CITY OF DOVER PLANNING COMMISSION
REVISED AGENDA
Monday, July 15, 2013 – 7:00 P.M.

City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

1) Application S-13-16 Mitten Industrial Park at Lafferty Lane: Master Plan previously noticed for this meeting will not be heard on July 15, 2013 as project design work continues. It will be scheduled for a future meeting of the Planning Commission and will be subject to the Public Notice requirements at that time.

2) Application SB-13-04 Lands of John & Dorothea Link and Bradley Holden at 186-188 Pennsylvania Avenue: Minor Subdivision Plan will not be heard on July 15, 2013 due to inadequate Public Notice. This application will be rescheduled for the August 19, 2013 meeting and will be subject to Public Notice requirements.

ADOPTION OF MINUTES OF REGULAR MEETING of June 17, 2013

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for Monday, August 19, 2013 at 7:00pm in the City Council Chambers.

2) Report on City Council actions
   a. Re-appointment to Planning Commission for Three (3) Year Terms to Expire June 1, 2016: Kathleen Still – At-Large and John H. Baldwin, Sr. – Fourth District

3) Welcome to new Planning Commission Member: Edgar C. Cregar, Jr. – Fourth District

4) Update on Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

2) Re-evaluation of Conditional Use:
   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 will be postponed until the August 19, 2013 meeting of the Commission to allow for completion of the property inspection and report of findings.*

NEW BUSINES

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

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)

NEW DEVELOPMENT APPLICATIONS

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.

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 +/- parcel, a 2.018 acre +/- parcel, 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 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.*

~~3) 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).*~~

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: July 5, 2013 at 9:00am.
Revised Agenda Posted: July 12, 2013 at 9:00am

NEW BUSINESS

NEW DEVELOPMENT APPLICATION

1) MI-13-10 Nottingham Meadows: Revised Active Recreation Area – Public Hearing and Review of revisions to the Active Recreation Area for the Nottingham Meadows Subdivision. The Revised Active Recreation Area is to eliminate the proposed pool and clubhouse and then provide cash in-lieu payment for the Active Recreation Area. The plan also includes a Parcel Consolidation & Lot Line Adjustment Plan to expunge 105 lots and reconfigure 11 lots. The property is zoned R-8 (One Family Residence Zone) and a portion is subject to SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area. The subdivision is located on the south side of Hazlettville Road and west of Wyoming Mill Road. The owner of record is Siobain-VI, LLC. Address: Nottingham Subdivision. Council District 2.

Representatives: Mr. Mike Riemann, Becker Morgan Group; Mr. John Canuso, Tradition Homes

Ms. Cornwell stated that this application is for a revision to the Active Recreation Area for the Nottingham Meadows Subdivision. Planning Staff notes that there is a Parcel Consolidation Plan and a Lot Line Adjustment Plan that are being reviewed administratively by Staff and they do not require any Commission approval. The comments for this application have been combined into one report but the only thing Planning Commission needs to review and approve tonight are the revisions to the Active Recreation Area. Based on their Administrative Plan for a Parcel Consolidation, they are proposing to have one hundred eight (108) residential lots which will require 29,700 SF of Active Recreation Area on the site. That is 275 SF per dwelling lot. Based on their application, they are proposing to do cash in-lieu instead of the Active Recreation Area. The original approved subdivision included a clubhouse and swimming pool to be located near Brittingham Drive and Wellington Avenue. What they are proposing to do is leave a little over 12,000 SF of a passive open space and instead of the clubhouse and swimming pool, do the cash in-lieu payment. Their argument is that they are in a close proximity to Schutte Park that provides recreation for the area.

Ms. Cornwell further stated that Staff has made multiple recommendations regarding the application. One recommendation is that if they do get this application approved that they provide the rest of the sidewalk along Hazlettville Road to provide the pedestrian access. Staff also notes that the Parks, Recreation and Community Enhancement Committee of the Council reviewed and made a recommendation of approval of the cash in-lieu option at their June 10, 2013 meeting. In the DAC packet, there was a copy of the Parks, Recreation and Community Enhancement Staff Report that also made a series of recommendations. One of which was if the cash in-lieu payment is approved, that it is based on an appraisal that the applicant will need to provide to the City so that the calculation can be done for the amount of cash in-lieu that will be accepted, as well as the sidewalk connection. There were a number of other agencies that did provide comments. For example, the Public Works Department, DelDOT, the Kent Conservation District and the Planning Office.

Mr. Riemann stated that Nottingham Meadows was recorded in 2006 as a two hundred eleven (211) lot single family development. The original project has about 59,000 SF or active open space which was required based on the two hundred eleven (211) lots at that time. In that active open space was a clubhouse and pool amenity. Since then, there has been one of the worst housing crashes in recent

history. The project currently sits today with about half of the project developed in terms of land area and about sixty eight (68) lots that have actually been developed in the front half of the development. Since that time, the property has been foreclosed on and the bank does own this development. Mr. Canuso is the contract purchaser looking to move the development forward and what they are presenting tonight is a plan to continue to move this project forward and get it finished. As Ms. Cornwell stated, their proposal is to now provide for a cash in-lieu for the active open space based on what is now the required active open space based on one hundred eight (108) lots. The total subdivision will go from two hundred eleven (211) to one hundred eight (108) lots because the rear portion of the project is going to be expunged. All of the lots will be consolidated and sold to a farmer and it will go back to agricultural land. There is already a farmer lined up to take that portion of the property forward. The project would still include the portion of Wellington Avenue. That road would be completed as part of this project which would help complete the front half of the development. Essentially, everything from half of the development towards Hazlettville Road would be finished and everything from the half of the development back, would go back to an agricultural preservation. The purpose for the modification to the active open space is simple. The development at one hundred eight (108) lots does not work with a clubhouse and pool in the development. The financial numbers do not work for that particular instance and makes this project a viable project to move forward. The active open space that will be required based on one hundred eight (108) lots is 29,700SF. The cash in-lieu calculation would be done in accordance with the City of Dover Code and there are very detailed criteria, which they would follow. They do agree to finish the sidewalk along Hazlettville Road. As everyone is aware, the new Wyoming Mill Road re-alignment is now finished. As part of that project there are actually pedestrian crosswalks and lights and there is some sidewalk there but it does not connect to the sidewalk at the entrance to Nottingham Meadows. This is something that the applicant would finish and they think that this is a reasonable request given the fact that their cash in-lieu payment would go to Parks and Recreation. Given the proximity of Schutte Park, they think that makes sense so they agree with that Staff recommendation.

Mr. Riemann further stated that the developer has met with a number of property owners in the development. They have also received a Petition which was signed by twenty eight (28) property owners within the development. So they have had a meeting with some of the property owners to explain the project to them and get their support. In addition to the property owners in the petition, they have also met with the property owner that is directly adjacent to the active recreation space, which he is present this evening and will more than likely speak. The design that Ms. Cornwell was referencing, which has a small amount of passive open space about 12,000 SF between this particular property owner's lot and the two (2) new lots that are in the new open space, were at the request of this property owner who wanted to see a passive buffer between his lot and the new adjacent lots within the active open space. As Ms. Cornwell mentioned, they did receive a positive recommendation from the Parks, Recreation and Community Enhancement Committee at the last hearing. So in summary, these changes are really a path forward for this project. It allows the project to be finished to a more complete subdivision, allows the project to be turned over to the Homeowners Association as opposed to sitting the way that it is today. There really is no Homeowners Association that is legally defined for the subdivision so that allows this process to happen. It allows the remaining lots in the development to be completed which is obviously important for the community.

Colonel Welsh questioned the area to the south that will be returned to farmland for agricultural use, will that land be leased to a farmer or a sale of property? Responding to Colonel Welsh, Mr. Riemann stated that it would be a sale of property.

Colonel Welsh questioned if Mr. Riemann and the developer were in agreement with the DAC comments and the stipulations set forth in the petition? Responding to Colonel Welsh, Mr. Riemann stated yes.

Mr. Tolbert questioned if the lots shown on the diagram of the subdivision with dots were properties that have houses built on them but have not been sold? Responding to Mr. Tolbert, Mr. Riemann stated no, those lots have houses on them and have all been sold.

Mr. Holt questioned if the Homeowners Association could be formed after this application was approved? Responding to Mr. Holt, Mr. Riemann stated yes, this process will allow that to happen and the HOA exists but has not been turned over to the residents.

Mr. Tolbert questioned if they have talked to the homeowners about the Homeowners Association and are they willing to the accept responsibility? Responding to Mr. Tolbert, Mr. Canuso stated that the underlying documents that form the Homeowners Association are recorded on each of the properties. One of the things they mentioned when meeting with some of the residents from the neighborhood was that they are trying to make it so that the cost to maintain the property and to run the association would be as minimal as possible. Putting a clubhouse and a swimming pool there would make it ridiculously expensive for these one hundred eight (108) homeowners to maintain. As of now, what they are proposing is a landscape maintenance fee to maintain the entrance way and the remaining small passive recreation area. He does not have figures but it would be a minimal expense on a monthly or yearly basis.

