CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, August 19, 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 July 15, 2013

COMMUNICATIONS & REPORTS

1) The Planning Commission Quarterly Workshop is scheduled for Tuesday, August 20, 2013 at 4:00pm in the City Hall Conference Room.

2) Reminder: The next Planning Commission regular meeting is scheduled for Monday, September 17, 2013 at 7:00pm in the City Council Chambers.

3) Update on Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:
   a) S-11-11 Lands of Downtown Dover Partnership at 120 S. Governors Avenue – Request for extension of the conditional approval granted on August 15, 2011 and September 19, 2011 by the Planning Commission for the Site Development Master Plan and Architectural Review Certificate (HI-11-04) for the construction of a four story 47,042 SF mixed-use building consisting of a retail component and 27 apartments, a four story 34,896 S.F. apartment building of 24 apartments with ground level parking in the building, and other associated site improvements on the property at 120 South Governors Avenue. The existing 16,783 SF commercial building on the property is proposed for demolition. The application also includes a Minor Subdivision Plan to divide the property into two lots. The property consists of 1.7653 acres ± and is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District zone). The property site spans the block between South Governors Avenue and South New Street located north of, but not adjacent to, West Loockerman Street. The owner of record is Downtown Dover Partnership (formerly the Downtown Dover Development Corporation). Property Address: 120 South Governors Avenue. Tax Parcel: ED05-077.09-01-44.00-000. Council District 4.

2) Re-evaluation of Conditional Use Applications:
   a) C-12-05 Transitional Housing for Dover Interfaith Mission for Housing, Inc. at 319 West Water Street – Re-evaluation of a Conditional Use Plan approved by Planning Commission on July 16, 2012 to allow for the establishment of a philanthropic use consisting of transitional housing in an existing single family residence. The parcel is zoned C-1A

(Limited Commercial Zone) and is subject to SWPOZ (Source Water Protection Zone) Tier 3 – Excellent Recharge Area. The property is exempt from the requirements of the SWPOZ Tier 3 as the site is located within the Downtown Redevelopment Target Area. The property is located on the north side of West Water Street in the block between South Queen Street and South New Street. The owner of the property is Mockfaul, LLC and the lessee is Dover Interfaith Mission for Housing, Inc. Address: 319 West Water Street. Tax Parcel: ED05-077.09-03-05.00-000. Council District 2. *Re-evaluation of this Application was postponed from July 15, 2013 meeting of the Planning Commission to allow for completion of the property inspection and report of findings.*

b) C-11-03 Revised Governors Club Café at 144 Kings Highway – Re-evaluation of a Revised Conditional Use Site Development Plan approved by the Planning Commission on August 20, 2012 to permit the establishment of a café/sandwich shop (restaurant use) serving alcohol in a portion of the first floor of an existing building. The property is zoned RGO (General Residence and Office Zone) and H (Historic District Zone). The property is located at the southernmost intersection of American Avenue and Kings Highway. The owner of record is Governors Club Professional Center, LLC and the lessee is Coffee Shop, LLC. Property Address: 144 Kings Highway SW. Tax Parcel: ED05-077.05-04-40.00-000. Council District 2. *The Planning Commission previously granted approval of the café/sandwich shop (restaurant use) with the condition of no serving of alcohol in June 2011. The Revised request was considered and approved following amendments to the uses allowed in the RGO zoning district.*

3) Consideration of Revised Application:
   a) S-11-08 Loockerman East: Lands of Hub Associates, LLC – Consideration of Revisions to the Architecture of the hotel building. The Site Plan for the redevelopment of four parcels of land (consolidated) shows the construction a 92 room hotel, an 11,230 S.F. retail building, and other associated site improvements (with the existing 17,200 S.F. TGI Friday's building to remain). The subject property is a total of 4.29 acres ± and is zoned C-4 (Highway Commercial Zone) and C-PO (Commercial/Professional Office Development District). The property is located at the southwest corner of South DuPont Highway and Loockerman Street. The owners of record are Hub Associates, LLC and A&G Kramedas Associates. Property Addresses: 514 East Loockerman Street, 516 East Loockerman Street, 554 East Loockerman Street, and 222 South DuPont Highway. Tax Parcels: ED05-077.06-01-62.00-000. ED05-077.06-01-63.00-000, ED05-077.06-01-64.00-000, and ED05-077.06-01-87.00-000. Council District 2. *The Planning Commission granted conditional approval of this Site Plan on May 16, 2011 and Final Plan approval was granted on July 19, 2013.*

4) 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

NEW DEVELOPMENT APPLICATIONS

1) SB-13-04 Lands of John & Dorothea Link and Bradley Holden at 186-188 Pennsylvania Avenue: Minor Subdivision Plan – Public Hearing and Review of a Minor Subdivision to allow for the creation of two (2) parcels of land. The subdivision would create a 4,831+/- SF parcel of land and a 3,868 +/- SF parcel of land. There is currently an existing duplex on the one parcel of land. The subdivision will divide the parcel placing each unit of the duplex onto a separate parcel of land. The property is zoned RG-1 (General Residence Zone). The

property is located on the west side of Pennsylvania Avenue north of Delaware Avenue. The owners of record are John & Dorothea Link and Bradley Holden. Addresses: 186-188 Pennsylvania Avenue. Tax Parcels: ED-05-077.05-02-03.00-000 and ED-05-077.05-02-03.01-000. *The Board of Adjustment approved variances for this site at their meeting on June 19, 2013 (Application V-13-08). Due to inadequate public notice consideration of this application was postponed at the Planning Commission meeting of July 15, 2013.*

2) Z-13-01 Lands of KW Lands at 1570 North DuPont Highway: Rezoning from RC and C-4 with SWPOZ to IO with SWPOZ – Public Hearing and Review for Recommendation to City Council on a rezoning application for a 12.6127 acre +/- parcel. The property is zoned RC (Recreational and Commercial Zone), C-4 (Highway Commercial Zone) and a portion is subject to the SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area. The proposed zoning is IO (Institutional and Office Zone) with a portion subject to the SWPOZ (Source Water Protection Overlay Zone). The property is located west side of North DuPont Highway and east of Crawford Carroll Avenue and north of but not adjacent to Rustic Lane. The owner of record is KW Lands and lessee is Delaware State University. Address: 1570 North DuPont Highway. Tax Parcel: ED-05-057.00-01-05.00-000. Council District 4. Ordinance #2013-12. *This property was the subject of a Minor Subdivision Plan Application SB-13-03 to subdivide the parcel into three parcels of land and right-of-way areas granted conditional approval by the Planning Commission on July 15, 2013.*

3) Z-13-02 Lands of Walker Woods Properties, LLC and Milford Housing Development Corporation at Walker Woods: Rezoning from RG-3 and ROS to RG-2 – Public Hearing and Review for Recommendation to City Council on a rezoning application for multiple parcels of land (71 townhouse units) consisting of a total of 9.0722 acres including existing right-of-way area. The properties are currently zoned RG-3 (Group Housing Zone) and ROS (Recreational and Open Space Zone). The proposed zoning classification is RG-2 (General Residence Zone). The properties known as Walker Woods 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 (See reference list.) Council District 4. Ordinance #2013-13.

4) S-13-10 North Street Pocket Park at 301 South Governors Avenue – Public Hearing and Review of a Site Plan and Architectural Review Certification to allow for the construction of a park consisting of paving and landscape areas to be located at 301 South Governors Avenue. The property is zoned C-2 (Central Commercial Zone) and is subject to H (Historic District Zone). The property is located on the southeast corner of West North Street and South Governors Avenue. The owner of record is City of Dover. Address: 301 South Governors Avenue. Tax Parcel: ED-05-077.09-04-36.00-000. Council District 4. *This application is associated with Application HI-13-05 was reviewed at the Historic District Commission meeting of July 18, 2013.*

5) C-13-05 The Redeemed Christian Church of God Eagles' Wings Chapel at 896 South State Street – Public Hearing and Review of Conditional Use Site Plan for the establishment of a church within the existing 2,030 SF building located at 896 South State Street. The property is zoned RGO (General Residence and Office Zone). The property is located on the west side of South State Street north of Wyoming Avenue. The owner of record is Basilio Bautista. Address: 896 South State Street. Tax Parcel: ED-05-077.17-03-53.00-000. Council

District 2. *Waivers Requested: Elimination of Upright Curbing and Consideration of Combined Spaces Parking Provision*

6) C-13-06 Great Expectation Kinder Kollege: Large Family Day Care Home at 688 Independence Boulevard – Public Hearing and Review of a Conditional Use Site Plan to allow for the establishment of a Large Family Day Care Home within the existing single family residence. The property is zoned R-8 (One Family Residence Zone). The property is located on the west side of Independence Boulevard south of Walker Road. The owner is Karen Brewington. The lessee is Phyllis Bordly. Address: 688 Independence Boulevard. Tax Parcel: ED-05-067.18-02-05.00-000. Council District 1.

7) C-13-07 Solid Rock Baptist Church Community Center at 105 North West Street – Public Hearing and Review of a Conditional Use Site Plan to allow for the construction of a 4,157.4 SF two story community center building to be located at 105 North West Street. The property is zoned RG-1 (General Residence Zone). The property is located on the east side of North West Street north of Fulton Street. The owner is Solid Rock Baptist Church. Address: 105 North West Street. Tax Parcel: ED-05-076.08-03-02.00-000. Council District 4. *The Board of Adjustment granted a variance for the reduction of the front yard setback at their meeting on April 3, 2013. (V-13-04) Waivers requested: Reduction in Overall Number of Parking Spaces, Consideration of Combined Spaces Parking Provision, and Partial Elimination of Curbing.*

NEW BUSINESS

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: August 9, 2013 posted 12:30pm

CITY OF DOVER PLANNING COMMISSION
July 15, 2013

The Regular Meeting of the City of Dover Planning Commission was held on Monday, July 15, 2013 at 7:00 PM with Chairman Colonel Welsh presiding. Members present were Mr. Holden, Mr. Tolbert, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Still, Mr. Ambruso, Colonel Welsh and newly appointed member Mr. Cregar (observing in the audience).

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Ms. Cornwell, Mrs. Harvey, Ms. Duca and Mrs. Mullaney. Also present were Mr. Joseph Petrosky, Mr. Garth Jones and Mr. Thomas Kramedas. Also speaking from the public were Mr. Ryan Weber and Mrs. Diana Welch.

APPROVAL OF AGENDA

Colonel Welsh stated that in making a motion to approve the agenda, Commission members should acknowledge that application S-13-16 Mitten Industrial Park at Lafferty Lane: Master Plan will be removed from tonight's agenda and will be heard at a future meeting. Also, application SB-13-04 Lands of John & Dorothea Link and Bradley Holden at 186-188 Pennsylvania Avenue: Minor Subdivision Plan will be removed from tonight's agenda due to inadequate public notice and will be scheduled for the August meeting.

Dr. Jones moved to approve the revised agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 8-0.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JUNE 17, 2013

Ms. Still moved to approve the Planning Commission minutes of June 17, 2013, seconded by Mr. Holt and the motion was unanimously carried 8-0.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting will be held on Monday, August 19, 2013 at 7:00PM in the City Hall Council Chambers.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on June 24, 2013 and July 8, 2013.

Mrs. Townshend stated that City Council approved appointments to the Planning Commission. Ms. Kathy Still and Mr. John Baldwin were re-appointed and Mr. Edgar Cregar, Jr was appointed.

Mrs. Townshend welcomed Mr. Cregar to the Commission.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

2) Re-evaluation of Conditional Use:
   a) C-12-5 Transitional Housing for Dover Interfaith Mission for housing, Inc at 319 West Water Street – Re-evaluation of a Conditional Use Plan approved by Planning Commission on July 16, 2012 to allow for the establishment of a philanthropic use consisting of transitional housing in an existing single family residence. The parcel is zoned C-1A (Limited Commercial Zone) and is subject to SWPOZ (Source Water Protection Zone) Tier 3 – Excellent Recharge Area. The property is exempt from the requirements of the SWPOZ Tier 3 as the site is located within the Downtown Redevelopment Target Area. The property is located on the north side of West Water Street in the block between South Queen Street and South New Street. The owner of the property is Mockfaul, LLC and the lessee is Dover Interfaith Mission for Housing, Inc. Address: 319 West Water Street. Tax Parcel: ED05-077.09-03-05.00-000. Council District 2. *Re-evaluation of this Application will be postponed until August 19, 2013 meeting of the Commission to allow for completion of the property inspection and report of findings.*

Mrs. Townshend stated that when the Conditional Use was approved on July 16, 2012, the motion of the Commission was to review the application in one year. At this point, staff has not completed the housing inspection. Staff feels that it would be beneficial to review the application in August once the inspection results are available.

NEW BUSINESS

1) Resolution honoring Ronald Shomo for his service on the Planning Commission

Resolution

Council Resolution No. 2013-20

Whereas, Ronald Shomo *was appointed to the City of Dover Planning Commission on June 14, 2010 and has served with diligence and distinction in this capacity as an advocate for sound land use planning in the public interest, ensuring fundamental fairness and careful forethought in the planning and development of the Capital City; and,*

Whereas, Ronald Shomo *has influenced the pattern and appearance of development in Dover through his contributions as a Planning Commissioner to the implementation of the 2008 Comprehensive Plan and his participation in the development of numerous amendments to the City of Dover Zoning Ordinance including the AEOZ and ROS zones, and amendments to the environmental provisions, the application procedures, and other site development improvements; and,*

Whereas, Ronald Shomo *completed his service on the City of Dover Planning Commission on June 17, 2013.*

Now Therefore Be It Resolved *that the Mayor, Council and Planning Commission do hereby express their sincere appreciation to* ***Ronald Shomo*** *for his faithful and exemplary service to the Citizens of the City of Dover as an active member of the City of Dover Planning Commission.*

Be It Further Resolved *that the Mayor, Council and Planning Commission wish* ***Ronald Shomo*** *success in all future endeavors and direct the City Clerk to make this resolution a part of the permanent records of the City of Dover as a lasting symbol of appreciation and gratitude to* ***Ronald***

Shomo.

Adopted: July 22, 2013

Carleton E. Carey, Sr., Mayor
David Bonar, Council President
Col. Robert D. Welsh, Planning Commission Chairman

Mr. Holt moved to approve the Resolution, seconded by Mr. Tolbert and the motion was unanimously carried 8-0. (Mr. Shomo was in attendance at the meeting and noted that Dover is a wonderful place to live noting his work at Dover High School and with the Dover Symphony. He also noted how impressed he was with the members and actions of the Planning Commission over the years.)

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

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

Mr. Holt moved to postpone the Nomination and Election of Officers and the Appointment of the Architectural Review Oversight Subcommittee of Planning Commission until the end of the meeting, seconded by Dr. Jones and the motion was unanimously carried 8-0.

NEW DEVELOPMENT APPLICATION

1) C-13-04 Lands of G & J Holdings, LLC at 1-3 and 9 West Loockerman Street – Public Hearing and Review of a Conditional Use to establish an office use on the first floor within the existing building. The property is zoned C-2 (Central Commercial Zone) and is subject to the H (Historic District Zone). The property is located at the northwest corner of West Loockerman Street and South State Street. The owner of record is G & J Holdings, LLC. Address: 1-3 West Loockerman Street and 9 West Loockerman Street. Tax Parcel: ED-05-077.09-02-59.00-000. Council District 2.

Representatives: Mr. Joseph Petrosky, member of G & J Holdings, LLC

Mrs. Townshend stated that when Staff reviewed the public notice for this application, they determined that one of the notices was mailed to the incorrect address. Staff did contact the property owner who was supposed to have received that public notice and have received something in writing from him stating that there was no concern with proceeding with the review of the application.

Mrs. Harvey stated that the Conditional Use Plan is to permit an office on the first floor of the existing building located at 1-3 West Loockerman Street and 9 West Loockerman Street. The property 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 and west of South State Street. The Historic District previously reviewed this site and granted approval in August 2003 for the Architectural Review Certificate for the renovation of the first floor elevations on West Loockerman Street and South State Street. Facade improvements were completed in 2006 with the replacement of windows, doors and new canopies. The corner space at 1-3 West Loockerman

Street was most recently a restaurant and the tenant space at 9 West Loockerman Street most recently served as a retail establishment.

Mr. Petrosky questioned if he had made the mailing mistake on the public notice? Responding to Mr. Petrosky, Ms. Cornwell stated that the mailing address was written wrong on the letter.

Mr. Petrosky agreed with the DAC Comments and stated that he has had some opportunities and some interest in bringing employees Downtown who are looking at his building for office use. He was not aware that he needed to get a Conditional Use until one was granted across the street and brought it to his attention. There were some discussions about it. He was told that it would be beneficial to get this Conditional Use to allow him the opportunity to rent the ground floor for an office tenant who could potentially bring eighty to one-hundred (80-100) employees Downtown if it were to work out.

Colonel Welsh opened a public hearing.

Mr. Ryan Weber – 6 Chatham Cove Dover DE 19901
Mr. Weber stated that he owns the properties located at 25 West Loockerman Street and 132 West Loockerman Street. He does have some concerns with having office space on West Loockerman Street. West Loockerman Street itself, being Downtown, he would think retail feeds retail. Having office space does not seem to advance the needs that they would like on West Loockerman Street. Office space is great two blocks away, being roughly Downtown but on West Loockerman Street itself, he would like to see it stick to retail. Some kind of service style business whether it be a restaurant, or clothing, or hair, it does not matter. But the customers come Downtown for other customers and feed other businesses. An office that closes down at 5:00pm does not bring what he would like to see Downtown and what he would like to see as the future of West Loockerman Street move towards. He has spent the last couple of years now trying to build this up. This will be his third family business created on West Loockerman Street and they have put in a lot of time to bring retail and commercial down. Unfortunately, he does not want to see the progress go a step back and transform some of it back into office space.

Mrs. Diana Welch – 132 W Loockerman Street Dover DE 19904
Mrs. Welch stated that she and Mr. Weber own the same businesses. They have spent seven or eight years promoting businesses and renting businesses and getting retail because retail feeds retail. She has actually recruited several businesses to Downtown and there is office space right around the corner on Water Street, not rented. There is office space above Bel Boutique, not rented. She just does not want another empty office space in the Downtown area. Occupancy at all costs is not necessarily what they are looking for. She was hoping to create a shopping district and have spent close to $1 million trying to get that done.

Colonel Welsh closed the public hearing.

Mr. Ambruso questioned if Mr. Petrosky already had people interested in leasing the space? Responding to Mr. Ambruso, Mr. Petrosky stated that he is speaking with some people but he does not have a signed deal. He has also spent a lot of money investing in Downtown Dover. Not to debate the facts, but people working and living in an area attract retail businesses. The more people

that are living and working in a certain area, retail will come. You cannot build retail first; you need people in an area in order to attract businesses. He does not have a deal in place; he is hopeful.

