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

City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

ADOPTION OF MINUTES OF REGULAR MEETING of March 18, 2013

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission Quarterly Workshop is scheduled for Tuesday, May 21, 2013 at 4:00pm in the City Hall Conference Room.

2) Reminder: The next Planning Commission regular meeting is scheduled for Monday, May 20, 2013 at 7:00pm in the City Council Chambers.

3) Report on City Council actions

4) Update on Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:
   a) C-11-02 4-H After School Program at Capitol Green Community Center – Request for a second one year extension of the Planning Commission approval granted April 18, 2011 for a Conditional Use Plan to permit use of an after school program (Day Care Center) for grades K-6 within the existing community center at 416 Sussex Avenue. The property is zoned RG-1 (General Residence Zone). The property is located on the south side of Sussex Avenue east of River Road. The owner of record is Capitol Green Apartments, LLC. Property Address: 416 Sussex Avenue. Tax Parcel: ED05-077.10-02-08.00-000. Council District 4. *Previously, a one year extension was granted on April 16, 2012 by the Planning Commission.*

NEW BUSINESS

NEW DEVELOPMENT APPLICATIONS

1) S-13-05 Lands of KGH Development Corporation at 625 South State Street – Public Hearing and Review of an Site Plan for the expansion of the existing parking lot for an additional 130 parking spaces located at 625 South State Street and 100 Scull Terrace. The property is zoned IO (Institutional and Office Zone) and a portion of the property is subject to the SWPOZ

(Source Water Protection Overlay Zone) Tier 1 – Wellhead Protection Area and Tier 3 – Excellent Recharge Area. The property is located east side of South State Street in the block between South Street and Hope Street. The owners of record are KGH Development Corporation and Central DE Surgery Center. Addresses: 625 South State Street, 100 Scull Terrace, and 150 Scull Terrace. Tax Parcel: ED-05-077.13-01-51.00-000. Council District 2. *Waiver Requested: Partial Elimination of Curbing and Consideration of Joint Parking Facilities*

2) S-13-06 US Gas at 461 North DuPont Highway – Public Hearing and Review of a Site Plan to allow for the addition of a fenced paved area consisting of 6,861 SF of impervious surface located at 461 North DuPont Highway. The property is the location of an existing automobile service station with fuel sales. The property is zoned C-4 (Highway Commercial Zone). The property is located on the southeast corner of North DuPont Highway and Townsend Boulevard. The owner of record is US Gas, LLC. Address: 461 North DuPont Highway. Tax Parcel: ED-05-068.13-01-55.00-000. Council District 3. *Waivers Requested: Reduction of Arterial Street Buffer and Partial Elimination of Curbing.*

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: April 5, 2013 at 1:45pm

CITY OF DOVER PLANNING COMMISSION
March 18, 2013

The Regular Meeting of the City of Dover Planning Commission was held on Monday, March 18, 2013 at 7:00 PM with Vice Chairman Tolbert presiding. Members present were Mr. Holden, Mr. Shomo, Mr. Holt, Mr. Baldwin, Dr. Jones and Ms. Still. Mr. Ambruso and Colonel Welsh were absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Ms. Cornwell, Mrs. Duca, and Mrs. Mullaney. Also present were Mr. Gregory Moore, Mr. Garth Jones and Mr. Ian Cohen. Also speaking from the public were Mr. Jerome Emerson, Mrs. Denise Jones, Ms. Kelly Harris, Mr. Leonard Roberts, Mr. Vincent Carney, Mr. Skip Cohen, Mr. James Jones, Mr. Chris Lindbloom, Mr. Clarence Richardson and Mrs. Linda Lushbaugh.

APPROVAL OF AGENDA

Dr. Jones moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Ambruso and Colonel Welsh absent.

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

Ms. Still moved to approve the Planning Commission minutes of February 19, 2013, seconded by Mr. Holden and the motion was unanimously carried 7-0 with Mr. Ambruso and Colonel Welsh absent.

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

Mr. Baldwin moved to approve the Quarterly Workshop minutes of February 20, 2013, seconded by Dr. Jones and the motion was unanimously carried 7-0 with Mr. Ambruso and Colonel Welsh absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting will be held on Monday, April 15, 2013 at 7:00PM in the City Hall Council Chambers.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on March 11, 2013.

Mrs. Townshend noted that the workshop held on February 26, 2013 for Discussion of the Role and Scope of the Historic District Commission and Historic District was well attended. Several good ideas about procedures were received and a survey will be forthcoming.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1.) Requests for Extensions of Planning Commission Approval: None

NEW BUSINESS

NEW DEVELOPMENT APPLICATION

1) Applicant's Request:
   a) Applicant's Request to Consider Amending a Condition Previously Adopted (Approved) Regarding S-12-12 Delaware State University Applied Optics Research Building: Site Development Master Plan – Request to consider amending the Condition of Requiring Parcel Consolidation as associated with the conditional approval of the Site Development Master Plan for Delaware State University Applied Optics Research Building project. The three phase project on the Delaware State University Campus consists of the relocation of three existing modular buildings (4,280 SF, 1,696 SF and 1,696 SF) and the construction of two Applied Optics Research Buildings: Building 1 of 4 stories and 30,700 SF and Building 2 of 5 stories and 44,232 SF (total of 74,932 SF of new building) along with associated site improvements. The subject property is zoned IO (Institutional and Office Zone) and is subject to the SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area. The property is located on the west side of North DuPont Highway north of College Road. The owner is State of Delaware c/o Delaware State University. Address: 1200 North DuPont Highway. Tax Parcels: Portion of ED-05-057.00-01-21.00-000, ED-05-057.00-19.00-000 and ED-05-057.00-01-20.00-000. Council District 4. *This Site Development Master Plan application received conditional approval at the Planning Commission Meeting of June 18, 2012.*

Representatives: None

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

Dr. Jones also recused herself from this application as well, due to teaching at the University.