Dr. Jones stated that there were thirty (30) out of sixty eight (68) responses. She questioned what attempts have been made to contact all owners in the development? Responding to Dr. Jones, Mr. Cansuo stated that they reached out to a couple of the residents. Mrs. Townshend had given them names of a couple of the residents. They had a preliminary meeting at the site and kind of tasked them to reach out to the community. These residents did hold a meeting with the community to talk about the plan that was being proposed. He has received one email from a resident who was concerned and who was still in favor of the clubhouse and the swimming pool. The main focus of the meeting with the five residents that he met with was that they were adamant that they did not want this clubhouse or swimming pool. The cost associated with maintaining that under Homeowners Association would be thousands of dollars instead of a hundred dollars a year.

Dr. Jones further questioned if they did it discuss with the residents, the Homeowners Association? Responding to Dr. Jones, Mr. Cansuo stated that he discussed it with five residents.

Dr. Jones further questioned if the cost of a Homeowners Association was discussed? Responding to Dr. Jones, Mr. Cansuo stated no, generalized conversations about the cost of landscape maintenance were discussed but only with five residents.

Ms. Still asked for clarification on the numbers for the Active Recreation Area of 29,700 SF and the passive open space of 33,076 SF. Responding to Ms. Still, Mr. Riemann stated that the 29,700 SF is based on the City's requirement for one hundred eight (108) lots times 275 SF. That is the required active open space which they would be proposing a cash in-lieu to supplement that requirement.

Ms. Still questioned the additional 33,076 SF? Responding to Ms. Still, Mr. Riemann stated that it is just passive open space that exists but they do not get any credit for that, it does not go towards any requirement.

Mr. Ambruso questioned how many lots were already sold? Responding to Mr. Ambruso, Mr. Riemann stated that there were sixty eight (68) occupied lots.

Mr. Ambruso stated that when these people who bought the sixty-eight (68) lots, they bought because they were told that there would be this Active Recreation Area. So they had a reasonable expectation of being confronted with expenses of maintain a clubhouse and pool. Responding to Mr. Ambruso, Mr. Riemann stated that this was a fair assumption. The clubhouse and pool was part of the approved plan so that is part of the subdivision. It was part of the subdivision when the residents purchased their lots.

Mr. Ambruso questioned if Mr. Riemann thought the residents saw the clubhouse and pool as a plus when purchasing their lots? Responding to Mr. Ambruso, Mr. Riemann stated the Commission would hear from some residents who think it's a plus and maybe some residents who think it's not, which is why we are here tonight for this public process to allow that discussion to occur because they do want to make a change to that amenity that was part of the public plan.

Colonel Welsh opened a public hearing.

Mrs. Melson-Williams stated that there were two items received by email. One email is dated June 3, 2013 from the property owner at 228 Saxondale Lane, Venkat Subramaniyam. In the email, it states that the person is strongly opposed to the conversion and reduction of the open space that is currently proposed. They wanted their opposition to be recorded as part of this discussion. They note that with growing cities, open spaces are a rarity and request the help to preserve all open spaces. The second email is dated June 4, 2013 from a co-owner of the property at 228 Saxondale Lane, Akila Venkataraman. This person again believes that this open space is for the use and enjoyment of all the residents of the community and is somewhat disturbed about the change in plans that are proposed. They note that they are in opposition to any change to the open space requirements in the subdivision.

Those two emails are entered for the record and a copy of the Petition that was received this evening which includes signatures representing twenty eight (28) properties in the subdivision. The intro of this document reads

To: The City of Dover Planning Commission

The undersigned, residents of the Nottingham Meadows Subdivision in the City of Dover, hereby request, the Planning Commission approve the following:

1. *Revise Active Recreation Area to eliminate the proposed pool and clubhouse and then provide cash in-lieu payment for the Active Recreation Area; and*
2. *Reconfigure Lots 198-205, making the lots larger to eliminate the small open space area; and*
3. *Add Lots 212 and 213 in the area where the Active Recreation Area was; and*
4. *Expunge 105 lots on the west side of the subdivision.*

Mrs. Belinda Baker – 437 Beuvale Ln Dover, DE 19904

Mrs. Baker stated that she is here tonight to see what is going on, she missed the first meeting but she would like for this meeting and these attendees to understand that the first meeting with the five people was not an announced meeting to the community. Those five people do not speak for Belinda Baker at 437 Beuvale Lane Dover, DE 19904. So whatever was discussed at that meeting that was not open to the community, she is not in agreement with. A clubhouse and swimming pool was a selling feature for that property when we purchased our home and with no notification until now did they come to the understanding that the clubhouse and swimming pool are no longer an option. The petition was something that could be signed but it was never really discussed what it was that they were signing. She is only here to speak for herself and she would like this Committee to understand that when they say there was a meeting to discuss the proposed changes, it was not held with the community. She does not know how those five (5) selected people were picked, the meeting was at someone's home and those select few were the only people present at that meeting. Evidentially, whatever comments were made at that meeting were accepted as comments as speaking for the whole community but it was not.

Colonel Welsh questioned if Mrs. Baker was still in favor of the clubhouse and swimming pool? Responding to Colonel Welsh, Mrs. Baker stated that she was not sure because she has not really heard enough information. She is here tonight because she wants to know exactly what it is that the developer is proposing. The clubhouse and swimming pool were a selling feature for her and this maintenance for the little bit of grass that they have, she feels the community can come together and cut that. So as of this hour, yes, she is in favor of the clubhouse and swimming pool.

Mr. Peter Thompson – 22 Brittingham Drive Dover, DE 19904

Mr. Thompson stated that of the five (5) people at the meeting, he was one of them. It was not anything more than to hear what the builder was going to propose to the City in order to make the changes to the subdivision. It was nothing official; these five people have no say for the entire community. The reason the five (5) of us were present at the meeting is because they have been working with the homeowners group since day one. They developed the mailing list and a communication link. They called a meeting for May 22, 2013 and they placed a sign at the entrance of the community. The mailing list is composed of sixty two (62) addresses, everybody on that list received notification. About half of that mailing list or residents showed up at the meeting that was held at Wyoming Methodist Church. At the meeting, they talked about what the developer was proposing, they did not take pro or con. They put some things out about what might happen and the petition was talked about so that the people who were in favor of the changes could sign as supporting the change. Not everybody signed at the meeting; some people are against the proposed changes. Their property is right next to the proposed area. When they moved there, they could care less whether there was a clubhouse and swimming pool or not. That was not their motivation for moving here but it was definitely a plus. But it was a big plus back in the 1970's and 1980's when swimming pools were the big thing to do. Kent Swim Club cannot keep their doors open; Maple Dale and Wild Quail are offering swim memberships. So he thinks that the interest is waning. He thinks that they could do something to permit above ground pools on properties which would be a different issue. But the game has changed because of the change in ownership of the property. They have decreased to one hundred eight (108) lots, which will be tremendously hard on that amount of property owners to maintain a clubhouse and pool. He urges the Commission to approve this change. Nothing was done under handed. The five people at the meeting have no say for the community; they have taken the initiative to organize the mailing list just as a communication link.

Colonel Welsh questioned that as he understands, the meeting that occurred was not to enter into any agreement or to make any commitment? Responding to Colonel Welsh, Mr. Thompson stated absolutely not. The first time he saw the developer was at this meeting. He told them what his plans were and they mentioned things that could possibly be changed. The developer stated that is was willing to talk with the residents after the deal is consummated. So he thinks there is an agreement on both parts. He is not going to come in, wave a wand and say here is a magic trick for you. He has the interest of the residents of the community.

Mrs. Kara Okonewski – 424 Beuvale Ln Dover, DE 19904

Mrs. Okonewski stated that she wanted to commend Becker Morgan Group for sending out the notices through certified mail to all of the residents so that they were able to attend. They have had meetings in the past and the attendance has been less than desirable. Less than usually half of the community does come to the meetings. To talk to only 7% of the community does not give a fair perspective. That 7% of the community does not accurately represent the community. Those who do not care one way or the other do not relate to her or several of her neighbors. She has children; she has those summer time needs where "Mommy needs a pool because she needs a break time." They purchased their home knowing that they would be paying a premium price in the City of Dover to not only have one of the most beautiful neighborhoods but also to have those amenities available for us to use, at a purchase price, with a yearly fee, understanding that they were going to be paying around $300-$400 a year for the maintenance of the swimming pool. They have never once as a community been presented with a number as to what it would cost to mow the lawn or what it would cost to maintain the pool. Only once when she sees a number, can she say that she is for or against no longer having the clubhouse and swimming pool. Also the 4 or 5 residents who attended the first meeting are self-appointed. They have not spoken with anyone in the community; they have not come to the community and asked if they could fairly represent the community. It is so important that we not only represent the young, the old, the tall, the new, with children, without children. It needs to be all people in the neighborhood because it is not a one type neighborhood. It is very much a collection of people and very wonderful people but they are all very different in their needs and what their financial situations are and what their needs are for the community as well. She will not object to pulling out the clubhouse and swimming pool but there must be amendments made to the Homeowners Association. It currently does not allow a bird bath or a small kiddie pool for her child to play in, which is ridiculous in her opinion. If something is going to be taken from them, then something also needs to be given. When the meeting was held with thirty (30) out of the sixty eight (68) homeowners, that Petition was in no way stated to them that it would be used as an official petition presented at this meeting tonight. They were misled and she needs to make sure that this is noted tonight. They were asked "Do we need a pool?" and told to sign the Petition if their answer was no. The meeting that took place was a disgrace. It was shameful to be at the meeting and it got out of hand very quickly. If no changes are going to be made to the Homeowners Association, if she cannot have a bird bath or kiddy pool for her child to sit it then she is not in favor of doing away with the clubhouse and swimming pool. She also does not want a farm, she wants all two hundred eleven (211) lots filled She wants every house along with the pool and the clubhouse because that is why she purchased and spent several hundreds of thousands of dollars.