Colonel Welsh questioned how many years have these spaces been vacant? Responding to Colonel Welsh, Mr. Petrosky stated that he purchased the building about fifteen (15) years ago and it had been vacant for over ten (10) years for retail prior to that. He would rent it to retail; he is not saying that he would not rent it to retail. He does not have that opportunity. He wants the option to be able to rent it for an office tenant. It had been vacant for over ten (10) years the first time. There was a tenant for a few years and it's been vacant almost two (2) years since then.

Colonel Welsh further questioned that if the Commission was to approve a Conditional Use for an office occupation and Mr. Petrosky found a retail tenant, could it be occupied as retail? Responding to Colonel Welsh, Mrs. Townshend stated that it would not preclude it.

Mr. Tolbert questioned if Mr. Petrosky had a preference for the kind of business he would rent to? Responding to Mr. Tolbert, Mr. Petrosky stated he would rent to a good, viable business. He has no preferences; whatever is permitted by Code and would add to Downtown.

Mr. Tolbert stated that he asked that question because part of the comments that were received tonight were regarding the need for retail. You can have offices in the area that attract a lot of business. Depending on what kind of businesses they are operating, they can be businesses that may benefit the existing businesses.

Mr. Holden stated that he was curious over the lifespan that Mr. Petrosky has owned the building about the change of business climate. He questioned the number of retail or restaurant inquires that Mr. Petrosky has received relative to office space inquires? Responding to Mr. Holden, Mr. Petrosky stated that he has had many more inquires for restaurant or bar businesses. He has received a few inquiries in the past for office uses.

Mr. Holden further questioned if over the last two (2) years he had received restaurant/retail inquiries or has it been focused on office space? Responding to Mr. Holden, Mr. Petrosky stated that he has never been focused on office space, the opportunity arose.

Colonel Welsh questioned if Mr. Petrosky was looking for the option to be able to use the space as office space? Responding to Colonel Welsh, Mr. Petrosky stated yes. He was not even aware that it was required. He did not know that it required a Conditional Use under the zoning. It is not a rezoning; it is a Conditional Use to permit office use on the ground floor. Quite frankly, he finds it unusual that there is a requirement to permit an office at that location. There is an attorney's office across the street, a bank on the other side, as well as offices to the right of this location. There is an office that just got permitted for EZ-Pass right across the street. So West Loockerman Street is not all retail, the evidence shows as you ride down the street.

Colonel Welsh stated that he is inclined to agree with Mr. Tolbert. Occupied office space will feed the restaurants and vice versa. He sees this contributing to the growth of the Downtown area.

Mr. Ambruso moved to approve C-13-04 Lands of G & J Holding, LLC at 1-3 and 9 West Loockerman Street Conditional Use as office use on the first floor of the building, seconded by Mr. Tolbert and the motion was unanimously carried 8-0.

2) SB-13-03 Lands of KW Lands at 1570 North DuPont Highway: Minor Subdivision Plan – Public Hearing and Review of a Minor Subdivision to create three (3) parcels of land and right-of-way from the existing 11.258 acre ± parcel. The parcel will be subdivided into a 2.195 acre ±, a 2.018 acre ± and a 6.002 acre ± parcel. The plan also proposes the designation of a 60 ft. right-of-way along KW Boulevard for public use (1.043 acre ± area). The property is zoned RC (Recreational and Commercial Zone), C-4 (Highway Commercial Zone) and a portion is subject to the SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area. The property is located on the west side of North DuPont Highway and east of Crawford Carroll Avenue and north of but not adjacent to Rustic Lane. The owner of record is KW Lands. Address: 1570 North DuPont Highway. Tax Parcel: ED-05-057.00-01-05.00-000. Council District 4. *Note: An amended D.A.C. Report has been issued for SB-13-03.*

Representatives: Mr. Thomas Kramedas, KW Lands; Mr. Garth Jones, Becker Morgan Group

Mr. Holden recused himself from this application. His employer was the engineer of record on this project.

Dr. Jones recused herself from the application. Her employer was Delaware State University.

Mrs. Townshend stated that the application that is before the Commission this evening is regarding a Minor Subdivision; it is striking lot lines. This application is not about the perspective use that may have been read in the newspaper. That is something that will come before the Commission in the form of a Rezoning. So for the purposes of this application, the Commission is essentially looking at striking lot lines on an existing parcel.

Mrs. Melson-Williams stated that application SB-13-03 is a Minor Subdivision Plan. It involves a tract of land located on the west side of North DuPont Highway in the vicinity of what is known as KW Boulevard and Crawford Carroll Avenue. The site area is 11.258 acres and the proposal is to divide the tract of land into three (3) lots. The first lot, creating Lot 1 in the area of the Hampton Inn building, Lot 2 the balance of the parking lot area and stormwater management for the site with the residual being the area where the Sheraton Hotel building is located. Also as part of this, what is currently an easement for KW Boulevard is put forth as a right-of-way to be designated as part of this Minor Subdivision Plan.

Mrs. Melson-Williams stated that the current zoning of the property is RC (Recreational and Commercial Zone) for the part closest to North DuPont Highway and then to the west, the area where the Hampton Inn building and stormwater management pond is zoned C-4 (Highway Commercial Zone). There is also a portion of subject site that falls under the SWPOZ (Source Water Protection Overlay Zone). As mentioned, this is a proposal to divide the property into three (3) parcels of land. It is noted that there are existing facilities on the property. As such, they have to look at ensuring that the subdivision by striking the lot lines does not cause any problems related to the bulk standards. Those are related to things such as lot size, setbacks, floor area ratio, etc. So

Staff has to look carefully based on the current zonings of RC (Recreational and Commercial Zone) and C-4 (Highway Commercial Zone) in that regard.

Mrs. Melson-Williams stated that the property as mentioned was originally subdivided from a much larger tract of land in this area in the early 1990's. The Sheraton Hotel has been at this location since the 1970's and underwent a major addition in the early 1990's. The Hampton Inn was a mid-1990's development project that the Planning Commission actually reviewed. Tonight this is a Subdivision Plan that would create those three (3) tracts of land and then the 60ft right-of-way segment for KW Boulevard. With the project in the report, Staff offered the information regarding the RC (Recreational and Commercial Zone) and C-4 (Highway Commercial Zone) and as noted, Lots 1 and 2 have to meet the C-4 (Highway Commercial Zone) bulk standards and the residual lands would have to meet the RC (Recreational and Commercial Zone) qualifications. In looking at a Subdivision Plan, Staff also has to look at the other sections of the *Zoning Ordinance* that may come into play with this project. Our discussions note information about access and about parking.

Mrs. Melson-Williams stated that there are a series of three waivers related to site improvement elements that the applicant is seeking. The first waiver request is the reduction of the bicycle parking requirements for this site. Based on the estimated regular car parking spaces, a total of twenty six (26) bicycle parking spaces would be required for this project. The applicant is seeking relief from that to reduce the number of bicycle parking spaces down to ten (10) spaces with the intent to install a five space bicycle rack at each of the existing buildings on the property. The second waiver is the partial elimination of sidewalks. Specifically, the applicant has sought a waiver from installing sidewalks along the North DuPont Highway frontage of the site. There are some existing sidewalks in the vicinity of the Crawford Carroll Avenue and a portion of KW Boulevard. But tonight, the Commission is only dealing with the waiver request for the sidewalk along North DuPont Highway frontage. The third waiver request is related to the North DuPont Highway as well. That is an arterial street hence there is an arterial street buffer of thirty (30) feet that impacts the frontage of the property. The applicant has submitted a waiver request noting that the existing conditions do not provide that thirty (30) feet of landscaped green space along that frontage.

Mrs. Melson-Williams stated that Planning Staff did review the application and have provided some comments. A couple of things to note, Crawford Carroll Avenue's true ownership and designation of what is now constructed as a street segment is in the process of being clarified for purposes of this Subdivision Plan. It was treated as street frontage. Likewise, KW Boulevard, with this proposal is to move from what is an existing easement over a private entrance drive to become a public right-of-way. They would have to actually move through some review and potential improvements before the City would take dedication of KW Boulevard. The Public Works Office has provided comments in that regard and that would be something that Staff would continue to work with the applicant on. Also in the DAC Report, Planning Staff has made recommendations in regards to the three waiver requests. In regards to the reduction of bicycle parking, Staff is recommending a denial of that reduction noting that while the applicant is suggesting that they will install ten (10) spaces that anticipated future use may relate to more needs for bicycle parking. The second waiver request for the partial elimination of sidewalks specifically along the North DuPont Highway frontage, Staff is recommending the denial of that request. It appears that there is right-of-way where a street sidewalk could be constructed in this area and this is actually one of the key sidewalk segments that's missing along that corridor. The third waiver request, Staff is

recommending the approval of the elimination of arterial street buffer noting the conditions and implementation of such a buffer would result in a significant loss of parking spaces in that area of the property. In Staff comments, they note specifically that they have looked at this as its current use as a Hotel and Hotel Conference Center use and if there are any future changes or new uses on the property, they may be subject to additional review responsibilities associated with *Zoning Ordinance* compliance. The DAC Report continues with comments from the City's Electric and Public Works Departments. Also from DelDOT related to ensuring that there is appropriate right-of-way along North DuPont Highway. The Kent Conservation District, who has no objection to the subdivision itself but notes that the stormwater management pond appears to be shared by what will be all three (3) parcels of land so an appropriate maintenance agreement must be established. The Dover Kent County MPO also provided some commentary in regards to sidewalks and transit facilities in the area.

Ms. Duca stated that for the 60 ft. right-of-way, that may not be determined adequate once a survey is performed. In order for the City to properly takeover the street, the curbs need to be included. So in order to give more specific requirements, the City will need to wait for the next phase in the process to actually determine what will be needed for this road to get set for dedication.

Colonel Welsh questioned if that was something that could be worked out in the future? Responding to Colonel Welsh, Ms. Duca stated yes, she just wanted it to be clear that some of this is not ready as is.

Mr. Jones stated that they agree with the Staff DAC comments. They understand that Staff is recommending denial of the elimination of the sidewalk and of the bicycle parking. They would request that if denial of the sidewalk waiver is approved, that consideration of a stipulation be added that provided there is enough room in that right-of-way to actually install that sidewalk. Meaning DelDOT actually allows the applicant to install the sidewalk in the right-of-way. The second consideration would be that as long as the hotel operates as a hotel as it has in the past forty (40) years that the applicant not be required to install the sidewalk.

Mrs. Townshend stated that the second point was essentially tying the sidewalk to a change of use. She thinks that it would be acceptable to Staff. Their concern was that if the waiver is granted now, there may not be an opportunity to come back before the Planning Commission because any future application other than the rezoning would likely be administrative review in which case Staff would not be in a position to require the sidewalk. Because this is a critical link in the sidewalk system, Staff did not want it waived in perpetuity. Essentially, if the Planning Commission denies the sidewalk waiver but ties the frontage sidewalk to Certificate of Occupancy associated with any future change of use, then any future change of use expected to come in would be connected to that sidewalk.

Colonel Welsh questioned if Mrs. Townshend was saying that Planning Commission would approve the waiver for the sidewalk now? Responding to Colonel Welsh, Mrs. Townshend stated no, the Commission would deny the waiver but state that the applicant has until there is a Certificate of Occupancy granted for a change of use. The Commission might grant a waiver based on the timing.

Colonel Welsh stated that he understands. The Commission does not approve the waiver but also does not require immediate construction of the sidewalk.

Mr. Baldwin questioned his understanding that there are no survey results showing if the applicant meets the setback requirements at this time? Responding to Mr. Baldwin, Mrs. Townshend stated that they do have the survey results to determine if the applicant meets the setback; they need more precise survey results to determine that the 60 ft. right-of-way is sufficient and that they do not require more.

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

Mr. Ambruso asked for clarification on the sidewalks in conjunction with the elimination of the arterial street buffer. Responding to Mr. Ambruso, Mrs. Townshend stated that with the arterial street buffer, Staff recommended in favor of that waiver because there is simply not the land to put that buffer on. With the sidewalks, Staff has recommended denial of the sidewalk waiver; however, based on what Mr. Jones has suggested the timing could be tied to any future change of use rather than immediate.

Mr. Ambruso further questioned what great impact would it have to move on to the next phase and then find out that they are denied? Responding to Mr. Ambruso, Colonel Welsh stated that this would be a cleaner way of doing it. By saying the Commission denies the waiver but will defer the requirement until the use is changed and when requirement exists.

Mrs. Townshend stated that if the action that the Commission takes is to deny the waiver but defer the construction of the sidewalk until there is a change of use, then Staff would make sure that before a Certificate of Occupancy is granted for any change of use the sidewalk is in place.

Mr. Ambruso stated that the Commission would be deferring the waiver instead of denying the waiver. Responding to Mr. Ambruso, Mrs. Townshend stated no, the Commission is denying the waiver request but deferring the construction.

Mr. Tolbert moved to approve SB-13-03 Lands of KW Lands at 1570 North DuPont Highway: Minor Subdivision Plan, along with a denial of the waiver request for a reduction in bicycle parking spaces, a denial of the waiver request for the elimination of sidewalk but to defer construction of the sidewalk until such time that there is a change of use and approve the waiver of elimination of the arterial street buffer, seconded by Mr. Holt and the motion was unanimously carried 6-0. Mr. Holden and Dr. Jones were recused.

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

Nominations for Chairman were opened to the floor.

Mr. Tolbert nominated Colonel Welsh to continue as the Chairman, seconded by Dr. Jones.

Dr. Jones moved that the nomination for Chairman be closed on the said name, seconded by Mr. Holden and the motion was unanimously carried 8-0. Colonel Welsh will serve as Chairman.

Nominations for Vice-Chairman were opened to the floor.

Mr. Ambruso nominated Mr. Tolbert to continue as the Vice-Chairman, seconded by Colonel Welsh.

Dr. Jones moved that the nomination for Vice-Chairman be closed on the said name, seconded by Mr. Baldwin and the motion was unanimously carried 8-0. Mr. Tolbert will serve as Vice-Chairman

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

Mrs. Townshend stated that they need two (2) members from the Planning Commission and currently the two (2) people are Ms. Kathleen Still and Mr. Dean Holden. Next they need two (2) members of the professional community as well as two (2) alternates. One of the alternates passed away about 1.5 year ago and was never replaced. Staff would actually recommend that the two (2) members from Planning Commission, Ms. Still and Mr. Holden meet and discuss whether or not other names need to be added to the mix and defer this item until next month.

Colonel Welsh questioned "other names" in terms of representatives from the Planning Commission or people from outside of the Commission? Responding to Colonel Welsh, Mrs. Townshend stated either.

Colonel Welsh further questioned whose responsibility it is to recruit representatives from outside the Commission? Responding to Colonel Welsh, Mrs. Townshend stated that in the past, Staff has recruited members but they would actually like the input from the members of the Committee who would be serving from the Planning Commission. Staff has not approached anyone to see if they were interested in continuing to serve. This group may not meet or they might. They have met twice since the Committee has been started.

Colonel Welsh questioned if it would be wise to appoint the Planning Commission members tonight and then worry about the auxiliary members at a later date? Responding to Colonel Welsh, Mrs. Townshend stated that she thinks that would work.

Colonel Welsh moved to approve that Ms. Still and Mr. Holden continue on the Committee for the next year and they can work with Planning Staff to come up with the members outside of the Planning Commission who will serve as part of that Committee, seconded by Dr. Jones and the motion was unanimously carried 8-0.

Meeting adjourned at 7:53 PM

Sincerely,

Kristen Mullaney

Kristen Mullaney
Secretary

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENT'S SUCCESS

August 1, 2013

Mrs. Janelle Cornwell
City of Dover
Department of Planning and Inspections
P.O. Box 475
Dover, DE 19903-0475

RE: **Extension Request of Site Development Master Plan Approval S-11-11**
ACME SITE / SITE DEVELOPMENT MASTER PLAN
Dover, Delaware
2011023.00

Dear Janelle:

On behalf of our client, Downtown Dover Partnership, we hereby request that the Planning Commission grant a one (1) year extension of their approval for the above referenced project. The Planning Commission approved this project at their meeting of August 15, 2011.

Due to the financial realities of the current economy, the Downtown Dover Partnership has been unable to secure a tenant/purchaser for the project. However, they continue to actively market the project and are attempting to secure a tenant/purchaser. For these reasons we ask that the extension be granted.

Please contact me directly should you need additional information.

Sincerely,

BECKER MORGAN GROUP, INC.

Michael J. Henry, LEED AP
Associate

MJH/rlh

Cc: Mr. Louis Colon, Downtown Dover Partnership

201102300aw-ltr.doc

BECKER MORGAN GROUP, INC.

ARCHITECTURE & ENGINEERING

309 SOUTH GOVERNORS AVENUE
DOVER, DE 19904
302.734.7950
FAX 302.734.7965

PORT EXCHANGE, SUITE 300
312 WEST MAIN STREET
SALISBURY, MD 21801
410.546.9100
FAX 410.546.5824

ARCHITECTURE & PLANNING

SUITE 211
3205 RANDALL PARKWAY
WILMINGTON, NC 28403
910.341.7600
FAX 910.341.7506

www.beckermorgan.com

MEMORANDUM

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

DATE: August 9, 2013

TO: Planning Commission

FROM: Janelle M. Cornwell, AICP
Planner II

SUBJECT: C-12-05 Transitional Housing at 319 W. Water Street

The Planning Commission granted original conditional approval to the Conditional Use Plan for the use as transitional housing located at 319 West Water Street on July 16, 2012. As part of the approval by the Planning Commission, they required a review in July 2013 to ensure compliance with all Building and Life Safety Codes. The review was postponed at the July 15, 2013 Planning Commission meeting pending completion of an Annual Housing Inspection. The Annual Housing Inspection by the Department of Planning & Inspections occurred on July 30, 2013 and no violations were found.

The Conditional Use Plan has not been finalized and shall be finalized.

In accordance with *Zoning Ordinance*, Article 10 §1.42 the Planning Commission can require the periodic review of conditional use permits. In the review of the Conditional Use, the Planning Commission shall use the following section of the *Zoning Ordinance* to determine whether the use shall continue or require further annual evaluations.

Article 10 Section 1 Approval of Conditional Uses

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.

MEMORANDUM

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

DATE: August 9, 2013

TO: Planning Commission

FROM: Janelle M. Cornwell, AICP
Planner II

SUBJECT: C-11-03 Revised Governors Café at 144 Kings Highway

The Planning Commission granted original conditional approval to the Conditional Use Plan on June 20, 2011 to allow for the operation of a restaurant at 144 Kings Highway. Final Plan approval was granted on August 24, 2011. The uses within the RGO Zoning District were amended August 13, 2012 by Ordinance #2012-15 to allow the sale of alcohol in restaurants in the RGO Zoning District. On August 20, 2012 the Planning Commission allow for the service of alcohol as part of the operation of the restaurant. As part of the Planning Commission approval, it was required that the application be re-evaluated in one year at their August 19, 2013 meeting.