Mrs. Townshend stated that a request from Delaware State University was received requesting that the Planning Commission amend one of the conditions of approval granted by the Commission on June 18, 2012. The request is related to S-12-12 Site Development Master Plan for the Applied Optics Research Building.

In consultation with the City Clerk and the City Solicitor, it was determined that under *Robert's Rules of Order*, the condition that the University is requesting can be amended but it would take the Planning Commission making a motion to amend their previous motion before it could be discussed. The applicant is requesting that the condition that multiple parcels on the campus be consolidated as a part of the application approval, be amended by the Planning Commission. The request has been placed on the agenda by Staff so that the Planning Commission has the option of amending the motion that was approved on June 18, 2012. The Commission cannot initiate discussion on the request unless a motion is made and seconded to amend the motion of June 18, 2012 granting conditional approval of the Site Development Master Plan as that motion relates to the requirement of the parcels to be consolidated. If such a motion is made and seconded, the floor can be opened for questions of the Staff or the

Applicant and discussion. Only the condition that is on the published agenda in reference to the parcel consolidation can be part of the discussion or amended motion. If a member of the Planning Commission wishes to discuss the request, they can make the motion even if it's for reasons of discussion.

Ms. Still stated in accordance with notice given on the published agenda, I move to amend the motion of June 18, 2012 approving S-12-12 Delaware State University Applied Optics Research Building Site Development Master Plan, by removing the condition that the parcels be consolidated, seconded by Mr. Baldwin and the motion was unanimously carried 7-0 with Mr. Ambruso and Colonel Welsh absent.

Mr. Holt questioned if the parcel would be kept separate and not merged in with the rest of the University property? Responding to Mr. Holt, Mrs. Townshend stated that the condition that was part of the approval is that the multiple parcels that make up Delaware State University would be required to be consolidated. Also as part of that consolidation for the land hooked parcel that crosses College Road, a parcel line at the road would be added. North of College Road there are three (3) parcels and not all of them have frontage. Also the SWPOZ (Source Water Protection Overlay Zone) is used in terms of how things are calculated. For a number of reasons, Staff had recommended that the parcels be consolidated. She deferred to Mrs. Melson-Williams since she has done the plan review of this application and is better prepared to talk about the locations of the parcel lines.

Mrs. Melson-Williams stated that this was part of the Site Development Master Plan review that occurred before the Planning Commission in June 2012. There are three (3) parcels of land identified by tax parcel I.D. numbers that make up the Delaware State University Campus. It was a recommendation of Staff to consolidate those parcels into one tract of land. The Planning Commission had previously made that recommendation with a previous project in 2009 that the existing three (3) parcels be consolidated and that the one parcel that is divided by the current location of College Road be separated into two (2) parcels as that area of the Campus is zoned differently. The area south of College Road was subject to a previous plan for development of its own that has since expired. The recommendation to consolidate the parcels was made because several of the parcels lack frontage on a public street and it also would add convenience to how Staff has to calculate the provisions for the SWPOZ (Source Water Protection Overlay Zone) when it comes to the limitations related to the impervious surface coverage limits of that zone. The applicant did make a letter request and submitted a boundary survey document as well as an aerial photograph. The Planning Staff included the full Development Advisory Committee Report that the Commission members were issued and acted upon in June 2012. A copy of the Notice of Decision letter related to the action taken in June 2012 and also the excerpt of the Planning Commission meeting minutes from that date which includes extensive testimony about the parcel consolidation both from Staff and the applicant's representative that appeared at that meeting.

Mrs. Townshend stated that a "yes" vote is a vote to eliminate the requirement that the parcels be consolidated.

The motion to amend the approval removing the condition of parcel consolidation was unanimously carried 5-0 by roll call vote with Ms. Still, Mr. Baldwin, Mr. Holt, Mr. Shomo, and Mr. Tolbert voting yes. Mr. Holden and Dr. Jones were recused and Mr. Ambruso and Col. Welsh were absent.

AX-13-01 Lands of Sipple's Used Cars at 1174 South Governors Avenue – Public Hearing and Recommendation to City Council on the Rezoning Request associated with the Annexation of one parcel of land totaling 8,250 SF +/- located at 1174 South Governors Avenue. The property is currently zoned BG (General Business District) in Kent County. The proposed zoning for the property is C-2A (Limited Central Commercial Zone). The property is located west of South Governors Avenue south of Lynnhaven Drive. The annexation category according to Dover's *2008 Comprehensive Plan* is Category 1: High Priority Annexation Area and the land use designation is Commercial. The owner of record is Sipple's Used Cars, Inc. Address: 1174 South Governors Avenue. Tax Parcel: ED-00-086.05-01-12.00-000.

Representatives: **None**
Mrs. Townshend stated that the request is for an annexation and rezoning. The Planning Commission's role in this is to review and make a recommendation to City Council as it relates to the rezoning. The current zoning of the property is BG (General Business District) in Kent County. The proposed zoning is C-2A (Limited Central Commercial Zone) in the City of Dover. The property shows in the City of Dover's *Comprehensive Plan* as a Category 1 High Priority Annexation Area. It is one of the areas that is largely surrounded by the City. The potential land use for annexation indicates that it would receive a commercial designation if annexed into the City of Dover. The requested zoning is C-2A (Limited Central Commercial Zone) and looking at the surrounding zonings, all of the properties that are within the City of Dover and adjacent to the subject property are also zoned C-2A (Limited Central Commercial Zone). Looking at the properties there is a church and Creekstone Office Complex which are both zoned C-2A (Limited Central Commercial Zone). The properties that are in Kent County are BG (General Business District). The C-2A (Limited Central Commercial Zone) is consistent with the surrounding land uses and zoning classifications as well as with the *Comprehensive Plan*.

Mr. Tolbert questioned if this was a used car lot? Responding to Mr. Tolbert, Mrs. Townshend stated that it was not a used car lot. The property was owned by Sipple's Used Cars and this property is a residential parcel. It's zoned business but it is used residentially.

