional bicycle parking spaces on the plan. Add the bicycle parking calculation to the plan.

2) Clarify the number of parking spaces that will be removed for the proposed 6-unit garage.

3) Revise the number of proposed trees that will be planted on Parcel 3. The tree planting calculation for Parcel 3 requires a total of seventy-six (76) trees. There are 25 existing trees on the site, and 53 proposed in the data column; however, there are 49 proposed trees on the plan. Two (2) trees need to be added to meet this requirement.
   a) Revise the number of proposed trees on the Landscape Plan to reflect the actual number of proposed trees.

4) Provide a note indicating if the storage buildings will be climate controlled.

5) A City of Dover Business License is required for each individual landscape architect professional engineer, or professional land surveyor doing business within the City. The City of Dover Business License application can be found on the city's website, www.cityofdover.com. A City of Dover Business License for each individual engineer, architect, or landscape architect shall be obtained prior to Final Site Plan Approval. Please contact the Planning and Inspections Department at 302-736-7010 with any questions.

6) The construction of the second and third building of this project shall be started within one year of the issuance of a Certificate of Occupancy for the previous building or prior to the expiration of the Site Plan. The improvements to the Active Recreation Area must be completed prior to issuance of a Certificate of Occupancy for the first Storage Building.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Staff recommends the addition of additional picnic tables and/or benches within the proposed Active Recreation Area on the west side of the property.

2) Staff recommends the addition of at least one grill within the proposed Active Recreation Area on the west side of the property.

3) Staff recommends the addition of evergreen trees on the north end of the Active Recreation Area as additional screening from adjacent residences.

4) Staff recommends the architecture of the storage buildings have a pitched roof, horizontal siding, a similar color to the apartment buildings and other details found in the apartment buildings.

5) Staff recommends the architecture of the 6 unit garage building have a pitched roof, horizontal siding, a similar color to the apartment buildings and other details found in the apartment buildings.

ADVISORY COMMENTS TO THE APPLICANT:

1) The storage buildings and garage shall be for use by the residents of the apartment complex only. The storage buildings and garage shall not be used by other people or organizations outside of the apartment complex. A note to this effect must be listed on the Site Plan.

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

3) Following Planning Commission approval of the 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.

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

5) There shall be provisions which ensure that the common open space land (including Active Recreation Area) shall continue as such and be properly managed and maintained.

6) Construction may have an effect on the existing Active Recreation Area. Any work requiring the closing or rerouting of uses to the existing amenities should be coordinated as to offer the least amount of inconvenience.

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

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

9) 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.

10) 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.

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: OCTOBER 2, 2013

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Woodmill Apartments Storage Buildings & Garage Building and Revised Active Recreation Area**

FILE #: **S-13-19**

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. Per the Water / Wastewater Handbook, "No structures, including permanent signage, may be located within ten feet (10') of water infrastructure, please locate any water infrastructure on the plan to verify the proposed improvements do not conflict with any underground water infrastructure.

WASTEWATER

1. Per the Water / Wastewater Handbook, "No structures, including permanent signage, may be located within ten feet (10') of water infrastructure, please locate any wastewater infrastructure on the plan to verify the proposed improvements do not conflict with any underground wastewater infrastructure.

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. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1.

WATER

1. Be advised that if the fire suppression is required, further review will be provided by the Department of Public Works.

WASTEWATER / STORMWATER / STREETS / SANITATION / 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: May 1, 2013

CITY OF DOVER FIRE MARSHAL

APPLICATION: Woodmill Apartment Storage Buildings

FILE #: S-13-11 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: David Truax, Fire Marshal PHONE #: (302) 736-7011

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:

Show on the drawing the required perimeter access per Delaware State Fire Prevention Regulations. Consultation with Fire Marshal can be requested.

Show closest hydrant to proposed buildings on site plan.

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.

Sprinkler system required in buildings are over 2500 Sq. Ft. or one hour separation between units is required.

Project to be completed per approved Site Plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

The proposed building will be reviewed under Mini Storage 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: October 2, 2013

D E L D O T

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APPLICATION: Woodmill Apartment Storage Buildings and Revised Active Recreation Area at Woodmill Apartments

FILE#: S-13-19 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:

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
October 2013

APPLICATION: *Woodmill Apartment Storage Buildings*

FILE #: S-13-19

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 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.
2. 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.

ADVISORY COMMENTS TO THE APPLICANT:

1. The site may be eligible for a quantity stormwter management waiver. The plans show the removal of the existing tennis courts; this may reduce the amount of impervious that would be counted toward construction. The site must be designed for quality requirements.
2. Green Technologies (filter strips, 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.

City of Dover

DATA SHEET FOR RECREATION PLAN REVIEW
Recreation Plan Revision of March 21, 2013

PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE
MEETING OF April 8, 2013
Planning Commission Meeting of May 20, 2013

Plan Title:	Woodmill Apartments
File Numbers:	S-90-5 Mifflin Run Apartments 1989 Mifflin Run Apartments 1988 Woodmill Apartments
Plan Type:	**Revised Active Recreation Area Plan**
Location:	South of Farmview Drive east of Mifflin Road
Tax Parcels:	ED-05-076.10-02-07.01-000 (location of Active Recreation Area) ED-05-076.10-02-56.00-000
Owner:	Multiresidential–M, LLC c/o Vintage Properties, LLC
Site Area:	14.12862 +/- acres
Property Use:	Residential Apartment Development
Number of Dwelling Units:	Total - 258 units
Zoning Classification:	RG-2 (General Residence Zone)

PROJECT SUMMARY

Woodmill Apartments are a multi-family residential development on two parcels totaling 14.12862 acres +/- of land. The subject property is located on the south side of Farmview Drive and east of Mifflin Road. The apartment complex consists of two (2) parcels of land with eight (8) apartment buildings with a total of 258 units. The property is zoned RG-2 (General Residence Zone). The use as garden apartments is a permitted use within the RG-2 zoning district.

At the time of original development of the apartment complex, Active Recreation Area was not required. The apartment complex was reviewed by the Planning Commission in 1988, 1989, and 1990. The swimming pool and clubhouse were added in 2000.

The requirement for Active Recreation Area under the current *Zoning Ordinance* is 275 SF per dwelling unit. Based on the 258 dwelling units, 70,950 SF (1.62879 ac. +/-) of Active

Recreation Area is required for the development. There is currently 55,295 SF of Active Recreation Area within the development. The current Active Recreation Area includes a 4,600 SF swimming pool, a 1,800 SF volleyball court, two tennis courts for a total of 13,804 SF, a 2,563 SF playground, and lawn area around the swimming pool, clubhouse, and volleyball and tennis courts.

CURRENT PROPOSAL for Active Recreation Plan #2 (dated March 21, 2013)

The Revised Plan indicates that 76,234 SF (1.75 ac. +/-) of land would be reserved as Active Recreation Area with the elimination of the tennis courts and by creating a park area on the west side of the property. The revision proposes the elimination of the tennis courts on the east side of the property. The clubhouse, swimming pool, and volleyball court on the east side of the property will remain. The revision includes the addition of a picnic table and horseshoe pit on the west side of the property. A play area that contains a playground is located in the area of the proposed horseshoe pit and picnic table. A large lawn area on the west side is central to the revised recreation area.

This Revised Active Recreation Area proposal must be reviewed by the Parks, Recreation, and Community Enhancement Committee for a recommendation prior to consideration of the Revised Plan by Planning Commission.

The following table provides information from the submitted Plan (last updated March 21, 2013) for the Revised Active Recreation Area to be constructed:

	Required	**Provided on Revised Plan**
Active Recreation Area (Article 5 §10.16)	275 S.F. per dwelling unit or 0.5 acre, greater thereof 258 DU = 70,950 S.F. (1.6288 ac) Requires 1.6288 acres	East: Clubhouse, swimming pool, volleyball court, West: lawn area, horseshoe pit, picnic table, and playground area Total of 1.75 acres
Active Recreation Amenities (Article 5 §10.15)	Accessibility	Distributed throughout the development. Accessible access to the community building, volleyball court, and swimming pool. The complex lacks sidewalks throughout the development.
Active Recreation Amenities (Article 5 §10.15)	Age Oriented to development	Clubhouse Playground Area Equipment Swimming pool Volleyball court Horseshoe pit Picnic Table
	Parking	Off-street parking provided for

		each dwelling unit on the parcels. There are 34 parking spaces located near the Clubhouse and swimming pool.
	Setbacks: 30 feet from residential lots and 25 feet from right-of-way for street	Clubhouse and volleyball court are legal non-conforming as they are located within the 30 foot of the property line. The playground and swimming pool are in compliance with the setbacks as required. The other areas shall comply with the 30 foot setback.
	Landscaping	The Revised Active Recreation Plan shows woodland around the proposed area.

TREE PLANTING AND LANDSCAPE PLAN

The Plan continues maintain the existing woodland on the site. The site requires 206 trees to be planted on site based on overall area of the two parcels. The number of required trees is based on the non-woodland area of the property, giving credit for the woodland areas on the site. There are existing trees on the site; however, they are not shown on the plan.

STAFF RECOMMENDATIONS

The following are comments and recommendations from Staff of the Department of Planning & Inspections following review of the Revised Active Recreation Area Plan to be constructed.

1) The proposed plan meets the area requirements for the Active Recreation Area. The plan is required to provide 1.6288 acres of Active Recreation Area and it is proposing 1.75 acres of Active Recreation Area.

2) Staff recommends approval of the existing Clubhouse, swimming pool, playground, and volleyball court with comments and conditions provided below.

3) Staff recommends approval of the proposed horseshoe pit and picnic table with park area on the west side of the property.

4) Staff recommends the addition of additional picnic tables and/or benches within the proposed Active Recreation Area on the west side of the property.

5) Staff recommends the addition of at least one grill within the proposed Active Recreation Area.

6) The following items should be included on the Plan to clarify the construction of the recreation area improvements:

a) Lawn areas shall be appropriate maintained for active recreation activities.
b) Indicate the square footage of the Clubhouse, swimming pool, volleyball court, playground, etc.
c) Provide bike racks near the Clubhouse.
d) Indicate the square footage of the required Active Recreation Area.
e) Indicate the square footage of the existing Active Recreation Area.
f) Indicate the square footage of the proposed Active Recreation Area.
g) Revise the location of the horseshoe pit to meet the 30 foot setback from the property lines.
h) Indicate the area in square feet and acreage of the two parcels.

7) Ensure barrier free access is provided at all sidewalks including the entrance to the clubhouse.

8) Provide access to the Active Recreation Area on the west side of the development.

9) Ensure barrier free access to the Active Recreation Area on the west side of the development.

10) Provide construction details including but not limited to: picnic table, horseshoe pit, etc.

11) Identify the existing trees on the Plan Sheet or Landscape Plan Sheet.

12) There shall be provisions which ensure that the common open space land (including active recreation area) shall continue as such and be properly managed and maintained.

13) In the event, that major changes and revisions to the Plan occur in the finalization of the Revised Recreation Plan contact the Department of Planning and Inspections. Examples include reorientation of elements, relocation of site components, 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.

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

15) Construction may have an effect on the existing Active Recreation Area. Any work requiring the closing or rerouting the existing amenities should be coordinated as to offer the least amount of inconvenience.

16) Staff notes that the Active Recreation Area will not be dedicated to the City of Dover. It will be the responsibility of the property owner to maintain the Active Recreation Area.

The Parks, Recreation, and Community Enhancement Committee shall submit to the Planning Commission a report detailing the recommendations as to the Revised Recreation Area Plan.

Attachments:

- Proposed Recreation Area Plan* dated 3/21/2013
  **Plan Set Sheets are available as paper copies should Committee members desire this format. Contact the Planning Office at 736-7196.*

City of Dover

DATA SHEET FOR CONCEPTUAL SUBDIVISION PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF October 9, 2013

PLANNING COMMISSION MEETING October 21, 2013

Plan Title:	Wynsome Oaks SB-13-05C
Plan Type:	Conceptual Subdivision Plan
Applicant/Owner:	TLFD Management, LLC
Project Engineer:	Kercher Engineering, Inc.
Location:	Southeast side of White Oak Road, southwest of Mourning Dove Lane
Tax Parcel:	LC-05-068.00-01-18.00-000
Site Area:	12.73 acres ±
Zoning:	R-8 (One Family Residence Zone) SWPOZ (Source Water Protection Overlay Zone) Tier 2 Primary Wellhead Protection
Present Use:	Vacant
Proposed Use:	Residential Subdivision – 12 lots, Active Recreation Area, and residual areas
Sanitary Facilities:	City of Dover
Water Supply:	City of Dover
Waivers Requested:	Exceed the Maximum Length of a Dead End Street Partial Elimination of Sidewalk (along White Oak Road Frontage)

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: October 9, 2013

CITY OF DOVER PLANNING

APPLICATION: Wynsome Oaks– Conceptual Subdivision Plan

FILE #: SB-13-05C REVIEWING AGENCY: City of Dover Planning Office

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

PLAN SUMMARY

Conceptual Subdivision Plan Review to permit the subdivision of land totaling 12.73 acres ± into twelve (12) parcels for single family detached dwellings with a number of areas for open space and an Active Recreation Area. The property is zoned R-8 (One Family Residence Zone) and is subject to the SWPOZ (Source Water Protection Overlay Zone). This property is located on the southeast side of White Oak Road, southwest of Mourning Dove Lane. The owner of record is TLFD Management, LLC. Tax Parcel: LC-05-068.00-01-18.00-000.