A Building Permit (#13-701) was issued for the interior renovations that included a bar in June of 2013. The Final Inspection was completed on June 13, 2013.

In accordance with *Zoning Ordinance*, Article 10 §1.42 the Planning Commission can require the periodic review of conditional use permits. In the re-evaluation of the Conditional Use, the Planning Commission shall use the following section of the *Zoning Ordinance* to determine whether the use shall continue or require further annual re-evaluations.

Article 10 Section 1 Approval of Conditional Uses

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.

MEMORANDUM

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

Date: August 9, 2013

To: Planning Commission

From: Ann Marie Townshend, AICP

RE: S-11-08 Loockerman East– Change to Architectural Elevations

---

On May 16, 2011, the Planning Commission reviewed and conditionally approved S-11-08 Loockerman East, a Site Development Plan for a 92-room hotel and 11,230-square-foot commercial building located at 222 South DuPont Highway. The architectural elevations shown to the Planning Commission for the hotel building included EFIS with brick. When the building plans were submitted with the Building Permit application (#13-862), the elevations showed an EFIS and horizontal siding in a cement fiber board finish. The Planning Office contacted the applicant to address this change in building materials. The applicant has submitted Revised architectural elevations for the hotel building that reflect Hilton's prototype for Home2 Suites. The applicant has worked with Hilton to obtain a waiver from their prototype to allow the front tower of the building to have a brick finish, but the remainder of the building would be EFIS and cement fiber board horizontal siding. A photo of a Home2 Suites Hotel building in White Marsh, Maryland that has a brick front tower is included in the applicant's submission.

Because this is a change to the architectural elevation from what was reviewed by the Planning Commission, the Planning Commission is required to approve the change to the architectural elevations.

The applicant has also submitted additional renderings showing how brick will be used in the proposed commercial building and the existing building which houses TGIFridays.

Attachments: Elevations dated 4/6/2011 submitted with original application
Letter dated August 8, 2013 from Thomas Kramedas with attached elevations

August 8, 2013

Dover Planning Commission
Subject: Loockerman/Home2 Suites Exterior Finish

To Dover Planning Commission:

The overall proposed site plan features three properties which include: the existing TGIF/office building, new Home2 Suites hotel and proposed 10,000 sq. ft. retail/office. The planned materials for the buildings will be a combination of red brick and earth tone stucco.

The prototype finishes for the exterior of the Home2 Suites call for a combination of stucco and cement fiber board. We were able to obtain a waiver from Hilton to change the keep (Front Tower) to an all brick finish instead of the stucco to be compatible with the rest of the property as well as the Downtown Dover area.

Enclosed are four attachments as follows:

- Attachment # 1: Home2 Suites Prototypical Elevations displaying all sides. Our colors will be slightly lighter and our brick is indicated at D2.
- Attachment # 2: Photo of a completed Home2 Suites in White Marsh, Maryland showing a brick keep.
- Attachment # 3: An elevation of TGIF / Office building renovation in brick and stucco with canvas canopies (plans being submitted to City of Dover 8/9/13).
- Attachment # 4: Proposed retail/office on Loockerman Street showing Brick and stucco with canvas canopies.

In closing, we are truly excited about this project and look forward to improving the Loockerman/ Route 13 Intersection.

Sincerely,

Thomas Kramedas
President
Axia Management C/O Home2 Suites

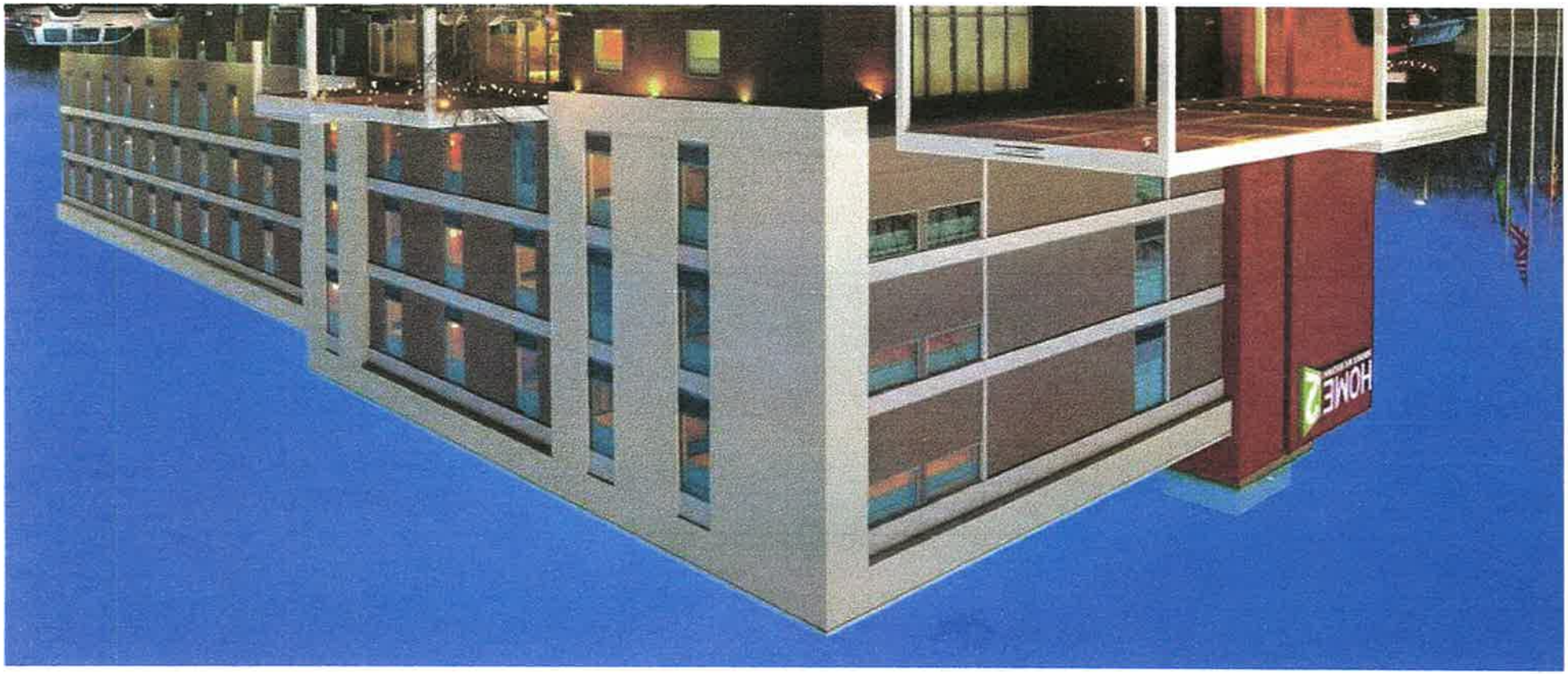
Prototypical Elevations

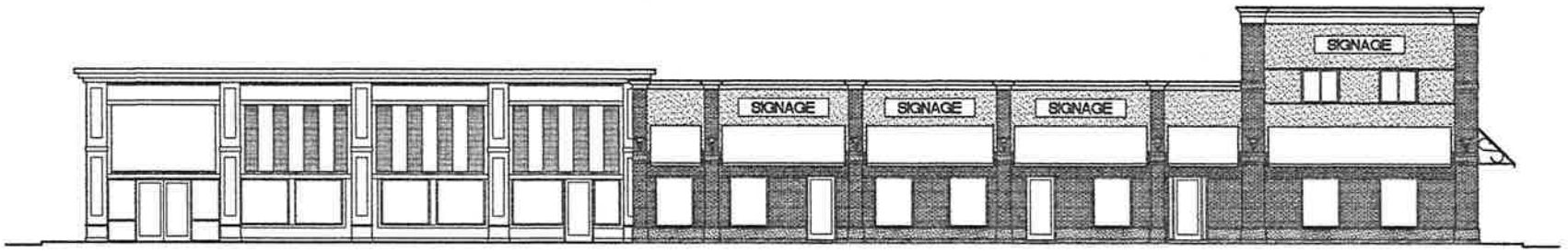
Brick





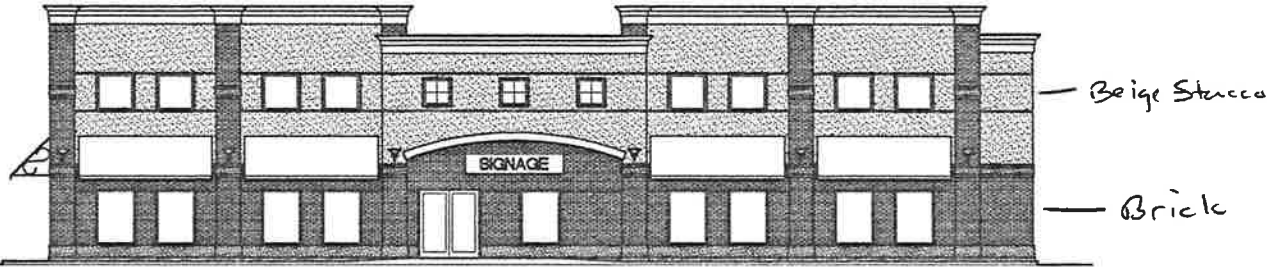
- A SUPPORT
- B CORE
- C WRAP
- D1 LINK
- D2 KEEP
- E ACCENT BAND
- F CANOPY


HOME 2



SCHEMATIC FRONT ELEVATION - OPTION A

Loockerman Street View



WEST ELEVATION - OPTION A

Back

A1	SCHEMAITC FLOOR PLAN - OPTION A
NOT TO SCALE	

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(302) 645-9361

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CONSTRUCTION DOCUMENTS FOR THE:
LOOCKERMAN RETAIL CENTER
LOOCKERMAN STREET
DOVER, KENT COUNTY, DELAWARE

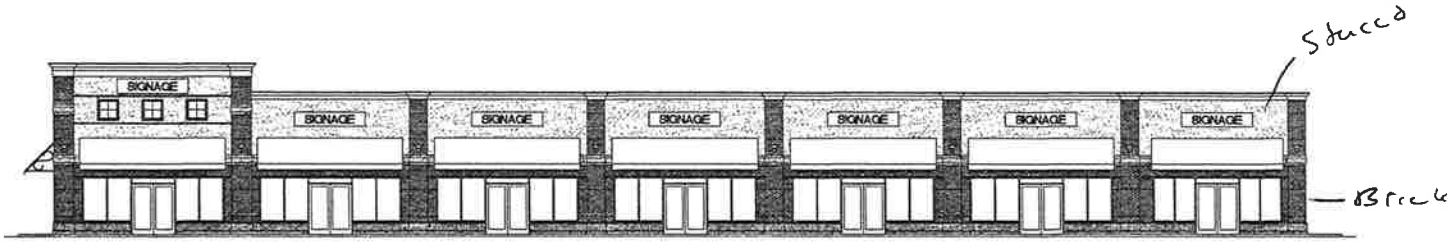
SCHEMATIC EXTERIOR ELEVATIONS - OPTION A

SCALE: NO SCALE
DATE: 10/24/2013

PROJECT NO.
10045

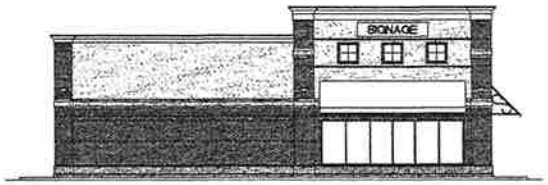
DRAWING NO.
SD-1

T.G.F. Fridays / Office Renovation

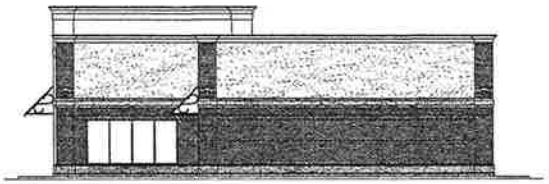


SCHEMATIC FRONT ELEVATION

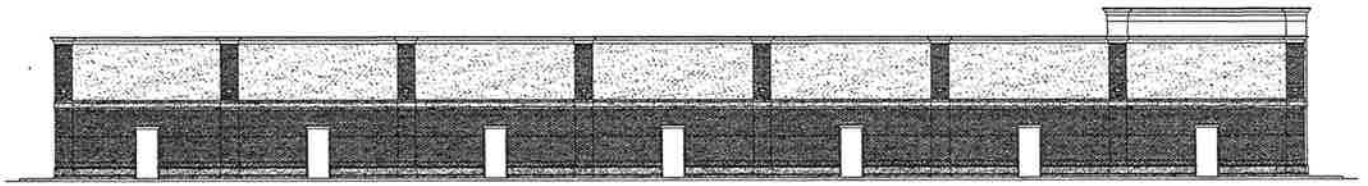
Lockerman Street view



SCHEMATIC SIDE ELEVATION



SCHEMATIC SIDE ELEVATION



SCHEMATIC REAR ELEVATION

A1	SCHEMATIC EXTERIOR ELEVATIONS
1/8" = 1'-0"	KEY

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(302) 645-9361

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CONSTRUCTION DOCUMENTS FOR THE:
LOCKERMAN RETAIL CENTER
222 SOUTH DUPONT HIGHWAY
DOVER, KENT COUNTY, DELAWARE

SCHEMATIC EXTERIOR ELEVATIONS

SCALE: 1/8" = 1'-0"
DATE: 07/02/2009

PROJECT #: 10045

SHEET #: SD-2

(Proposed)
10,000 Sq. Ft Office/Retail
on Lockerman

SB-13-04 Lands of John & Dorothea Link and Bradley Holden at 186-188 Pennsylvania Avenue: Minor Subdivision Plan – Public Hearing and Review of a Minor Subdivision to allow for the creation of two (2) parcels of land. The subdivision would create a 4,831+/- SF parcel of land and a 3,868 +/- SF parcel of land. There is currently an existing duplex on the one parcel of land. The subdivision will divide the parcel placing each unit of the duplex onto a separate parcel of land. The property is zoned RG-1 (General Residence Zone). The property is located on the west side of Pennsylvania Avenue north of Delaware Avenue. The owners of record are John & Dorothea Link and Bradley Holden. Addresses: 186-188 Pennsylvania Avenue. Tax Parcels: ED-05-077.05-02-03.00-000 and ED-05-077.05-02-03.01-000.

- The Board of Adjustment approved variances for this site at their meeting on June 19, 2013 (Application V-13-08).

- Due to inadequate public notice consideration of this application was postponed at the Planning Commission meeting of July 15, 2013.

- Information on this application was distributed to the Planning Commission for the July 15, 2013 meeting. Please utilize this information as the application will be considered at the August 19, 2013 meeting of the Planning Commission.

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

PETITION TO AMEND AND ZONING DISTRICT
Public Hearing before the Planning Commission
August 19, 2013

Applicants/Owners:	KW Lands (Owner) Delaware State University (Lessee)
Address:	1570 North DuPont Highway
Location:	North DuPont Highway - Former Sheraton Hotel
Tax Parcel ID #:	ED-05-057.00-01-05.00
Size:	12.6127+/- acres
Present Use:	Hotel/Conference Center
Proposed Use:	University
Comprehensive Plan Designation:	Commercial
Present Zoning:	RC (Recreational and Commercial)/C-4 (Highway Commercial)/ SWPOZ (Source Water Protection Overlay Zone)
Proposed Zoning:	IO (Institutional and Office)/SWPOZ (Source Water Protection Overlay Zone)
Reason for Request:	To allow for conversion to university dormitory and other university uses
File Number:	Z-13-01

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 7, 2013

APPLICATION: Lands of KW Lands - Proposed Rezoning from RC & C-4 with SWPOZ to IO with SWPOZ

FILE#: Z-13-01 REVIEWING AGENCY: City of Dover Planning Office

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

This rezoning application consists of one parcel of land (currently in the process of subdivision into three parcels) totaling 12.6127 acres ±. The property is currently zoned split zoned RC (Recreational and Commercial Zone) and C-4 (Highway Commercial Zone), a portion subject to the SWPOZ (Source Water Protection Overlay Zone) – Tier 3 Excellent Recharge Area. The proposed zoning classification is IO (Institutional and Office Zone), a portion subject to the SWPOZ (Source Water Protection Overlay Zone) – Tier 3 Excellent Recharge Area. The property is known as the Dover Sheraton property as the Sheraton Hotel occupied the front building on the property until July 2013. The property is owned by KW Lands and is currently under a lease with the Delaware State University. The Tax Parcel Identification Number is ED-05-057.00-01-05.00.

Existing Property:
The subject property consists of one 12.6127-acre parcel that is in the process of being subdivided into three parcels and road right-of-way of the following acreages (SB-13-03).

Lot 1	2.1083 acres±	Hampton Inn
Lot 2	2.0192 acres±	Vacant Lot
Residue Lands	5.9979 acres±	Sheraton Hotel
Land to be Dedicated as ROW	2.4873 acres±	Street ROW

The Subdivision application was reviewed and conditionally approved by the Planning Commission on July 15, 2013. The applicant is still going through the administrative process to finalize the Subdivision Plan. The intent is to use the Sheraton Hotel property for dormitories and other university uses, and to continue to use the Hampton Inn property as a hotel.

Delaware State University has entered into a lease with the property owners for the lot that fronts on DuPont Highway and has been traditionally home to the Sheraton Hotel and Conference Center. As the university uses are not permitted in the RC Zone, the owner and lessee have applied for a rezoning of the property to IO. The lease was scheduled to take effect on July 27, 2013, which is prior to Planning Commission and City Council consideration of the rezoning

application. The Planning Office issued a letter, dated July 18, 2013, allowing for a transitional period for Delaware State University to use the Sheraton hotel rooms to house students through May 31, 2014. No other conversion of the hotel and conference center to university uses is permitted unless the rezoning application is approved. If the rezoning application is not approved, the housing of students at this location will be required to cease no later than May 31, 2014.

Surrounding Land Uses:
The surrounding uses are primarily commercial. Immediately north, west and south of the subject property, lands are zoned C-4 (Highway Commercial). These uses include the former Walmart site that is pending redevelopment, Sam's Club, and Schwartz Toyota. Cedar Chase Apartments, zoned RG-2 (General Residence Zone) is north of the former Walmart site. Properties directly across DuPont Highway are in unincorporated Kent County. They include a variety of commercial uses. There is no other property directly adjacent to the subject property that is zoned IO; however, there are a number of properties nearby with IO zoning, including the Wilmington University property located northeast of the subject property across DuPont Highway, the Delaware State Police property southeast of the subject property across DuPont Highway, and the Delaware State University property located southeast of the subject property along DuPont Highway.

Comprehensive Plan:
In the *2008 Comprehensive Plan*, the Land Development Plan (Map 12-1 as amended, dated March 2012) recommends that this property be used for Commercial Uses. The rezoning request for IO is consistent with the recommendations for Land Use Classification for Commercial Uses.

Request for IO (Institutional and Office Zone)
The types of permitted uses in the RG-2 Zone are given Article 3, Section 2 of the *Zoning Ordinance*. The permitted uses include the following:

Section 10. Institutional and office zone (IO).