Mrs. Della Hopkins – 113 Derbyshire Ave Dover, DE 19904

Mrs. Hopkins stated the fact that when her and her husband purchased their home, they knew that this would be a great neighborhood due to the fact of riding through other neighborhoods. When they

purchased their property, it was indicated to them that there would be a Homeowners Association but after all of the homes were built and the development was completed. To this day, the development has not been completed. She understands that there was a home market crash but the neighborhood has gone this far without a Homeowner's Association and without any communication of saying when or how it would take place. The community did have several meetings where a lot of the homeowners attended and expressed what they felt. They did have a committee that took time to meet with the new developer but she feels that they did not speak on their behalf. Also in the last meeting referencing all of these changes in regards to the clubhouse and swimming pool, there were a lot of questions that were not answered and they were not satisfied with that. Yes, the meeting did get out of control due to the fact of not enough information. But it was said to the community, that the meeting was just to see whether or not the clubhouse and swimming pool were wanted by homeowners. Again, they never knew that the Petition was going to get to this state. They just signed it and now here they are. There were a lot of people who were not present at the meeting who would normally attend community meetings who asked neighbors to get the information for them. There were also people who did not attend because they live in other states and come to their homes in Delaware on weekends and then go back home. So therefore, they were not able to participate and give their opinions. She feels that even if it is one hundred eight (108) lots, let's wait until the whole development is completed and then organize the Homeowners Association. She lives on the back row where the road comes through and there was a great deal promised to them. She had to fight to get the row of trees along the back of her property until they were planted. She appreciates Mr. Steven Cohen taking the time to do this and giving his word to her to get this project done. But there are so many things that were said in the last meeting held that they felt a little misled. They also felt that if anything that was said or anything that should have been conveyed to the community should have been said by the owner who plans to take over the development. The developer should have presented himself to the community so that they know who they are dealing with. There were just so many questions that the five (5) people who attended the meeting with the developer could not answer. So the community left the meeting with nothing but questions. She feels that since there has not been a clubhouse or swimming pool for this long, why do they need it now? There are other people who have installed pools. They have above ground pools and in-ground pools as well. She also feels that if this change is going to be made, then do it right; complete everything, let the community come up with something that can suffice everyone's needs. She believes that with everyone coming together as one, they will all understand where each other are. She could not understand how those five (5) people present at the meeting with the developers knew what the community as a whole would want. Let everyone address their needs.

Mrs. Loretta Peer – 308 Gillibrook Ln Dover, DE 19904

Mrs. Peer stated that when they purchased their home, the clubhouse and the swimming pool were a selling point and the Homeowners Association was going to be based on two hundred eleven (211) homes, not on one hundred eight (108) homes. As of now, she has waited so long that she does not need the pool anymore. She needed the pool when she first purchased the home. Technically, as the original builder went bankrupt, they do not have a Homeowners Association in place. If the new owner would present them with some guides for a Homeowners Association, then maybe someone would be interested in going along with their plan. As for the five (5) men who have kept this group together, they are all volunteers. They would go around and speak with everyone in the community. They got the meeting rooms together where meetings could be held for the community to attend. At the very first meeting that was held, committees were setup and their committee was for being the liaison between the City of Dover and the community. She applauds the volunteers because they have stuck their necks out and they have tried to help the community.

Mrs. Della Hopkins – 113 Derbyshire Ave Dover, DE 19904

Mrs. Hopkins further stated that it was mentioned that there was common area that needed to be maintained. She believes that it is located at the entrance of Nottingham Meadows, which they have volunteers who take care of the plants, the mulch and grass. She believes that at one of the meetings held by the community, they had paid that person who takes care of that. But what other common ground would there be? Everyone takes care of their own property. Outside of the pond, she believes that at one time they had volunteers who cleaned that area up. Responding to Mrs. Hopkins, Mr. Riemann stated that the passive open space that would be maintained is the pond area. So the mowing of the pond and also the long term maintenance that goes along with that as well because over time those ponds require a certain level of maintenance other than just mowing. Also, the area that runs along Wyoming Mill Road and then all the way up Hazlettville Road is open space area.

Mrs. Hopkins further stated that this was a very small portion of land to maintain. She questioned if this would be the only other area outside of coming in to the development? Responding to Mrs. Hopkins, Mr. Riemann stated yes, that was correct. That would be the area that would be required to be maintained. If the clubhouse and the swimming pool were built, then there would be a lot more maintenance.

Mrs. Hopkins questioned the comment that Mr. Riemann made about extended care for it outside of just mowing? What would this maintenance cost? If Homeowners Association fees are going to be collected from the community to maintain the common area at the entrance of the development and then the pond, what other maintenance costs will be involved to take care of all of this? Responding to Mrs. Hopkins, Mr. Canuso stated that he thinks there is a little confusion regarding the Homeowners Association. The Homeowners Association was originally setup by the original builder, Stover Homes LLC. It was or should have been part of the homeowner's agreement of sale. They should have a copy of the Homeowners Association documents. The Homeowners Association has been recorded, therefore is a lien on the homeowner's properties. What they are proposing to do is to essentially activate it and put it in the hands of the homeowners so that the residents can amend it to allow pools or bird baths on their properties. He does not want to make these decisions for the residents of the neighborhood. The Homeowners Association is already established; it is already recorded against the residents' properties. The By-laws which stipulate everything within the development are already recorded.

Mr. David Okonewski – 424 Beuvale Ln Dover, DE 19904

Mr. Okonewski stated that they currently have what he would say, major still water in the pond. As part of the new plan, there was some whisperings that there may be some rehabilitation of that stormwater pond, to bring it up to the standard Delaware storm pond code. Is this part of this Comprehensive Plan or not? Responding to Mr. Okonewski, Mrs. Melson-Williams stated that what they are seeking tonight is in regards to the Active Recreation Plan. If there are issues with the stormwater management pond, the Kent Conservation District has an inspection program related to ponds. However, it is the responsibility of the designated group to perform whatever necessary maintenance that may be needed for the pond. In this case, it would be the developer entity until those common open space areas are turned over to different organization, such as a Homeowners Association. The Homeowners Association documents do indicate that the pond and its maintenance needs such as grass mowing, cleaning or repair of the pond would ultimately be the responsibility of the Homeowners Association in the future.

Colonel Welsh stated that the Commission is here to act on the cash in-lieu payment for Active Recreation Area. They are not here to hear about the creation or the activation of the Homeowners Association. That is something that the residents need to work out with the builder. He wants to keep the focus on the Active Recreation Area and whether or not to accept payment in-lieu of it.

Colonel Welsh closed the public hearing.

Mr. Ambruso questioned that if the Commission members recognize the cash in-lieu payment and the homeowners decide that they do not want the payment in-lieu, will they still have an avenue to pursue? Responding to Mr. Ambruso, Colonel Welsh stated that if the Commission members approve the cash in-lieu payment tonight then it will be a done deal. The payment will be in-lieu of the Active Recreation Area, be it a clubhouse and pool or be it an exercise area or park. Once the Commission members make their determination tonight, it will be done.

Mrs. Melson-Williams stated that what the Planning Commission is considering tonight is what the Active Recreation Area should consist of within this subdivision. Originally, the Active Recreation was approved as a pool and clubhouse. The applicant is here tonight asking that the Active Recreation Area be satisfied by a cash in-lieu payment; a payment in-lieu of constructing an Active Recreation Area in that subdivision.

Mr. Ambruso stated that he thinks the situation is a little sad because they are dealing with a moral issue to some extent when it comes to the homeowners. But on the other hand, here is a developer who has picked up on a project that was not really doing anyone any good. They feel that we do not want to run off people who want to invest in the community. Often times people do not realize that they the Planning Commission is charged with the responsibility of voting in the affirmative on matters that fall within the bounds of what is legal. It is really sad that the residents did not get their homeowners rules and regulations started before this issue came up.