Previous Applications

The Planning Commission reviewed a rezoning application for this property in April 2010 and the property was rezoned from R-15 (One Family Residence Zone) to R-8 (One Family Residence Zone) in May 2010. This property was then reviewed for a subdivision as Application SB-10-02C Wynsome Oaks Subdivision: Conceptual Plan on September 20, 2010; however, that plan has expired. Application SB-10-02C did receive a one year extension which extended the timeframe to September 30, 2012 to complete the next step of filing the Preliminary Subdivision Plan; however, that did not occur and the plan has expired.

Preliminary Land Use Services Review (PLUS)

The Wynsome Oaks Subdivision project was reviewed on February 24, 2010 by the Preliminary Land Use Services (File #2010-02-01). A PLUS Review comment letter was issued on March 23, 2010. The applicant at the time was required to provide a copy of the written response to the Office of State Planning Coordination regarding the PLUS Comments. This previous PLUS Review is still valid as PLUS reviews do not expire. Since the subdivision is the relatively the same as the one reviewed under PLUS #2010-02-01 then a new PLUS review is not required. PLUS comments include the comment that the State does not support this subdivision due to its location east of State Route 1.

SITE CONSIDERATIONS

The minimum lot area for lots within the R-8 (One Family Residence Zone) Zoning District is 8,000 SF. The lots within this proposed subdivision meet or exceed the minimum lot size requirements. The lots will be 8,000 SF in size or greater. In addition, there are several separate

parcels that are devoted to Open Space (woodland areas) and the Active Recreation Area and as such should be clearly noted on the plan and in the record documents including deeds.

This subdivision of land and any future development on the parcels is subject to the requirements found in the City of Dover *Zoning Ordinance,* Article 3 §1 and referenced sections which outline the permitted uses for the R-8 (One Family Residence Zone). The following table highlights some of the design standard requirements for the R-8 (One Family Residence Zone). (NOTE: This chart is not an all-inclusive listing of the code requirements, but is provided as information on development requirements.)

MINIMUM REQUIRED:	R-8 One Family Residence Zone
Lot Area	8,000 SF
Lot Configuration – width (ft.)	70 ft.
Lot Configuration – depth (ft.)	100 ft.
Front yard setback (ft.)	25 ft.
Residential zone setback (ft.)	10 ft.
Side yard setback (ft.)	20 ft.
Rear yard setback (ft)	30 ft.
Off-Street Parking Spaces	2 per dwelling
Maximum Permitted : Building Height: Stories Feet	 2 ½ stories 35 feet
Lot Coverage	35%

Since this property is zoned R-8 it is subject to the provisions of *Zoning Ordinance*, Article 5 §1.7 Uniformity of design in all one-family residence zones. These provisions limit construction of buildings that are like or substantially like a neighboring building in order to prevent monotony of architectural design.

Wet Soils and Basements

The *Zoning Ordinance* Article 5 §11.23 regarding wet soils limits the building construction when seasonally high water table is within two and one-half feet of the surface and requires construction subject to conditions to address the prevention of water damage. Subdivision plans must identify the seasonal high water table on each lot if basements are proposed.

Source Water Protection Overlay Zone (SWPOZ)

This property is subject to the requirements of the Source Water Protection Overlay Zone (SWPOZ) as outlined in Article 3 §29. The proposed subdivision is located within Tier 2 Primary Wellhead Protection. The development of the site as residential is permitted in the SWPOZ. The additional compliance items in the SWPOZ are related to proximity to the wellhead; no wellhead locations impact this parcel. There are requirements for stormwater management within the Tier 2 area (See Article 5 §29.86).

Waiver Request: Partial Elimination of Sidewalk

The plan has indicated sidewalks along both sides of the proposed internal streets. Sidewalk is also required along the property's entire frontage of White Oak Road. A written waiver request to allow for the elimination of sidewalk along White Oak Road has been submitted to the Planning Office for consideration by the Planning Commission (Letter of September 6, 2013).

The request notes limitations to sidewalk construction in this area due to existing utilities (water main), drainage ditch, and construction limitations.

Streets

The Subdivision Plan proposes one (1) entrance street off of White Oak Road. The proposed street extends south into the site. A cross street is proposed slightly past half way off of the proposed entrance street to connect to the adjacent land to the west. The proposed entrance street will have a paved width of twenty-four (24) feet that will expand to a thirty (30) feet of paved street width one within the subdivision. The right-of-way for all streets will be a sixty (60) feet of width. The 30 feet of paved street width will allow for on street parking on one side of the street. The proposed cross street appears to have 24 feet of paved street width and will not allow for any on street parking.

Waiver Requested: Length of Dead-end Street

The proposed dead end street is approximately 1033+/- feet in length when measured from White Oak Road to the center point of the cul-de-sac. The proposed dead end street exceeds the permitted length of a dead end street per the *Land Subdivision Regulations*. A portion of this entrance street (located south of the proposed cross street) that will end in cul-de-sac is 400 feet in length and would be permitted. However, until the road connection to the west is established the entire street will be a dead-end street exceeding 400 feet in length. A written waiver request (Letter of September 6, 2013) has been submitted to the Planning Office for consideration. The Planning Commission will make a recommendation on this waiver request and to be forwarded to the appropriate Council Committee and with final action by the Dover City Council.

TREE PLANTING AND LANDSCAPE PLAN

The property is almost entirely wooded. The amount of woodland on the site and the proposed amount of woodland to be cleared is identified on the plan. The maximum amount of woodland clearing permitted by Code (without mitigation) to occur is 50%; this project proposes clearing 49.7%. Street tree plantings will be required as a part of the subdivision. Tree plantings for each individual lot and other tree plantings will be addressed in the Preliminary Subdivision Plan. Initial calculations indicate ninety-two (92) trees will be required for the project's non-woodland area of 275,734.8 SF.

ACTIVE RECREATION AREA

The residential subdivision will also need to provide an Active Recreation Area based on the number of dwelling units. Based on twelve (12) dwelling units, a total of 3,300 SF of Active Recreation Area will need to be provided. The applicant has proposed designating a parcel of 21,896 SF for this area. The proposed Active Recreation Area Plan must be received by the Parks Recreation & Community Enhancement Committee prior to review of a Preliminary Subdivision Plan.

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) Provide a copy of the applicant's response to the PLUS Review Comment letter of March 23, 2010.

2) A written waiver request to exceed the maximum length of a dead-end street has been submitted to the Planning Office for consideration by the Planning Commission with final action by City Council.

3) Sidewalk shall be constructed in accordance to the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request for elimination of sidewalk along White Oak Road has been submitted for consideration by the Planning Commission.

4) Indicate any existing or future easements (drainage, utilities, etc.) on the site.

5) The Site Data and Zoning Schedule will need to be updated with the following:
   a) Any changes recommended or approvals or waivers granted by the Planning Commission and/or City Council.
   b) Clarify the number of lots proposed as the number and locations differ within the plan set. Update plan drawings and data listings.
   c) Provide percentage of woodland cleared.
   d) Add SWPOZ (Source Water Protection Overlay Zone) as a zoning district.
   e) Update General Notes references from Public Utilities to Public Works.
   f) Identify source of wetlands information.

6) Sheet 2:
   a) The size of the residual parcels must be identified on the Record Plan.
   b) Revise the rear setbacks on the plan sheet. The required rear yard setback is 30 feet; however, the plan shows 20 foot rear yards.
   c) Provide a note stating that the remaining woodland areas are not developable lots and that woodland areas are to remain.
   d) Provide a note on the Record Plan identifying the Active Recreation Area parcel and its use as it will not be a lot for a residential dwelling development.
   e) Indicate the maintenance responsibility for the stormwater management areas and remaining woodland areas.

7) Sheet 3: Identify the location of the existing woodland areas on the property.

8) Sheet 4:
   a) Clarify the proposed contour lines shown. It appears that a significant amount of grading and fill is necessary for the development of the road network and lots for this site.
   b) It appears that a drainage easement on the adjacent Bay Village of Dover LLC property will be necessary to access the Tax Ditch for the stormwater management outfall. Also ensure appropriate permissions are received for use of the Tax Ditch.

9) Sheet 7:
   a) Label paved width of west connection street/cross street.

b) A specific side of the street will need to be identified for parking and the opposite side signed for no parking.
c) Update references to Public Works.
d) Clarify note regarding the roadway patch (floating on the plan drawing).

10) Evaluate the need for a temporary turnaround for west connection street segment. This will also need to be labeled/signed as a future street connection.

11) If basements are proposed, then the seasonally high water table must be identified for each lot. Construction is subject to specific requirements. See *Zoning Ordinance*, Article 5 §11.23.

12) Revise the name of the subdivision and provide names for the streets within the subdivision. The Kent County GIS Division – 911 Addressing section in conjunction with the City of Dover, must approve the development name and street names.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Recommendation on Waiver Requests:
   a) Partial Elimination of Sidewalk: Staff recommends approval of the request to eliminate sidewalk along the entire frontage of White Oak Road. The applicant has noted a ditch and utility infrastructure are located in this area and the increase in impervious surface could further impact the drainage situation in this area. Placement of the sidewalk on the property and not within the right-of-way would require the loss of additional woodland and would still impact the ditch.

   b) Exceed Maximum Street Length of a Dead End Street: Staff recommends approval of the request to exceed the maximum length of a dead end street. The subdivision is proposing a connection to the west and when the connection is made the length of the dead end street will more closely comply with the limitations of dead-end street length as required in the *Land Subdivision Regulations*.

2) Staff is concerned with the level of tree clearing proposed for the development of this site. The plan proposes that very close to 50% of the existing woodland to be cleared for the development. Any significant design changes may impact the amount of woodland to be preserved. It is noted that clearing of woodland areas over 50% requires approval by the Planning Commission of a Tree Mitigation Plan to re-establish woodland areas.

ADVISORY COMMENTS TO THE APPLICANT:

1) The waivers are at the discretion of the Planning Commission. However, regarding the dead-end street waiver request, the Planning Commission will provide a recommendation. Such a waiver request requires a Safety Advisory and Transportation Committee recommendation and City Council consideration for final approval or denial.

2) Active Recreation Plan submission is the next step in the subdivision process. The Active Recreation Plan will be reviewed by the Park, Recreation and Community Enhancement Committee prior to review by the Planning Commission. Contact the Planning Office to schedule a meeting with Planning Staff to discuss the Active Recreation Area.

3) The Conceptual Plan is the first step in the major subdivision process. For this project, the next step is the submission of the Preliminary Subdivision Plan for review. A Pre-Application meeting is required to file the Preliminary Subdivision Plan.

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

5) The developer shall be aware that Street Lights shall be required to be installed in conjunction with the construction of subdivision streets. The developer shall coordinate street light placement and electric utility routing and equipment with the City of Dover Electric Department.

6) In the event, that major changes and revisions to the Conceptual Subdivision 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 commissions making recommendations in regards to the plan.

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

8) Tree protection devices must be installed by the developer prior to any grading or clearing activity and before the issuance of Building Permits for the site.

9) Construction activities will have an effect on the adjacent property owners and to travel lanes and/or shoulder area of the adjacent roadway. Any work requiring the closing or rerouting of potential residents or visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience to the adjacent property owners and the roadway.

10) The applicant shall be aware that Conceptual Subdivision approval does not represent a Building Permit, Sign Permit and other associated construction activity permits. A separate application process is required for issuance of a 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: OCTOBER 2, 2013

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Wynsome Oaks Subdivision on White Oak Road**

FILE #: **SB-13-05**

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

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. 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. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
4. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan. All water mains shall be cement lined Class 52 cement lined ductile iron pipe. Division valves must be provided every 800 feet.
5. Water service lines shall be shown for each residential lot meeting the following requirements: The water services shall be one-inch (1") diameter Type K copper tubing, and installed five feet (5') to the right of the sewer lateral as viewed from the center line of the street. Curb stops shall be installed one foot (1') outside of the right-of-way for each lot. A water meter and meter pit must be installed on the domestic water service, in a non-traffic bearing location just downstream of the curb stop.
6. Fire hydrants shall be spaced no greater than 600 feet as measured along the curb. Fire hydrants shall be placed between the curb and sidewalk at intersections or centered on lot lines. Fifteen feet (15') separation must be provided between all hydrants and hydrant valves.