10.1 *Uses permitted.* In an institutional and office zone, no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

10.11 Business, professional, or governmental offices, and research, design and development laboratories, located entirely within a building on the same lot therewith, including incidental clinics, cafeterias and recreational facilities for the exclusive use of company employees.

10.12 Public and institutional uses including hospitals, sanitariums for general medical care, medical clinics, libraries, police stations, courthouses, transit centers, motor vehicle storage and repair facilities accessory to a public or institutional use, schools, colleges and universities, places of worship, philanthropic and eleemosynary institutions, parks, playgrounds, public indoor recreation centers, civic centers, athletic fields and public utility rights-of-way and structures necessary to serve areas within the city.

10.13 Restaurants accessory to permitted uses located on the same lot.

10.14 Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

10.15 Day care centers, provided they are established in accordance with all applicable state regulations pertaining to child care and provided that they are established and maintained in accordance with article 5, section 14 of this ordinance.

10.16 The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

(a) Firearm ranges, prisons and correctional facilities.

(b) Public incinerators.

(c) Hotels and restaurants.

10.2 *Landscaping.* The entire lot, except for areas covered by buildings and surfaced as parking or service areas, shall be suitably landscaped.

10.3 *Ingress and egress.* Driveways shall be not less than 24 or more than 28 feet wide. There shall be no curb cuts or points of vehicular access to the lot, other than for such driveways.

10.31 *Off-street parking.* No parking lot shall be located within the minimum required front yard, nor between the street line and the principal building on the front side of the lot, except that parking lots shall be permitted between the street line and the principal building when all such parking lots are set back at least 100 feet from the street line. For properties which involve more than one street frontage, only that frontage which correlates to the property street address shall be considered the front side for purposes of this subsection. Off-street parking shall be provided in accordance with the provisions of article 4 and article 6 of this ordinance.

10.4 *Site illumination.* Exterior flood lighting or other illumination shall be shielded from the view of all surrounding properties and streets.

SWPOZ (Source Water Protection Overlay Zone)

Portions of the site are located within the SWPOZ (Tier 3: Excellent Recharge Area) found in Article 3 Section 29.7 of the *Zoning Ordinance*. Construction activities on the property will be subject to these provisions which may include limitations on lot coverage especially for the Lot 2 parcel.

Analysis of Compliance with IO Zoning Requirements

An analysis of the compliance of current site improvements with the requirements of the IO Zone was performed to determine what nonconformities might be created by rezoning the subject property, as the lot lines have been shown in the pending subdivision. The proposed zoning and lot configuration comply with the lot size, building setback, and building height requirements.

The following is an analysis of the sites in comparison to floor area ratio (FAR) and lot coverage requirements in Article 4, Section 4.15 of the *Zoning Ordinance.*

Lot	Max FAR	FAR On-Site	Max Lot Coverage	Lot Coverage On-Site
Residue Lot	4.0	.54	85%	89%
Lot 1	4.0	.48	85%	83%
Lot 2	4.0	N/A	85%	26%

All lots comply with the floor area ratio requirements. The "Residue Lot" exceeds the maximum lot coverage, but the other lots comply with the maximum lot coverage requirement.

The hotel use that would continue on the Hampton Inn property (Lot 1) is permitted as a Conditional Use in the IO zone. The existing hotel would be accepted without requiring a Conditional Use application to the Planning Commission; however, any expansion or significant change to this hotel would be subject to Conditional Use review and approval by the Planning Commission.

Parking Requirements

For the property identified as "Residue Lands", parking is calculated based on one space for every three beds related to the dormitory use, and one space per 200 square feet of floor area for non-dormitory areas of the building. Based on this, there are 100 spaces required for the dormitory and 322 spaces required for the remaining building areas. The total minimum number of parking spaces required is 422. There are 381 parking spaces on this parcel, which is 41 fewer spaces than the minimum parking requirement. The parking is an existing non-conformity that will not be increased by the rezoning.

For the property identified as "Lot 1" (Hampton Inn parcel), the parking requirement is calculated based on one space per guest room and one for every 200 square feet of office space. There are 81 guest rooms and 250 square feet of office space. The total minimum number of parking spaces required is 83, and there are 122 parking spaces provided on the site. The maximum amount of parking would be 104 parking spaces. This is existing non-conformity exists under the current zoning and would not be affected by the proposed rezoning.

Because "Lot 1" includes parking over the minimum required and "Residue Lot" includes parking that is less than what is required, the Joint Facilities provisions of the *Zoning Ordinance*, Article 6, Section 3.7 may be utilized if improvements are proposed at a future date that require compliance with applicable parking requirements.

One area of non-compliance that would be created with the approval of the proposed rezoning is the parking location. Under the requirements of the IO Zone, parking is not permitted within the required front yard nor between the street line and the principal structure on the lot. In this case parking would be located within the required front yard and between the principal structures on "Residue Lot" and "Lot 1" and the street lines. The lot identified as "Lot 2" does not have a building, so there is no parking requirement at the present time.

Based on Article 6, Section 3.10 of the *Zoning Ordinance*, twenty-six bicycle parking spaces are required. One of the conditions of the Minor Subdivision Plan approval for S-13-03 was that the bicycle parking be provided in accordance with the requirements of this section.

Recommendation of the Planning Staff:
Staff recommends that the rezoning be granted as requested, as the proposed zoning is consistent with the *Comprehensive Plan* and compatible with the surrounding area. Staff notes that there will be a non-conformity that will be created by the rezoning is it relates to lot coverage on the "Residue Lot." Staff encourages master planning of the area to allow for multi-modal transportation that does not rely entirely on North DuPont Highway for circulation.

This recommendation is being made without that benefit of hearing the comments of surrounding landowners and residents. A public hearing is required on this matter and the Planning Commission should give those comments consideration.

ADVISORY COMMENTS TO THE APPLICANT:

1) The Planning Office strongly encourages Delaware State University to work with DelDOT, the City of Dover, and the Dover/Kent County MPO to develop a regional circulation plan that connects the subject property with the Delaware State University campus via bicycle, pedestrian, transit, and vehicle connections that do not rely solely on use of DuPont Highway for access between the subject site and the campus.

2) The Planning Office encourages Delaware State University to work with the City Manager's Office and the Tax Assessment Office to develop a payment in lieu of taxes (PILOT) agreement in anticipation of the potential transfer of the Sheraton property to the University.

3) As a condition of the Minor Subdivision Plan SB-13-03, the required twenty-six bicycle parking spaces and a frontage sidewalk along North DuPont Highway are required prior to issuance of a Certificate of Occupancy for any conversion of use on the subject property.

4) Please see the attached letter of July 18, 2013, regarding the temporary housing of students in the Sheraton Hotel.

5) All signage associated with the sites are subject to Sign Permits issued in accordance with Article 5, Section 4 of the *Zoning Ordinance*.

6) There have been consistent issues with maintaining the grass on the area designated as "Lot 2." Failure to maintain the grass at a height of eight inches or less may result in fines and delays in processing applications associated with the property.

7) Please review the DAC Report for SB-13-03 Lands of KW Lands for the comments and code requirements associated with the Minor Subdivision currently in process.

8) Prior to establishing or changing any use or commencing with any demolition or construction on the subject property, including renovations within the existing buildings, the applicant shall contact the Planning Office so that the appropriate review process can be determined

and coordinated with other reviewing entities including the Fire Marshal's Office, Public Works, and the Chief Building Inspector. A Certificate of Occupancy will be required for the establishment of any new use within any of the buildings on the subject property.

9) The applicant shall be aware that approval of any rezoning application does not represent Site Development Plan or Record Plan approval. A separate Site Development Plan must be submitted and approved if development activities are proposed on the property. A separate Record Plan must be submitted and approved if changes to existing property lines are proposed.

10) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit, Sign Permit, or other construction activity permit approval. A separate application submission showing all improvements is required before issuance of permits by the City of Dover.

11) All businesses operating in the City of Dover are required to obtain a City of Dover Business Licenses from the Licensing and Permitting Division located in City Hall. A Rental Dwellings Permit will need to be obtained and certain types of uses also require a Public Occupancy permit.

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

City of Dover

July 18, 2013

Thomas P. Preston, General Counsel
1200 N. DuPont Highway
Dover, DE 19901-2277
Via E-mail: tpreston@desu.edu

RE: Request by DSU to Use the Sheraton Hotel as a Residence Hall

Dear Mr. Preston:

I have reviewed your letter of July 11, 2013 regarding the proposed use of the Sheraton Hotel building as a residence hall. As we have discussed, the Sheraton Property, located at 1570 N. DuPont Highway, Dover, Delaware, is zoned RC (Recreational and Commercial Zone), and university uses, including dormitories, are not permitted in this zone. A rezoning application (Application Z-13-01) has been filed, which is scheduled to be reviewed by the Planning Commission on Monday, August 19, 2013, and acted upon by City Council on Monday, September 9, 2013. This schedule will be confirmed by City Council at first reading of the rezoning ordinance on Monday, July 22, 2013.

Delaware State University is looking to enter a lease for the property which will begin on July 27, 2013. Your letter requests permission to begin housing students at the Sheraton property beginning shortly after July 28, 2013, prior to City Council's action on the rezoning application.

In reviewing the *Zoning Ordinance*, "Hotels, motels and restaurants" are permitted in the RC Zone (Dover Code of Ordinances, Appendix B – Zoning, Article 3, Section 18). There are some similarities between hotels and dormitories; however, they are distinctly different uses. Article 12 of the *Zoning Ordinance* defines "hotel" as:

> *A building having six or more rental rooms, without individual cooking facilities, for transient guests. An office for the renting and management of accommodations and a restaurant designed primarily for the use of overnight guests may be included.*

The *Zoning Ordinance* does not define "dormitory;" however, the International Building Code defines transient as "Occupancy of a dwelling unit or sleeping unit for not more than 30 days." The Merriam-Webster Dictionary defines "transient" as "passing through or by a place with only a brief stay or sojourn. Based on these definitions, a dormitory does not meet the *Zoning Ordinance* definition of a hotel, and is not permitted within the RC Zone.

The question then becomes whether use of the hotel for housing students can be permitted on a temporary basis, while the Planning Commission and City Council review the rezoning request. The determination to allow the use of the Sheraton Hotel as a dormitory on a temporary basis is based on the following:

1. The building and fire code requirements for housing students are met based on the Sheraton Hotel Code Assessment performed by Becker Morgan Group, dated July 10, 2013, and confirmed by an e-mail from Greg Akers dated July 12, 2013.
2. No renovations are proposed as a part of this initial phase of housing students in the hotel.
3. Delaware State University has committed to housing no more than 300 students in the hotel.
4. The building is transitioning from the hotel/conference center to the university/dormitory use, and a number of banquets and conferences are scheduled for the coming months.

This temporary authorization is based upon the following conditions:

1. If the rezoning application is denied, students will not be housed at this location beyond May 31, 2014. The reason for this end date is that Delaware State University has indicated that the University's residence contracts are based upon the academic year, not the semester.
2. Delaware State University must develop and implement a plan, to be reviewed by the City of Dover Fire Marshal and Building Inspector, to limit access to the ancillary assembly areas.
3. No additional uses may be established until such time that zoning compliance can be achieved, and proper building and fire plan review are complete. Such additional uses shall include dining halls, class rooms, offices, and any other associated university or educational uses.

If the rezoning application is successful, the following steps must follow approval of the zoning change:

1. A Site Development Plan must be completed for conversion of the hotel to a university/dormitory use.
2. The University must work with the Department of Planning and Inspections to fully convert the hotel to a dormitory use, resulting in a new Certificate of Occupancy.
3. New Lodginghouse Permits shall be obtained for the dormitory use.
4. Frontage sidewalks shall be constructed prior to the issuance of a Certificate of Occupancy.
5. Any renovations or alterations shall be subject to building permits and may be subject to additional Site Development Plan review.

It is important that Delaware State University continue to work with the City of Dover through this transition to ensure that all changes are done in accordance with applicable codes. It is also important that Delaware State University work with the Dover Police Department to address the jurisdictional issues involved with converting this property to part of the Delaware State University campus.

If you have any questions, please call me at (302) 736-7196.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Planning & Community Development Director

cc: Chief James Hosfelt, Dover Police Department
Tom Kramedas
Dave Truax, Fire Marshal
Greg Akers, Chief Building Inspector
Dawn Melson-Willilams, AICP, Principal Planner
MI-13-12

PETITION TO AMEND AND ZONING DISTRICT
Public Hearing before the Planning Commission
August 19, 2013

Applicants/Owners:	Walker Woods Properties, LLC Milford Housing Development Corporation
Address:	Walker Woods
Location:	North side of Walker Road adjoining Harmony Lane
Tax Parcel ID #:	Multiple (See attached Reference List)
Size:	9.07227 ac. +/- (including existing right of way)
Present Use:	Residential
Proposed Use:	Residential
Comprehensive Plan Designation:	Residential High Density
Present Zoning:	RG-3 (Group Housing Zone) and ROS (Recreation and Open Space Zone)
Proposed Zoning:	RG-2 (General Residence Zone)
Reason for Request:	To allow for different residential use
File Number:	Z-13-02

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 7, 2013

APPLICATION: Lands of Walker Woods Properties - Proposed Rezoning from RG-3 and ROS to RG-2

FILE#: Z-13-02 REVIEWING AGENCY: City of Dover Planning Office

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

This rezoning application consists of multiple parcels of land totaling 9.07227 acres ±. The property is currently zoned RG-3 (Group Housing Zone) and ROS (Recreation and Open Space Zone). The proposed zoning classification is RG-2 (General Residence Zone). The property known as Walker Woods is 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. There are multiple Tax Parcels associated with this property.

Existing Property:
The subject property consists of fifty-two (52) parcels of land with multi-family townhomes with each townhouse unit on a parcel situated on the property known as Walker Woods. Walker Woods Phase II consists of nineteen (19) parcels of land with multi-family townhouses for a total of seventy-one (71) townhouses on the property. There is also an open space parcel that will be maintained on the property.

Surrounding Land Uses:
The surrounding uses vary. Immediately surrounding this property are residential properties zoned R-7 (One Family Residence Zone) and with properties zoned R-8 (One Family Residence Zone) further to the north. To the southeast of the subject property across Walker Road is zoned R-8 (One Family Residence Zone). This area of single family dwellings is known as Bicentennial Village. To the southwest of this parcel at the intersection of Kenton Road and Walker Road is the Kent Swimming Club zoned R-10 (One Family Residence Zone). To the west of the property is zoned IO (Institutional and Office Zone) where Dover Fire Station #2 and a City water tower are located on Kenton Road. East of the property along Walker Road is a mix of zoning including RM-2 (Medium Density Residence Zone), IO (Institutional and Office Zone), R-8 (One Family Residence Zone) and CPO (Commercial/Professional Office Zone). Other uses in the area include a nursing home, single family dwellings and professional offices.

Comprehensive Plan:
In the *2008 Comprehensive Plan*, the Land Development Plan (Map 12-1 as amended, dated March 2012) recommends that this property be used for High Density Residential Uses. The rezoning request is consistent with the recommendations for Land Use Classification for High Density Residential Uses.

Request for RG-2 (General Residence Zone)
The types of permitted uses in the RG-2 Zone are given Article 3, Section 2 of the *Zoning Ordinance*. The permitted uses include the following:

Section 2. General residence zones (RG-1 and RG-2).

2.1 *Uses permitted.* In a general residence zone, no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

2.11 Any use permitted in one-family residence zones, except that:

Not more than one professional office or studio, other than accessory to a use otherwise permitted, shall be permitted for each 25 dwelling units or major fraction thereof on the lot. Such office or studio shall be only on the street floor of any building and on the floor immediately above the street floor only if there [shall] be direct access to such office or studio from outside the building.

2.12 Garden apartments limited to placement within the RG-2 district only.

2.13 Off-street parking accessory to uses located within the central commercial C-2 zone that provide that:

(a) Such parking is situated not more than 150 feet from the C-2 zone.
(b) Parking areas are screened by landscaping from adjoining properties used for residence.
(c) Illumination of parking areas is shielded from the view of adjoining Properties used for residence.

2.14 Reserved.

2.2 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1

2.3 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

Recommendation of the Planning Staff:
Staff recommends that the rezoning be granted as requested, as the proposed zoning is consistent with the *Comprehensive Plan* and compatible with the surrounding area. It will also allow for the redevelopment of the area.

This recommendation is being made without that benefit of hearing the comments of surrounding landowners and residents. A public hearing is required on this matter and the Planning Commission should give those comments consideration.

ADVISORY COMMENTS TO THE APPLICANT:

1) Prior to establishing any use or commencing with any demolition or construction on the subject property, including within the existing buildings, the applicant shall contact the Planning Office so that the appropriate review process can be determined and coordinated with other reviewing entities including the Fire Marshal's Office, Public Works/Utilities, and the Chief Building Inspector.

2) The applicant shall be aware that approval of any rezoning application does not represent Site Development Plan or Record Plan approval. A separate Site Development Plan must be submitted and approved if development activities are proposed on the property. A separate Record Plan must be submitted and approved if changes to existing property lines are proposed.

3) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit or other construction activity permit approval. A separate application submission showing all improvements is required before issuance of permits by the City of Dover.

4) All businesses operating in the City of Dover are required to obtain a City of Dover Business Licenses from the Licensing and Permitting Division located in City Hall. A Rental Dwellings Permit will need to be obtained and certain types of uses also require a Public Occupancy permit.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JULY 31, 2013

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **LANDS OF WALKER WOODS PROPERTIES, LLC AND MILFORD HOUSING DEVELOPMENT CORPORATION OF WALKER WOODS.**

FILE #: **Z-13-02**

REVIEWING AGENCY: **City of Dover**

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

CONTACT PHONE #: **ELECTRIC - 302-736-7070 PUBLIC WORKS – 302-736-7025**

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

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

CITY AND STATE CODE REQUIREMENTS

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

1. Our office has no objection to the rezoning of multiple parcels on map: ED05-067.18-01.

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 / STREETS / SANITATION / GROUNDS

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

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
AUGUST 2013

APPLICATION: Lands of Walker Woods

FILE #: Z-13-02

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

1. *Kent Conservation District has no objection to re-zoning plan for 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. *If at any time expansion or earth disturbing activity (clearing, grubbing tree clearing etc.) takes place and exceeds 5000 square feet; a detailed Sediment and Stormwater Management Plan must be submitted and approved to the Kent Conversation District.*

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF August 7, 2013

PLANNING COMMISSION MEETING OF August 19, 2013

Plan Title:	North Street Pocket Park at 301 South Governors Avenue S-13-10
Plan Type:	Site Plan Architectural Review Certification (HI-13-05)
Project Location:	Southeast corner of North Street and South Governors Avenue
Property Addresses:	301 South Governors Avenue
Tax Parcel:	ED-05-077.09-04-36.00-000
Owner:	City of Dover
Present Zoning:	C-2 (Central Commercial Zone) H (Historic District Zone)
Existing Use: Proposed Use:	Vacant Lot (previous building demolished) Park consisting of landscaping and paving improvements
Site Area:	3,150 S.F.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 7, 2013

CITY OF DOVER PLANNING

APPLICATION: North Street Pocket Park at 301 South Governors Avenue

FILE #: S-13-10 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:

This application is for review of a Site Plan and Architectural Review Certification to allow for the construction of a park consisting of paving and landscape areas to be located at 301 South Governors Avenue. The property is zoned C-2 (Central Commercial Zone) and is subject to H (Historic District Zone). The property is located on the southeast corner of West North Street and South Governors Avenue. The property owner is the City of Dover. Address: 301 South Governors Avenue. Tax Parcel: ED-05-077.09-04-36.00-000. Council District 4. *Review of Application HI-13-05 was held at the Historic District Commission Meeting on July 18, 2013.*

This project requires Site Plan Review and Architectural Review Certification.