Dr. Jones stated that it appears to her, even with the issues that they are to consider tonight, communication has been less than desirable. Maybe not enough information was given to the residents. She is uncomfortable with the fact that information and communication does not satisfy those individuals who have signed the Petition. She would like to see some more conversation. She suggests that maybe a facts sheet would be helpful so that the residents cannot or will not say they did not understand something.

Mr. Holt stated that swimming pools are very expensive to maintain, especially large pools. There are a lot of laws that come with pools, such as having to be fenced or having lifeguards. The Homeowners Association would incur tremendous expenses if the swimming pool was constructed. He can certainly see how they could save money by not having a pool. Pools are expensive to maintain and they are only used for one third of the year, depending on the weather.

Mr. Tolbert stated that there has been an obvious lack of information and the homeowners are being asked to make a decision but they do not have the information necessary to make the decisions regarding the clubhouse and pool as well as the costs to maintain these amenities. They need that information to make an intelligent decision and he has not heard it tonight.

Mr. Shomo stated that everything that has been said, he agrees with. The residents have to have the facts in order to make a decision. He knows that it is a difficult situation with the new developer taking over at the bankruptcy.

Mr. Canuso stated that he would like to apologize for the lack of communication. They got involved with M&T Bank a while ago; they have been negotiating with them for a long time to try purchasing the property. Like everyone has said, Nottingham Meadows is a beautiful community and it is a shame that it has gone the way it has. It has been a long process to get this property under contract; they have had a lot of meetings with Mrs. Townshend that go back about eighteen (18) months. He was the builder that came in to finish the four (4) houses that were partially constructed in this community so they have been involved since that time with trying to purchase the property. In negotiating with the bank, it had become evident that they was no market for a two hundred eleven (211) lot subdivision even though there were sixty eight (68) homes completed. It would have been financially unfeasible to try and develop a property that large. When they finally came to terms with M&T Bank, they gave him exactly forty-five (45) days to make a decision which ends on June 30, 2013. This is not something that is on the table; build the clubhouse or not build the clubhouse. This is a question of whether they move forward or not move forward.

Mr. Canuso further stated that the property right now still has a lot of approvals still needed. They will have to get Kent Conservation District approval and the City of Dover Public Works Department approval. This is obviously the biggest decision that has to be made on this project for them to move forward with it. But there are certain changes coming within the stormwater management regulations within the State of Delaware and they will probably take effect January 1, 2014. Once this happens, this project will become unbuildable under the current plan. He is throwing this information on the table, saying that if this application does not get approved and move forward tonight then he is not sure it will.

Mr. Canuso stated that there are ten (10) lots in the middle of the community that are not built and who knows what will happen to them at the end of the day. When they first got under contract, the first thing they did was contact Mrs. Townshend. She suggested that they speak with Mr. Jim Murray, who was one of the owners in this community who was actively involved in trying to get the community together, meet with the people and get the mailing list ready. They thought that is was a great idea. Normally, the developer would come before the Planning Commission first and the notices for the community would go out. They thought they would meet with Mr. Murray to go over their idea. They did not go to these five (5) people of the community for recommendations; they conveyed their plan to these five (5) people for feedback. He stated that within thirty (30) days to get a community together to communicate their plans for the development and then present to the Planning Commission would be impossible.

Mr. Canuso further stated that he remembers meeting with Mrs. Townshend and Mrs. Melson-Williams and discussing a timetable for them to get in front of the Commission; they had one week to make it happen. The reason that they are on such a time constraint is because they have such a limited window with M&T Bank in order to purchase the property. They also just purchased another property from M&T Bank outside of the City, the Stoneridge community. This community was mostly built; there were five (5) lots that were left empty and there was a partially completed house and also a partially completed clubhouse. They made connections with some of the homeowners from this subdivision, told them their plans and ended getting approval to tear down

that partially completed clubhouse. That was with a community that had ninety (90) lots with only five (5) lots left to build on. The residents were looking at an estimated $1,000 per unit to maintain a swimming pool on a yearly basis. He understands that it may be what the residents bought into but it is just not feasible to do that at this point.

Dr. Jones questioned if the process had been completed for the purchase of Stoneridge? Responding to Dr. Jones, Mr. Canuso stated yes.

Dr. Jones further questioned since he has an established relationship with the bank, would the bank allow a time extension? Responding to Dr. Jones, Mr. Canuso stated that they have been negotiating so long with M&T Bank that they want the feasibility period to end on June 30, 2013 and for them to close on the property by July 15, 2013, which they are ready, willing and able to do.

Colonel Welsh stated that he was not aware of the limited timeframe with the bank. He too was very concerned about the lack of communication. He thinks there needs to be some improvement. He also thinks the Homeowners Association, whether active or not, needs to appoint someone as the Chairman or President of that organization so that they can hold meetings that do not get out of control. The clubhouse and the swimming pool were the reasons some of the residents bought in this community when there were supposed to be two hundred eleven (211) lots. The cost to the residents on an annual basis would have been much less then it will be now with one hundred eight (108) lots. In lieu of the fact that the developer is willing to complete the project, all be it smaller than it was, he certainly commends them for that. He thinks as homeowners, the residents should be very thankful as the project is floundering and under bank ownership. Again, he is concerned about the communication. He thinks these residents deserve to know what something may cost. Although the clubhouse and swimming pool were off of the table, the residents were concerned about the cost would be to maintain the development. He feels that the developer could have come up with a ballpark figure for the residents. As far as common areas and passive recreation areas, it is common for the Homeowners Association to pay the fees to maintain the entrance and those common areas. He thinks those fees will be relatively small. As a Homeowners Association, if they choose to take it upon themselves to maintain these areas and it can be done successfully, he sees no reason not to do so. He thinks the alternatives are not there; he thinks they need to move forward.

Mr. Tolbert moved to approve MI-13-10 Nottingham Meadows: Revised Active Recreation Area for a cash in-lieu of payment along with the DAC Comments, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Holden and Mr. Baldwin absent.

Meeting adjourned at 8:24 PM

Sincerely,

Kristen Mullaney
Secretary

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.

- At the July 16, 2012 meeting the Planning Commission granted conditional approval of Conditional Use Application C-12-05 subject to a series of conditions. One condition noted that the Conditional Use was to be re-evaluated at the July 15, 2013 meeting to ensure compliance with applicable Codes.

- Re-evaluation of this Application will be postponed until the August 19, 2013 meeting of the Commission to allow for completion of the property inspection and report of findings.

- If you have questions, please contact Planning Staff at 736-7196.

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:

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

Appointment of the Architectural Review Oversight Subcommittee of Planning Commission

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

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

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

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

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

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

As of the Annual Meeting of the Planning Commission on July16, 2012 and the Regular Meeting of the Planning Commission on November 19, 2012, the following individuals are currently appointed to the Architectural Review Oversight Subcommittee of Planning Commission.

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

- Mr. Terry Jackson, Architect with Jackson Architects, Design Professional
- Mr. Jerry Peters, Facilities/Planning with Bayhealth Medical Center, Design Professional

- Mayor or Mayor’s designee

- Alternates:
  Mrs. Arden Bardol, Architect with Becker Morgan Group, Design Professional
  _____, Design Professional

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

City of Dover

DATA SHEET FOR CONDITIONAL USE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF July 3, 2013

PLANNING COMMISSION MEETING OF July 15, 2013

Plan Title:	Offices at 1-3 West Loockerman Street and 9 West Loockerman Street C-13-04
Plan Type:	Conditional Use Plan
Property Location:	North side of West Loockerman Street west of South State Street
Property Address:	1-3 West Loockerman Street and 9 West Loockerman Street
Tax Parcel:	ED-05-077.09-02-590.000-000
Owner:	G& J Holdings LLC
Site Area:	0.4912 acres ± (21,396.67 SF ±)
Present Use:	Vacant Building
Proposed Use:	Offices – First floor (both spaces) Offices – Second floor
Sewer & Water:	City of Dover
Zoning Classification:	C-2 (Central Commercial Zone) H (Historic District Zone)

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

City of Dover Planning Office

APPLICATION: Lands of G & J Holdings LLC: Offices at 1-3 West Loockerman Street and 9 West Loockerman Street

FILE #: C-13-04 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:

This Conditional Use Plan Review 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 for the proposed development is zoned C-2 (Central Commercial Zone) and is subject to the H (Historic District Zone). The property is located on the north side of West Loockerman Street west of South State Street. The owner of record is G & J Holdings LLC. The property address is 1-3 West Loockerman Street and 9 West Loockerman Street. Tax Parcel: ED-05-077.09-02-590.000-000.

(*Note: This submission makes use of plan drawings previously prepared for the property that were in the possession of the property owner. As such, some of the information shown is not current.)*

Previous Applications

The Historic District previously reviewed this site and granted approval on August 21, 2003 for the Architectural Review Certificate for the renovation of the first floor elevations on Loockerman Street and South State Street (Application HI-03-05). Building Permits were issued for a revised version of the façade improvements with the replacement of the windows and doors and new awnings that were approved and completed in 2006.