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. All sanitary sewer mains shall terminate at manholes between construction phases. This may require sewer lines to extend beyond the proposed phase lines to the next manhole.
4. Minimum slope criteria shall meet Ten States Standards. Provide flow calculations to justify sizing of the sewer mains, showing that velocity requirements are met. Waiver requests must be approved by the Department of Public Works.

5. The desired location for sewer mains is under the centerline of the street. One-tenth of a foot (0.1') drop must be provided across all manholes. The minimum slope for eight-inch (8") sanitary sewer pipe is 0.004 feet/feet. Minimum cover is 3.0 feet.
6. Sanitary sewer manholes shall be spaced no more than 400 feet apart.
7. The minimum size of all sanitary sewer laterals shall be six-inch (6").
8. 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.
9. Sanitary sewer laterals shall be shown for each residential lot meeting the following requirements: The sewer laterals shall be six-inch (6") diameter schedule 35 PVC and, where practicable, installed to the center of each lot. Sewer laterals shall be connected directly to the main, not manholes, unless impracticable. Sewer laterals are to be installed one foot (1') beyond the right-of-way line at a typical depth of three feet (3'), preferably not exceeding five feet (5'). Cleanouts shall be installed one foot (1') outside of the right-of-way for each lot.
10. The existing manhole must be core drilled and an approved (by our office) pipe to manhole connector must be used to construct the connection for installation of the sewer main. The existing manhole flow channel must be reconstructed accordingly.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District submitted to our office.
2. The size, length, slope, type and flow directions must be shown on all existing and proposed storm sewer lines. Rim and invert elevations must be labeled on all stormwater structures.
3. Submerged pipe inlets to ponds may only be permitted if they are so designed that the permanent pool elevation of the storm water management area doesn't surcharge back into the City of Dover's storm drain structures and system.
4. The City of Dover Department of Public Works specifications require all culverts to be designed for the 25-year storm frequency and all storm sewers to be designed for the 10-year storm frequency. The Manning's equation shall be utilized in design as applicable. Storm sewers are required to provide a minimum full flow velocity of 2 fps. Provide the calculations for each proposed pipe segment that, at a minimum, include: upstream and downstream inverts, upstream and downstream ground elevations, and ground cover provided; pipe slope, length, material, n value, and diameter; design flow, depth and velocity; and full flow and velocity.
5. The City of Dover Department of Public Works specifications require that all inlets (catch basins) be designed for the 10-year storm frequency (25-year storm frequency for sump conditions) and that the spread of water shall not exceed eight feet (8') from the flow line of the curb. The design must also meet the requirement that the hydraulic grade line may be no higher than one foot (1') below the top of the inlet. Provide the calculations for each proposed catch basin utilizing flows determined by each catch basin's contributory drainage area, for the appropriate storm frequency. Spread, depth of flow and hydraulic grade line data for each inlet must also be included. Any carryover should also be noted and included at appropriate downstream catch basins as applicable.
6. Provide all stormwater management calculations and erosion and sedimentation control plan as required by Article 5, Section 11.2 and 11.2 of the City of Dover Zoning Ordinance. Ensure that individual lot grading, house locations with finished floor elevations, and driveway locations and grades are provided on the plans in order to verify the adequacy of the design. The provided information should also show adequate conveyance of runoff from each lot.

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.
3. It shall be unlawful for any person to alter the curb of any street so as to create a curb depression for the purpose of permitting vehicles to enter onto or exit from the city streets, without a permit issued by the city manager.

4. When determined to be necessary, dead-end streets, designated to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end cul-de-sac with a turnaround having an outside roadway diameter of 80 feet and a street right-of-way diameter of 100 feet. In no instance shall more than 20 percent of the lots in a proposed development front on the turnaround section of a cul-de-sac.
5. Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90 degrees shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line and shall be parallel to said inner right-of-way line.
6. Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which, for the centerline of the right-of-way, shall not be less than 500 feet on arterial streets, 300 feet on collector streets and 150 feet on minor streets. The outer and inner right-of-way line shall be parallel to said center right-of-way line.
7. Street rights-of-way lines at intersections shall be connected with a curve, the radius of which shall be at least 25 feet. The required radius may be increased by the city engineer if the increased radius is necessary for public safety.
8. Street grades shall not exceed five percent.
9. Street grades shall not be less than one-half percent wherever feasible.

SANITATION

1. Every person occupying a residence or duplex and every owner of an apartment shall provide such premises with a sufficient number of solid waste containers to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers.

GROUNDS

1. An official street tree species list has been approved by the superintendent of grounds for tree plantings along streets and avenues of the city. (The official list will be kept on file in the office of the city clerk.) No species other than those included in this list may be planted as street trees without the written permission of the superintendent of grounds.
2. Spacing of trees shall be determined by the superintendent of grounds, but, generally, all large trees shall be planted no closer than 35 feet, medium trees no closer than 30 feet and small trees no closer than 25 feet, except in special plantings designed or approved by a landscape architect.
3. No street tree shall be planted closer than 30 feet to any street corner and no closer than ten feet to any fireplug.
4. Only trees listed as small to medium shall be planted under power lines; and no trees shall be planted within ten feet of any underground water line, sewer line, transmission line or other utility.
5. It shall be unlawful and a nuisance for any person to plant any vegetation in any public right-of-way. Upon receipt of notice from the city to remove any vegetation located in a public right-of-way, the owner of the abutting property shall remove such vegetation at his own expense within the time limit provided in such notice.
6. It shall be unlawful and a nuisance for any person to plant any tree, shrub or bush within 16 feet of the curbline. Upon receipt of notice from the city to remove any tree, shrub or bush which is located within 16 feet of the curbline, the owner of the property upon which such tree, shrub or bush is located shall remove the same at his own expense within the time limit fixed in such notice.

GENERAL

1. Add the following note to the plans, “A seven and one half feet (7.5’) wide easement is retained along all side and rear lot lines, to be unoccupied by building, for utilities, drainage and sanitary sewer purposes. Except where lots are divided for any reason whatsoever, said easements shall fall along the actual side and rear lot lines as conveyed. A fifteen feet (15’) wide utility easement is retained along all rear lines of lots abutting the project boundary and other open spaces.” A ten feet (10’) wide utility easement is required along all front yard lot lines for utility installation. When a water, sewer, or storm sewer main is not located in the right of way, it shall be located within five feet (5’) of the center of a twenty feet (20’) wide utility easement.
2. The final site plan must be submitted in the following compatible digital formats:
    a. AutoCAD 2004 (.dwg format).
    b. Adobe Reader (.pdf format).

3. 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.
4. No trees shall be planted within the vicinity (10 feet) of any underground utilities (electric, water, sanitary sewer, storm sewer, etc.). All street trees shall be planted on private property.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

WATER / WASTEWATER / STREETS / SANITATION / GROUNDS / GENERAL

1. None.

STORMWATER

1. Profiles of the storm sewer must be provided with the construction plans. All water, sanitary sewer and storm sewer crossings must be shown on the profiles.
2. This site currently contains various drainage issues. In the event basements are to be provided as part of the proposed subdivision, consideration for the flow from sump pumps and other associated facilities, including calculations, are to be submitted to our office for our review. This is to ensure that the overall drainage plan for the site is adequate in accordance that noted previously.

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 two (2) times per year during system wide flushing operations. 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.
4. A sanitary sewer stub is also available through the Oak Shadows subdivision to the east. Analysis of the most prudent connection location should be included as part of the subdivision design. Utility dedication of this subdivision is currently pending.

STORMWATER

1. Profiles of the storm sewer must be provided with the construction plans. All water, sanitary sewer and storm sewer crossings must be shown on the profiles.

STREETS

1. Street profiles must be provided with the construction plans.
2. All streets to be dedicated to the City must meet the City of Dover Department of Public Works specifications.
    a. Pavement sections must be designed based upon poor soil conditions unless soil boring data is provided showing otherwise. Structural number calculations must be submitted for review and a pavement cross section detail must be included within the plan set.
    b. All curbing within the right-of-way shall be DelDOT Type III curb and gutter. All curb radii must be labeled on the plan. In particular, a minimum radius of twenty-five feet (25') must be provided at all street intersections. A construction detail of the Type III curb and gutter must be provided on the plan.
    c. Sidewalk proposed within the right-of-way shall be constructed as per the City of Dover Standards and Specifications. All sidewalks must be poured by hand; curb machine slip formed sidewalks will not be permitted. The sidewalk must be scored in five feet (5') squares using hand tooled joints. All tool marks shall be removed as tool finished edges are not permitted. Expansion joints shall be installed at a spacing of twenty feet (20') and shall be precut, one-half inch (½ ") thick, four-inch (4") wide, cork sheets. All sidewalk proposed within the right-of-way shall consist of Class B concrete, without reinforcing material, in order to prevent future interference with utility locating. The proposed five feet (5') wide public sidewalk shall be installed 5 feet from the back of curb. The sidewalk cross slope shall not exceed 2% including across the driveways to ensure ADA and FHA compliance. A sidewalk construction detail containing the above information must be provided on the plan.
    d. All barrier free access ramps and driveway aprons constructed with the site improvements shall be in accordance with the most current ADA and DelDOT requirements and standards at the time of construction. To meet cross slope requirements a five feet (5') wide grass strip must be provided between a five feet (5') sidewalk and the curb.
    e. Signage and markings must be included with the site plan in accordance the Manual for Uniform Traffic Control Devices. Signage proposed for streets to be dedicated to the City of Dover must be included on the plan (no parking signs, speed limit signs, street blades, stops signs, watch children, etc.) All signs must be installed on two-inch (2") square break away sign posts.

SANITATION / GROUNDS

1. None

GENERAL

1. Provide a materials listing table for proposed water mains and services, proposed sanitary sewer mains and services, and proposed storm sewer. A table listing all infrastructure elements to be dedicated to the City of Dover must also be provided on the plans.
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:

CITY OF DOVER FIRE MARSHAL

APPLICATION: Wynsome Oaks Subdivision_

FILE #: SB-13-05 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: David Truax, Fire Marshal PHONE #: (302) 736-7011

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

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

CITY AND STATE CODE REQUIREMENTS:

1. During construction, every building shall be accessible to Fire Department apparatus by way of access roadways with all-weather driving surface of not less than 20 feet of unobstructed width to withstand the live loads of fire apparatus and having a minimum of 13 feet 6 inch vertical clearance. Dead-end Fire Department access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of Fire Department apparatus.

2. Water supply for fire protection either temporary or permanent shall be made available as soon as combustible material accumulates. There shall be no delay in the installation of fire protection equipment. Where underground water mains and hydrants are to be provided, they shall be installed, completed and in service prior to the construction work.

3. Building permits will not be issued until the area has been inspected for the condition of the roadway and fire protection water is available.

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

5. Address numbers of at least 4 inches in height must be placed on the street side of each Residence.

6. Plan to be submitted showing the location of fire hydrants. Hydrants are to be 600 feet on center. This is to be measured as hose would come off of fire equipment. Hydrants are to be located within 300 feet of Fire Department connections for buildings with sprinklers.

7. Drive lanes of roadways not to be less than 24 feet wide. If roadways are to be used as fire lanes, they must be 24 feet wide for primary access.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:
NONE

ADVISORY COMMENTS TO THE APPLICANT:

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

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

3. The City of Dover uses the 2003 NFPA Life Safety Code, 2003 IBC, latest editions of all other NFPA Codes and the 2006 Delaware State Fire Prevention Regulations.

4. Legislation to sprinkler Townhouses will be before the Safety and Transportation Committee in February of 2007. You may wish to make plans should this pass.

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: October 2, 2013

DELDOT

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APPLICATION: Wynsome Oak Subdivision on White Oak Road
FILE#: SB-13-05 REVIEWING AGENCY: DelDOT

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

==========

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, a 60-foot wide right-of-way (30-feet from the centerline) is required for a minor arterial. According to the Kent County Classification Maps, KCR 66 (White Oak Road) is classified as a local road. If the existing right-of-way does not have the proper width along the frontage of the site, the department will require the right-of-way dedication for public use.

2. In order to be issued a Letter of No Objection (LONO), the department will require the applicant to provide the proper forms, fees, and plans.

3. An additional 15-foot permanent easement will be warranted along the site frontage of this project.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

- A stormwater manager report must be provided to the Department for review and approval.

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
October 2013

APPLICATION: *Wynsome Oaks Subdivision*

FILE #: SB-13-05

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

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

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

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

Kent County

Department of Planning Services

Division of Geographic Information Systems

SARAH E. KEIFER, AICP
Director of Planning Services

Phone: 302/744-2420
FAX: 302/736-2128
Email: sabrina.fite@co.kent.de.us

SABRINA FITE
GIS Specialist

TO: ***- Dawn E. Melson-Williams, AICP***
The City of Dover
- Kercher Engineering, Inc.