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

Mr. Holt moved to approve AX-13-01 Lands of Sipple's Used Cars at 1174 S Governors Avenue, recommending to City Council a rezoning from BG (General Business District) to C-2A (Limited Central Commercial Zone), seconded by Dr. Jones and the motion was unanimously carried 7-0 with Mr. Ambruso and Colonel Welsh absent.

C-13-02 Offices of E-Z Pass at 22-24 West Loockerman Street – Public Hearing and Review of a Conditional Use Plan to allow for the establishment of an office on the first floor of an existing building at 22-24 West Loockerman Street. The property is zoned C-2 (Central Commercial Zone) and is subject to the H (Historic District Overlay Zone). The property is located on the south side of West Loockerman Street west of South State Street. The owner of record is Downtown Dover Partnership. Address: 22-24 West Loockerman Street. Tax Parcel: ED-05-077.09-04-16.00-000. Council District 4.

Representatives: Mr. Gregg Moore, President of Downtown Dover Partnership; Mr. Lou Colon, Executive Director of Downtown Dover Partnership

Mr. Holden recused himself from this application as his employer is the engineer of record.

Ms. Cornwell stated that this is a Conditional Use application for the use as an office on the first floor of the property located at 22-24 West Loockerman Street. The property is zoned C-2 (Central Commercial) and is subject to the Historic District. The use as an office on the first floor on West Loockerman Street for properties located between State Street and New Street requires a Conditional Use. The Planning Commission previously reviewed and approved the Site Plan for improvements to the rear plaza area in December 2012. Building Permits have also been issued administratively for other work inside of the building. The office use is to establish E-Z Pass on the first floor of the building and a small portion of that area will be used as retail. They will also be using about 2,000 square feet of the basement. A number of the site items have been addressed as part of the Site Plan. The other agencies reviewing this application have provided their comments in the DAC Report.

Mr. Moore stated that they are pursing E-Z Pass as the tenant for this building. Their hope is that once DelDOT actually chooses the E-Z Pass vendor, they will be able to negotiate with them and put them into this building. He wanted to be clear that there are currently two (2) vendors vying for that E-Z Pass program and they are unable to negotiate until DelDOT has elected a vendor. The one specific detail that they are aware of is that sixty (60) people will be in the building.

Mr. Moore further stated that they are not exactly certain what the layout of the building will be. When they filed the application, they were hoping that they would have a retail component on the frontage. He believes that there will be retail but this will have to be worked out once the vendor is selected. If approval is given they would like to be granted approval to have office on the first floor and then provide Staff their layout once they know what it will be.

Mr. Tolbert questioned if the office located at the Toll Plaza will still remain open? Responding to Mr. Tolbert, Mr. Moore stated that he believed there would still be a small function of E-Z Pass at the Toll Plaza. This is actually a back of the house E-Z Pass where they have a call center, they do paperwork and they will have customers make payments.

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

Dr. Jones moved to approve C-13-02 Offices of E-Z Pass at 22-24 West Loockerman Street, along with the Staff recommendations, seconded by Mr. Shomo and the motion was unanimously carried 6-0 with Mr. Holden recused and with Mr. Ambruso and Colonel Welsh absent.

S-13-03 Lands of Boyles at 527-529 South State Street – Public Hearing and Review of a Site Development Plan application and Architectural Review Certification to permit the construction of a parking lot. The property is zoned RGO (General Residence and Office Zone) and is subject to the H (Historic District Overlay Zone) and SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area. The property is located on the northeast corner of South State and Elm Terrace. The owners of record are William and Lisa Boyles. Address: 527-529 South State Street. Tax Parcel: ED-05-077.09-05-47.00-000. Council District 2. *Waiver Requests: Reduction in Parking Requirement and Elimination of Curbing.*

Representatives: Mr. Garth Jones, Becker Morgan Group

Mr. Holden recused himself from this application as his employer is the engineer of record.

Mrs. Melson-Williams stated that this is a Site Plan application for the Lands of Boyles located at 527-529 South State Street. It is a proposal for a parking lot to be constructed at the rear of the building that is located on the site. Since the property is located within the City of Dover's Historic District, it has been reviewed by the Historic District Commission and a recommendation regarding the Architectural Review Certification for the project has been forwarded to the Planning Commission. Specifically, it is a separate report titled "Architectural Review Report Recommendation Report". The Historic District Commission considered the application at their meeting held on February 21, 2013 and they are recommending approval of the Architectural Review Certification. However, since this application has to come before the Planning Commission for Site Plan review the Planning Commission will take final action in regards to that Architectural Review Certification. This action will need to be part of the motion or as a separate motion. Reference can be made to the Architectural Review Recommendation Report and the comments and recommendations of the Historic District Commission, making any additions or changes that are deemed necessary for certification of the project.

Mrs. Melson-Williams further stated that the project involves construction of a parking lot to the east of the building that fronts on State Street. This is a corner property located at South State Street and Elm Terrace. The parking lot would take access off of an alley that runs to the rear of property. It is a parking lot consisting of seven (7) spaces and it would be paved. Other aspects of the site include a proposal for a fence that would extend along South State Street, Elm Terrace and to the entrance of the parking lot. The fence is proposed as a black decorative metal fence, four (4) feet in height with the exception of the corner visibility area at South State Street and Elm Terrace where the height of the fence is limited to three (3) feet by code. The other aspects related to this project include landscaping. There is a proposal for shrubs along the Elm Terrace frontage of the property. The site with its existing trees, meets the tree planting requirements of the *Zoning Ordinance*. Along the north side of the property there is an existing shrubline that has been trimmed recently that provides screening for the parking lot on that side.