Project Site

This building known as the Priscilla Block was built circa 1896 as a 2 story brick commercial building. It is within the Historic District Zone and listed in the National Register of Historic Places as a contributing resource to the Victorian Dover Historic District (K-396.105).

The Priscilla Block building consists of two separate tenant spaces on the first floor fronting West Loockerman Street. The corner space with two entries was most recently a restaurant (1-3 West Loockerman Street). The tenant space at 9 West Loockerman Street includes a main entry flanked by large storefront display windows and most recently served as retail.

The second floor of the Priscilla Block building is interconnected with the adjoining buildings addressed as 152 and 154 South State Street (located on same parcel).

Proposed Project

The application seeks to allow for the establishment of an office on the first floor of the existing building (in each tenant space area).

Due to its location, this type of land use as an office on the first floor requires Conditional Use approval by the Planning Commission as noted in Article 3 §13.22 of the *Zoning Ordinance*.

> 13.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 10.1 [1] of this ordinance and to any specified requirements set forth below. Any of the following uses in existence at the time this ordinance [section] is adopted are considered permitted uses, and shall not lose their status as permitted uses in their existing locations unless the use is changed to one of the uses listed above in [sub] section 13.1 of this ordinance [section]. Changes from one conditional use to another will require conditional use approval.

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

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

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

> 13.3 *Submission requirements for conditional uses in the C-2 zone.* The following submission requirements shall be used in lieu of the requirements of article 10, section 1.6, in the event that the business, office, or establishment seeking conditional use approval will be occupying an existing structure:
>
> (a) The applicant shall cause a site map to be prepared. The applicant shall submit 21 copies of the site map at the time of application. The site map shall conform to the following specifications and the following elements shall be included on the site map:
>
> 1. The map shall be at least 11 [inches] by 17 inches, but not more than 24

[inches] by 36 inches, and at a scale of ten, 20, 30 or 40 feet to the inch, except that, if the property has a maximum dimension over 900 feet, a scale of 50 feet to the inch may be used.

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

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

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

Site Considerations

Trash Collection

For office uses less than 50,000 SF, one Dumpster is required for the first 8,000 SF and one for each additional 16,000 SF or fraction thereof. Arrangements for trash collection will need to be made with a private trash collection service for the proposed tenant space at 1-3 West Loockerman Street and 9 West Loockerman Street. Dumpster enclosures are required per *Zoning Ordinance* Article 5 Section 6 and must be implemented where space is available on site.

Parking

The C-2 zoning district does not have an off-street parking requirement for existing buildings. The property includes an existing parking lot (estimated 22 parking spaces) at the rear of the building with access from the State Street Alley. Staff notes that there several municipal parking lots located within the immediate area.

Bicycle Parking

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

Sidewalk

There is existing sidewalk along West Loockerman Street and South State Street.

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

CITY AND STATE CODE REQUIREMENTS:

1) The Site Data and plan drawing column will need to be updated prior to Final Approval with the following:
   a) Any changes recommended or approvals by the Planning Commission.
   b) Indicate the proposed use.
   c) Indicate the amount of floor area within the building to be utilized by the office tenant.
   d) Update ownership information on Plan.
   e) Add graphical scale diagram.
   f) Add zoning of adjacent properties.

2) Provide a note indicating that the Dumpster Pad and enclosure shall be constructed per the requirements of Article 5 § 6 of the *Zoning Ordinance* for the requirements of office and retail space.

3) 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_____

4) Clarify the number of existing parking spaces on this parcel and the location of any handicap accessible spaces.

5) The application submission required a conceptual floor plan. While a floor plan was submitted it is not clear how the proposed use will be implemented and doesn't appear to depict how the layout (kitchen, etc.) may be renovated/removed during this proposed new activity use.
   a. Add reference to any uses on the second floor of buildings and if basement areas exist.

6) The signage from the previous restaurant remains in the window. These are abandoned signs per the *Zoning Ordinance* and must be removed.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Staff recommends installation of a bicycle parking rack with five (5) spaces in the rear parking lot to serve employees of this facility. This will allow the street side bicycle parking racks to be utilized by visitors and customers.

2) Staff recommends that if the tenant space at 9 West Loockerman Street is occupied by an office user that the front storefront windows be utilized as display areas for programming, products, etc. These windows are very large and have excellent visibility from the street and sidewalk.

ADVISORY COMMENTS TO THE APPLICANT:

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

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

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

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

5) The applicant shall be aware that the Conditional Use Plan approval does not represent a Public Occupancy Permit. A separate application process is required for issuance of a Public Occupancy Permit from the City of Dover.

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 26, 2013

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **LANDS OF G & J HOLDINGS, LLC AT 1-3 AND 9 WEST LOOCKERMAN STREET**

FILE #: **C-13-04**

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 / STREETS / GROUNDS / GENERAL

1. None

SANITATION

1. The City of Dover does not provide sanitation service to commercial properties.

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: June 26, 2013

CITY OF DOVER FIRE MARSHAL

APPLICATION: 1-3 and 9 West Loockerman St.

FILE #: C-13-04 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

Proposed building is two story business occupancy and requires 25% fire lane coverage as the building is sprinklered. Loockerman St can be used to achieve the 25% requirement.

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

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

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

Full building and fire plan review is required.

Building area being renovated 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 is existing and to remain. May need to be changed per renovations.

Fire alarm system existing to remain. Will need to be expanded depending on renovations.

Knox Box required.

Project to be completed per approved Site Plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

The proposed building will be reviewed under Business Occupancy.

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 26, 2013

D E L D O T

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APPLICATION: Lands of G & J Holdings LLC at 1-3 and 9 W. Loockerman Street
FILE#: C-13-04 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

- No additional access will be granted on State Street and Loockerman Street.

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
JULY 2013

APPLICATION: Lands of G&J Holdings

FILE #: C-13-04

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

1. *Kent Conservation District has no objection to 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.*

City of Dover

REVISED REPORT: Amended July 2, 2013
DATA SHEET FOR MINOR SUBDIVISION PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF June 5, 2013

PLANNING COMMISSION MEETING OF June 17, 2013

Plan Title:	Lands of KW Lands at 1570 North DuPont Highway SB-13-03
Plan Type:	Minor Subdivision Plan
Property Location:	West side of North DuPont Highway and east of Crawford Carroll Avenue, north of but not adjacent to Rustic Lane
Tax Parcel Number:	ED-05-057.00-01-05.00-000
Owner:	KW Lands
Site Area:	11.258 acres +/-
Parcels to be created:	Lot 1 – Hampton Inn: 2.195 acres +/- Lot 2 – Parking/Stormwater: 2.018 acres +/- Residual - Sheraton: 6.002 acres +/-
Right-of-way Designated:	KW Boulevard: 1.043 acres +/-
Existing Sewer & Water:	Water: City of Dover Sewer: City of Dover
Zoning Classification:	RC (Recreational and Commercial Zone) C-4 (Highway Commercial Zone) SWPOZ (Source Water Protection Overlay Zone) – Tier 3
Waivers Requested:	Reduction in Bicycle Parking Spaces Requirement Partial Elimination of Sidewalk Elimination of Arterial Street Buffer

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 5, 2013

REVISED REPORT: Amended July 2, 2013

APPLICATION: Lands of KW Lands at 1570 North DuPont Highway: Minor Subdivision

FILE #: SB-13-03 REVIEWING AGENCY: City of Dover Planning

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

****** The following Report prepared by the Planning Office on June 5, 2013 and issued on June 7, 2013 has been REVISED due to receipt of new information on the future of the subject property. Please review the REVISED Report was it supersedes the D.A.C. Report previously issued by the Planning Office. ******

PLAN SUMMARY

This Minor Subdivision Plan proposes 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 +/- parcel, a 2.018 acre +/- parcel, 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 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.

The property includes the existing Sheraton Hotel & Conference Center and the Hampton Inn along with the associated site improvements of parking lot areas and landscaping. The Minor Subdivision Plan proposal is to strike lot lines to create separate parcels for the buildings on the property. The property is currently developed; however, changes appear to be eminent. Staff is aware of a proposal for closure of the Sheraton Hotel & Conference Center in late July 2013 with Delaware State University as the new lessee of the facility. Any future use of the facility is subject to other review processes if a change of use from a hotel is proposed. Any new use must be in compliance with the *Zoning Ordinance.*

In order to subdivide the property, the plan review must ensure that the subdivision does not create any non-conformities with the bulk standards of the *Zoning Ordinance*. These bulk standards include minimum lot size, front yard setbacks, side yard setbacks, rear yard setbacks, floor area ratio, etc. Other requirements of the *Zoning Ordinance* relating to site improvement items such as the landscaping, arterial street buffer, tree planting, parking, etc. may be considered non-conforming and

can be assumed to have met the zoning requirements at the time that the site was developed as the hotel and hotel/conference center use and accepted as existing conditions in certain instances. Overall, staff recommends that the owner and developer work with the Planning Office to bring this site closer to the current code standards for the current use of the property; however, we acknowledge that some of the non-conformity will continue to exist. Several waiver requests have been filed to address some of these site improvement elements. It is noted that any new use of the property of the property and buildings will be subject to additional review to address *Zoning Ordinance* compliance.