FROM: ***Sabrina Fite***
911 Addressing

DATE: ***September 20, 2013***

PIN #: ***4-05-068.00-01-18.00-000***

OWNER: ***TLFD Management, LLC***

REF: ***SB-13-05 Wynsome Oaks***

- As noted in comments for the prior application SB-10-02, Kent County does not approve the subdivision name "WYNSOME OAKS"

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 10/9/13

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Wynsome Oaks Subdivision

FILE #: SB-13-05 REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: James Galvin, AICP PHONE #: (302) 387-6030

The Dover/Kent County MPO has participated in the State's Preliminary Land Use Services (PLUS) process for several months. The MPO requested the opportunity to bring the recommendations on issues of our concern to the City as well. The MPO will limit comments to projects to development proposals and applications that may lead to new development. Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission 10/21/2013
Project Review
SB-13-05 Wynsome Oaks Subdivision on White Oak Road

The MPO has no comment on the subdivision itself. There are some elements of the proposal that we will take the opportunity to comment on.

The plans indicate sidewalks on the interior of the site. The MPO encourages sidewalks that allow a safe connection with a sidewalk network. The mechanism for these improvements has been to require the sidewalks be installed on the Road ROW as the adjacent properties are developed. While the sidewalk may not be continuous at present, the cumulative effect of the property owners' installation will ultimately be a complete sidewalk system. Thus the City should uphold the requirement for all of the sidewalks on the site, including those at the entrance.

This is the last of three proposals that are at some development stage and considered by the Dover Planning Commission; the previously approved Garrison Oak and Bay Village sites. The win some Oaks site has been previously reviewed by the planning commission it in September 2010. Included in the combined proposals are nearly 450 residential units and room for 10 more employers. The density of activity should be considered a potential transit node for DART bus service. The 108 bus route currently extends on White Oak Road to Willis Road. The applicant should coordinate with the other applicants to bring bus service to the area at the discretion of the Delaware Transit Corporation.

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.

KEI

KERCHER ENGINEERING INC

Civil Engineers

Municipal Engineers

Pavement Engineers

Traffic Engineers

Planners

Asset Management

Construction Services

G.I.S. / G.P.S.

Surveyors

CCR Reviews

MAIN OFFICE:

254 Chapman Road
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Newark, DE 19702
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Fax: 443.512.8686

3325 Turnbridge Drive
Raleigh, NC 27609-7131
Phone: 919.608.7807

www.kercherei.com

6 September 2013

Planning Commission
City of Dover
P.O. Box 475
Dover, DE 19903

RE: Wynsome Oaks
Request for Waiver
KEI Project No. 13-0901E

Dear Commissioners:

We are submitting our request for the following waivers:

1. **Article VI, Section A.15** – *Dead-end streets shall be discouraged unless determined to be necessary to access the property due to its size, shape, or width. When determined to be necessary, dead-end streets, designated to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end cul-de-sac with a turnaround having an outside roadway diameter of 80 feet and a street right-of-way diameter of 100 feet. In no instance more than 20 percent of the lots in a proposed development front on the turnaround section of the cul-de-sac.*

   We are requesting a waiver from the requirement that a dead-end street "*shall not be longer than 400 feet*". The size, shape, or width of the property make it necessary for a dead-end street. The proposed design provides for a road connection to the west which will limit the dead-end street length to 400 feet. However, until the property to the west is developed and that connection is made, the length of the dead-end street will be 1,033 feet from the White Oak Road right-of-way to the center point of the proposed cul-de-sac.

2. **Article 5, Section 18.1** – *Standard City of Dover sidewalk, as per Chapter 19 [98], Article IV of the Dover Code of Ordinances, shall be required to be installed along 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.*

   We are requesting a waiver from the requirement of installing sidewalk along the White Oak Road frontage. The existing conditions along the frontage include a stormwater drainage ditch approximately 5 feet wide and approximately 1.5 feet deep, a 10 inch water main under the ditch and no sidewalk along White Oak Road for at least one (1) mile on either side of the property. The existing properties along southerly side of White Oak Road are primarily single family residential lots that will not be involved in a development proposal which is subject to Planning Commission review and approval, and therefore will not be required to install sidewalks. We have been informed by the City, DelDOT and Kent Conservation District that there are considerable drainage problems in this area along White Oak Road that include this drainage ditch. Installation of the sidewalk would require the drainage ditch along the 129 foot frontage to be piped. Piping would cause a restriction of the drainage flowing down the ditch from the upstream areas. Kent Conservation District is currently working on a project to improve the drainage problems in this area. DelDOT has informed us that they would not require a sidewalk or bimodal path along the property frontage due to the existing conditions and lack of future

development to extend the sidewalk or path. Also, the City's Public Utilities Department has requested that we do not pipe the ditch overtop of the 10 inch water main. We are requesting this waiver so we do not increase the existing drainage issues in the area, require a possible relocation of the 10" water main and install a sidewalk with no connection in the future. We are proposing to extend the sidewalk along the internal street to White Oak Road for pedestrian access.

We respectfully request to be placed on the agenda for the October 21th meeting of the Planning Commission to discuss our site plan and request for waivers.

Sincerely,

KERCHER ENGINEERING, INC.

Jeffrey C. Williams, P.E.
Project Engineer/Manager

cc: Ted Layton – TLFD Management, LLC
Frank DiMondi – TLFD Management, LLC

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

March 23, 2010

Mr. Jeffrey C. Williams
Kercher Engineering
254 Chapman Road, Ste. 202
Newark, DE 19702

RE: PLUS review – 2010-02-01; White Oak Road Subdivision

Dear Mr. Williams:

Thank you for meeting with State agency planners on March 24, 2010 to discuss the proposed plans for the White Oak Road Subdivision to be located on the south side of White Oak Road, 1340 ft. west of Long Point Road, within the City of Dover.

According to the information received, you are seeking a rezoning of 12.78 acres from R-20 to R-8 for 17 single family homes.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the City of Dover is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

This project is located within a Level 2 and Level 3 according to the Strategies for State Policies and Spending and within the City of Dover. Investment Level 2 and 3 generally reflect areas where growth is anticipated by local, county, and State plans in the near to long term future. However, the project's location East of Route 1 is a particular concern. It is the State's policy to discourage new growth East of State Route 1. Starting with the historic Coastal Zone Act, State actions have encouraged natural resource and agricultural preservation rather than growth and development in this area of Kent County.

When the State purchased the Garrison Oak tract for the City for the development of an employment center, it came with the understanding that the development of the tract would not encourage or enable further development East of Route 1. In the intervening years the State has modified this position by supporting the development of Evergreen Acres (PLUS 2009-06-03) as a unique opportunity for workforce housing tied to the development of the Garrison Oak Technology Park. In our letter about that project, dated July 22, 2009, we conditioned our support by stipulating that "There is a clear understanding by all parties that this development is a special circumstance which addresses both economic development and land conservation objectives, and does not in any way represent a policy shift which would allow or encourage other land developments E. of Route 1."

The proposed White Oak Road Subdivision will require a rezoning from R20 to R8, representing an increase in residential density. The current zoning designation is consistent with Dover's certified comprehensive plan and is more in keeping with our longstanding policy of encouraging land preservation and conservation activities East of Route 1. The State does not support the rezoning of this parcel for these reasons.

Code Requirements/Agency Permitting Requirements

- It is important that the developer be aware of the Delaware Unmarked Human Remains Act of 1987, outlined in Chapter 54 of Title 7 of the Delaware Code, which pertains to the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out.

- **Sediment and Stormwater Program.** A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. It is strongly recommended that the owner and consultant contact the Kent Conservation District to schedule a project application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Kent Conservation District. Contact Jared Adkins, Program Manager, at the Kent Conservation District at (302) 741-2600, ext. 3 for details regarding submittal requirements and fees.

  The property does not appear to extend to the tax ditch. Please discuss the proposed use of Prong B of the White Oak Tax Ditch as an outlet for the stormwater on this site at the project application meeting.

- **TMDLs.** Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Leipsic River watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish

harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. In the Leipsic River watershed, "target-rate-nutrient reductions" of 40 percent will be required for nitrogen and phosphorus. Additionally, "target-rate-reductions" of 75 percent will be required for bacteria. More on TMDLs is included in the "Recommendations" category.

- Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

- All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising. *Ricardo Rios - (302) 739-9944, Ricardo.Rios@state.de.us*

Recommendations/Additional Information

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped **(but in no way required)** that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Department of Agriculture

- *Right Tree for the Right Place*

  The Delaware Department of Agriculture Forest Service encourages the developer to use the "Right Tree for the Right Place" for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

- *Do Not Plant List:* Due to the high risk of mortality from insects and disease, the Delaware Forest Service does not recommend planting any of the following species:

  Callery Pear
  Leyland Cypress
  Red Oak (except for Willow Oak)
  Ash Trees

  Please contact the Delaware Forest Service for more information at (302) 698-4500.

State Historic Preservation Office

- According to observations and evaluation, there are no known historic or cultural resources in this project area, such as archaeological sites or National Register-Listed property on or near this proposed project site.

- However, since Delaware has a strong agricultural and rural heritage, there is a possibility that could be a historic-period or prehistoric-period archaeological site historically associated with Delaware's agricultural or rural heritage, which have not been found, but may contain important information about Delaware's history.

- Prior to any demolition or ground-disturbing activities, the developer may want to consider hiring an archaeological consultant to examine the parcel for archaeological sites, including a cemetery or unmarked human remains. If you have any questions or concerns, please contact Terence Burns at 302-736-7404.

DelDOT

- DelDOT recognizes that that the internal streets would be City streets and therefore outside their jurisdiction. Nonetheless, they offer the following advisory comments regarding them. The proposed stub street leading to the Bay Village of Dover property is laudable, but it may not be in the best place. There is an existing stub street in the adjoining Oak Shadows subdivision that aligns with Lot 5 and the proposed stub street. If the subject development can only be connected to Oak Shadows or Bay Village, DelDOT would recommend that the connection be made to Oak Shadows because the stub exists and the connection can be made now. By comparison, there is no approved plan for Bay Village of Dover and no definite date for its construction. If possible, the subject development should be connected to both Oak Shadows and Bay Village of Dover and the stub street to Bay Village should be shifted south, perhaps to the cul-de-sac bulb, so as to discourage through traffic between Oak Shadows and Bay Village.

- If the rezoning is approved, DelDOT recommends that the developer have their engineer contact the DelDOT Subdivision Manager for the north part of Kent County, Mr. Julio Seneus, for more detailed comments on the site plan as they develop it further. Mr. Seneus may be reached at (302) 760-2145.

DNREC

Fish and Wildlife - Please contact Edna Stetzar at (302) 653-2880 ext. 101 or at Edna.Stetzar@state.de.us

- **Site Survey Request.** The forest on the project parcel is potentially more than 70 years of age, which may be late successional to early mature depending on the composition of the plant community and development of the understory. According to 1937 aerial imagery the forest was in a stage of young growth at that time. Our community ecologist is interested in mapping the vegetation communities at this site as part of a state-wide effort to evaluate forest communities and map wildlife habitat. The survey would be conducted at no expense to the landowner. A report of the survey and vegetative community map would be generated for the applicant's use in the planning of this project. If unique vegetative communities are observed during the survey, recommendations to reduce impacts will be offered for consideration. Please contact Edna Stetzar if the landowner will grant a site visit.

Recommendations:

- It is important to maintain connections between areas of habitat across the landscape. These areas provide cover and space for wildlife to travel during daily, seasonal, and migratory activities. This project is basically surrounded by parcels also being considered for development. Open space that occurs in small disconnected areas next to lots or that occurs as a narrow strip between developments is not as useful to wildlife as those areas of open space that are larger and connect to other undeveloped areas of open space. We recommend the applicant consider coordinating with adjacent landowners so that habitat connections can be maximized. DNREC further recommends that open space be permanently preserved so that future clearing is less likely.

- Stormwater management methods that do not require tree removal should also be discussed with the district engineer or stormwater approval agency to determine if implementing them is feasible at this site.

- Clearing should not occur between April 1st and July 31st to reduce impacts to birds and other wildlife that utilize forested areas for breeding. This recommendation would only minimize impacts to those species during one breeding season, because once trees are cleared the habitat will be lost to use by those species.

- DNREC recommends native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within an adequate buffer (15-30 feet in width) around the ponds to discourage nuisance waterfowl such as geese (to be planted in accordance with the Sediment and Stormwater Plan approval agency requirements). When the view of the surrounding area from the pond is blocked, geese can't scan for predators and are less likely to reside and nest in the area of the pond.

- At this time, DNREC does not recommend using monofilament grids due to the potential for birds and other wildlife to become entangled if the grids are not properly installed and maintained. In addition, the on-going maintenance (removing entangled trash, etc.) may become a burden to the homeowners association or land manager.