Mrs. Melson-Williams stated that the applicant is requesting two (2) waivers in regards to this project. The first, being a waiver from the up-right curbing requirement. Parking lots typically require up-right curbing unless deemed to be removed due to stormwater management practices. The applicant is seeking to build the parking lot without the up-right curbing seeing that the current drainage flows across the property. In this case, the drainage would flow from the parking lot through a grass area on the site that will be lawn as part of this project. The second waiver is a request for a reduction in the required parking for the site. The property is zoned RGO (Residence General and Office Zone). Currently, the building consists of three (3) apartments. Those apartments would require a total of seven (7) parking spaces on site which this parking lot proposal would accommodate. However, the RGO (Residence General and Office Zone) of the property also allows for the use of the building as offices and since this application was being presented to the Planning Commission, Staff recommended that the applicant pursue a waiver reduction related to what would be a parking requirement for office use of the building, should that happen in the future. Based on the size of the building, the office use would require ten (10) parking spaces. However, the *Zoning Ordinance* allows for a parking waiver to be considered. The Planning Commission can actually grant a waiver for up to

50%. The applicant's request is for a 30% reduction, bringing the parking requirement down to the seven (7) spaces that they are proposing. The project is within the redevelopment target area for the Downtown. It is eligible for a 20% parking reduction because of its location. The applicant has provided some reasoning for their request noting mass transit in the area and the ability to walk in the area due to existing sidewalks along South State Street and along the Elm Terrace frontage of this property. The property also proposes a bike rack to be located on site which meets the bicycle parking requirements of the Code.

Mrs. Melson-Williams further stated that this project was reviewed by the Development Advisory Committee for the City of Dover and those agencies have provided their comments. The City's Public Works Office has asked for some calculations related to stormwater management to ensure that the run-off from this parking lot can be adequately handled by what exists in the area. DelDOT has no comments on this application as they are not taking access off of a State maintained road. The alley is a City of Dover alley. Kent Conservation District notes that they are not reaching the thresholds that require a full storm-water management plan for their review.

Mr. Jones stated that they did meet with the DAC Committee and they are in agreement with the comments. As Mrs. Melson-Williams mentioned as part of the request, we are asking for two (2) waivers. One waiver request is the elimination of the up-right curbing. Right now the drainage flows across the site and they would like to continue that pattern. It will flow across a lawn area which they believe will provide water quality treatment although it's not required. The second waiver request is to reduce the parking requirements for an office use from ten (10) spaces to seven (7) spaces, in case this is ever changed into an office use.

Mr. Tolbert opened a public hearing.

Mr. Jerome Emerson – Christ Episcopal Church 523 South State Street Dover DE 19901

Mr. Emerson stated that he was representing Christ Episcopal Church. They are neighbors to the property in discussion. He rises in support of the project. One reason is that they are exceptionally good neighbors. They have assisted with snow removal and bush removal. Getting the parking off of Elm Terrace and in behind the house will really improve the traffic flow which goes into the Church's main parking lot. So they look forward to this project taking place and they are very supportive of the Boyles property and their proposal.

Mr. Tolbert closed the public hearing after seeing no one else wishing to speak.

Mr. Baldwin questioned if a reduction in parking was granted, did the applicant see any conflicts between the people living in the apartments and the office workers? Responding to Mr. Baldwin, Mrs. Townshend stated that in the case of having office uses there would no longer be apartments in that building. The property is zoned so that it can be either apartments or offices so it's likely to be one or the other not both.

Mr. Baldwin moved to approve S-13-03 Lands of Boyles at 527-529 South State Street, along with the two waiver requests for up-right curbing and the reduction of parking spaces and also the Architectural Review Certification, seconded by Dr. Jones and the motion was unanimously carried 6-0 with Mr. Holden recused, and with Mr. Ambruso and Colonel Welsh absent.

MI-13-04 Clearview Meadows PND: Revised Active Recreation Plan and Minor Subdivision Plan – Review of Revised Active Recreation Plan #2 to eliminate the swimming pool facilities and add a community building within the Active Recreation Area of the subdivision. Public Hearing and Review of a Minor Subdivision Plan for lot revisions to relocate one lot and to create two additional lots for a total of 305 residential lots. The subdivision is located on the north side of South Little Creek Road, south of North Little Creek Road and east of Babb Drive. The subdivision is zoned R-8 (One Family Residence Zone) and RM-1 (Medium Density Residence Zone) and subject to the AEOZ (Airport Environs Overlay Zone). The owner of record is Shirliz, LLC. Tax Parcel of Active Recreation Area: ED-05-077.07-06-98.00-000. Tax Parcels Affected by Minor Subdivision: ED-05-077.07-06-96.00-000, ED-05-077.07-06-98.00-000 and ED-05-068.19-06-24.00-000. Council District 2. *Clearview Meadows went through the PND (Planned Neighborhood Design) process as C-04-01 and SB-04-04P with approvals granted by the Planning Commission in April and September 2004. Construction of the subdivision is underway with 63 of 303 dwelling units complete.*

Representatives: Mr. Ian Cohen, Shirliz, LLC

Mrs. Melson-Williams stated that this was an application associated with the subdivision known as Clearview Meadows. The subdivision is located off of South Little Creek Road just east of Safeway and also has a connection onto North Little Creek Road as well. There is also a connection onto Babb Drive near the Luther Village project. There are two items for consideration by the Planning Commission. The first is a Revised Active Recreation Plan which is being referred to as Revised Recreation Plan #2. Also a Minor Subdivision Plan that is associated with it. The Clearview Meadows subdivision was a project in the PND (Planned Neighborhood Design) Option that was initially reviewed in 2004. This subdivision moved through the review process with the Planning Commission and ultimately a Record Plan dividing the property into the lots that are present today was recorded in September 2005. Final Construction Plans were approved in January 2006. The project as approved consists of a total of 303 residential lots with a mix of single family dwellings, townhouses and duplex units. The project has been under construction and is now currently owned by a different developer than the one that took it through the process originally.