PROPERTY INFORMATION

This property previously included a three story brick and stucco building (pre-1859) that was the subject of applications appearing before the Historic District Commission and other City entities in recent years. The previous building on the property was Declared Demolition by Neglect on June 10, 2010 by the Historic District Commission (Application HI-10-01) and given 90 days to take action to repair the building. When no action was taken by the previous property owner, the Historic District Commission recommended the Building Inspector begin the "Dangerous Building" proceedings. The building was declared a "Dangerous Building" by City Council on October 25, 2010 and ultimately demolished by the City in the Spring of 2011 (Demolition Permit #11-143). Following City Council approval on October 22, 2012 to pursue establishing a pocket park on the property, the City acquired the property in late Fall 2012 at Sheriff's sale due to a City tax delinquency.

The City of Dover Parks, Recreation & Community Enhancement Committee (PRCE) reviewed the proposal for the establishment of the park on April 8, 2013 and recommended approval of a pocket park design with appropriate screening for the neighbors and a recommendation to include a tribute to the victims of domestic violence. Upon review of this recommendation on April 22, 2013 the City Council referred the matter back the PRCE Committee to allow other interested organizations to submit proposals. At the PRCE Committee meeting of June 10, 2013, the Committee recommended approval of the basic design concept for the pocket park and the City Council approved the basic design concept for the pocket park on June 24, 2013. (Note: No

action has been taken to approve the installation of tributes, monuments, memorials, etc. in the pocket park.)

PROJECT PROPOSAL (Drawings as updated 6/10/2013):
The Site Plan proposes improvements to the existing vacant lot to create a small park. Improvements are proposed as paving system of concrete and brick pavers along with landscape planting areas. The elements of the pocket park project are as follows:

1. Sidewalk: A new brick sidewalk is proposed along the street frontage of South Governors Avenue. The sidewalk along the North Street frontage of the property was part of the improvements (new brick and concrete surfaces) constructed as part of the North Street Area Improvement Project (HI-11-05, C-11-07, and S-12-04).

2. Paving: Improvements are proposed to consist of a patterned system of concrete and brick pavers to create a paved plaza-like area that is accessible from both streets. A circular brick area with alterative colored wedge is set in a concrete paved area.

3. Landscaping: A raised brick planter is proposed at the property corner at the intersection of South Governors Avenue and North Street. A curved raised brick planter with four trees is centered on the site framing the western edge of the landscape planting area is proposed on the southeast side of the property along the east property line. The landscape planting area appears to consist of hedge shrubs and low ornamental plantings. Another curved raised brick planter forms the northern edge of the landscape planting area near North Street. The type of ground cover (grass, mulch, plantings, colored stone, etc.) for the landscape area is not specified. The specific varieties of plantings are not listed.

4. Site Furnishings: Several light bollards are placed at the edges of the landscaped area. There are existing street lights along both adjoining streets. There appears to be a brick cube/pillar (unknown dimensions) at the northern end of the center curved planter.

The overall project for this pocket park strives to follow the design and planning strategies outlined in the *Dover Transit Center Neighborhood Plan and Design Book.* The *Neighborhood Plan* suggested that a network of civic squares, open spaces, and public gathering places be created to provide greater connectivity between activity centers and for design concepts focus on improvements to the pedestrian movement and experience. The *Neighborhood Plan* suggests paving improvements, trees, benches, etc. throughout the Downtown.

HISTORIC DISTRICT COMMISSION - REVIEW
The project site is located within the H (Historic District Zone). For the North Street Pocket Park project, the Historic District Commission considered the application HI-13-05 on July 18, 2013 regarding an Architectural Review Certificate for the construction of the park area. **The Historic District Commission has forwarded a recommendation on the Architectural Review Certificate to the Planning Commission; see the Architectural Review Recommendation Report.**

The Planning Commission must act upon the Architectural Review Certification as part of any motion regarding this project, or as a separate motion if necessary. In taking this action, the

Planning Commission is to consider the *Design Standards and Guidelines for the City of Dover Historic District Zone*.

PARKING SUMMARY

This project does not involve construction of any buildings, but the parking requirements for the C-2 zoning district are provided for reference. Within the C-2 (Central Commercial Zone), there is not an off-street parking requirement for existing buildings and new buildings are required to provide 0.5 spaces per 300 S.F. of building floor area. This project does not propose construction of any off-street parking spaces but instead relies on public parking opportunities in the Downtown area such as on-street parking and public parking lots.

Bicycle Parking

The bicycle parking requirement is one bicycle parking space for every twenty parking spaces. Since this site does not include any off-street parking, there is not a bicycle parking requirement.

SITE CONSIDERATIONS

Sidewalks

The project site has existing sidewalk along the North Street frontage that was improved to consist of brick and concrete paving as part of the North Street Streetscape Improvements. There is existing brick sidewalk also along South Governors Avenue: however, it appears that this project will make sidewalk improvements along that frontage.

Lighting

The park includes lighting bollards as the site lighting. Street lights exist located along North Street and South Governors Avenue in the acorn style fixture with black posts used in the Downtown area.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan presents a concept for planting several trees within the landscaped area on. Based on the total property area of 3,150 S.F., a total of two (2) trees are required. The plan appears to show five (5) new trees to meet the requirement. Other landscaping depicted on the plan appears to be shrubs and annuals. The specific species of tree and other landscape plantings is not currently listed.

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

CITY AND STATE CODE REQUIREMENTS:

1) The Site Plan must comply with the provisions of *Zoning Ordinance*, Article 10 Section 2.5. Currently, the project is only presented in a graphical format. A Site Plan including the appropriate data column, plan drawing, and details must be provided.
   a) Add a note to the plan indicating the date and actions of the Historic District Commission review of the application.
   b) The plan must reflect any changes recommended by the Planning Commission.

c) Review of the plan submitted to satisfy the code requirements (as noted above) may identify additional review comments.

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

3) The plan provides limited information on the projects' strategy for stormwater management. This may impact the landscaping designs.
   a) Provide adequate grading on this site for drainage ensuring drainage is away from the adjacent structures on adjoining properties.

4) West North Street is a City maintained road; therefore, work within the right-of-way is subject to City of Dover Department of Public Services – Public Works Division requirements.

5) Clarify the status of the existing curb cut on North Street.

6) The brick sidewalk areas along the streets must maintain an accessible width to allow pedestrian travel around items such as street lights, signage etc. Adjustments to the raised planter bed at the corner may be necessary to allow for safer and better circulation on the adjacent sidewalks.

7) Provide construction details for the following but not limited to: sidewalks ensuring accessibility, paving areas, lighting, site elements, benches, etc.
   a) Any light fixtures/poles utilized on the property for site lighting should utilize a black finish color.
   b) Utilize black posts for any signage elements to be attached to posts.
   c) Clarify the height of and the flat surface dimension of the raised planting beds. An edge treatment may be necessary to limit misuse of the planters.
   d) Clarify the paving surface material for all paved surfaces.

8) The following information must be provided on the plan as related to Tree Preservation and Planting Plan.
   a) The plan requirements as listed in *Zoning Ordinance*, Article 5 §16.8.
   b) Ensure that tree planting locations do not conflict with existing or proposed utilities.
   c) The proposed landscaping including tree plantings and landscape plantings should be completed with native species appropriate to the site conditions of an urban area and for ease of maintenance.
   d) Consultation with the City's Grounds Division and Arborist regarding the tree species and plantings selected is recommended.
   e) Clarify the surface treatment for the landscape areas as grass, mulch, stone, etc.

9) For corner lots such as this, walls and fences are limited to a maximum height of three (3) feet within the corner visibility area (triangle) as per *Zoning Ordinance,* Article 5 §1.3. It is noted that in consideration of the Architectural Review Certification, the Historic District Commission cannot grant relief from the corner visibility height limits.

a) Additional information is needed to confirm if the raised planter and its plantings are in compliance.

10) Coordination with the adjacent property owners regarding any remaining fencing or landscaping along the adjoining property lines will be necessary. Documentation of their concurrence with the installation or removal of such elements, provisions for shared usage, and/or any maintenance agreements may be required.
   a) A clear edge for any mulch, stone, etc. areas must be established along the property lines.
   b) If fences are proposed then they must comply with the *Design Standards and Guidelines for the Historic District Zone*.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) The Historic District Commission at their meeting of July 18, 2013 took action to provide a Recommendation with conditions regarding the Architectural Review Certification (ARC) for the project including a series of comments. These comments/recommendations may be adopted by reference to the Architectural Review Recommendation Report when taking action on the Architectural Review Certification.
   a. Planning Staff as part of the ARC application review process prepared a series of recommendations and review comments in regards to the Architectural Review Certification and compliance with the Design Standards and Guidelines.

2) Planning Staff recommends the addition of a bicycle parking rack on the property to provide a parking location for this type of transportation mode. It will also help to avoid the impromptu chaining of bicycles to other site features like trees, fences, or signs. The bicycle parking rack should be black in finish color. The post and loop style parking bollard utilized in other areas of Downtown would be appropriate.

3) Planning Staff recommends the addition of benches for seating. Several curved benches could be placed along the edge of the brick circle facing west/northwest. This will also assist in preventing misuse of the raised planter bed edge in this area.

4) Planning Staff recommends the removal the brick cube/pillar element as it does not seem to fit the character of this park.

ADVISORY COMMENTS TO THE APPLICANT:

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

2) 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 Site Plan occur in the finalization of the Site Plan such as design, materials, or site layout contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Development Advisory

Committee, Historic District Commission, Planning Commission, or other commissions making recommendations in regards to the plan.

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

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

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

7) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A Building Permit will be utilized as a tracking mechanism for Site Plan compliance. 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 Architectural Review Certification and Site Plan.

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

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.

Melson-Williams, Dawn

From: Koenig, Scott
Sent: Thursday, August 08, 2013 4:52 PM
To: Townshend, Ann Marie
Cc: Melson-Williams, Dawn; lcolon@downtowndoverpartnership.com; jstreet@beckermorgan.com; Lyon, Jason A; Duca, Sharon
Subject: RE: Pocket Park Design - DAC Report

Importance: High

Categories: Red Category

Good Afternoon:

As the City's Chief Administrative Officer, I would request that the following comments be included in the final design of the project:

Bike Racks – I see no reason not to include this feature as it will be a city park and the post with loops is not intrusive (I also don't want to install them at the city's cost at a later date).
Benches – I also see no reason not include short benches or even iron chairs in the park design as I believe this offers a much more inviting setting (I again do not want to install them at a later date at the city's cost). I would also include a trash can if one is not already in the design.
Pillar – I have no objections to the pillar as I assume it is a design feature that a plaque could be attached to in the future.

Thank You.

Best Regards,

Scott D. Koenig, P.E.
skoenig@dover.de.us
City Manager
City of Dover
P.O. Box 475
Dover, DE 19903
302-736-7005 (Voice)
302-736-7002 (Fax)

"Engineering isn't about perfect solutions; it's about doing the best you can with limited resources" *- Randy Pausch*
p. X - Introduction to ***The Last Lecture****.*

This email, including attachments, is confidential and intended only for the designated recipient(s). If you are not an intended recipient, please delete this email. The unauthorized use, dissemination, distribution or reproduction of this e-mail, including attachments, is prohibited and may be unlawful.

From: Townshend, Ann Marie
Sent: Wednesday, August 07, 2013 6:33 PM
To: Koenig, Scott
Cc: Melson-Williams, Dawn; lcolon@downtowndoverpartnership.com; jstreet@beckermorgan.com; Lyon, Jason A; Duca, Sharon
Subject: Pocket Park Design - DAC Report

Scott,

As we discussed this afternoon, Becker Morgan and DDP staff had concerns with three of the staff recommendations in the DAC report. These recommendations were by reference accepted by the Historic District Commission in their recommendation, so I don't think removing them from the DAC report is a real option. As a member of the DDP Board and the Recreation Director, I am cautious not to alter Dawn's comments because the Planning Office report should not reflect my views in either of these other capacities. However, as the City is the owner of the project, I indicated that I would get your feedback on the items of concern. Ultimately, the City will own and maintain the improvements

The comments of concern include:

- Recommendation that a bike rack (post with loops) be installed.
- Recommendation that benches be installed. You may recall that this was my recommendation when the project went before the PR&CE Committee. The Committee seemed content that the wall would provide seating area. This same recommendation came up in Dawn's review. The question is whether you concur with the comment, are agreeable with it, or want to request that the Planning Commission accept the wall area as seating.
- Recommendation that the brick pillar be removed. Dawn's comment in the HDC and DAC report is that it is out of place.

I would request that you reply to all included on this e-mail so that your input on these three recommendations can be part of the dialogue and the record.

Let me know if you have any questions or wish to discuss the DAC report in any more detail. The Planning Commission packet needs to go out on Friday morning.

Thanks!
Ann Marie

Ann Marie

Ann Marie Townshend, AICP
Director, Planning & Community Development
City of Dover
(302) 736-7196

City of Dover

ARCHITECTURAL REVIEW REPORT

Recommendation Report of the Historic District Commission
Meeting of July 18, 2013

Application:	North Street Pocket Park at 301 South Governors Avenue Architectural Review Certification HI-13-05 Site Plan S-13-10
Project Location:	Southeast corner of North Street and South Governors Avenue
Property Addresses:	301 South Governors Avenue
Tax Parcel:	ED-05-077.09-04-36.00-000
Owner:	City of Dover
Present Zoning:	C-2 (Central Commercial Zone) H (Historic District Zone)
Existing Uses:	Vacant Lot (previous building demolished)
Proposed Uses:	Park consisting of landscaping and paving improvements
Site Area:	3,150 S.F.

Project Description:
The Historic District Commission conducted a public hearing and acted on a recommendation to the City of Dover Planning Commission for an Architectural Review Certificate for the construction of a pocket park consisting of paving and landscape areas to be known as North Street Pocket Park at 301 South Governors Avenue. This project requires Site Plan review.

The property is zoned C-2 (Central Commercial Zone) and is subject to H (Historic District Zone). The property is located on the southeast corner of West North Street and South Governors Avenue.

RECOMMENDATION OF THE HISTORIC DISTRICT COMMISSION:
The application was considered at the July 18, 2013 meeting of the Historic District Commission. The following members were present: Chairman Dick Scrafford, Mr. Chazz Salkin, Mr. Joe McDaniel, and Mr. Terry Jackson. Mr. Joe McDaniel was recused from participation in the application as he serves as a member of the Board of Directors for the Downtown Dover Partnership (which is representing the application). Mr. George Fisher was absent. The application was represented by Mr. Jonathan Street of the Becker Morgan Group and Lou Colon of the Downtown Dover Partnership. Public testimony was received from Mr. Joe McDaniel and Lou Colon.

Action Taken by Historic District Commission:

The motion to recommend approval passed 3-0 of the members present. **The Historic District Commission recommends approval of the Architectural Review Certificate for application HI-13-05 North Street Pocket Park at 301 South Governors Avenue allowing the establishment of a pocket park of paving and landscaping on the site subject to the following conditions:**

1) **The applicant must continue working with City Staff to resolve items noted at the meeting including the use of benches versus raised planters, the termination method of the park edge along the east and south property lines such as need for fencing, and further discussions regarding the placement of benches, the selection of types of landscape plantings and trees, and bicycle racks.**

2) **Approval is also subject to the Staff Recommendations (#1-12) as derived from Architectural Review Staff Report – Staff Comments & Recommendations (Renumbered as Items #1-11):**

    1) **The following conditions are recommended by Staff to improve project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. The following are recommended conditions:**
        a. **The brick sidewalk areas along the streets must maintain an accessible width to allow pedestrian travel around items such as street lights, signage etc. Adjustments to the raised planter bed at the corner may be necessary to allow for safer and better circulation on the adjacent sidewalks.**
        b. **Any light fixtures/poles utilized on the property for site lighting should utilize a black finish color.**
        c. **Utilize black posts for any signage elements to be attached to posts.**
        d. **A clear edge for any mulch, stone, etc. areas must be established along the property lines.**
        e. **Add benches for seating. Several curved benches could be placed along the edge of the brick circle facing west/northwest. This will also assist in preventing misuse of the raised planter bed edge in this area.**
        f. **Remove the brick cube/pillar element as it does not seem to fit the character of this park.**

    2) **Some of the site improvements/amenities were not specifically described with the application information or need to be clarified. Please provide information for consideration and discussion.**
        a. **Clarify the paving surface material for wedge area of brick circle.** *(Per applicant at the meeting, material is a paver.)*
        b. **Clarify the height of and the flat surface dimension of the raised planting beds. An edge treatment may be necessary to limit misuse of the planters.** *(Per applicant at the meeting, the height is approximately 18-20 inches.)*

c. **Clarify the surface treatment (lawn areas, plantings, type of mulch, stone, etc.) within the landscape areas.** *(Per applicant at the meeting, landscaping discussions will occur with City Grounds Division staff).*
d. **Clarify the status of the existing curb cut on North Street.**
e. **The plan provides limited information on the project's strategy for stormwater management. Any changes to address this may impact the park's paving and landscaping designs.**
f. **Ensure that tree planting locations and landscape plantings do not conflict with existing or proposed utilities. There are several utility cabinets near the northeast corner of the site.**
g. **Provide adequate grading on this site for drainage ensuring drainage is away from the adjacent structures on adjoining properties.**

3) **Staff recommends the addition of a bicycle parking rack on the property to provide a parking location for this type of transportation mode. It will also help to avoid the impromptu chaining of bicycles to other site features like trees, fences, or signs. The bicycle parking rack should be black in finish color. The post and loop style parking bollard utilized in other areas of the Downtown would be appropriate.**

4) **For corner lots such as this, walls and fences are limited to a maximum height of three (3) feet within the corner visibility area (triangle) as per *Zoning Ordinance*, Article 5 §1.3. It is noted that in consideration of the Architectural Review Certification, the Historic District Commission cannot grant relief from the corner visibility height limits.**
   a. **Additional information is needed to confirm if the raised planter and its plantings are in compliance.** *(Per applicant at the meeting, the height of the planter is in compliance with the height limit and the selection of landscaping for this area will also comply and may be utilized for tulips.)*

5) **Coordination with the adjacent property owners regarding any remaining fencing or landscaping along the adjoining property lines will be necessary. Documentation of their concurrence with the installation or removal of such elements, provisions for shared usage, and/or any maintenance agreements may be required.** *(Per applicant at the meeting, the wooden gate will be removed.)*

6) **Staff recommends the addition of a black metal decorative fence three to four feet in height along the southern property line to connect the wooden gate and the existing wooden fence. The applicant may wish to discuss other options for this fenceline with the adjoining property owner. Any fences must comply with the *Design Standards and Guidelines*.**

7) **The proposed landscaping including tree plantings and landscape plantings should be completed with native species appropriate to the site conditions of an urban area and for ease of maintenance. Consultation with the City's arborist regarding the tree species and plantings selected is recommended.**

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

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

10) **The plan for this project is also subject to the application and review process for Site Development Plan (Article 10 §2 of the *Zoning Ordinance*) before the Planning Commission. Note: Additional technical items for compliance with the *Zoning Ordinance* and other regulations may be identified during the Plan Review Process.**
    a. **Currently, the project is only presented in a graphical format. A Site Plan including the appropriate data column, plan drawing, and details must be provided to complete the Site Plan review process.**

11) **The applicant shall be aware that the Building Permit for the project is required to track the construction activities on the property. The permit applications must comply with the approvals and conditions granted through the Architectural Review Certification and Site Plan Review process.**

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

The following information was considered by the Historic District Commission in marking their recommendation including the initial recommendations made by Planning Staff in regards to the application. Discussion at the Historic District Commission meeting also included a presentation of the project including project details, a discussion of the landscape plantings, fencing, the brick column/pillar, bicycle rack, benches, raised planters (use and height) and public art. The public testimony heard at the Public Hearing noted support of the project by the Downtown Dover Partnership and opportunities for a sculpture installation such as one of the Charles Parks sculptures (from the State of Delaware's collection).