Soil and Water - Please contact James Sullivan at (302) 739-9921 or James.Sullivan@state.de.us

- **Drainage Program.** Existing woodland provides valuable wildlife habitat as well as soil erosion protection, water quality filtering, and surface water uptake. Unless managed for timber, wooded areas typically were areas that were unprofitable for farming due to poor drainage. Without trees to absorb the surface water these areas tend to require intensive drainage. Over the years there have been many drainage concerns with the adjacent subdivision that have not been able to be resolved. There is the strong potential for this site to experience drainage problems.

- The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of onsite storm water. The Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them.

- Have all drainage easements recorded on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction. Future property owners may not be aware of a drainage easement on their property if the easement is only on the record plan. However, by recording the drainage easement on the deed, the second owner, and any subsequent owner of the property, will be fully aware of the drainage easement on their property.

- The Drainage Program does not support the removal of trees for the creation of stormwater management areas. However, the Drainage Program does recognize that tree removal is unavoidable in some cases. Where practical, plant native trees and shrubs to compensate for the loss of nutrient uptake and stormwater absorption the removed trees provided.

Water Resources - Please contact John Martin at (302) 739-9939 or John.Martin@state.de.us

- **Soils Assessment**. Tent is a poorly-drained wetland associated (hydric) soil with severe limitations for development; these soils are considered unsuitable for development and should be avoided (Figure 1).

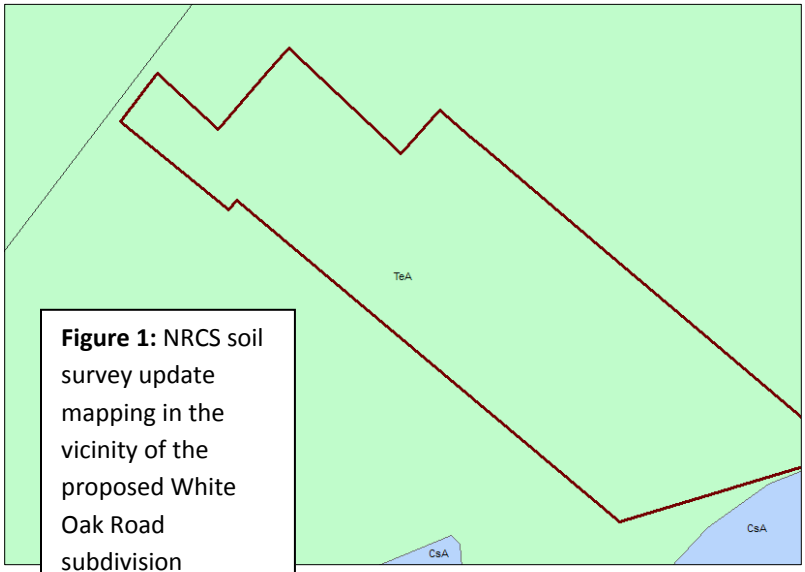


Figure 1: NRCS soil survey update mapping in the vicinity of the proposed White Oak Road subdivision

- Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. It is strongly recommended that the applicant implement best management practices (BMPs) that reduce or mitigate some of its most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to help reduce surface imperviousness.

- **TMDLs.** The Pollution Control Strategy for the Leipsic watershed has not been formally completed to date. In the absence of a PCS during the intervening time period, the applicant is strongly encouraged to reduce nutrient and bacterial pollutants to help improve water quality through voluntary commitment to the implementation of the following recommended BMPs:

  1) Maintaining 100-foot buffers from all delineated wetlands (State and federally-regulated wetlands

  2) Maximizing the amount of passive wooded open space (i.e., significantly reducing the amount of forest cover removal)

3) Employ the use of pervious paving materials instead of asphalt or concrete to reduce surface imperviousness, wherever practicable

4) Utilize green-technology stormwater management technologies in lieu of open-water stormwater management structures

The Department has also developed an assessment tool to evaluate how your proposed development may reduce nutrients and bacteria to help meet the TMDL requirements. Please contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

- **Water Resource Protection Areas.** DNREC Water Supply Section, Ground-Water Protection Branch (GPB) has determined that it falls entirely within a wellhead protection area for the City of Dover as delineated by DNREC. Although the City of Dover's Source Water Protection Ordinance meets the minimum standards of protection, this protection does not extend over all the scientifically delineated wellhead areas. This project is located in one of these areas.



- Given that this is a wellhead protection area, the City is strongly encouraged to apply impervious cover limitations on this development. The Developer states that the impervious cover for this project is approximately 19.3%. Impervious cover prevents precipitation from infiltrating through the soil to the water table aquifer. Impervious cover refers to structures including but not limited to roads, sidewalks, parking lots, and buildings. Any impervious cover within this wellhead protection area has the potential to have a negative effect on the quality and quantity of drinking water available to the City.

- The DNREC Water Supply Section recommends that the portion of the new development within the scientifically delineated wellhead protection area not exceed 20% impervious cover (DNREC, 2005). Some allowance for augmenting ground-water recharge should be implemented if the impervious cover exceeds 20% but is less than 50%. However, the development should not exceed 50%. A water balance calculation should be required to determine the quantity of clean water recharged via a recharge basin (Kaufmann, 2005). The purpose of an impervious cover threshold is to minimize loss of recharge (and associated increases in storm water) and protect the quality and quantity of ground water and surface water supplies.

- In addition, because the project is located within a wellhead protection area and the wellhead is a source of public drinking water, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

Air and Waste Management – Please contact Deanna Morozowich at (302) 739-9402 or Deanna.morozowich@state.de.us

- **Hazardous Waste Sites.** Based on the close proximity of the salvage yard and the previous agricultural use of the proposed project site, which may have involved the use of pesticides and herbicides, SIRB recommends that a Phase I Environmental Site Assessment be performed prior to development. DNREC's Site Investigation and Restoration Branch (SIRB) has reviewed the proposed project. No SIRB sites were found within a ½-mile radius of the proposed development. One salvage yard, White Oak Salvage, is located 63 feet west of the proposed site. In addition, should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil), construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800-662-8802). SIRB should also be contacted as soon as possible at 302-395-2600 for further instructions. *Krystal Stanley - (302) 395-2644, Krystal.Stanley@state.de.us*

Recommendations:

Additional air quality measures may be taken to substantially reduce the air emissions identified above. These measures include:

- **Constructing only energy efficient homes.** Energy Star qualified homes are up to 30% more energy efficient than typical homes. These savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight duct systems and upgraded water-heating equipment. Every percentage of increased energy efficiency translates into a percent reduction in pollution. The Energy Star Program is excellent way to save on energy costs and reduce air pollution.

- **Offering geothermal and/or photo voltaic energy options.** These systems can significantly reduce emissions from electrical generation, and from the use of oil or gas heating equipment.

- **Providing tie-ins to the nearest bike paths and links to any nearby mass transport system**. These measures can significantly reduce mobile source emissions.
- **Funding a lawnmower exchange program**. New lawn and garden equipment emits significantly less than equipment as little as 7 years old, and may significantly reduce

emissions from this new development. The builder could fund such a program for the new occupants.

Additionally, the following measures will reduce emissions associated with the actual construction phase of the development:

- **Using retrofitted diesel engines during construction**. This includes equipment that are on-site as well as equipment used to transport materials to and from site.

- **Using pre-painted/pre-coated flooring, cabinets, fencing, etc**. These measures can significantly reduce the emission of VOCs from typical architectural coating operations.

- **Planting trees at residential units and in vegetative buffer areas**. Trees reduce emissions by trapping dust particles and by replenishing oxygen. Trees also reduce energy emissions by cooling during the summer and by providing wind breaks in the winter, whereby reducing air conditioning needs by up to 30 percent and saving 20 to 50 percent on fuel costs.

This is a partial list, and there are additional things that can be done to reduce the impact of the development on air quality. The applicant should submit a plan to the DNREC Air Quality Management Section which address the above listed measures, and that details all of the specific emission mitigation measures that will be incorporated into the White Oak Road development

Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland

Constance C. Holland, AICP
Director. Ofc. Of State Planning Coordination

CC: City of Dover

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

March 23, 2010

Mr. Jeffrey C. Williams
Kercher Engineering
254 Chapman Road, Ste. 202
Newark, DE 19702

RE: PLUS review – 2010-02-01; White Oak Road Subdivision

Dear Mr. Williams:

Thank you for meeting with State agency planners on March 24, 2010 to discuss the proposed plans for the White Oak Road Subdivision to be located on the south side of White Oak Road, 1340 ft. west of Long Point Road, within the City of Dover.

According to the information received, you are seeking a rezoning of 12.78 acres from R-20 to R-8 for 17 single family homes.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the City of Dover is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the County.**

Strategies for State Policies and Spending

This project is located within a Level 2 and Level 3 according to the Strategies for State Policies and Spending and within the City of Dover. Investment Level 2 and 3 generally reflect areas where growth is anticipated by local, county, and State plans in the near to long term future. However, the project's location East of Route 1 is a particular concern. It is the State's policy to discourage new growth East of State Route 1. Starting with the historic Coastal Zone Act, State actions have encouraged natural resource and agricultural preservation rather than growth and development in this area of Kent County.

When the State purchased the Garrison Oak tract for the City for the development of an employment center, it came with the understanding that the development of the tract would not encourage or enable further development East of Route 1. In the intervening years the State has modified this position by supporting the development of Evergreen Acres (PLUS 2009-06-03) as a unique opportunity for workforce housing tied to the development of the Garrison Oak Technology Park. In our letter about that project, dated July 22, 2009, we conditioned our support by stipulating that "There is a clear understanding by all parties that this development is a special circumstance which addresses both economic development and land conservation objectives, and does not in any way represent a policy shift which would allow or encourage other land developments E. of Route 1."

The proposed White Oak Road Subdivision will require a rezoning from R20 to R8, representing an increase in residential density. The current zoning designation is consistent with Dover's certified comprehensive plan and is more in keeping with our longstanding policy of encouraging land preservation and conservation activities East of Route 1. The State does not support the rezoning of this parcel for these reasons.

Code Requirements/Agency Permitting Requirements

- It is important that the developer be aware of the Delaware Unmarked Human Remains Act of 1987, outlined in Chapter 54 of Title 7 of the Delaware Code, which pertains to the discovery and disposition of such remains. The unexpected discovery of unmarked human remains during construction can result in significant delays while the process is carried out.

- **Sediment and Stormwater Program.** A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. It is strongly recommended that the owner and consultant contact the Kent Conservation District to schedule a project application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Kent Conservation District. Contact Jared Adkins, Program Manager, at the Kent Conservation District at (302) 741-2600, ext. 3 for details regarding submittal requirements and fees.

  The property does not appear to extend to the tax ditch. Please discuss the proposed use of Prong B of the White Oak Tax Ditch as an outlet for the stormwater on this site at the project application meeting.

- **TMDLs.** Total Maximum Daily Loads (TMDLs) for nitrogen and phosphorus have been promulgated through regulation for the Leipsic River watershed. A TMDL is the maximum level of pollution allowed for a given pollutant below which a "water quality limited water body" can assimilate and still meet water quality standards to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish

harvesting. Although TMDLs are required by federal law, states are charged with developing and implementing standards to support these desired use goals. In the Leipsic River watershed, "target-rate-nutrient reductions" of 40 percent will be required for nitrogen and phosphorus. Additionally, "target-rate-reductions" of 75 percent will be required for bacteria. More on TMDLs is included in the "Recommendations" category.

- Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.

- All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take approximately four weeks to process, which allows the necessary time for technical review and advertising. *Ricardo Rios - (302) 739-9944, Ricardo.Rios@state.de.us*

Recommendations/Additional Information

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped **(but in no way required)** that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Department of Agriculture

- *Right Tree for the Right Place*

  The Delaware Department of Agriculture Forest Service encourages the developer to use the "Right Tree for the Right Place" for any design considerations. This concept allows for the proper placement of trees to increase property values in upwards of 25% of appraised value and will reduce heating and cooling costs on average by 20 to 35 dollars per month. In addition, a landscape design that encompasses this approach will avoid future maintenance cost to the property owner and ensure a lasting forest resource.

- *Do Not Plant List:* Due to the high risk of mortality from insects and disease, the Delaware Forest Service does not recommend planting any of the following species:

  Callery Pear
  Leyland Cypress
  Red Oak (except for Willow Oak)
  Ash Trees

  Please contact the Delaware Forest Service for more information at (302) 698-4500.

State Historic Preservation Office

- According to observations and evaluation, there are no known historic or cultural resources in this project area, such as archaeological sites or National Register-Listed property on or near this proposed project site.

- However, since Delaware has a strong agricultural and rural heritage, there is a possibility that could be a historic-period or prehistoric-period archaeological site historically associated with Delaware's agricultural or rural heritage, which have not been found, but may contain important information about Delaware's history.

- Prior to any demolition or ground-disturbing activities, the developer may want to consider hiring an archaeological consultant to examine the parcel for archaeological sites, including a cemetery or unmarked human remains. If you have any questions or concerns, please contact Terence Burns at 302-736-7404.