Mrs. Melson-Williams further stated that the applicant is requesting a revision to the Active Recreation Plan. Any of the Active Recreation Plans that come before the Planning Commission first go through review with the City of Dover's Parks, Recreation and Community Enhancement Committee to look at the technical side of the active recreation component and what they are providing. That occurred with this Revised Plan #2 with the Parks, Recreation and Community Enhancement Committee most recently. This Committee has issued a recommendation of support of the revisions to the Active Recreation Area. The proposal for the changes to the Active Recreation Area consists of the following: the elimination of what was a swimming pool that was proposed on the project and the associated bath house. A copy of this was actually submitted to the Planning Commissioners. It also involves the relocation of a gazebo seating element and the addition of a community building with an associated parking lot. With this plan, the swimming pool was originally on the eastern side of what is a large park like Active Recreation Area that is centrally located in the subdivision. With the change, the swimming pool is eliminated and more of a walking path is just located in that area. The community building is proposed on the western end of this park area at the terminus of what is John Hunn Brown Road, the entrance road from South Little Creek Road onto the site. The community building has interior space that consists of exercise room, a small meeting room and a large meeting

room along with associated restroom facilities, storage and a small kitchen area. The Active Recreation Plan continues to include the playground area and the large walking path network system that creates a loop through the park area as well as the inter-connections to the street network of the subdivision. With this proposal for changes to the Active Recreation Plan, it precipitated some revisions to the lot layout for the project site. With the location of the community building, it requires that one lot be relocated. It is a single family residential lot and it is proposed to be relocated to the eastern side of the park area and then an additional lot created in that space as well. A second additional lot is proposed in the northern end of the subdivision closer to North Little Creek Road in what was previously an open space area. Even with these changes to the open space areas the project continues to meet the land area requirements for open space for the PND (Planned Neighborhood Design) as well as the amount of Active Recreation Area necessary for the subdivision which is based on the number of units within the subdivision itself.

Mrs. Melson-Williams stated that the plan was reviewed by the Planning Office; they have noted some of the technical side of things related to construction and some updates to the plan which will be necessary with the lot revisions that are proposed. The project also moved through the City of Dover's Development Advisory Committee and there are advisory comments from the City of Dover's Public Works Office related to water and sewer service with what will be the new lots. DelDOT has no comments specifically to this plan; they just note that the subdivision is part of some Letters of Agreement related to off-site improvements. They will be working with the developer in regards to implementation of those items. The Kent Conservation District notes that this aspect of the project does not require the development of a detailed sediment and stormwater management plan. That was done as part of the overall subdivision and the large stormwater management facility already exists on the property. There were a variety of attachments in the provided packets, including a revised layout for the community building which changed the location of the driveway due to some existing utility infrastructure that was located where it was originally proposed. There are also detailed estimates regarding the improvements for the Active Recreation Area.

Mr. Cohen stated that Shirliz, LLC acquired the property about a year and a half ago, looked at the plans in detail and have reviewed all of the economics that are tied into the subdivision that was previously approved. They have determined that it is a much more practical amenity to create a community center as opposed to a swimming pool. Being in the development business for decades and their experience with swimming pools in developments of this size do not generally get installed or properly used until you have approximately 80% of the community in place and paying dues sufficient enough to support that. The subdivision currently has about sixty five (65) units either under construction or completed and therefore getting to that 80% level is probably a decade away. The reality is that they can create and develop a community center that can be used now as opposed to something that may happen in the future. They did hold a community meeting where many people were in support of the Active Recreation Plan but he was aware that there were some people present who may be to the contrary of this plan. Their concept is to move this project forward. It languished from many years and they are dedicated to getting this project moving. They believe that the community center is the appropriate amenity to put in place as part of the overall community and should enhance the ability to move the project forward.

Ms. Still questioned the time frame that they were anticipating for this construction? Responding to Ms. Still, Mr. Cohen stated that subject to getting a Building Permit, they would hope to be under way this year constructing the community center as well as some of the environs around the community

center.

Mr. Tolbert questioned if they intended to put a pool inside of the community center? Responding to Mr. Tolbert, Mr. Cohen stated no, the pool would be eliminated altogether.

Mr. Tolbert opened a public hearing.

Denise Jones – 124 Nob Hill Road Dover DE 19901

Mrs. Jones stated that she was a resident of the community and that she had also previously worked for the prior developer of the community in 2007. She and her husband were under the understanding that there was going to be a pool and they have been anticipating this for many years. They have been living at their residence for five (5) years and the pool has still not happened. There are many homeowners who have been or are currently deployed that they have discussed this proposal with. They all have been in agreement that we are anticipating or waiting for the pool. The homeowners had not heard anything regarding not having the pool until they received a certified letter two weeks ago. The revisions of where the developer is planning to construct the community center is right at the end of the main street. They live four (4) houses away from this location. According to the plan, the parking looks like it would be a nightmare for everyone living on Nob Hill Road. Single family homes are on one side where there is plenty of parking, her parking is in the rear and guests will park in the front. She has worked in many developments that have had this situation and it does not work. She said they all would like to have the pool as they were promised in their development. If the developer does not want to give them the pool then use the two additional lots that they would be creating and turn them into a dog park.