Previous Applications:
A subdivision plan, SB-90-17 Property of KW Lands GP, was reviewed in 1990 to subdivide a larger tract of land into parcels for development as the previous Wal-Mart and the Sam's Club while the Sheraton Hotel (built circa 1974) remained on the residual land. At that time a 60 foot wide easement (known as KW Boulevard) was established for access to the parcels from North DuPont Highway. In 1992, the Planning Commission granted approval to a Site Plan application for a major building addition to the Sheraton. This addition more than doubled the floor area of the facility by adding the conference facilities (meeting and banquet rooms) and also expanded the parking lot and made stormwater management improvements. The Hampton Inn was built in 1995-1996 following approval of Site Plan Application S-95-5 Hampton Inn. The development of this four story hotel included parking and tree planting site improvements.

Later Crawford Carroll Avenue is constructed between the Sheraton & Hampton Inn location and the Sam's Club facility which connects Rustic Lane to Scarborough Road. The ownership and maintenance responsibilities for the segment of Crawford Carroll Avenue between KW Boulevard (easement) and West Rustic Lane must be clarified. There is a 1995 Agreement between KW Lands and DelDOT related to land for this service road (Crawford Carroll Avenue).

PROPOSED SUBDIVISION PLAN:
This proposal is to divide the property into three parcels with each building on its own parcel with a third parcel with only a paved parking area and the stormwater management facility. The plan also proposes the dedication a sixty (60) foot right-of-way to public use to create KW Boulevard as a public street.

The procedures for subdivision of land are found in the *Land Subdivision Regulations*. Planning Staff confirms this application as a Minor Subdivision. Therefore, the Planning Commission may find the application is subject to one public hearing and review for action by the Planning Commission followed by the administrative process to complete the Final Plat for recordation.

This subdivision of land and any future development or use of the parcels are subject to the requirements found in the City of Dover *Zoning Ordinance*, Article 3 §16 and 3 §18 and referenced sections outlined in the permitted uses for the RC (Recreational and Commercial Zone) and C-4 (Highway Commercial Zone) and the provisions of the SWPOZ (Source Water Protection Overlay Zone).

Parcel Considerations

The following table highlights some of the design standard requirements for the RC (Recreational and Commercial Zone) and C-4 (Highway Commercial Zone). NOTE: This chart is not an all-inclusive listing of the code requirements, but is provided as summary information on some development requirements.

MINIMUM REQUIRED:	**RC**	**C-4**
Lot Area	5 acres	----
Lot Width (ft.)	250 feet	150 feet per building
Lot Depth (ft.)	400 feet	150 feet
Front yard setback (ft.)	30 feet	30 feet
Side yard setback (ft.)	50 feet	25 feet
Rear yard setback (ft.)	50 feet	10 or equal to height of building
Side or rear yards which adjoins a residential zone (ft.)	100 feet	30 feet
Off-street parking spaces: Per 300 sq. ft. of floor area Per employee, (whichever is greater)	 1	 1.5 1
Maximum Permitted: Building Height: Stories Feet	 10 130 feet	 4 45 feet
Floor Area Ratio	4.0	2.0

For the Minor Subdivision Plan, the proposed parcels must be in compliance with these and other requirements of the *Zoning Ordinance.* Proposed Lot 1 and Lot 2 must comply with the C-4 requirements while the residual lands where the Sheraton is located must comply with the RC requirements. The proposed lots appear to meet the lot dimension requirements of parcels within their respective Zoning Districts. The current plan submission is missing some details regarding the existing improvements necessary to evaluate compliance with some of these bulk standard items such as Setbacks, Parking, Number of Stories, Building Height, and Floor Area Ratio (See comments.).

Site Considerations

With the appearance of this application before the Planning Commission other site improvement elements must be reviewed for compliance with the *Zoning Ordinance* based on the existing uses of the property as hotels. These items include access, parking, bicycle parking, sidewalks, tree plantings, etc.

Access

Currently, the parcel has two access points along KW Boulevard and one from Crawford Carroll Avenue. With these access points serving multiple parcels following the subdivision, a series of cross-assess easements between the parcels must be established. Similar easements will also be necessary for utility infrastructure and stormwater management activities. The proposal for dedication of KW Boulevard for public use and the City of Dover taking dedication of it as public street will require further evaluation by the Department of Public Works of the access

drive's conditions and compliance with the City's street standards. A specific procedure involving City Council review and action is required for dedication and acceptance of the public street.

Parking

The parking requirements for a property in the RC zone are one parking space per 300 S.F. of floor area. For a property in the C-4 zone, the parking requirement is 1.5 parking spaces per 300 S.F. of floor area or one per employee, whichever is greater. However, with the use of the buildings as hotels then we must look also to the hotel parking calculation of one space per guest room and with one space per 200 S.F. of meeting rooms, banquet rooms, and office space. Thus some addition information on floor areas, number of guest rooms, etc. must be provided to check the parking requirements.

Each of the hotel buildings is surrounded by parking lot areas and the Lot 2 has a large paved area utilized for parking. The *Zoning Ordinance* includes provisions for considerations of parking to jointly serve multiple establishments or to use a combined spaces strategy. Depending on the required parking and the amount of existing parking available consideration may need to be given alternative parking provisions. Each hotel appears to include a designated loading zone or loading dock area.

Waiver Requested: Reduction of Bicycle Parking

The *Zoning Ordinance* requirement for bicycle parking is one bicycle parking space for every twenty parking spaces. The total number of parking spaces on the site must be provided for the bicycle parking calculation to be completed. Per the *Zoning Ordinance,* Article 6 §3.10 the Planning Commission may consider a waiver request to reduce the bicycle parking requirement. The written waiver request submitted for consideration by the Planning Commission notes that based on 503 parking spaces on the properties that a total of twenty-six bicycle parking spaces would be required overall. The applicant is seeking a reduction of the requirements to ten spaces and intends to install two 5-space bicycle parking racks (one at each hotel) on the site.

Waiver Requested: Partial Elimination of Sidewalks

From the aerial view on the plan submission it appears that sidewalks are limited to the frontages along Crawford Carroll Avenue and a small segment only KW Boulevard. Sidewalks are required along the North DuPont Highway frontage and along KW Boulevard as it is proposed to become a public street. Barrier free access ramps shall be installed at all points where sidewalks intersect with roadways and parking areas. See *Zoning Ordinance,* Article 5 §18 for sidewalk requirements and waiver provisions. A written request for a sidewalk waiver of the sidewalk along the frontage of North DuPont Highway for the Sheraton parcel was received for Planning Commission review.

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*. Constructions activities on the property will be subject to these provisions which may include limitations on lot coverage especially for the Lot 2 parcel.

TREE PLANTING AND LANDSCAPE PLAN

The aerial plan view indicates that there are the existing trees on the property; however, the exact number is unclear. Each parcel would be evaluated for compliance with tree planting. Based on the tree planting rate of one tree per 3,000 SF of lot area the following are required: 88 trees for Sheraton (Residual parcel), 32 trees for Hampton Inn parcel, and 30 trees on Lot 2. This is one of the site improvements where existing conditions can be accepted. However, future development of Lot 2 or redevelopment of the hotel sites will require implementation of the tree planting requirements.

Waiver Request: Elimination of the Arterial Street Buffer

The Sheraton parcel includes frontage on North DuPont Highway which as an arterial street requires an Arterial Street Buffer of thirty (30) feet per *Zoning* Ordinance, Article 5 §7.3. A written waiver request was received for consideration noting the existing conditions of the site due to previous development. A grass lawn area appears within the right-of-way for North DuPont Highway in this frontage area.

Also the C-4 zoning district requires a ten foot landscape strip along street frontages. This is to occur along the north and west property lines of Lot 1 and the west property line of Lot 2. It appears that some landscaped area is currently present along these frontages.

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 ownership and maintenance of the segment of Crawford Carroll Avenue between KW Boulevard and Rustic Lane is in the process of being clarified. Our mapping shows this area as still part of the parcel owned by KW Lands; however, there is an Agreement from 1995 pertaining to the land of this road improvement. Resolution will involve coordination with the applicant, the City, DelDOT, and Kent County Mapping Office and Recorder of Deeds to resolve.
   a) Review of this Minor Subdivision Plan treated this segment area as a street right-of-way resulting in parcels fronting on a public street. If it is not a public street nor will it become a public street then waivers of the *Land Subdivision Regulations* will be required for the creation of Lot 2.
   b) Show right-of-way on plan drawing with appropriate references.

2) For the review of this Minor Subdivision Plan, the easement of KW Boulevard was viewed a right-of-way for a public street (since creation of it as a public street was proposed). If it does not become a public street then waivers of the *Land Subdivision Regulations* will be required for the creation of Lot 1.