DelDOT

- DelDOT recognizes that that the internal streets would be City streets and therefore outside their jurisdiction. Nonetheless, they offer the following advisory comments regarding them. The proposed stub street leading to the Bay Village of Dover property is laudable, but it may not be in the best place. There is an existing stub street in the adjoining Oak Shadows subdivision that aligns with Lot 5 and the proposed stub street. If the subject development can only be connected to Oak Shadows or Bay Village, DelDOT would recommend that the connection be made to Oak Shadows because the stub exists and the connection can be made now. By comparison, there is no approved plan for Bay Village of Dover and no definite date for its construction. If possible, the subject development should be connected to both Oak Shadows and Bay Village of Dover and the stub street to Bay Village should be shifted south, perhaps to the cul-de-sac bulb, so as to discourage through traffic between Oak Shadows and Bay Village.

- If the rezoning is approved, DelDOT recommends that the developer have their engineer contact the DelDOT Subdivision Manager for the north part of Kent County, Mr. Julio Seneus, for more detailed comments on the site plan as they develop it further. Mr. Seneus may be reached at (302) 760-2145.

DNREC

Fish and Wildlife - Please contact Edna Stetzar at (302) 653-2880 ext. 101 or at Edna.Stetzar@state.de.us

- **Site Survey Request.** The forest on the project parcel is potentially more than 70 years of age, which may be late successional to early mature depending on the composition of the plant community and development of the understory. According to 1937 aerial imagery the forest was in a stage of young growth at that time. Our community ecologist is interested in mapping the vegetation communities at this site as part of a state-wide effort to evaluate forest communities and map wildlife habitat. The survey would be conducted at no expense to the landowner. A report of the survey and vegetative community map would be generated for the applicant's use in the planning of this project. If unique vegetative communities are observed during the survey, recommendations to reduce impacts will be offered for consideration. Please contact Edna Stetzar if the landowner will grant a site visit.

Recommendations:

- It is important to maintain connections between areas of habitat across the landscape. These areas provide cover and space for wildlife to travel during daily, seasonal, and migratory activities. This project is basically surrounded by parcels also being considered for development. Open space that occurs in small disconnected areas next to lots or that occurs as a narrow strip between developments is not as useful to wildlife as those areas of open space that are larger and connect to other undeveloped areas of open space. We recommend the applicant consider coordinating with adjacent landowners so that habitat connections can be maximized. DNREC further recommends that open space be permanently preserved so that future clearing is less likely.

- Stormwater management methods that do not require tree removal should also be discussed with the district engineer or stormwater approval agency to determine if implementing them is feasible at this site.

- Clearing should not occur between April 1st and July 31st to reduce impacts to birds and other wildlife that utilize forested areas for breeding. This recommendation would only minimize impacts to those species during one breeding season, because once trees are cleared the habitat will be lost to use by those species.

- DNREC recommends native plantings, including tall grasses, wildflowers, shrubs, and trees at the edge and within an adequate buffer (15-30 feet in width) around the ponds to discourage nuisance waterfowl such as geese (to be planted in accordance with the Sediment and Stormwater Plan approval agency requirements). When the view of the surrounding area from the pond is blocked, geese can't scan for predators and are less likely to reside and nest in the area of the pond.

- At this time, DNREC does not recommend using monofilament grids due to the potential for birds and other wildlife to become entangled if the grids are not properly installed and maintained. In addition, the on-going maintenance (removing entangled trash, etc.) may become a burden to the homeowners association or land manager.

Soil and Water - Please contact James Sullivan at (302) 739-9921 or James.Sullivan@state.de.us

- **Drainage Program.** Existing woodland provides valuable wildlife habitat as well as soil erosion protection, water quality filtering, and surface water uptake. Unless managed for timber, wooded areas typically were areas that were unprofitable for farming due to poor drainage. Without trees to absorb the surface water these areas tend to require intensive drainage. Over the years there have been many drainage concerns with the adjacent subdivision that have not been able to be resolved. There is the strong potential for this site to experience drainage problems.

- The Drainage Program requests that the engineer take precautions to ensure the project does not hinder any off site drainage upstream of the project or create any off site drainage problems downstream by the release of onsite storm water. The Drainage Program requests that the engineer check existing downstream ditches and pipes for function and blockages prior to the construction. Notify downstream landowners of the change in volume of water released on them.

- Have all drainage easements recorded on deeds and place restrictions on obstructions within the easements to ensure access for periodic maintenance or future re-construction. Future property owners may not be aware of a drainage easement on their property if the easement is only on the record plan. However, by recording the drainage easement on the deed, the second owner, and any subsequent owner of the property, will be fully aware of the drainage easement on their property.

- The Drainage Program does not support the removal of trees for the creation of stormwater management areas. However, the Drainage Program does recognize that tree removal is unavoidable in some cases. Where practical, plant native trees and shrubs to compensate for the loss of nutrient uptake and stormwater absorption the removed trees provided.

Water Resources - Please contact John Martin at (302) 739-9939 or John.Martin@state.de.us

- **Soils Assessment.** Tent is a poorly-drained wetland associated (hydric) soil with severe limitations for development; these soils are considered unsuitable for development and should be avoided (Figure 1).

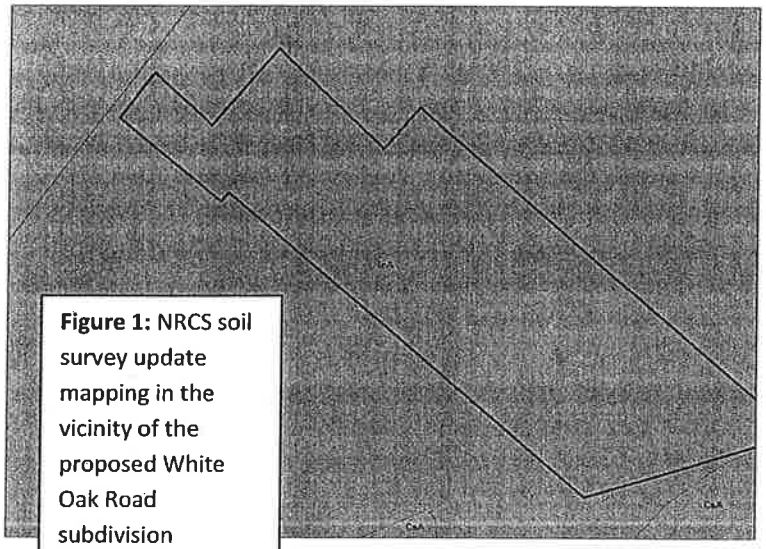


Figure 1: NRCS soil survey update mapping in the vicinity of the proposed White Oak Road subdivision

- Studies have shown a strong relationship between increases in impervious cover to decreases in a watershed's overall water quality. It is strongly recommended that the applicant implement best management practices (BMPs) that reduce or mitigate some of its most likely adverse impacts. Reducing the amount of surface imperviousness through the use of pervious paving materials ("pervious pavers") in lieu of asphalt or concrete in conjunction with an increase in forest cover preservation or additional tree plantings are some examples of practical BMPs that could easily be implemented to help reduce surface imperviousness.

- **TMDLs.** The Pollution Control Strategy for the Leipsic watershed has not been formally completed to date. In the absence of a PCS during the intervening time period, the applicant is strongly encouraged to reduce nutrient and bacterial pollutants to help improve water quality through voluntary commitment to the implementation of the following recommended BMPs:

  1) Maintaining 100-foot buffers from all delineated wetlands (State and federally-regulated wetlands

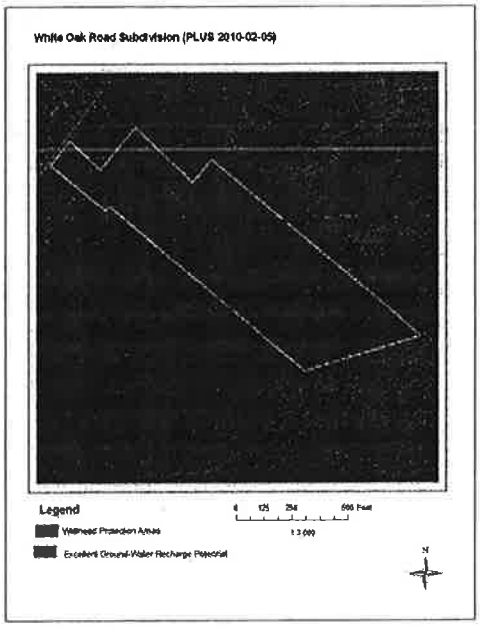
  2) Maximizing the amount of passive wooded open space (i.e., significantly reducing the amount of forest cover removal)

3) Employ the use of pervious paving materials instead of asphalt or concrete to reduce surface imperviousness, wherever practicable

4) Utilize green-technology stormwater management technologies in lieu of open-water stormwater management structures

The Department has also developed an assessment tool to evaluate how your proposed development may reduce nutrients and bacteria to help meet the TMDL requirements. Please contact Lyle Jones at 302-739-9939 for more information on the assessment tool.

- **Water Resource Protection Areas.** DNREC Water Supply Section, Ground-Water Protection Branch (GPB) has determined that it falls entirely within a wellhead protection area for the City of Dover as delineated by DNREC. Although the City of Dover's Source Water Protection Ordinance meets the minimum standards of protection, this protection does not extend over all the scientifically delineated wellhead areas. This project is located in one of these areas.



- Given that this is a wellhead protection area, the City is strongly encouraged to apply impervious cover limitations on this development. The Developer states that the impervious cover for this project is approximately 19.3%. Impervious cover prevents precipitation from infiltrating through the soil to the water table aquifer. Impervious cover refers to structures including but not limited to roads, sidewalks, parking lots, and buildings. Any impervious cover within this wellhead protection area has the potential to have a negative effect on the quality and quantity of drinking water available to the City.

- The DNREC Water Supply Section recommends that the portion of the new development within the scientifically delineated wellhead protection area not exceed 20% impervious cover (DNREC, 2005). Some allowance for augmenting ground-water recharge should be implemented if the impervious cover exceeds 20% but is less than 50%. However, the development should not exceed 50%. A water balance calculation should be required to determine the quantity of clean water recharged via a recharge basin (Kaufmann, 2005). The purpose of an impervious cover threshold is to minimize loss of recharge (and associated increases in storm water) and protect the quality and quantity of ground water and surface water supplies.

- In addition, because the project is located within a wellhead protection area and the wellhead is a source of public drinking water, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

Air and Waste Management – Please contact Deanna Morozowich at (302) 739-9402 or Deanna.morozowich@state.de.us

- **Hazardous Waste Sites.** Based on the close proximity of the salvage yard and the previous agricultural use of the proposed project site, which may have involved the use of pesticides and herbicides, SIRB recommends that a Phase I Environmental Site Assessment be performed prior to development. DNREC's Site Investigation and Restoration Branch (SIRB) has reviewed the proposed project. No SIRB sites were found within a ½-mile radius of the proposed development. One salvage yard, White Oak Salvage, is located 63 feet west of the proposed site. In addition, should a release or imminent threat of a release of hazardous substances be discovered during the course of development (e.g., contaminated water or soil), construction activities should be discontinued immediately and DNREC should be notified at the 24-hour emergency number (800-662-8802). SIRB should also be contacted as soon as possible at 302-395-2600 for further instructions. *Krystal Stanley - (302) 395-2644, Krystal.Stanley@state.de.us*

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Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

Constance C. Holland

Constance C. Holland, AICP
Director. Ofc. Of State Planning Coordination

CC: City of Dover

City of Dover

DATA SHEET FOR REVIEW of REVISED PARKING PLAN

DEVELOPMENT ADVISORY COMMITTEE MEETING OF October 9, 2013

PLANNING COMMISSION MEETING OF October 21, 2013

Plan Title:	New Dover High School: Revised Parking Justification and Waiver Request for Parking Reduction MI-13-18
Associated Applications:	C-10-05 Conditional Use Site Development Master Plan Administrative Site Plan – Bid Pack A- Phase 1A: Pump Station and Phase 1: Landscape Plan S-11-18 Administrative Site Plan – Bid Pack C
Property Address:	1650 Forrest Avenue, Dover
Location:	South side of Forrest Avenue (Route 8) and east of Dover High Drive, approximately 1,500 feet west of Mifflin Road
Tax Parcel:	ED-05-076.00-02-07.00-000
Owner:	Capital School District
Site Area:	106.5222 +/- acres
Under Construction:	New High School and associated stadium, sports fields & site improvements
Sewer & Water:	City of Dover
Zoning Classification:	R-10 (One Family Residence Zone) COZ-1 (Corridor Overlay Zone)
Previously Approved 12/20/2010:	Waiver for Partial Elimination of Curbing Waiver to Eliminate of Opaque Barrier (Fence Component) Superior Urban Design Fulfillment Accepted Parking Requirement Justification & Set Required Parking Accepted Loading Berth Justification Established Tree Density and Buffer Requirements Approved Tree Mitigation Plan
Current Request:	Consideration of Revised Parking Justification Waiver Request for a Reduction in Required Parking

City of Dover

Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: October 9, 2013

APPLICATION: New Dover High School: Revised Parking Justification and Waiver Request for Parking Reduction

FILE#: MI-13-18 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn E. Melson-Williams, AICP and Ann Marie Townshend, AICP
PHONE#: 736-7196

PLAN SUMMARY:
This Review is for Consideration of Revised Parking Justification for parking associated with the New Dover High School and a Waiver Request for a Reduction in the required parking. 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.