Kelly Harris – 108 Nob Hill Road Dover DE 19901

Ms. Harris stated that she had sent an email to the Planning Office prior to this meeting. She is a resident of the community. There are a total of seven (7) rental properties, one (1) vacant townhome and one (1) vacant single family home on just Nob Hill Road. This leaves roughly ten (10) occupied homes on this street. A few people that she spoke with were still in favor of the swimming pool and they want to see progress in the neighborhood due to the fact of being stagnant for so long. She does not feel that it is a good idea to put a community building within the neighborhood unless it will have a pool. She explained that it is not like she lives in an apartment and can move when her lease is up. She bought into something that she thought was going to be there and a buying point was the swimming pool. She had print outs from a Realtor's website, advertising not only a pool but also a club house for the three (3) new homes being sold. She also had case law from Case 08C08010JTV Reserve Management Lot vs. Thirty (30) lots. It states in Paragraph 15: "The original declaration reserves development reserved a generic right to modify restrictions; however, the exercise of such a right is not unlimited where a developer seeks to enforce an amendment to restrictions against non-consenting owners who bought their lots before the amendment was affective. The amendment must be reasonable in light of the original intent of the developer and the lot owners. If it is not reasonable it is invalid. Reasonableness may be ascertained from the declaration of restrictions and all of the intended facts and circumstances relevant to the nature of the development." She said that she had not seen any numbers showing how much a pool is going to cost, how much the recreation center is going to cost or how much her Homeowners Association fees are going to increase. She attended the meeting held on February 13, 2013 where no one was able to get an opinion in. The developers basically said this is what we are planning to do. There were fifteen (15) homes that attended out of around sixty (60) homes. She

does not know how that is a positive outlook from a number of people if not even half of the community attended the meeting. She also had an email from someone who was not able to attend the meeting, stating that she was also in favor of the swimming pool.

Leonard Roberts – 100 Lady Bug Drive Dover DE 19901

Mr. Roberts stated that he is a resident of the community. He felt the pool was just one issue; there are a lot of issues in this development. They lost the original contractor PCS Homes; now they have Smart Homes LLC. At their closings on their homes, they were not told that they had a lot of restrictions on their properties. He has a restriction line in the center of his backyard. He is not able to place a shed or a fence there. It is intolerable that he is mowing the lawn for the City. When he finally received the paperwork for this Revised Plan, it stated Lot 284 no fence or shed. In the original copies of the prints, a stockade fence is supposed to be up along Lady Bug Drive to around Nob Hill Road, which was an agreement with the neighboring church. When he went to the City of Dover he questioned if the builder can put up a stockade fence at this location, why can he not put up a fence on his property? The City's reasoning is because the land is designated as farmland. A permit for a shed was disapproved by the City of Dover due to him having a restriction. He can only build ten (10) feet from the back of his house. He feels that this is similar to living in New York City. He is caring for the lawn, but he cannot put up a fence to keep robbers from coming across his property. People are disrespecting his wife in his own back yard and he feels that this is unreasonable. The plan as a whole needs to be looked at because to him, 95% of this community has restrictions on every property. He lives in a duplex on the corner right behind Safeway and Target. He has all of that property and cannot do anything with it. He has dead trees that should have been taken down because you can pull the bark off with your fingers. This is a disaster waiting to happen at his house. He cannot find out if he owns the trees or if the City owns them. The City told him that the trees are on common ground. He feels that there are a lot of things going on in this development that need to be looked at by City Council. He also has a room inside the house that gets cold air because the cold air return is under the third bedroom. A lot of things need to be inspected because he feels like he threw his money out the window by purchasing this home.

Responding to Mr. Roberts, Mrs. Townshend stated that there is forty (40) foot no building line. In the PND (Planned Neighborhood Design), there is a required forty (40) foot buffer along the perimeter of the project boundary and that forty (40) foot buffer is on a number of private lots. This is a problem that they have here and a couple of other places have the forty (40) foot buffer in place as well.

Vincent Carney – 120 Lady Bug Drive Dover DE 19901

Mr. Carney stated that the forty (40) foot no building line was not explained to them when they purchased the homes in this development. He was misled on a lot things when he purchased his home. As far as in the back of his house, there are a lot of trees and the markers start further back where he cannot build or place anything there. He said his grass is supposed to go further out but the developer decided that they were not going to put it that far out because of the church. With the first developers, there supposedly was a deal that the church would cut the trees down if the developer built them a parking lot. The parking lot was built for them but then they decided to leave the trees up. As for the swimming pool, his wife is in favor of the pool. He thinks that instead of taking away the pool now, they should hold off on it until they have more houses built and more income going towards the Homeowners Association fees and then it can be considered again. If they construct the pool now, it will be hard on the people living there now because there

are not enough people to pay towards maintaining the pool. He also feels that he should be able to place a shed on his property since he was told while purchasing his home that he would be able to have one.

Skip Cohen – 132 Nob Hill Road Dover DE 19901

Mr. Cohen stated that he was also a resident of the community. The Homeowners Association that they keep paying into month after month is now $13,000-$14,000 in arrears. He has no idea where the money is going to because they are not seeing any results. As members of the Homeowners Association, he does not see any progress. He has lived here since December of 2010. He and his wife own one of the corner townhomes and they hear a lot of talk and promise from the developers. He had with him, an ad from a Realtor about tot lots, walking trails, swimming pools; all of the things that at issue here. Things that they were told initially that they would have but they do not have. What they see out of their front door is heavy equipment that has been sitting there. It has been used but not to develop anything of any value to a homeowner. They are clearing areas but there are a lot of empty lots. All that they have seen in the last two (2) plus years is heavy equipment and portable potty. Another thing that concerns him is that while there has been a delay, promises and no action the development remains empty. This is inviting all kinds of crime. People are cutting the tops off of the sewer grates. There was a quarter ton air conditioner that was stolen and they attempted to steal a second one. One evening they looked out of their window and a vehicle was set on fire.

James Jones – 124 Nob Hill Road Dover DE 19901

Mr. Jones stated that he moved into the development in 2007. At that time, a lot of amenities that have been mentioned this evening were promised. They have dealt with a lot of neglect in the community. When it snows they have buses that come through from the City. It's like they are not thought of as a community. They have trailer homes to their left, a community business to their right. It is a pathway for people to cut through with motorcycles or off-road vehicles. The other night they witnessed a drug bust in the open area of the neighborhood. He feels giving them a recreation area and picnic grounds would hoard a lot of outside people that come to use the facilities. He knows that this recreation area would not be managed by the Police or any security agency. He believes that a pool would at least allow some kind of management for people coming and going. If they are left with an open area they will be dealing with the youth who have nothing else to do but come there and hang out. He thinks that a managed pool would be something that would allow some kind of regimentation of people that coming and leaving that property. A pool would also be nice.