Previous Applications:
This property previously included a three story brick and stucco building (pre-1859) that was the subject of applications appearing before the Historic District Commission and other City entities in recent years. The previous building on the property was Declared Demolition by Neglect on June 10, 2010 by the Historic District Commission (Application HI-10-01) and given 90 days to take action to repair the building. When no action was taken by the previous property owner, the Historic District Commission recommended the Building Inspector begin the "Dangerous Building" proceedings. The building was declared a "Dangerous Building" by City Council on October 25, 2010 and ultimately demolished by the City in the Spring of 2011 (Demolition Permit #11-143).

Following City Council approval on October 22, 2012 to pursue establishing a pocket park on the property, the City acquired the property in late Fall 2012 at Sheriff's sale due to a City tax delinquency.

The City of Dover Parks, Recreation & Community Enhancement Committee (PRCE) reviewed the proposal for the establishment of the park on April 8, 2013 and recommended approval of a pocket park design with appropriate screening for the neighbors and a recommendation to include a tribute to the victims of domestic violence. Upon review of this recommendation on April 22, 2013 the City Council referred the matter back the PRCE Committee to allow other interested organizations to submit proposals. At the PRCE Committee meeting of June 10, 2013, the Committee recommended approval of the basic design concept for the pocket park and the City Council approved the basic design concept for the pocket park on June 24, 2013. (Note: No action has been taken to approve the installation of tributes, monuments, memorials, etc. in the pocket park.)

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

This property is located within the boundaries of a National Register Historic District, specifically the Dover Green Historic District. Provided below is the description of the previous building that existed on the property prior to its demolition in 2011. The description is from the building inventory listing found within the National Register of Historic Places nomination completed for the Dover Green Historic District.

> K-394.30 - 301 South Governors Avenue – Mid 19th century; brick, 3 story, 3 bay. This structure has a low pitched gable roof with a dentiled cornice. There is a 2-story, 1 bay south section with a lean to roof. The exterior is stuccoed. There is a protruding pediment above the door. On the second floor is a rectangular oriel. It has elaborate cornice brackets and modillions, as well as three support brackets with pendants. The Sanborn insurance maps indicate that the oriel was added between 1897 and 1919. (c)

A series of historic maps was reviewed by Planning Staff for preliminary information on this corner of South Governors Avenue. The *1859 A.D. Byles Map of Kent* County (Dover insert) shows at the southeast corner of the intersection of South Governors Avenue and North Street a large building directly at the corner with a smaller detached building to the east. It is labeled "Delewarian." The *1868 Beers Map* published by Pomeroy & Beers also shows a large building at the corner and a smaller building to the east along North Street (no label as to property owner). The *1885 Bird's Eye View of Dover* shows a multi-story building at the corner with a smaller one story building to its east. The series of *Sanborn Fire Insurance Maps* would also be a reference source for information on the series of buildings/building additions which occupied this property over time. Additional research using other primary and secondary source documents would provide more information on the history of the property, previous buildings, and the owners.

PROJECT PROPOSAL (Drawings as updated 6/10/2013):
The Site Plan proposes improvements to the existing vacant lot to create a small park. Improvements are proposed as paving system of concrete and brick pavers along with landscape planting areas. The elements of the pocket park project are as follows:

1. Sidewalk: A new brick sidewalk is proposed along the street frontage of South Governors Avenue. The sidewalk along the North Street frontage of the property was part of the improvements (new brick and concrete surfaces) constructed as part of the North Street Area Improvement Project (HI-11-05, C-11-07, S-12-04).

2. Paving: Improvements are proposed to consist of a patterned system of concrete and brick pavers to create a paved plaza-like area that is accessible from both streets. A circular brick area with alterative colored wedge is set in a concrete paved area.

3. Landscaping: A raised brick planter is proposed at the property corner at the intersection of South Governors Avenue and North Street. A curved raised brick planter with four trees is centered on the site framing the western edge of the landscape planting area is proposed on the southeast side of the property along the east property line. The landscape planting area appears to consist of hedge shrubs and low ornamental plantings. Another curved raised brick planter forms the northern edge of the landscape planting area near North Street. The type of ground cover (grass, mulch, plantings, colored stone, etc.) for the landscape area is not specified. The specific varieties of plantings are not listed.

4. Site Furnishings: Several light bollards are placed at the edges of the landscaped area. There are existing street lights along both adjoining streets. There appears to be a brick cube/pillar (unknown dimensions) at the northern end of the center curved planter.

The overall project for this pocket park strives to follow the design and planning strategies outlined in the *Dover Transit Center Neighborhood Plan and Design Book.* The *Neighborhood Plan* suggested that a network of civic squares, open spaces, and public gathering places be created to provide greater connectivity between activity centers and for design concepts focus on improvements to the pedestrian movement and experience. The *Neighborhood Plan* suggests paving improvements, trees, benches, etc. throughout the Downtown.

Review of *DESIGN STANDARDS AND GUIDELINES*
The subject project site is located in the Dover Historic District Zone within The Green Historic Context. The Green Historic Context is described on pages 2-3 through 2-5. Location within the Dover Historic District Zone requires proposals for demolition, new construction, additions, and certain renovation or rehabilitation activities to existing buildings to receive an Architectural Review Certificate.

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

This proposal should be reviewed for conformity with the design criteria and development guidelines found in the *Design Standards and Guidelines* of Chapter 3: Maintenance, Repair, Preservation, and Restoration of Existing Historic Buildings. More specifically the sections on Design Guidelines for Landscaping and Site Amenities, Fencing and Walls, and Paving and Bordering found on pages 3-24 through 3-27. These guidelines highlight the consideration that should be given to the setting and the areas surrounding buildings including the choice of materials. It notes that fences in the Historic District should not exceed four (4) feet in height. Also while not specific to park areas, the *Design Guidelines* recommend that 20% of parking lots (another type of paved area) should be unpaved and planted.

STAFF COMMENTS AND RECOMMENDATIONS

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

1) Staff recommends conditional approval of the Architectural Review Certificate for the concepts presented for the North Street Pocket Park (plan drawing dated 6/10/2013). This recommendation is made subject to the following comments and suggested revisions.

2) The following conditions are recommended by Staff to improve project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. The following are recommended conditions:
    a. The brick sidewalk areas along the streets must maintain an accessible width to allow pedestrian travel around items such as street lights, signage etc. Adjustments to the raised planter bed at the corner may be necessary to allow for safer and better circulation on the adjacent sidewalks.
    b. Any light fixtures/poles utilized on the property for site lighting should utilize a black finish color.
    c. Utilize black posts for any signage elements to be attached to posts.
    d. A clear edge for any mulch, stone, etc. areas must be established along the property lines.
    e. Add benches for seating. Several curved benches could be placed along the edge of the brick circle facing west/northwest. This will also assist in preventing misuse of the raised planter bed edge in this area.
    f. Remove the brick cube/pillar element as it does not seem to fit the character of this park.

3) Some of the site improvements/amenities were not specifically described with the application information or need to be clarified. Please provide information for consideration and discussion.
    a. Clarify the paving surface material for wedge area of brick circle.
    b. Clarify the height of and the flat surface dimension of the raised planting beds. An edge treatment may be necessary to limit misuse of the planters.
    c. Clarify the surface treatment (lawn areas, plantings, type of mulch, stone, etc.) within the landscape areas.
    d. Clarify the status of the existing curb cut on North Street.

e. The plan provides limited information on the project's strategy for stormwater management. Any changes to address this may impact the park's paving and landscaping designs.
f. Ensure that tree planting locations and landscape plantings do not conflict with existing or proposed utilities. There are several utility cabinets near the northeast corner of the site.
g. Provide adequate grading on this site for drainage ensuring drainage is away from the adjacent structures on adjoining properties.

4) Staff recommends the addition of a bicycle parking rack on the property to provide a parking location for this type of transportation mode. It will also help to avoid the impromptu chaining of bicycles to other site features like trees, fences, or signs. The bicycle parking rack should be black in finish color. The post and loop style parking bollard utilized in other areas of the Downtown would be appropriate.

5) For corner lots such as this, walls and fences are limited to a maximum height of three (3) feet within the corner visibility area (triangle) as per *Zoning Ordinance*, Article 5 §1.3. It is noted that in consideration of the Architectural Review Certification, the Historic District Commission cannot grant relief from the corner visibility height limits.
   a. Additional information is needed to confirm if the raised planter and its plantings are in compliance.

6) Coordination with the adjacent property owners regarding any remaining fencing or landscaping along the adjoining property lines will be necessary. Documentation of their concurrence with the installation or removal of such elements, provisions for shared usage, and/or any maintenance agreements may be required.

7) Staff recommends the addition of a black metal decorative fence three to four feet in height along the southern property line to connect the wooden gate and the existing wooden fence. The applicant may wish to discuss other options for this fenceline with the adjoining property owner. Any fences must comply with the *Design Standards and Guidelines.*

8) The proposed landscaping including tree plantings and landscape plantings should be completed with native species appropriate to the site conditions of an urban area and for ease of maintenance. Consultation with the City's arborist regarding the tree species and plantings selected is recommended.

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

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

11) The plan for this project is also subject to the application and review process for Site Development Plan (Article 10 §2 of the Zoning Ordinance) before the Planning Commission. Note: Additional technical items for compliance with the *Zoning Ordinance* and other regulations may be identified during the Plan Review Process.
    a. Currently, the project is only presented in a graphical format. A Site Plan including the appropriate data column, plan drawing, and details must be provided to complete the Site Plan review process.

12) The applicant shall be aware that the Building Permit for the project is required to track the construction activities on the property. The permit applications must comply with the approvals and conditions granted through the Architectural Review Certification and Site Plan Review process.

Historic District Commission Action on July 18, 2013

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

City of Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF August 7, 2013

PLANNING COMMISSION MEETING OF August 19, 2013

Plan Title:	The Redeemed Christian Church of God Eagles' Wings Chapel C-13-05
Plan Type:	Conditional Use Site Plan Review
Address:	896 South State Street.
Location:	West side of South State Street north of Wyoming Avenue
Tax Parcel:	ED-05-077.17-03-53.00-000
Owner:	Basilio Bautista
Lessee:	The Redeemed Christian Church of God Eagles' Wings Augustine Eyekpimi
Site Area:	34,000 SF
Parking:	Spaces Required: 13 for place of worship Spaces Provided: 22
Present Zoning:	RG-O (General Residence and Office Zone)
Present Use:	Vacant building
Proposed Use:	Place of Worship
Waivers Requested:	Elimination of Upright Curbing Consideration of Combined Spaces Parking Provision

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 7, 2013

CITY OF DOVER PLANNING

APPLICATION: The Redeemed Christian Church of God Eagles' Wings Chapel at 896 S. State Street

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

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

PLAN SUMMARY:

This Conditional Use Site Plan Review is for the establishment of a church within an existing building. The property is zoned RG-O (General Residence and Office Zone). The property is located on the west side of South State Street and north of Wyoming Avenue. The owner of record is Basilio Bautista. Property Address: 896 South State Street. Tax Parcel: ED-05.077.17-03-53.00-000. Waivers Requested: Elimination of Upright Curbing and Consideration of Combined Spaces Parking Provision.

Project Proposal

The existing vacant 2,030 SF building is proposing to be occupied by a church that will have fifty-one (51) seats in the sanctuary with the remainder of the space in the building to be used for offices, a classroom and a break room.

Conditional Use Review

RG-O (General Residence and Office Zone) allows any use in the RG-1 (General Residence Zone) which refers to uses in the One Family Residence Zones.

Due to its location on a property zoned RG-O this type of land use (place of worship) requires Conditional Use approval. The requirement for Conditional Use approval by the Planning Commission is noted in *Zoning Ordinance* Article 3 §1.14(a) and referenced Sections.

Article 3 §1.14 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 section 10.1 and to any specified requirements set forth below:

> (a) Places of worship, including parish houses; [and] schools, including nursery schools, kindergartens and day care centers in accordance with article 5, Supplementary Regulations, section 14. Day care facilities; philanthropic and eleemosynary institutions; hospitals and sanitariums for general medical care; and funeral homes subject to the following requirements:
>
> > i. Any school permitted under this paragraph [subsection 1.14(a)] shall be a nonprofit organization within the meaning of the Internal Revenue Act and shall be registered effectively as such there under.

ii. Any school permitted under this paragraph [subsection 1.14(a)], other than a kindergarten, nursery school, or day care center, shall occupy a lot with an area of not less than two acres, plus one acre for each 100 pupils for which the building is designed.

iii. Any kindergarten or nursery school permitted under this paragraph [subsection 1.14(a)] shall be limited to a maximum of 50 children in zones R-8 thru R-20 and a maximum of 100 children in all other zones. At least 100 square feet of outdoor play space per child shall be provided. Outdoor play space shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land unsuited by other usage or natural features for children's active play space. Fencing or other enclosures shall be a minimum height of four feet. The minimum lot area for each ten, or remainder over the multiple of ten, children shall be the same as the minimum lot area requirement for each dwelling unit in the districts in which such uses are to be located.

iv. No such building or part thereof shall be erected with less than a 50-foot front yard or nearer than 25 feet from any other street or property line.

v. The sum of all areas covered by all principal and accessory buildings shall not exceed 20 percent of the area of the lot.

vi. Courts shall conform to the requirements of article 5, section 3 hereof.

The existing building is 20 feet from the property line and would be considered legal non-conforming in regards to this setback requirement as no expansion of the building footprint is proposed with this application. For the property at 896 S. State Street, the existing building proposed for the use as a place of worship is permitted following conditional use approval as Article 3 §9 references back to Article 3 §1.14 of the *Zoning Ordinance*.

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

Article 10 §1:

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

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

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.

1.4 *Conditional use permits.*

1.41 *Conditional use approval.* Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

(A) The provision in this article under which such permit was issued is still in effect;
(B) Such permit was issued in conformity with the provisions of this article; and
(C) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

1.42 *Periodic renewal of conditional use permit.* The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following public notice and hearing in accordance with subsection 1.53. The commission may withhold approval of the renewal upon a determination by the city planner to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with.

For a property seeking Conditional Use Site Plan approval in the RG-O Zoning District, Article 10 § 1.7 outlines the submission requirements. These requirements include a map of the property showing existing conditions, the appropriate legal data, natural features, and proposed development.

Site Considerations

The use as a place of worship in the RG-O (General Residence and Office Zone) requires Conditional Use Site Plan approval by the Planning Commission (*Zoning Ordinance*, Article 3 §1.14). There is a vacant building on the property. The applicant is proposing to utilize this existing building as a place of worship. There are two (2) other office buildings on the site that are being utilized as professional offices.

Waiver Request: Elimination of Upright Curbing

Article 6 § 3.6 requires upright curbing for all parking areas. It appears that the existing parking lot areas do not include curbing. The applicant has requested a waiver to eliminate upright curbing to be submitted to the Planning Commission for consideration.

PARKING

Places of worship located in a building are required to provide parking spaces at the rate of one space per 200 SF of floor area or one space for every 4 seats whichever is greater. The square footage for Building 1 at 2,030 square feet would require (7) parking spaces for an office would be in compliance with the *Zoning Ordinance*. The plan indicates that there will be 51 seats for the place of worship requiring thirteen (13) parking spaces. The calculation for parking spaces based on building square footage results in a lesser amount of parking spaces; therefore, the rate

based on seat count is used. This new use results in an increase over the previous parking requirements in Building 1.

The requirement for parking spaces for office buildings in the RG-O Zone is one space for every 300 square feet of floor area. The required parking spaces for Building 2 with a total of 1,560 square feet is six (6) spaces and the required parking spaces for Building 3 with a total of 2,529 square feet is (9) spaces. Thus the office uses on the site require fifteen (15) parking spaces in total.

The total parking spaces required for all three (3) buildings when one building is utilized as a place of worship and two buildings as offices total 28 required parking spaces. The plan indicates that on the property there are total of twenty (20) parking spaces and two (2) handicap parking spaces proposed for the site. Parking requirements for this property must also be in compliance with Article 3 § 9.4 of the *Zoning Ordinance* where no parking shall be located within the minimum required front yard, nor between the street line and the principal building of the lot.

Waiver Request: Consideration of Combined Parking Spaces Provision

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 as outlined in Article 6 §3.8 of the *Zoning Ordinance*. The Planning Commission can consider a reduction in the total parking spaces required for the site. The applicant has requested a waiver for the consideration of the Combined Parking Spaces Provision by the Planning Commission The applicant has provided information stating that the hours of operation for the place of worship will not have an effect on the business hours of the other two office businesses.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) parking spaces. Based on the number of 28 required parking spaces, two (2) bicycle parking spaces are needed to satisfy this requirement. The Site Plan does not indicate the location of the requested bicycle parking spaces.

Loading Space

No loading space is required for this place of worship or for the existing office buildings since the square footage of the building is less than 10,000 square feet for this establishment in the requirements of Article 6 § 4.2 of the *Zoning Ordinance.*

Dumpsters

A reserved site location of the dumpster pad needs to be identified on the Plan in accordance with Article 5 § 6.12 of the *Zoning Ordinance*. Depending on the trash collection services to the property, a dumpster pad and enclosure may be required to be constructed per Article 5 §6.18.