PREVIOUS PLAN APPROVAL: New Dover High School
The Planning Commission conditionally approved the Conditional Use Site Development Master Plan for C-10-05 New Dover High School on December 20, 2010. The current Final Site Plan (S-11-18) for the New Dover High School on file with the Planning Office dates to January 24, 2012. The Conditional Use Site Development Master Plan outlined the construction and use of a three story 315,000 S.F. new Dover High School with associated parking, roadways, stormwater management, landscaping, sports fields, stadium, and other associated site improvements.

The plan was reviewed under the Site Development Master Plan process (See *Zoning Ordinance*, Article 10 §2.58). This process allows for a series of construction phases to be outlined in a Master Plan for Planning Commission review and approval. Prior to each Phase of construction a Site Plan specific to that phase is submitted for Administrative Site Plan review. The following construction phases were identified on the Master Plan for the New Dover High School facility:

- Phase 1: High School Building (315,000 S.F.) and associated parking lots (Lots A-F), stadium of 5,000 seats with Fieldhouse, concession stand building (2,100 S.F.), competition field, tennis courts, and four general/practice fields
- Phase 2: Baseball/Softball Athletic Fields consisting of two competition fields, two practice fields, outbuilding, and Parking Lot G
- Phase 3: C.T.E. Building expansion (11,000 S.F.)
- Phase 4: Classroom expansion (45,000 S.F.)

The site is actively under construction with a series of Building Permits having been issued since 2011 subject to compliance with the approved Site Plan. Building Permits include Permits #11-742 Phase 1 Fence, #11-1365 Building Foundation, #12-155 School Building, and #13-931 Bid Pack G – Stadium & Fields.

Surrounding Area:

The school site is located near a number of residential neighborhoods. The surrounding residential neighborhoods are zoned single family residence to medium density residence zoning classifications including R-8, R-10, R-20, RM-1, and RM-2. The Village of Cannon Mill and the Village of Westover subdivisions abut the property to the south. The residential developments of Cranberry Run, Heatherfield and Heatherfield East are located to the north across Forrest Avenue (Route 8). Also along Forrest Avenue adjoining the school property are a series of lots with single family homes which are outside City limits and under the jurisdiction of Kent County. To the southwest of the school property are agricultural lands (Lands owned by Farms, LP within Kent County) that are part of an Agricultural Preservation District. Also to the north of the site (across Forrest Avenue/Route 8 and adjacent to Cranberry Run) is an Agricultural Preservation District within a State agricultural easement (Purchase of Development Rights).

To the west of the new Dover High School site, there is a proposed multi-family development for 240 apartment units known as Leander Lakes. Leander Lakes (S-12-18) was conditionally approved by the Planning Commission on October 15, 2012 (previously reviewed as Application S-09-13). The Leander Lakes application is in the Check Print review process with the reviewing agencies to obtain final plan approvals including entrance plan design review with DelDOT regarding the design of the southern segment of Dover High Drive and the connection to Tribbitt Street. The design and construction of Dover High Drive is a joint effort of the Capital School District as associated with the High School project and the apartment development of Leander Lakes.

CONDITIONAL USE

Within the R-10 zoning district, the use of this property as a school site is permitted subject to approval of a Conditional Use by the Planning Commission. *Zoning Ordinance*, Article 3 Section 1.14a gives specific conditions for property size, setbacks, lot coverage percentage for buildings, and sizing of court (courtyard) spaces for schools.

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. Article 10 §1 of the *Zoning Ordinance* outlines the objectives for reviewing Conditional Use applications including accessibility for emergency response; harmony of size, location, and character, nature and intensity of operations; site layout; access to streets by pedestrian and vehicle traffic; and location and height of buildings, fences, landscaping and other improvements.

TRANSPORTATION AND CIRCULATION NETWORK

The approved New Dover High School Site Plan shows access from Forrest Avenue (Route 8) at two locations. The eastern entrance from Forrest Avenue aligned with the entrance to Heatherfield at Heatherfield Way. This entrance is to an internal circulation road. The western entrance to the school property is from Dover High Drive which is a new public street that

intersects with Forrest Avenue (Route 8). The Capital School District and Leander Lakes, LLC have an agreement regarding the design and construction of the segments of Dover High Drive and the connecting street segment to Tribbitt Street. The Planning Commission as part of the Conditional Use Site Development Master Plan approval for the New Dover High School in 2010 required the dedication of right-of-way for a road interconnection to Tribbitt Street and that this Tribbitt Street interconnection be constructed and available for use at the opening of the High School.

The school project is constructing sidewalks along its street frontages of Forrest Avenue/Route 8 in a multi-modal path format. This concrete path follows along the school property frontage then turns interior to the site to pass to the south of a series of residential properties before turning back to the Forrest Avenue frontage. Sidewalk is also provided along the property frontage on the east side of Dover High Drive. Sidewalks and paths lead from the street frontage sidewalks into the site. The approval Site Plan also provided a bicycle/pedestrian path connecting with the stub street of Worchester Drive in the Village of Westover, on the southeast side of the site. Additionally, a separate sidewalk improvement project is in design at DelDOT to construct sidewalks on the north side of Forrest Avenue/Route 8 for pedestrian travel to the school site with a HAWK (High-Intensity Activated crosswalk) Signal crossing at the east entrance location.

PARKING SUMMARY

The parking requirement for a high school facility is based on a rate one parking space per five seats in main auditorium/cafeteria or gymnasium. In reviewing the parking provisions of *Zoning Ordinance,* Article 6, the Planning Staff in 2010 determined that the high school building and its internal assembly type spaces of the auditorium, gyms, cafeteria, and group instruction area should be utilized to calculate the required overall parking for the facility. The athletic facilities would be viewed as accessory uses with no specific parking requirement.

The Parking Summary in the December 2010 Development Advisory Committee Report identified that the initial seat counts for the assembly areas within the school building would require 990 parking spaces. The C-10-05 Plan submitted for Planning Commission review showed a total of 870 parking spaces on-site in the form of 795 regular surface parking spaces including handicapped accessible spaces, 20 drop-off spaces, and 55 parallel parking spaces along the eastern access drive. In addition, the site plan proposed 28 bus designated spaces that could be converted to vehicle parking for 162 vehicles during events. The series of Parking Lots were lettered A-G with the majority of the parking located to the west and southwest of the school building and with a parking lot (Lot G) also located in the vicinity of baseball/softball fields

With the Conditional Use Site Development Master Plan for the New Dover High School, the applicant submitted a "Parking Requirement Justification" providing an analysis of needs for the Planning Commission to review and determine the total number of parking spaces required. As a result in December 2010, the Planning Commission set the number of required parking spaces for the high school site at a minimum of 840 parking spaces. The number of 840 parking spaces was calculated based on the rate of one parking space per five (5) seats in the Main Auditorium, Cafeteria, and Main Gymnasium. In addition, it was noted that the bus parking lot could be utilized during large events adding an additional 160 parking space giving the overall site a total of 1,000 parking spaces.

The following summary chart shows the parking for the Dover High School as depicted on the current Site Plan S-11-18 dated January 24, 2012 (associated with Bid Pack C). These parking areas are designed to be constructed as paved asphalt parking lot areas. The summary shows that the Site Plan S-11-18 complies with the requirement to provide 840 parking spaces as set by the Planning Commission on the high school site by providing a total of 847 regular parking spaces. This total of 847 parking spaces does not include 24 drop-off spaces or the 28 bus parking spaces. For large events the amount of available parking is increased by 162 parking spaces for a total of 1,009 parking spaces when the bus parking area is converted to a car parking area.

Table 1: Parking Provided on Site Plan S-11-18

Parking Locations on Site Plan S-11-18	**Number of Parking Spaces**
A – Front of School Building	33 regular spaces* *20 drop-off spaces*
B – West end of School Building	103 regular spaces
C – West end of School Building	292 regular spaces
D – South of School Building	221 regular spaces
E – Bus Parking Lot (West of Stadium)	*28 bus parking spaces* *Can be converted to 162 car spaces*
F – East end of School Building	38 regular spaces *4 drop-off spaces*
G – At Baseball/Softball Fields	111 regular spaces
Designated Parallel Parking along East Entrance Drive	49 regular spaces
TOTAL PARKING SHOWN	**847 regular parking spaces** ***24 drop-off spaces*** ***28 bus parking spaces OR*** ***162 car parking spaces for large events***

*The number of regular spaces listed for each lot includes the total of regular parking spaces and handicapped parking spaces.

Consideration of REVISED Parking Requirement Justification (Revised September 19, 2013)
The *Zoning Ordinance* includes provisions for alternative parking scenarios such as a combined spaces provision (Article 3 §3.8).

> 3.8 *Combined spaces.* When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the planning commission may reduce the total parking spaces required for that use with the least requirement.
>
> (a) *Campus Parking Plan.* When a new building or building addition is made to a campus involving multiple buildings under common ownership where one or more of the uses will be generating demand for parking when the other use or uses are not in operation, the applicant shall present a campus parking plan as a part of the site development plan that includes an analysis of the parking needs based on the provisions of section 3.8 of this article.

The applicant has submitted a REVISED Parking Requirement Justification (dated 9/19/2013) for Planning Commission review. This REVISED Parking Requirement Justification provides an update to the analysis of parking needs to determine if a revision to the total number of parking spaces required is necessary. The analysis focuses on the following: the uses within the building with revised seat counts; number of students, staff, and drivers; operation timing and the methods of how regular and parking (car and bus) and event overflow parking.

Table 2: Revised Parking Requirement Justification of 9/19/2013

Use	**Parking Rate: One space per 5 seats**	**Number of Seats**	**Number of Parking Spaces**
High School	Main Auditorium	900	180
	Cafeteria	600	120
	Gymnasium	2,500	500
TOTAL PARKING REQUIRED			**800 parking spaces**

Due to design revisions in the main auditorium the seat count has been reduced thus resulting in a reduction in the required parking for that facility. Based on the seat counts the number of required parking spaces would be 800 parking spaces for the high school facility. The Planning Commission is to consider and take action on this Revised Parking Requirement Justification.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) parking spaces. Based on the required number of parking spaces at 840 spaces as originally established, a minimum of 42 bicycle parking spaces were required. The Site Plan identified multiple locations for bicycle parking racks on the high school site to provide 100 bicycle parking spaces.

Loading Spaces

Based on the use, the requirement for loading spaces buildings over 150,000 S.F, in size is to be justified by the applicant based on needs of the school facility. In December 2010, the Planning Commission accepted the justification for two designated loading spaces on the west side of the building in a walled service area. The Site Plan includes this loading zone area.

Waiver Request: Reduction of Parking Requirement

Under the provisions of *Zoning Ordinance*, Article 6 §3.9 the Planning Commission may reduce the parking for a site up to 50% of the required parking when "the use is adequately served by transportation and parking alternatives." However, the site must have an area of designated space where parking can be constructed equal to the number being reduced and by accepting the parking reduction the applicant agrees to construct the additional required parking in the future should by Public Hearing the Planning Commission determines the reasons for granting the reduction no longer exist.

The applicant has filed a Waiver Request to reduce the number of parking spaces to be constructed at the high school. The applicant notes that the proposed Site Plan provides 758 parking spaces. This tally of 758 parking spaces includes counting the regular parking spaces, the drop-off spaces, and the car parking spaces in bus area.

Following the previously established methodology for tallying parking spaces, Planning Staff finds that the proposed Site Plan of 9/19/2013 shows 564 regular parking spaces in Parking Lots A- G Revised including handicapped parking spaces. The 24 drop-off spaces and the bus parking with its potential for conversion to car parking are listed separately.

See chart below a summary of the parking revisions showing the changes in the tallies for each parking lot. The changes to eliminate previously proposed parking lot areas occur in Parking Lot C, Lot D, and Lot G. The format of Lot G has also been revised from a segregated parking lot to a row of head-in parking spaces along the east entrance drive. Additionally, the applicant cites the ability to accommodate 170* cars in the bus parking area for large events and in their request count these spaces towards the meeting the required parking spaces available on the site. (*The plan drawings lists162 car spaces; however, the Waiver Request notes 170 car spaces.) A diagram showing how the bus parking area would be converted to car parking must be submitted to ensure adequate sized parking spaces are created, fire lanes are maintained, and the method of implementation of striping.