Chris Lindbloom – 35 Mer Way Dover DE 19901

Mr. Lindbloom stated that he feels opposite of what has been said so far. He is in agreement with making this change. The main portion is that they have not progressed; there are issues with crime from developments around them. As of right now, no one can say anything about promises that have been maintained except from their current developer. The current developer said that the homeowners would not have to pay from snow removal anymore and they have upheld their end of the deal. This is what caused them to be in debt dramatically as an HOA. From the standpoint of where the community center will be located compared to where the pool would be located is another issue. The pool would be located at the narrowest wedge of the community in between where the trailer park homes are and the walkway which is now a connection to North Little Creek Road. By moving the community center to the opposite side of the development which would be

near the retirement home side, they would cut out the direct line of traffic that they have crossing through the back end of the neighborhood. There would be a lighted building with very nice landscaping and a lot more traffic to it from the community would help eliminate that pass through from the other communities that they do not want walking through. As a total plan, the other concern that they would run into with having a pool is the personal insurance that has to be paid for as an HOA on that pool. If there were injuries caused from people that get into that pool that they do not want in the pool at 2 AM due to not having a building there, not being very well lit, that creates a long term liability to the homeowners of the community. He is in agreement that the location should be moved. It will also help progress the buildings forward because there will an actual amenity already there.

Clarence Richardson – 104 Nob Hill Road Dover DE 19901

Mr. Richardson stated that he feels if you have a building with light, who will take care of this building? The building will have to be secured somehow. The community which is already hurting because a lot of the promises made have never happened. He is sure that the new developer has good intentions on the things he is saying but the fact remains that there are not a lot of people in the community that can support what the developer plans to do. It seems to him that if more people came to the meeting then maybe they could have this discussion and it could be timelier than what they have now. Their main concerns are things that the previous builder did not handle. Another main concern will be the security issues because they have had fires and Police chasing people through the neighborhood. But because it is not the most secure area, a community center will still need to be monitored. He has had things broken into before but believes that locks help honest people stay honest. They do not do lot for people who really want to tear up something. This Revised Plan seems to be more of a short term situation in which the developer is trying to promise something that seems good. But in the long term, it will be more of a nuisance. The community center will be something that none of the property owners really wanted and someone will have to take care of it.

Linda Lushbaugh – 135 Lady Bug Drive Dover DE 19901

Mrs. Lushbaugh stated that she and her husband are property owners of a property in the community. They have been property owners since 2008. She believes that what we have here are promises that have been broken and angry people. They have lived in different states in medium income developments with pools and they have done very well. These developments seem to attract young families with children and the homes all of sudden become more desirable to those types of people because there is something to do with the kids in pool areas. It does bring other activities to the area for example swim clubs. They can see only good things and overall they bought into the area with the pool being one of the major deciding factors. They are in favor of the pool.

Mrs. Townshend stated that she would like to acknowledge three pieces of correspondence for the record. There is an email with attachments from Kelly Harris who spoke tonight from 108 Nob Hill Road. There are also emails from Wendy and Paul Waddell at 15 Mer Way and Mr. and Mrs. Delroach at 110 Nob Hill Road. All of the emails are in favor of the swimming pool.

Mr. Tolbert closed the public hearing after seeing no one else wishing to speak.

Dr. Jones questioned if the developer was aware of all of the issues of the neighborhood? Responding

to Dr. Jones, Mr. Cohen stated yes, they were aware of the entire development plan.

Dr. Jones further questioned the words "development plan", as in issues that have been brought to the attention of this Commission tonight? Responding to Dr. Jones, Mr. Cohen stated yes.

Dr. Jones stated that Mr. Cohen indicated that his years of experience tell him that approximately 80% of the development needs to be complete before the pool is properly supported. She questioned the proper support for the community center. She further questioned if there was a possibility that there would be additional assessments for the residents because of the community center versus a swimming pool down the road? Responding to Dr. Jones, Mr. Cohen stated that it would be far less expensive. The community center is built by the developer; there is no cost to the homeowners to build the community center. The maintenance of the community center as time progresses is the primary cost to the community. In terms of the long term one versus the other, the swimming pool can be used maybe four (4) months a year in this climate and a community center can be used twelve (12) months a year. Therefore, there is electricity, maintenance and basic cleaning that will have to occur twelve (12) months a year. That cost is probably minimal compared to tens of thousands of dollars that have to be put into a swimming pool. Pools do require a significant amount of maintenance as they age. They do believe statistically that it is far less expensive to have a community center operational than a pool.

Dr. Jones questioned far less expensive to whom? Responding to Dr. Jones, Mr. Cohen stated that once the pool is built or once the community center is built, it is basically the Homeowners Association's responsibility to maintain those items.

Dr. Jones questioned if this information had been communicated to the Homeowners Association in terms of a projection? She further stated that it sounds like there had been very poor communication prior to his time. She questioned has there been communication regarding this matter? Responding to Dr. Jones, Mr. Cohen stated that he disagreed with that. There was a meeting held on February 11, 2013 where every single member of the community was invited. He believed that someone had mentioned earlier in the night that only fifteen (15) out of the sixty (60) members of the community were in attendance. From his seat, most of the people seemed to be fine with the Revised Plan. They did not discuss specific budget matters but the issues that she had mentioned were all brought up.

Mr. Baldwin questioned that since the selling point of the residents who purchased homes was the pool, is he amendable to having another meeting with the residents in order to get more of a representation? Responding to Mr. Baldwin, Mr. Cohen stated that he did not know that it would do any good. He did not know what more could be presented. They are dealing with something that could be done today versus something that would be done years from now. People talk about having a pool and they talk about issues in the overall community but he believes that the community would have a lot more problems with the pool physically being there at this point in time than a community center by leaps and bounds.