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

4) Identify location of the zoning boundary line between the RC and C-4 Zones and its distance

from the proposed lot line. Its location may impact how the requirements of each zoning district are applied per *Zoning Ordinance*, Article 2 §3.

5) On the Plan drawing provide the following:
   a) Add the SWPOZ boundary line to the plan drawing.
   b) The distances from the buildings to the property lines (to confirm setback compliance).
   c) Indicate the 10 foot landscape strip on Lot 1 and Lot 2.

6) In the Data Column, add the following information specific to each proposed lot in the format listing the code requirement and the existing/proposed condition:
   a) Building height and number of stories
   b) Total Floor Area for each building and the Floor Area Ratio (FAR)
   c) Number of guest rooms and floor area of other building components (meeting room, banquet rooms, offices, etc.)
   d) Parking calculation and number of parking spaces by parcel
   e) Bicycle parking

7) A written waiver request for a reduction in the number of required bicycle parking spaces was received for consideration by the Planning Commission. As the applicant proposes adding two 5-space bike racks, the location of this bicycle parking should be identified on the plan.

8) Sidewalks are required along the frontages of the properties adjoining a public street. A written waiver request was submitted for consideration by the Planning Commission for the sidewalk on the frontage along North DuPont Highway.

9) A written waiver request for the elimination of the Arterial Street Buffer (30 foot landscape buffer) along North DuPont Highway was submitted for consideration by the Planning Commission.

10) Depending on the parking requirements and the parking spaces available, consideration of joint parking facilities or combined spaces for a campus may need to be reviewed. At the present time, parking for the hotel and hotel/conference center facility is viewed as an existing condition. Additional information has been requested in order to calculate the parking requirements for the property under today's requirements for hotel usage. Other uses have different parking requirements.

11) Further review and evaluation of KW Boulevard will be required for its establishment as a public street.
   a) Currently, KW Boulevard does not include sidewalks. A sidewalk waiver may be required in the future if sidewalks cannot be implemented.
   b) Provisions for the existence and maintenance of the pylon sign within the median of KW Boulevard must be established as this would become an off-premises sign. The sign regulations of the *Zoning Ordinance* do include provisions for shared freestanding signs.
   c) The procedure for dedication and acceptance of a public street involved the Department of Public Works and action by the City Council.

12) The information on a cross easements, utility easements, and stormwater management are to be noted on the Final Plan.
    a) A copy of the documents must be submitted to the Planning Office upon recordation.
    b) Also there is a letter agreement relating to a series of evergreen tree plantings located along the property line between the Sheraton on the C.F. Schwartz Motor Inc. parcel. Add a reference to this agreement as the tree plantings are part of the Tree Mitigation Plan for the adjacent parcel.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Staff Recommendations on Waiver Requests:
    a) Reduction in Bicycle Parking: Staff recommends denial of a reduction in the overall number of bicycle parking spaces to ten (10) spaces from the required twenty-six (26) bicycle parking spaces (based on an estimated 503 existing parking spaces). While the installation of a bicycle parking rack (of 5 spaces each) at each hotel building would be appropriate for the existing uses on the site, the anticipated use of the Sheraton building facility for yet to be determined uses by Delaware State University is likely to be deficient in the number of bicycle parking spaces. Any rack installed should be located to best serve visitors, hotel guests, employees, etc.

    b) Partial Elimination of Sidewalks: Staff recommends denial of the request to eliminate the sidewalk along the public street frontage of North DuPont Highway. While the existing parking lot conditions of the property in this area will limit sidewalk construction if parking spaces are needed to be retained for parking regulations compliance, public sidewalks along the street frontage are typically constructed in the right-of-way. This is one of the missing sidewalk segments along the North DuPont Highway corridor. While hotel guest would have an opportunity to use the sidewalk, the proposed future use of the facility by Delaware State University would increase the likelihood of pedestrian travel in this area.

        i) Staff encourages the pursuit of opportunities (future road improvement projects, special funding efforts, etc.) for construction of a sidewalk in this area as there may be space within the right-of-way to make the sidewalk improvement and help complete the sidewalk network.

    c) Elimination of Arterial Street Buffer: Staff recommends approval of the request to eliminate the arterial street buffer requirement along the North DuPont Highway recognizing the encroachment of the existing parking lot into this area which may have been constructed prior to the landscape buffer requirement. There are several parking lot islands which could serve as landscaped areas and there is a grass area within the right-of-way.

2) The requirements of the *Zoning Ordinance* relating to site improvement items such as the landscaping, arterial street buffer, tree planting, parking, etc. may be considered non-conforming. They are assumed to have met the zoning requirements at the time that the site

was developed as the hotel and hotel/conference center uses. For these site elements, Staff recommends acceptance the existing conditions for the current use of the site as a hotel and hotel/conference center. Staff recommends that the owner and developer continue to work with the Planning Office to evaluate where these items of non-conformity may exists and to work to bring this site closer to the current code standards for the current hotel uses. This determination does not extend to any new use of the property and buildings as any change will be subject to additional review to address *Zoning Ordinance* compliance.

ADVISORY COMMENTS TO THE APPLICANT:

1) The dedication and acceptance of KW Boulevard as public street by the City of Dover is subject to a separate review and approval process involving the Department of Public Works, the City Manager, and City Council.

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

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

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

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

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

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

8) In the past, the grass in the southern area of the proposed Lot 2 and the grass strip between the sidewalk and Crawford Carroll Avenue in this same area has exceeded the permitted grass height of the *Dover Code of Ordinances.* This grass must be regularly cut and properly maintained; continued violation may result in Code Enforcement action and may also limit the ability for project approvals to be issued due to the "Clean Hands Ordinance" provisions.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MAY 29, 2013

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Lands of KW, Lands at 1570 N. Dupont Highway**

FILE #: **SB-13-03**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER

1. Easements shall be developed between the two (2) parcels for any water line that crosses proposed properties. The easement agreement shall be between the two (2) subdivided property owners.

WASTEWATER

1. Easements shall be developed between the two (2) parcels for any wastewater line that crosses proposed properties. The easement agreement shall be between the two (2) subdivided property owners.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District submitted to our office.

STREETS

1. In order for the City of Dover to accept KW Boulevard, the following City of Dover Department of Public Works specifications must be met:
   a. Pavement sections must be designed based upon poor soil conditions unless soil boring data is provided showing otherwise. Structural number calculations must be submitted for review and a pavement cross section detail must be included within the plan set.
   b. All curbing within the right-of-way shall be DelDOT Type III curb and gutter. All curb radii must be labeled on the plan. In particular, a minimum radius of twenty-five feet (25') must be provided at all street intersections. A construction detail of the Type III curb and gutter must be provided on the plan.
   c. Sidewalk proposed within the right-of-way shall be constructed as per the City of Dover Standards and Specifications. All sidewalks must be poured by hand; curb machine slip formed sidewalks will not be permitted. The sidewalk must be scored in five feet (5') squares using hand tooled joints. All tool marks shall be removed as tool finished edges are not permitted. Expansion joints shall be installed at a spacing of twenty feet (20') and shall be precut, one-half inch (½ ") thick, four-inch (4") wide, cork sheets. All sidewalk proposed within the right-of-way shall consist of Class B concrete, without reinforcing material, in order to prevent future interference with utility locating. The proposed five feet (5') wide public sidewalk shall be installed 5 feet from the back of curb. The sidewalk cross slope shall not exceed 2% including across the driveways to ensure ADA and FHA compliance. A sidewalk construction detail containing the above information must be provided on the plan.
   d. All barrier free access ramps and driveway aprons constructed with the site improvements shall be in accordance with the most current ADA and DelDOT requirements and standards at the time of construction. To meet cross slope requirements a five feet (5') wide grass strip must be provided between a five feet (5') sidewalk and the curb.
   e. Signage and markings must be included with the site plan in accordance the Manual for Uniform Traffic Control Devices. Signage proposed for streets to be dedicated to the City of Dover must be included on the plan (no parking signs, speed limit signs, street blades, stops signs, watch children, etc.) All signs must be installed on two-inch (2") square break away sign posts.
2. It shall be unlawful for any person to alter the curb of any street so as to create a curb depression for the purpose of permitting vehicles to enter onto or exit from the city streets, without a permit issued by the city manager.
3. Street rights-of-way lines at intersections shall be connected with a curve, the radius of which shall be at least 25 feet. The required radius may be increased by the city engineer if the increased radius is necessary for public safety.
4. Street grades shall not exceed five percent.
5. Street grades shall not be less than one-half percent wherever feasible.
6. The City of Dover Department of Public Works will not maintain the existing sign that is located in KW Blvd, please provide assurances that the structure will be maintained by the businesses that utilize the sign.