Table 3: Summary of Parking Revisions

Parking Lot	Parking Spaces on Approved Site Plan S-11-18	Parking Spaces on REVISED Plan	Difference
A	33	33	No change
B	103	103	No change
C	292	184	-108
D	221	126	-95
E	28 bus Convert to 162 car	28 bus Convert to 170 car	No change
F	38	38	No change
G	111	31	-80
Parallel on East Entrance Drive	49	49	No change
TOTAL PARKING SHOWN on Site	**847 parking spaces AND *24 drop-off spaces* *28 bus spaces***	**564 parking spaces AND *24 drop-off spaces* *28 bus spaces***	**Revised Plan provides 283 less parking spaces than Approved Site Plan.**
TOTAL PARKING SHOWN for Large Events on Site	**847 parking spaces AND *24 drop-off spaces* *162 car parking for large events* TOTAL = 1009 spaces and 24 drop-off spaces**	**564 parking spaces AND *24 drop-off spaces* *170 car parking for large events* TOTAL = 734 spaces and 24 drop-off spaces**	

With the Waiver Request, the project seeks to only construct 564 regular parking spaces not including the drop-off spaces and bus parking spaces or the car parking created from the conversion of the bus parking area. This represents a reduction of 236 parking spaces or 29.5% from the required parking of 800 parking spaces* (*If the Revised Parking Justification is

accepted). The use of the 564 parking spaces as the tally of provided parking spaces follows the previous methodology utilized for counting the available parking spaces on the site.

An alternative method of tallying the parking provided on the site is to include the additional car parking that can be established by the conversion of the bus parking area. When these additional car spaces are added to the parking space count towards the required parking, the project would have 734 parking spaces thus requiring a reduction of 66 parking spaces or a reduction of 8.25% from the required parking of 800 parking spaces.

The method is utilized by the applicant in their Waiver Request narrative goes a step further and tallies the regular parking spaces, the converted bus parking area as car spaces, and the drop-off spaces. This totals to 758 parking spaces provided thus requiring a reduction of 42 parking spaces or a reduction of 5.25% from the required parking of 800 parking spaces.

If a reduction is granted, then area must be reserved for the parking. The Revised Plan identifies a series of areas on the site for future parking expansion. These three locations provide a total of 314 parking spaces. These areas were previously identified to be developed as part of the parking lots for the high school project. These future expansion area can be identified as Lot C-1, Lot D-1, and Lot G – Revised. It is not clear how the head-in parking area of Lot G would be revised for construction of the future parking Lot G.

The Planning Commission may consider a waiver request to reduce the parking requirement for the project under the provisions of *Zoning Ordinance*, Article 6 §3.9 Adjustments to parking requirements.

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

CITY AND STATE CODE REQUIREMENTS:

1) A Revised Final Plan set must include notes indicating the action taken by the Planning Commission in regards to any waivers and listing any additional conditions of approval. The plan set is be revised to reflect all changes recommended and adopted by the Planning Commission.

2) The narrative entitled "Parking Requirement Justification and Waiver Request" presents a revised analysis of parking needs for the site. The Planning Commission is to review this information and set the total number of parking spaces required for the site.

3) Parking shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request has been to reduce the parking requirement for consideration by the Planning Commission.

4) Clarify the differences in the number of parking spaces provided. Narrative lists 758 parking spaces constructed appears to count the regular spaces, the drop-off spaces, and the car parking in the converted bus parking lot. The approved methodology must be listed on the plan.

5) Sheet C-001:
   a) Add notes outlining the actions taken by the Planning Commission on the series of waivers requested and items of consideration.

6) Add note regarding parking lot construction requirements for future reserved parking areas.

7) Provide a plan diagram for the striping of the bus parking area to accommodate vehicle (car) parking as proposed for large event parking in order to confirm the number of parking spaces that would be available for use in this Lot E. Parking space sizes, fire lanes, and method of pavement marking should be shown.

8) Clarify the bicycle parking location at the baseball/softball fields as the previous location appears to have been redesigned with the removal of the large outbuilding. The approved Site Plan (S-11-18) showed a total of 50 racks for 100 bicycle parking spaces on the high school site.

9) Submission of Revised Site Plans and Construction Plans will necessary to reflect changes in the site design resulting from the elimination of parking areas or revisions to parking format (Lot G area). This may impact stormwater management plans, landscape plans, utility plans, etc.

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

1) In consideration of a Conditional Use Application, one of the objectives to be satisfied is that the "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." Planning Staff is concerned that significant reductions in the number of parking spaces on the high school site will result in site visitors parking in adjacent residential neighborhoods on a regular basis particularly on the east side of the site.

2) <u>Revised Parking Justification:</u> Planning Staff accepts the REVISED parking analysis presented in the "Parking Requirement Justification" segment of the document as revised 9/19/2013 and recommends that the minimum parking requirement for the site be set at 800 parking spaces for the high school site. This revision continues to recognize that the parking calculation is based on the seat count of the main auditorium, cafeteria, and main gymnasium spaces only. This revision recognizes the changes in the building design/construction resulting in a reduction in the seating capacity of the main auditorium from 1,100 seats to 900 seats.
   a) The site includes opportunities for multi-modal travel (vehicle, school bus, bicycle, and pedestrian).
   b) Staff also recognizes the ability of the site to provide parking alternatives such as utilization of bus parking areas for vehicle parking during special events.

3) Waiver Request for Parking Reduction: Planning Staff recommends approval of the parking reduction of the 203 parking spaces (parking reductions in Lot C at 108 spaces and Lot D at 95 spaces) on the west side of the site. This reduction of 203 parking spaces is a parking reduction of 25.375%.
   a) Planning Staff in considering the waiver request is not including the 170 car parking spaces in the converted bus parking Lot E for large events or the drop-off spaces as counting towards the required parking for the site. This follows the previous methodology for counting parking on site.
   b) Areas must be reserved for the construction of parking areas equal to the amount of any parking reduction. If in the future parking becomes an issue at the site then the provisions of *Zoning Ordinance*, Article 6 §3.9 can be implemented to construct parking spaces in the reserved areas.

4) Staff is concerned that the elimination of parking on the east side of the site near the baseball and softball fields will cause parking for practices and events on these fields to spill over into the streets of the adjacent residential neighborhood of the Village of Westover. While the proposed Revised Lot G will provide 31 head-in parking spaces, the format of the parking versus the east entrance drive is a concern. Further consideration of a revised design for the original segregated Lot G parking lot may be more appropriate from a safety perspective and have the ability to accommodate more parking for this area while allowing for future parking expansion. A design constructing the first double loading drive aisle of the segregated parking lot could provide approximately 48 parking spaces.

ADVISORY COMMENTS TO THE APPLICANT:

1) The Planning Commission will act upon the waiver request as part of a motion. All waivers are at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.

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

3) In the event, that major changes and revisions to the plan occur regarding the Site Development Master Plan as approved contact the Department of Planning and Inspections. The changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the overall Master Plan.

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: OCTOBER 2, 2013

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **New Dover High School : Revised Parking Justification and Waiver Request for Parking Reduction**

FILE #: **MI-13-18**

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. None

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.

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.

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 / GENERAL

1. None

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

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

1. None

STREETS

1. Staff has concerns about the reduction of parking and the possibility of additional parking taking place within the Village of Westover.

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: October 2, 2013

D E L D O T

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APPLICATION: MI-13-18 New Dover High School: Revised Parking Justification and Waiver Request for Parking Reduction

FILE#: MI-13-18 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.

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: October 1, 2013

TO: Dawn Melson-Williams, Planner
City of Dover

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

RE: Development Advisory Committee
MI-13-18 New Dover HS Parking Waiver Request

CC: Jamie Rutherford, Program Manager
Michael Riemann, Becker Morgan Group

DNREC offers the following comments on the above referenced application:

1. Even if the east entrance will not be constructed at this time, the outlet pipe from Pond 2 must be constructed. DNREC will require the pond outlet to be installed prior to signing off on the Certificate of Occupancy for the building.

2. Lot G which serves the baseball and softball field area was originally approved with a bioswale for stormwater quality management. The plan revision shows new parking spaces to be included at the location of the bioswale. A Sediment and Stormwater Plan Revision must be submitted for approval for this condition. Stormwater quality management must be provided for this revision.

3. Both parking areas on the west side of the site that are proposed to be removed contain bioswales for stormwater quality management. The bioswales will need to be constructed regardless of whether the parking is constructed or not. It is possible that the bioswale cross section may be reduced, or the bioswale may be eliminated, but this will required a revision to the Sediment and Stormwater Plan for the project as well.

4. In many areas on the site, bioswales adjoin parking areas. It is important to consider where cars may park when all of the designated parking spaces are filled. Vehicles must be restricted from parking within stormwater management facilities such as bioswales, filter strips, etc. because those facilities will fail to function as intended if the soil becomes compacted due to parking.

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

PARKING REQUIREMENT JUSTIFICATION AND WAIVER REQUEST

FOR

CAPITAL SCHOOL DISTRICT PROPOSED DOVER HIGH SCHOOL

Dover, Delaware

December 9, 2010
Revised September 19, 2013

BECKER MORGAN GROUP

◆

ARCHITECTURE
ENGINEERING

Prepared by:

Becker Morgan Group, Inc.
309 S. Governors Avenue
Dover, DE 19904
(302) 734-7950

Dover High School – Parking Justification

This report has been prepared to provide written justification in support of the proposed Dover High school to be located on a 106 +/- parcel of land located on Delaware Route 8 (Forrest Ave) in the City of Dover, Delaware. The original report was prepared, reviewed and approved in 2010 by the City of Dover. As this project has progressed over the past few years, the building footprint and g.f.a. has slightly decreased, therefore requiring an adjustment to the total parking required for the project.

The proposed high school will have a footprint of 198,000 s.f. and a total g.f.a. of 295,000 s.f. The design size of the school will accommodate a total student population of 1,800 students. The building will be staffed by 250 employees. The proposed building will have an auditorium, cafeteria, gymnasium and an auxiliary gymnasium. The school will also have a main stadium, an auxiliary stadium, a baseball stadium and a softball stadium along with additional practice fields. Seating for these uses is shown in the table below along with the required parking for each as based on the Zoning Code.

TABLE A - PARKING REQUIRED BASED ON ZONING CODE

Use	1 Space per 5 seats in	Approved Capacity (2010)	Actual Capacity (2013)	Spaces Required
High School	Auditorium	1,100	900	180
	Cafeteria	600	600	120
	Gymnasium	2,500	2,500	500
	Auxiliary Gymnasium	500	500	100
	Large Group Instruction	250	250	50
Total				950

Per the table above, the site would need 950 parking spaces for everyday use, assuming that all of the above facilities would be in use at the same time. However, all of the facilities would not be in use at the same time. First, we believe the Large Group Instruction Room should be left out of the calculations. The justification for this is as follows; this room is for staff use only. Its purpose is to provide a space for the entire staff to assemble for meetings, training sessions etc. These events would only take place on in-service days or after hours when the student population is not present, thus it does not contribute to parking needs and we believe should be removed from the parking requirements calculations. Secondly, we also believe that the auxiliary gymnasium should be removed from the parking requirements calculations. Again, all of these uses could not be used and filled to capacity during a school day. In the event of a school wide gathering in which the entire 1,800 students were involved, they would be located in the largest of the facilities above and the remaining facilities would be unused. These facilities, during the school day, do not generate additional parking requirements from outside the school in terms of visitors attending an event along with the entire student body.

Additional factors to consider include the following: Approximately 50% of the students cannot legally drive to school due to current driver's license laws in the state. Also, many students ride buses to school which reduces the number of required parking. There are only 1,800 students and 250 staff in the building for a total of 2,050 people in the building. We believe that using the three (3) largest uses (auditorium, gymnasium and cafeteria) for the required parking calculations

provides more than adequate parking for a high school, considering that the total building population is 2,050 people and the three largest facilities encompass 4,000 seats requiring 800 spaces. Even for evening or weekend events the likelihood of all three (3) facilities being used at full capacity is very small. The table below shows the calculations as we propose.

TABLE B - PARKING REQUIRED AS PROPOSED

Use	1 Space per	Total Number	Number of Spaces Needed
High School	5 seats in main Auditorium	900	180
	Cafeteria	600	120
	Gymnasium	2,500	500
Total			800

The current site plan provides 758 parking spaces – which includes 170 spaces provided in the bus loop parking area for large events. In addition, the revised master plan reserves placeholders for future parking expansion for a total of 283 additional spaces.

Waiver Request

Based on the required 800 spaces we do not meet the required parking by 42 spaces, which is 5.25% of the total parking spaces. Therefore, we respectfully request a waiver to reduce the total required parking by 5.25%. in order to satisfy the code required parking.

Conclusion

Based on the information above, we believe that justification has been provided for setting the required parking at 758 spaces and that this is more than adequate for both daytime and special event parking.

It should also be noted that although the stadium seating and baseball / softball seating was not used in the calculations, they have both been significantly reduced since the original study was approved in 2010. The stadium seating was reduced by 20% and both the baseball and softball seating capacity were reduced by 50%.