Sidewalks

Article 5 §18 requires sidewalks to be installed along the public street frontage of a property. The site has an existing concrete sidewalk along South State Street and several concrete sidewalks adjacent to the three (3) buildings.

Tree Planting

Based on the total site area of 34,000 SF, twelve (12) trees would be required. Six existing trees have been identified on the Plan and an additional six (6) trees will need to be planted in accordance with the requirements in Article 5 § 16.62 of the *Zoning Ordinance.*

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 data column needs to be updated. Some of the items which need revising are as follows:
    a) Add data column to the site plan sheet following the requirements of Article 10 §1.7 to include the legal data.
    b) Any conditions required or any recommendations by the Planning Commission.
    c) The actions taken by the Planning Commission on each waiver request must be listed on the plan sheet including the meeting date.

2) Number of seats on the Site Plan for proposed seating needs to be changed to 51 from 50.

3) Indicate the method of trash collection on the Site Plan and show the reserved dumpster pad area. Provide a note on the Plan stating that the dumpster pad shall be constructed if it is determined to be necessary by the Planning Director.

4) The number of existing trees and proposed trees needs to be added to the Site Plan.

5) Two (2) Bicycle Parking spaces need to be added with their location on the Site Plan. Also show detail of bicycle parking rack to be installed.

6) Provide the setback requirements in the data column.

7) Site Acreage of the parcel needs to be added in the data column.

8) Tax Parcel identification number needs to be added in the data column.

9) Remove the two parallel parking spaces on the north side of the entrance drive from South State Street as per Code these spaces cannot be location there.

10) Information on the water and sewer service needs to be added to the Site Plan. See also Department of Public Works comments on these items.

11) Upright Curbing shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request for the elimination of upright curbing has been submitted to the Planning Office for consideration by the Planning Commission.

12) The parking requirements in Article 6 § 3.8 will be enforced unless a waiver is granted by the Planning Commission. A written waiver request for the Combined Spaces Parking Provision has been submitted to the Planning Office for consideration by the Planning Commission.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Recommendations on Waiver Request: Planning Staff recommends the following waiver request:
   A. Elimination of Upright Curbing: Staff recommends approval of the elimination of upright curbing. There are existing conditions in the parking lot that allows for drainage into the existing grass areas on the site.

   B. Combined Spaces Parking Provision: Staff recommends approval of the combined spaces parking provision based on the hours of operation of the place of worship will not conflict with the hours of operation for the two (2) office buildings/businesses on the site as noted by the applicant.

2) Staff recommends that the Planning Commission consider requiring the Renewal of this Conditional Use permit after a one year period. This review would determine in the conditions of approval are being complied with for the use of the building as a place of worship. A public hearing is recommended to be part of this renewal process to gage impact to the neighborhood.

ADVISORY COMMENTS TO THE APPLICANT:

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

2) 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) The applicant shall be aware that the 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 and Certificate of Occupancy from the City of Dover.

4) The applicant shall be aware that comments made by the Fire Marshal shall be addressed prior to the use of the property as a place of worship.

5) The City of Dover Fire Marshal is requiring a full building and fire plan review for any proposed use of the existing building. This review is required prior to occupying the building for any future use. A full building and fire plan review includes the submission of signed and sealed architectural drawings to the Inspections Department. The full building and fire plan review occurs after the application goes to Planning Commission. The Plan review will

ensure that the building complies with the building and fire codes. Contact the Chief Building Inspector and the City of Dover Fire Marshal with any questions. This shall be done prior to the applicant occupying the building.

6) The applicant shall be aware that the Conditional Use Site Plan approval does not represent a Public Occupancy Permit and associated occupancy permits. A separate application process is required for issuance of a Public Occupancy 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: JULY 31, 2013

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **THE REDEEMED CHRISTIAN CHURCH OF GOD EAGLES' WINGS CHAPEL AT 896 S. STATE ST.**

FILE #: **C-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. 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.
   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. Due to the fact that this property is proposing a change of use, 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 existing building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The 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. If fire suppression is proposed, 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. If fire suppression is proposed, provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.

WASTEWATER

1. 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. 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.
4. 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.
5. 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.
6. Due to the fact that this property is proposing a change of use, 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 / 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 896 S. State Street, specifically, one 90 gallon container. 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: Christian Church of God, 896 S. State St.

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

CONTACT PERSON: Jason Osika, Deputy 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 assembly occupancy. Consultation with the Fire Marshal is needed in reference to Delaware State Fire Prevention Regulations, Chapter 5, Section 3, Accessibility.

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

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

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

Full building and fire plan review is required.

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

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

Fire alarm system required if occupant load is greater than 75 persons.

Existing fire hydrants need to be shown on the site plan.

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: July 31, 2013

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APPLICATION: The Redeemed Christian Church of God Eagles' Wings Chapel at 896 South State Street

FILE#: C-13-05 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. Per Section 3.6.5 of the Standards and Regulations for Subdivision Streets and State Highway Access Adopted February 15, 2010, an 80-foot wide right-of-way (40-feet from the centerline) is required for a minor arterial road. According to Kent County Classification Maps, KCR 025 (South State Street) is classified as a minor arterial road, which requires an 80-foot wide right of way (40-feet from the centerline). The department will require a Right-Of-Way dedication to public use. Please show the dedication along the site frontage, and include the following note, **"A XX' Wide Strip of Right-Of-Way Is Hereby Dedicated to the State of Delaware As Per This Plat."**

2. Per Section 8.8.2 of the Standards and Regulations for Subdivision Streets and State Highway Access Adopted February 15, 2010, no driveways or parking bays can be located within 40' for the edge of the radius return for the connecting street. Please ensure that no parking bays are located within the 40' spacing from the right-of-way line.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

- No work can occur within the right-of-way of North Street without the proper permits.

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
August 2013

APPLICATION: *The Redeemed Christian Church*

FILE #: C-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 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. *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.*

THE REDEEMED CHRISTIAN CHURCH OF GOD
EAGLES' WINGS CHAPEL
P.O.BOX 327, Dover, Delaware 19901
Phone: (302) 480-2808, (302)653-2469 -E-mail; Rccgdoverde@yahoo.com

Touching God...Transforming lives...

July 2, 2013

Dear Sir/ Madam,

This is to notify you that our church, The Redeemed Christian Church OF God (RCCG), Eagles Wings Chapel Dover, Delaware is coming to your neighborhood. With your permission, kindness and support we hope to move into ***896 Annex South State Street Dover, DE 19901*** soonest. The RCCG is a Pentecostal / Holiness Church that believes in whole counsel of the Word of God, the Holy Bible. We are totally committed to our Lord Jesus Christ, the invisible head of the Church and our soon coming King.

GOAL: Our primary goal for this neighborhood is to positively impact the people with the doctrines, teaching and preaching of the gospel of Jesus Christ. As a church, we will provide practical teaching and preaching of the Bible which is able to heal, deliver and transform lives as it has done in the past and also to present meaningful times of worship, opportunity for fellowship, prayer and outreach.

VISION: The vision of the church for the neighborhood include reaching as many people as possible with the power of the gospel of the Kingdom of God. We hope to impact, revive, renew and transform lives with our prayers, praise and worship and through the anointed messages and teaching of the Word of God. All these will be accomplished through our user friendly and family oriented church programs. These include our regular mid-week and Sunday Services, hosting youth conferences, men and women meetings, community outreaches and more.

BENEFITS: Other benefits of RCCG Dover being in your neighborhood include providing valuable contributions to the community such as providing educational opportunities, economic growth, networking, volunteering and social skills. Some other benefits include training individuals from all social economic backgrounds on how to succeed in industry, business and education. It is our belief that the presence of the church in your neighborhood will impact your community very positively.

We are eagerly looking forward to becoming a part of your community and to positively impact your neighborhood for good.

Your support and approval will be highly appreciated.

Sincerely,

Augustine Eyekpimi
Pastor

City of Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF August 7, 2013

PLANNING COMMISSION MEETING OF August 19, 2013

Plan Title:	Great Expectation Kinder Kollege Large Family Day Care C-13-06
Plan Type:	Conditional Use Site Plan
Property Location:	688 Independence Boulevard
Tax Parcel:	ED-05-067.18-02-05.00-000
Owner: Lessee:	Karen Brewington Phyllis Bordley
Site Area:	2,074 SF±
Proposed Use:	Large Family Day Care
Building Area:	Existing 2 story brick and frame house
Off Street Parking:	Required – 1 space per 10 children + 1 per adult attendant Proposed – 5 spaces
Sewer & Water:	City of Dover
Zoning Classification:	R-8 (One Family Residence)
Waiver to be Requested:	None

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 7, 2013

CITY OF DOVER PLANNING

APPLICATION: Day Care: Great Expectation Kinder Kollege at 688 Independence Boulevard

FILE #: C-13-06 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:

This Conditional Use Site Plan Review is to permit a Large Family Day Care in an existing single family residence at 688 Independence Boulevard with the associated site improvements to be known as Great Expectation Kinder Kollege Day Care. The property for the proposed development is zoned R-8 (One Family Residence Zone). The property is located on the west side of Independence Boulevard south of Walker Road. The owner of record is Karen Brewington and the lessee is Phyllis Bordly. Property Address: 688 Independence Boulevard. Tax Parcel: ED-05-067.18-02-05.00-000.

The Day Care facilities type of land use requires Conditional Use approval by the Planning Commission based on the requirements (large family daycare home or day care center) noted in Article 5 §14 and Article 10 §1. The requirements for Day care facilities are given below:

Section 14. Day care facilities.

14.1 General. In order to promote the development of quality child care outside of the home (day care facilities), the following two basic assumptions have been made:

14.11 The establishment of day care services and facilities, wherever there is a need, is a necessary public objective; and

14.12 Day care programs shall be treated as community facilities and shall be permitted to locate in any zoning district, provided that need has been demonstrated, state licensing requirements have been met and no physical hazard to children can be reasonably anticipated.

14.2 Definitions.

Day care facility. For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by a parent or guardian, for periods of less than 24 hours per day shall be defined as follows:

14.21 *Day care center*.
(a) Any place, other than an occupied residence, which receives children for compensation for day care or large family day care home; and
(b) Any occupied residence which receives 13 or more children for compensation for day care.

Day care centers shall be required to obtain conditional use approval by the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10 and to any specified requirement set forth in subsection 14.3 below, except in zoning districts where listed as a permitted use.

14.22 *Family day care home.* An occupied residence in which a person provides care for children other than his/her own family and the children of close relatives for compensation. Such care in a family day care home is limited to that care given to six or fewer children. Such child care facility shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit and site plan approval.

14.23 *Large family day care home.* A facility which provides child care for more than six, but less than 13 children. This care may be offered in a private home or in a property converted to the purpose of providing child day care. This form of day care facility requires the submission of a site plan application in accordance with the procedures and subject to article 10, section 2 of the zoning ordinance. If a large family day care home is not to be located in an occupied residence, then a conditional use site plan application shall be required in accordance with article 10 section 1 of the zoning ordinance.

14.3 Zoning criteria.

14.31 *Number of children.* Day care centers shall be limited to a maximum of 50 children in all residential zones.

14.32 *Outdoor play area.* Must meet the state requirement for day care centers.

14.33 *Off-street parking/loading.* One space per each adult attendant, plus one space for every ten children.

14.34 *Signs in all residential zones.* Signage shall be limited as follows:

(a) *Family day care homes and large family day care homes.* One wall-mounted sign limited to two square feet.
(b) *Day care center.* One sign, wall-mounted or freestanding, limited in area to 12 square feet. The planning commission shall consider the location of such sign as part of the conditional use review and may approve a lesser amount of sign area if deemed necessary by the commission to protect the general health, safety and welfare of the public in general and the residents of the immediate neighborhood in particular.

Signs in nonresidential zones. Day care centers within nonresidential zoning districts shall be governed by the sign regulations in effect for the particular nonresidential zoning district in which the day care center is located.

14.35 *Licensing requirements.* Day care facilities must meet state standards, and a license from the state shall be submitted to the department of planning and inspections prior to the issuance of a City of Dover Business License.

(Ord. of 5-14-1990; Ord. of 4-25-1994; Ord. of 4-23-2007(3))

This Conditional Use is subject to the requirements of Article 10 §1 further discussed below.

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

Article 10 §1:

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

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

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.

1.4 *Conditional use permits.*

1.41 *Conditional use approval.* Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

(A) The provision in this article under which such permit was issued is still in effect;
(B) Such permit was issued in conformity with the provisions of this article; and
(C) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

1.42 *Periodic renewal of conditional use permit.* The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following public notice and hearing in accordance with subsection 1.53. The commission may withhold approval of the renewal upon a determination by the city planner to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with.

PROJECT PROPOSAL

The existing single family residence is proposing to be occupied by the day care facility only with no residential use. The application submission states that twelve (12) children will be attending the Day Care with two adult attendants.

The project proposal for twelve (12) children at Great Expectation Kinder Kollege Day Care would be classified as a "Large Family Day Care" by the *Zoning Ordinance* as it provides care for more than six children but less than thirteen (13) children. Since the Large Family Day Care will not be established in an occupied residence, this review is a Conditional Use Site Plan application. If the number of children increases to thirteen (13) or greater, then it would be considered a "Day Care Center."

Day Care facilities also require licensing through the State of Delaware. The number of children permitted in a Day Care facility is determined by State of Delaware along with mandated child to attendant ratios.

The Plan shows an outdoor play area in the rear area of the property of the existing home. There are State requirements, which dictate the size of this area based on the number of children. The applicant must provide documentation that the size of the play area is adequate to suit the needs of the children it serves. A three (3) ft. wooded fence for the play area surrounds the rear yard. Access/egress into the playground area appears to be directly from the building.

PARKING SUMMARY

The plan shows a total of five (5) parking spaces. There are four spaces along the south property line. The applicant is proposing to add one (1) additional parking space in the garage for a total of five (5) spaces. The number of required spaces shown on the plan is based upon the requirements for a day care facilities in Article 5 §14.33, which requires one space per ten (10) children plus one space per adult attendant.

The total size of the building does not require a loading space as per *Zoning Ordinance*, Article 6 §4.23.

BUILDING ARCHITECTURE

The submission does not include Architectural Elevation drawings since the existing building will be utilized. The site has an existing two story residential building with the primary entrance to the building facing Independence Boulevard. A secondary entrance is located through the garage on the south side of the building adjacent to the parking area.

SITE CONSIDERATIONS

The existing building will be utilized as a Large Family Day Care and the outdoor play area in the rear of the house is fenced in.

DUMPSTER

The location and the screening of the dumpster shall be in accordance with Article 5 § 6.11 of the *Zoning Ordinance*.

SIDEWALK

There is an existing sidewalk along Independence Boulevard that connects to the building entrance.

TREE PLANTING

Based on the total site area of 8,030 S.F., three (3) trees would be required. The site meets the requirement for plantings with the existing trees on the site.

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

CITY AND STATE CODE REQUIREMENTS:

1) The data columns will need to be updated prior to Final Approval with the following:
   a) Any changes recommended or approvals granted by the Planning Commission.

2) The number of trees and location of trees on the property will need to be added to the plan.

3) The requirements for the maximum children allowed for a Large Family Day Care is twelve (12) children. Exceeding this number will require additional code compliance in accordance with the *Zoning Ordinance.* If the number increases to thirteen (13), thus becoming a Day Care Center, then the Planning Commission must consider a new/revised application.

4) The size of the play area will need to be added to the final plan.

5) The area that will be fenced in around the play area will need to be outlined on the Plan.
   a) Identify as an existing fence
   b) Identify fence material
   c) Identify location of access gates

6) The dimensions of the driveway need to be outlined on the Plan with the parking spaces. The minimum size of each available parking space must be 9'x18'. Parking spaces are not required to be striped due to the number available.

7) 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 needs to be added to the Plan.

8) Identify the location and type of containers to be used for trash collection. An additional trash container may be needed based on the occupancy of the Day Care and hours of operation.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Trash containers may not be placed in designated parking spaces if the garage will be utilized as a parking space.

ADVISORY COMMENTS TO THE APPLICANT:

1) In the event, that major changes and revisions to the Conditional Use Site Plan occur in the finalization of the Plan contact the Department of Planning and Inspections. Examples include building additions, relocation of site components, and increases in change in the number of children. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

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

3) Following Planning Commission approval of the Conditional Use Site Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff and to each DAC participant providing comments. 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) 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.

5) The applicant shall be aware that Conditional Use Site Plan approval does not represent a Building Permit, Business and Occupancy Licenses, and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover. At a minimum an Administrative Building Permit will be required to establish this daycare facility use in the building.

6) All appropriate Building and Fire Codes shall be complied with.

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: JULY 31, 2013

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **GREAT EXPECTATION KINDER KOLLEGE**

FILE #: **C-13-06**

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. 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 / SANITATION / STREETS / GROUNDS / GENERAL

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER / WASTEWATER / STORMWATER / STREETS / GROUNDS / GENERAL

1. None

SANITATION

1. Currently, this property has solid waste service through the City of Dover. If it is deemed necessary that additional solid waste services are needed, the applicant shall submit a plan for the Department of Public Works to review.

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: Great Expectation Kinder Kollege, 688 Independence Blvd.

FILE #: C-13-06 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Deputy 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 a home daycare. No access requirements.

Address numbers of at least 4 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.

Onsite inspection needs to be conducted by the Fire Marshal's office to ensure the house can be used as a home daycare.

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

Hardwired interconnected smoke detectors are 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 home daycare.