SANITATION / GROUNDS

1. None.

GENERAL

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

b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

WATER / WASTEWATER / STORMWATER / SANITATION / GROUNDS / GENERAL

1. None

STREETS

1. The City of Dover would like Crawford Carroll Avenue (from KW Blvd to Rustic Lane) dedicated to the City of Dover. Our records indicate that Crawford Carroll Avenue is currently within the boundaries of the parcel that is proposed to be subdivided. This street must meet the following specifications to be dedicated to the City of Dover:

   a. Pavement sections must be designed based upon poor soil conditions unless soil boring data is provided showing otherwise. Structural number calculations must be submitted for review and a pavement cross section detail must be included within the plan set.

   b. All curbing within the right-of-way shall be DelDOT Type III curb and gutter. All curb radii must be labeled on the plan. In particular, a minimum radius of twenty-five feet (25') must be provided at all street intersections. A construction detail of the Type III curb and gutter must be provided on the plan.

   c. Sidewalk proposed within the right-of-way shall be constructed as per the City of Dover Standards and Specifications. All sidewalks must be poured by hand; curb machine slip formed sidewalks will not be permitted. The sidewalk must be scored in five feet (5') squares using hand tooled joints. All tool marks shall be removed as tool finished edges are not permitted. Expansion joints shall be installed at a spacing of twenty feet (20') and shall be precut, one-half inch (½ ") thick, four-inch (4") wide, cork sheets. All sidewalk proposed within the right-of-way shall consist of Class B concrete, without reinforcing material, in order to prevent future interference with utility locating. The proposed five feet (5') wide public sidewalk shall be installed 5 feet from the back of curb. The sidewalk cross slope shall not exceed 2% including across the driveways to ensure ADA and FHA compliance. A sidewalk construction detail containing the above information must be provided on the plan.

   d. All barrier free access ramps and driveway aprons constructed with the site improvements shall be in accordance with the most current ADA and DelDOT requirements and standards at the time of construction. To meet cross slope requirements a five feet (5') wide grass strip must be provided between a five feet (5') sidewalk and the curb.

   e. Signage and markings must be included with the site plan in accordance the Manual for Uniform Traffic Control Devices. Signage proposed for streets to be dedicated to the City of Dover must be included on the plan (no parking signs, speed limit signs, street blades, stops signs, watch children, etc.) All signs must be installed on two-inch (2") square break away sign posts.

2. The City of Dover Department of Public Works will perform visual inspection of the condition of both Crawford Caroll Avenue and KW Boulevard to assess the road condition, additionally, testing documentation may be required from the developer. The road condition must meet the Departments requirements prior to acceptance.

ADVISORY COMMENTS TO THE APPLICANT

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

1. None.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 29, 2013

DELDOT

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APPLICATION: Lands of KW Lands at 1570 North Dupont Hwy
FILE#: SB-13-03 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. Per Section 3.6.5 of the Standards and Regulations for Subdivision Streets and State Highway Access Adopted February 15, 2010, a 100-foot wide right-of-way (50-feet from the centerline) is required for a minor arterial. According to the Kent County Classification Maps, KCR 002 (North Dupont Hwy) is classified as a minor arterial road. If the existing right-of-way does not have the proper width along the frontage of the site, the department will require 50-feet of right-of-way dedication from the innermost edge of the through lane for public use.

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

Due to the location of the existing entrance for Lot 2, a permanent cross-access easement should be provided on Lot 1 for the use of Lot 2.

ADVISORY COMMENTS TO THE APPLICANT:

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
JUNE 2013

APPLICATION: *Lands of KW Lands*

FILE #: SB-13-03

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

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

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

1. A maintenance agreement must be provided from the parcel owner's defining who is responsible for the maintenance of the stormwater facility.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 5, 2013

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Lands of KW Lands at 1570 North DuPont Highway

FILE #: SB-13-03 REVIEWING AGENCY: Dover/Kent County MPO

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

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

City of Dover Planning Commission June 17, 2013
Project Review
SB-13-03 Lands of KW Lands at 1570 North DuPont Highway

This subdivision application attempts to create three parcels from the current single large parcel with multiple buildings of similar use and an area of vacant land. The parcel is the location of the Sheraton Hotel at the corner of US 13 and KW Blvd. it appears that KW Blvd. and the section of Crawford Carol from KW Blvd., South to Rustic Lane are not within public right of ways and considered private roads. There are sidewalks along the full length of Crawford Carol adjacent to the parcel. The only sidewalks are located on the perimeter of this parent parcel are located at the intersection of KW Blvd. and Crawford Carol Boulevard. Sidewalks should be installed along US 13 in front of the Sheraton Parcel, regardless of sale or ownership. There should also be sidewalks along the Northwest parcel lines/KW Boulevard connecting US 13 with those along Crawford Carol Boulevard. The MPO is presently assisting Delaware State University in planning sidewalks along US 13 to connect the sidewalks at the Lowe's parcel with those at the plaza that includes HH Gregg and CompUSA. The combination will create a continuous sidewalk on the west side of US 13 from Cedar Chase Drive to College Road and beyond. (The CF Schwartz parcel has a stripped access area in front of the cars on display, in agreement with the City of Dover).

The private section of Crawford Carol Boulevard includes bike lanes as does the remainder of the Crawford Carol Boulevard right-of-way connecting to Scarborough Road. While not the subject of this application, future development should consider establishing bicycle facilities in accordance with the City of Dover regulations.

Transit facilities are located on US 13 with southbound bus stops at adjacent parcels and a single northbound stop located across the highway from the adjacent parcel.

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.

WAIVER REQUEST

K W LANDS / MINOR SUBDIVISION
CITY OF DOVER FILE NUMBER: SB-13-03

BICYCLE PARKING SPACES REQUIREMENT

REQUEST: Reduce the number of bicycle parking spaces required for the Sheraton Inn and Hampton Inn.

EXTENT OF THE REQUEST: The City of Dover Zoning Code, Article 6 § 3.10 requires bicycle parking be provided at a rate of one bicycle parking space for every 20 parking spaces or a fraction thereof. Based on a total of 503 parking spaces for the Sheraton Inn and Hampton Inn properties (not including existing parking on parcel 2), 26 bicycle parking spaces are required. The Sheraton Inn and the Hampton were approved and constructed prior to adoption of Article 6 § 3.10. K W Lands proposes to install a 5 space bike rack at each hotel.

BASIS FOR REQUEST:

1. The Sheraton Inn and Hampton Inn were approved by the City of Dover and constructed prior to the Zoning Code requirement for bicycle parking. Both projects met the zoning requirements at the time of approval. K W Lands proposes to create a separate parcel for each hotel. The application does not include any site improvements; and therefore, the bicycle parking requirement should not apply to the minor subdivision. However, the applicant proposes to install a 5 space bike rack at each hotel. The applicant requests a reduction in the number of required bicycle parking spaces from 26 to 10.

WAIVER REQUEST

K W LANDS / MINOR SUBDIVISION
CITY OF DOVER FILE NUMBER: SB-13-03

SIDEWALK REQUIREMENT

REQUEST: Elimination of sidewalk requirement along North DuPont Highway.

EXTENT OF THE REQUEST: The City of Dover Zoning Code, Article 5 Section 18.1 requires installation of a sidewalk along the public street frontage for all development proposals subject to Planning Commission review and approval. The applicant requests elimination of the requirement for a sidewalk along North DuPont Highway.

BASIS FOR REQUEST:

1. The City of Dover Zoning Code, Article 5 Section 18.4 allows Planning Commission to waive the sidewalk requirement provided the applicant can demonstrate that an undue burden would be created on a development. The applicant is proposing a minor subdivision to create a separate parcel for each hotel. The applicant is not proposing any new site development on the property. The Zoning Code does not differentiate between subdividing raw land for development and subdividing an existing developed property. Requiring construction of the sidewalk along North DuPont Highway creates an undue hardship since K W Lands' application is not a site development proposal.

WAIVER REQUEST

K W LANDS / MINOR SUBDIVISION
CITY OF DOVER FILE NUMBER: SB-13-03

30' ARTERIAL BUFFER REQUIREMENTS

REQUEST: Elimination of the 30 foot wide arterial buffer requirements for the site.

EXTENT OF THE REQUEST: K W Lands proposes a minor subdivision to create three (3) parcels. The Sheraton Inn, Hampton Inn, parking and other improvements exists on the property. The subdivision would create a separate parcel for each hotel. By code, a 30 ft wide arterial landscape buffer is required along road frontage that is classified as an arterial road by the Delaware Department of Transportation. The Sheraton Inn parcel (residual parcel) includes frontage on North DuPont Highway which is an arterial road. K W Lands request elimination of the 30 ft. arterial landscape buffer.

BASIS FOR REQUEST:

1. Article 5, section 7.3 of the City of Dover zoning standards states that the Planning Commission may approve a lesser amount of buffering due to physical constraints that may severely limit the development potential of the property. The Sheraton Inn was constructed in 1974, with a major addition approved in 1992. The property was developed prior to adoption of the 30 ft. arterial landscape buffer requirement. Approximately 36 parking spaces would need to be eliminated, creating a significant hardship for the applicant. The applicant request Planning Commission to eliminate the 30 ft. arterial landscape buffer requirement based on existing site conditions.