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: July 31, 2013

D E L D O T

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APPLICATION: Great Expectation Kinder Kollege: Large Family Day Care at 688 Independence

FILE#: C-13-06 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
August 2013

APPLICATION: *Great Expectations Kinder Kollege*

FILE #: C-13-06

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. *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.*

6/5/13

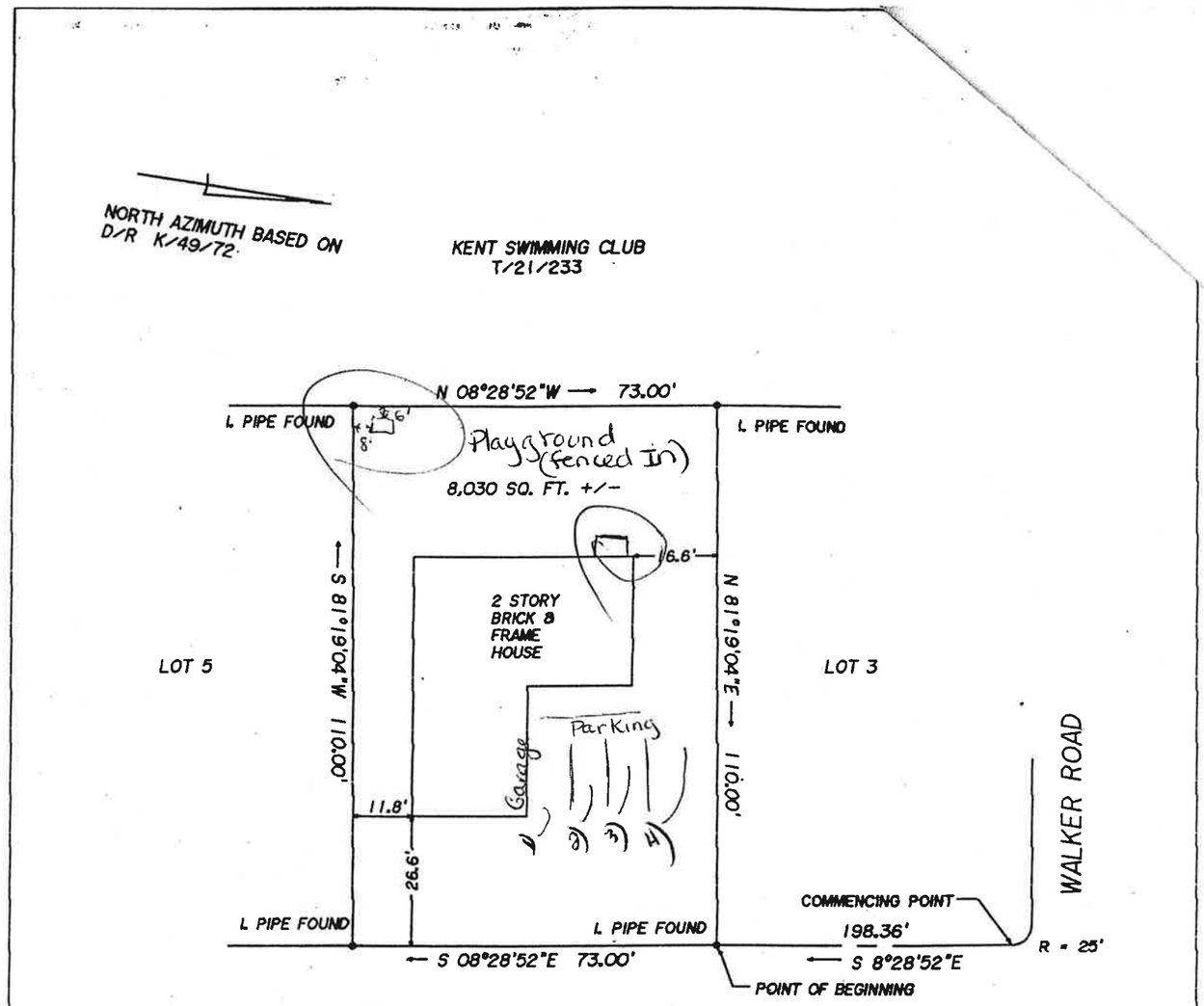
The need for quality childcare and education facilities are needed everywhere. The reason I feel that 1088 Independence Blvd would be a great location and has a high need for a large Family Child care facility is because there isn't a daycare in this area.

There are homes and families seeking for childcare, I already have a waiting list for children in the area. There are families in Walker Woods, Liberty Court, Bicentenial, the Hamlet that are in need of a facility closer to their homes.

We also had families ask about educating / tutoring and preschool their children that are on waiting lists for Lemon Head Start and ECAP. There is also a nursing home on the same road with parents needing care for their children closer to their jobs.

Thank you for your time.

Rhett Bond



#688 INDEPENDENCE BOULEVARD

OWNER:
WILLIAM W. TROMBLE
JOELLA J. TROMBLE

BUYER:
ROBERT A. BENTON
MARY E. BENTON

THE ACCURACY OF THIS SURVEY EXCEEDS THE MINIMUM STANDARDS FOR A CLASS "A" SURVEY.

I CERTIFY THAT THE IMPROVEMENTS INDICATED HEREON ARE LOCATED AS SHOWN.

ROBERT L. LARIMORE
P.L.S. #392

ED-05-067.18-02-05.00-000

LOT 4	
BICENTENNIAL VILLAGE	
CITY OF DOVER	
KENT COUNTY, DELAWARE	
ROBERT L. LARIMORE LAND SURVEYOR WYOMING, DE.	1" = 30' 6-8-98 D46A-9

Data Column

1) 688 Independence Blvd Dover DE 19904
2) Daycare Large Family
3) Number of Kids: 12
4) Number of Adults: 2
5) Number of Parking: 4
   Spaces Required 4
   Proposed 5
6) Tax Parcel #
   (ED-05-067.18-02-05.00-000)
7) Zoning: R-8
8) Owner Name: Karen Brewington
9) Day Care Name:
   Great Expectation
   Kinder Kollege
10) Hour of operation:
    6am - 8pm
    M - S

City of Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF August 7, 2013

PLANNING COMMISSION MEETING OF August 19, 2013

Plan Title:	Solid Rock Baptist Church Community Center (Fellowship Building) C-13-07
Plan Type:	Conditional Use Site Plan
Property Location:	East Side of North West Street and north of Fulton Street
Property Address:	105 North West Street
Tax Parcel:	ED-05-076.08-03-02.00-000
Owner:	Solid Rock Baptist Church
Present Zoning:	RG-1 (General Residence Zone)
Existing Use:	Church
Proposed Use:	Church with Community Center (Fellowship Building)
Lot Coverage:	Existing: 20.2% Proposed: 17.9%
Building Area:	Existing Church – 2,243 SF +/- footprint Proposed Community Center – 4,157.4 SF +/-
Waivers Requested:	Partial Elimination of Curbing Combined Parking Spaces Reduction in Parking Spaces

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 7, 2013

City of Dover Planning Office

APPLICATION: Solid Rock Baptist Church at 105 North West Street

FILE #: C-13-07 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Janelle M. Cornwell, AICP and Dawn Melson-Williams, AICP
PHONE #: (302) 736-7196

PLAN SUMMARY:
This Plan is for review of the Conditional Use Site Plan for the construction of 4,157.4 SF two story community center (fellowship building) to be located at 105 North West Street. The existing church will remain on the site. The site is zoned RG-1 (General Residence Zone). The property site is located at the east side of North West Street north of Fulton Street. The owner of record is Solid Rock Baptist Church. The property address is 105 North West Street. Tax Parcel: ED-05-076.08-03-02.00-000.

A Parcel Consolidation Plan to combine three (3) parcels of land was reviewed administratively by Staff and was recorded in the Kent County Recorder of Deeds Office on July 17, 2012. (MI-12-11) The site currently contains the existing church and two vacant houses and sheds. The two vacant houses and sheds are proposed for demolition.

PARKING
Places of Worship require one (1) parking space for every four (4) seats or one (1) parking space for every 200 SF of floor area whichever is greater. Based on the number of 115 seats within the existing sanctuary twenty-nine (29) parking spaces are required for the church. Based on the square footage of the new community center (fellowship building) twenty-one (21) parking spaces are required. The total number of parking spaces required is fifty (50) parking spaces. The plan indicates twenty-six (26) parking spaces located to the north and east of the buildings. Two handicap parking spaces are provided on the site.

Waiver Requested: Reduction in Overall Parking Space
Article 6 Section 3.9 allows the Planning Commission to reduce the overall number of off-street parking spaces. The applicant is also requesting the reduction in the overall number of required parking spaces to twenty-six (26) parking spaces. The site is located within the Downtown Redevelopment Target Area and is eligible for a 20% reduction and is eligible for up to a 50% reduction in the overall number of parking spaces as the site is has access to mass transit and pedestrian amenities.

Waiver Requested: Combined Spaces Parking
Article 6 Section 3.8 grants the Planning Commission the ability to reduce the number of total parking spaces required when it can be demonstrated that the uses will generate different demands for parking for when the other use is not be utilized. The applicant has requested a waiver for the use of combined parking spaces as the sanctuary and community building will be utilized at different times and shall not be utilized at the same time.

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 two (2) bicycle parking spaces are required. The location of the bicycle parking is not shown on the site.

SITE CONSIDERATIONS
Dumpsters
The dumpster pad and enclosure is proposed to be located at the northeast corner of the site near the alley. One dumpster pad is required for the site. The enclosure shall match the architecture of the existing building.

Sidewalks
The site has existing sidewalk along North West Street. There are also proposed sidewalks leading into the building and connections to the existing sanctuary.

Waiver Requested: Partial Elimination of Curbing
Article 6 § 3.6 (b) requires curbing is for all parking areas. There is some curbing throughout the site. Parking bumpers will be utilized for the parking spaces where there is no curbing. A written waiver request for partial elimination of curbing along north and east side of the parking lot to allow for stormwater management has been submitted to the Planning Office for consideration by the Planning Commission.

BUILDING ARCHITECTURE:
The submission Plan includes the proposed Architectural Elevation drawings for the two story new community center (fellowship building). It is a metal building with a standing seam metal roof and a brick watertable feature along the front of the building. There are window on the first and second floor with shutters on the front and right (south) side of the building. Windows will also be located on the left side and rear of the building without shutters. The main entrance will have a portico with columns supporting the pitched roof. EIFS will also be utilized around the main entrance. This area will include a sign location for a proposed sign. The right (south) side of the building has an exterior stairway to a door on the second floor.

TREE PLANTING AND LANDSCAPE PLAN
The submitted plan includes the Landscaping details. Based on the 24,298 S.F. of non-woodland area (0.5578 ac. +/-), a total of nine (9) trees are required. The plan proposes the planting of nine (9) new trees to meet the requirement. There is one (1) existing tree on the property to remain. The plan shows ten (10) trees on the site. The property meets the tree planting requirement. The new trees will be located throughout the site. The proposed trees are a mixture of evergreen

trees. The mixture includes San Jose Holly, Crepe Myrtle, Swamp Oak and Willow Oak. Staff notes that the Mulberry tree to the south is on the property line. The Silver Maple is primarily located on the adjacent property.

The Opaque Barrier is not required as this section of the *Zoning Ordinance* applies to non-residential zones. The applicant has indicated that a series of holly trees previously proposed along the south property line (to create an opaque barrier) will be eliminated as they are required.

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

CITY AND STATE CODE REQUIREMENTS:

1) Curbing shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request for partial elimination of curbing in the parking lot has been submitted to the Planning Office for consideration by the Planning Commission.

2) Parking shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request for the use of combined spaces and the reduction of parking spaces has been submitted to the Planning Office for consideration by the Planning Commission.

3) The data column needs to be updated prior to Final Approval. Some of the items which need revising are as follows:
   a) Indicate the square footage of the entire church building.
   b) Remove the occupancy for the community center building.
   c) Revise the number of parking spaces required for the community center. Based on 4,157.4 SF 21 parking spaces are required.
   d) Indicate the number of existing parking spaces.
   e) Revise the number of provided parking spaces to 26.
   f) Remove the reference to the Opaque Barrier as this section of the *Zoning Ordinance* does not apply to the site.

4) Provide the following information on the Tree Density and Lighting Plan:
   a) Revise the number of trees required to nine.
   b) Revise the number of existing trees to remain to one. The Silver Maple is not located on the applicant's property.
   c) Provide a label for the Black Walnut on the plan.
   d) Provide a note indicting the minimum lighting is 1½ foot candles at grade.

5) Indicate the location of the bicycle parking space on all Plan Sheets.

6) Provide a note in the Project Notes stating that all proposed signage is subject to a separate City of Dover Sign Permit and is not approved as part of this application on the Cover Sheet.

7) Update Items #6 and 8 in the Project Notes with the appropriate dates, decisions, and application number on the Cover Sheet.

8) Remove Item #7 in the Project Notes on the Cover Sheet.

9) Staff notes that the proposed sidewalk connection on the south side of the property is located on the property line. The sidewalk shall not cross the property line.

10) Clarify the address of the property and buildings with the City's Tax Assessor's Office. The City has the main address of the property as 105 N. West St.; however, the church has a mailing address of 113 N. West St.

11) Provide construction details including but not limited to: bike rack, etc.

12) Update the Landscape Plan drawing and tree listing with the removal the series of holly trees.

13) An "As-Built" Survey shall be submitted prior to the issuance of a Certificate of Occupancy to ensure the sidewalk is not built on the adjacent property and the community center is built with the appropriate front yard setback.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Recommendation on Waiver Requests:
    a.) Partial Elimination of curbing: Staff recommends approval of the request to allow for the elimination of curbing allowing for drainage into the stormwater management area. Parking bumpers will be utilized for spaces without curbing.
    b.) Combined Parking Space: Staff recommends the approval of the use of combined parking spaces. The community building will have different operational hours than services provided at the church and the two uses shall not have activities occurring during the same timeframe.
    c.) Reduction in Parking Spaces: Staff recommends approval of the reduction in the overall number of parking spaces to twenty-six (26) parking spaces as the property is located within the Downtown Redevelopment Target Area and has access to public transit and has an established pedestrian network in the area. Staff recommends the increase in the overall number of bicycle parking space to six (6).

ADVISORY COMMENTS TO THE APPLICANT:

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

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

of the Plan may be submitted for final endorsement.

3) In the event, that major changes and revisions to the Conditional Use Site Plan occur in the finalization of the Conditional Use 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.

4) For building construction, the requirements of the building code or fire code must be complied with. Consult with the Chief Building Inspector 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.

5) Demolition Permits shall be obtained for the demolition of the two existing vacant houses and sheds. A separate permit shall be obtained for each building. An asbestos report shall be submitted with the application for the demolition permit.

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

7) The applicant 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.

8) 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: JULY 31, 2013

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **SOLID ROCK BAPTIST CHURCH COMMUNITY CENTER**

FILE #: **C-13-07**

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. 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.
4. 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.
5. On Sheet C-2, under General Notes, number 10, please revise to define the minimum cover for a water main is four-feet (4').
6. On Sheet C-3, the current plan defines "Water Services To Be Abandoned", please clarify that the water services are to be properly abandoned at the water main.
7. Please note that the new water service be wet tapped via a Tapping Sleeve (Powerseal 3490AS) and valve.

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.
4. 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.
5. The minimum size of all sanitary sewer laterals shall be six-inch (6").
6. 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.
7. On Sheet C-3, please indicate that the existing sewer laterals are to be properly abandoned at the sewer main.

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. The existing alley must be improved for the length of the property, the minimum width of the roadway is twelve-feet (12') wide. The minimum paving section shall meet the requirements of the City of Dover Specifications, Standards & Procedures for Public Works Construction, contact our office for more details.
2. Please utilize the City of Dover entrance detail for the proposed entrance off of West Street.
3. Street grades shall not be less than one half percent (0.5%), please address on the proposed entrance on West Street.
4. Please mention that the all concrete in the City of Dover right-of-way shall be DelDOT class B.
5. Please utilize detail WW-15 for the trench patch detail, remove detail 13 on Sheet C-7.

SANITATION/ GROUNDS

1. None.

GENERAL

2. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
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. None

WATER

1. Please relocate the horizontal location of the domestic water service, the domestic water service line should originate beyond the City of Dover Right-of-Way.

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

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

WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS / GENERAL

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 may need to be submitted to the DNREC, Division of Water Resources, Surface Water Discharges Section for review and approval. The owner/developer is responsible for providing all application fees, completed forms and plan sets directly to DNREC.
3. As no sanitary sewer cleanout is proposed within a traffic loading area, detail WW-9 on Sheet C-9 is not required for this project.

STORMWATER / SANITATION / STREETS / GROUNDS

1. None.

GENERAL

1. Please delete all mention of Department of Public Utilities and replace with Department of Public Works.
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: Solid Rock Baptist Church Community, 105 N. West St.

FILE #: C-13-07 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Deputy 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 assembly. Proposed building is sprinklered and meets accessibility requirements. Drawing to indicate the 15 foot required firefighting accessibility has less than a 10% slope.

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

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

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

Full building and fire plan review is required.

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

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

Sprinkler system required. System to be monitored.

Fire Department connection to be located within 50 feet of main entrance. Show location of fire department connection on site plan. This needs to be on the N. West St. side of the building.

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.

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: July 31, 2013

D E L D O T

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APPLICATION: Solid Rock Baptist Church Community Center at 105 North West Street

FILE#: C-13-07 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
AUGUST 2013

APPLICATION: *Solid Rock Baptist Church*

FILE #: C-13-07

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

ADVISORY COMMENTS TO THE APPLICANT:

1. Green Technologies (bio retention, bio swales etc.) must be considered before traditional facilities can be considered.
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.
5. Based on the site characteristics, a pre-application meeting will be required to discuss stormwater management and drainage for this site.

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

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

mountain consulting inc.

July 3, 2013

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

RE: Request for Parking Waiver
113 N. West Street – Community Center

Dear Mrs. Townsend:

On behalf of the applicant, Solid Rock Baptist Church, it is requested that the number of required parking spaces be calculated based on the parking requirements for a place of worship. Secondly, a waiver from the number of required spaces for the existing sanctuary is requested.

Article 6, Section 3.8 Combined Spaces states:

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.

Mailing Address
P.O. Box 558
Phone: 302-465-5567
Fax: 866-672-6428

mountain consulting inc.

The existing sanctuary seats 115 people. Based on 1 parking space per 4 seats, a total of 29 parking spaces are required for the existing sanctuary (115 seats) and 57 parking spaces for the proposed community center (228 occupants). The sanctuary is the primary use. Functions will not be held in the community center while the sanctuary is in use nor will the community center be used for overflow during church services. It is requested that the parking requirements for this project be based on the place of worship. Secondly, due to the small footprint of the parcel, 26 parking spaces are proposed. A waiver of 3 spaces from the required 29 parking spaces is requested.

Please feel free to give me a call with any questions. I can be reached directly at 302-465-5567 or by email at tadams@mountainconsultinginc.com. Thank you for your cooperation.

Sincerely,

MOUNTAIN CONSULTING, INC.



Troy L. Adams, P.E.
Vice President

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

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

mountain consulting inc.

July 3, 2013

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

RE: Request for Partial Curb Waiver
113 N. West Street – Community Center

Dear Mrs. Townsend:

On behalf of the applicant, Solid Rock Baptist Church, it is requested that the curb requirement be partially waived for the proposed project. It is proposed to only install curb around the parking area along the rear perimeter of the proposed building and along the south side of the south drive aisle. Parking bumpers will be installed for all non-curbed parking spaces. The addition of curbing for the remainder of the project perimeter would interfere with the natural drainage patterns of the immediate area. The stormwater runoff is conveyed via sheet flow for the entire property to N. West and Fulton Streets. For these reasons, please grant a waiver from the installation of curbing around the parking areas.

Please feel free to give me a call with any questions. I can be reached directly at 302-465-5567 or by email at tadams@mountainconsultinginc.com. Thank you for your cooperation.

Mailing Address
P.O. Box 558
Phone: 302-465-5567
Fax: 866-672-6428

mountain consulting inc.

Sincerely,

MOUNTAIN CONSULTING, INC.



Troy L. Adams, P.E.

Vice President