Mr. Baldwin further stated that Mr. Cohen commented that when the meeting was held, costs were not reviewed. Responding to Mr. Baldwin, Mr. Cohen stated that they did review costs in general terms, but a specific budget was not prepared. The developer was very direct as to the costs of the swimming pool maintenance versus the community center maintenance. If the Planning Commission does not approve the Revised Plan then the pool will stay there but it will not get built for years. They are the successor developer; they inherited the plan, reviewed it and realized that it makes more sense. The

original plan did not show a pool, the original developers had a pool instituted as a second plan instead of tennis courts. This revision would be the second revision of the plan. He sympathizes with the people who bought homes from PCS Homes that were told otherwise, but they are not the original developers they are the successor developers and their plan is to build the community center. They believe that it will bring more people to the community. More people and more activity is better for the community as a whole.

Mr. Holt questioned if a program could be set-up for the people who were in favor of the pool where they could purchase memberships in order to off-set the cost of a pool? Also, maybe open up the pool to outside people provided that they pay the membership fee as well? Responding to Mr. Holt, Mr. Cohen stated that this process would not be allowed by the documents that are presently in place. This would create a commercial use of the property. They would be dealing with the State of Delaware, a private pool versus a public pool which creates other issues.

Mr. Holden stated that he appreciated Mr. Cohen's efforts and he thought that his efforts were above board in reaching out to the development to express his proposed path. What he has heard tonight is eight (8) individuals in favor of waiting for a pool and one (1) in favor of going forward with the community center. He would lean towards supporting the eight (8) individuals who want what they view they were promised and that they do not mind waiting for. He did not hear anybody demand that the pool had to happen today. He would be in favor of tabling the application if Mr. Cohen wanted to reach out the community more. Maybe there were more people who really support having the community center that the Planning Commission has not heard from. He is also sensitive to the other issues that have been raised that are not things that they can address at this time such as the buffers on lots and the crime. He strongly suggested to the community to reach out City Council or to the Community Police. But the issue at hand today is that the residents are say that they will wait for the pool.

Mr. Tolbert questioned how many members were on the Homeowner's Association Board? Responding to Mr. Tolbert, Mr. Cohen stated that they were four (4) members on the board at this time.

Mr. Tolbert further questioned if the residents of the community pay a Homeowner's Association fee? Responding to Mr. Tolbert, Mr. Cohen stated yes.

Mr. Tolbert questioned if the pool was installed, would the Homeowner's Association fees increase for the residents? Responding to Mr. Tolbert, Mr. Cohen stated that the fees would increase dramatically. If the pool had to be installed today, the fees would increase exponentially.

Mr. Tolbert further questioned if the residents were aware that the fees would increase? Responding to Mr. Tolbert, Mr. Cohen stated that he believed that the residents were aware of this.

Mr. Tolbert questioned if this issue was addressed during the neighborhood meeting? Responding to Mr. Tolbert, Mr. Cohen stated that the issue was addressed at the meeting.

Mr. Holden motioned to deny the request MI-13-04 Clearview Meadows PND: Revised Active Recreation Plan and Minor Subdivision Plan due to the community being willing to wait until they reach the critical mass necessary to support a pool, seconded by Mr. Baldwin and the motion carried

by roll call vote 6-1 with Mr. Shomo, Mr. Baldwin, Mr. Holden, Ms. Still, Mr. Holt, and Mr. Tolbert voting yes and with Dr. Jones voting against and Mr. Ambruso and Colonel Welsh absent.

Meeting adjourned at 8:34 PM

Sincerely,

Kristen Mullaney
Secretary

April 5, 2013

To Whom It May Concern,

I am writing this letter to request a one year extension for the Conditional Use Site Plan for C-11-02 4H Afterschool at Capitol Green. We are working on all requirements ask of us.

If you have any questions or concerns, you may contact me at 302-730-4000 or cromeo@udel.edu.

Thank you,

Caroline Romeo

Caroline Romeo
Program Director/Extension Educator II
University of Delaware Cooperative Extension

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF April 3, 2013

PLANNING COMMISSION MEETING OF April 15, 2013

Plan Title:	Lands of KGH Development Corporation at 625 South State Street: Parking Lot Construction S-13-05
Plan Type:	Site Plan
Property Location:	East side of South State Street
Property Addresses:	625 South State Street, 100 Scull Terrace, and 150 Scull Terrace
Tax Parcel:	ED-05-077.12-01-51.00-000
Owner:	KGH Development Corporation and Central DE Surgery Center
Present Zoning:	IO (Institutional and Office Zone) SWPOZ (Source Water Protection Overlay Zone)
Existing Uses:	Existing Buildings as Offices, Surgery Center, and Day Care Center with Parking Lots (96 existing parking spaces)
Proposed Uses:	Same with Expansion of Parking Lots (Total to be 226 parking spaces)
Site Area:	8.24 acres (359,134 S.F.)
Waivers Requested:	Partial Elimination of Curbing Consideration of Joint Parking Facilities

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

APPLICATION: Lands of KGH Development Corporation at 625 South State Street: Parking Lot Construction

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

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

PLAN SUMMARY:
This applications is for review of an Site Development Plan application for the expansion of the existing parking lot for an additional 130 parking spaces located at 625 South State Street and 100 Scull Terrace. The property is zoned IO (Institutional and Office Zone) and a portion of the property is subject to the SWPOZ (Source Water Protection Overlay Zone) Tier 1 – Wellhead Protection Area and Tier 3 – Excellent Recharge Area. The property is located east side of South State Street in the block between South Street and Hope Street. The owners of record are KGH Development Corporation and Central DE Surgery Center. Addresses: 625 South State Street, 100 Scull Terrace, and 150 Scull Terrace. Tax Parcel: ED-05-077.13-01-51.00-000. Council District 2.

This project requires Site Plan Review due to the amount of additional impervious surface coverage.

Located on this property is two story building originally constructed as a mansion house now utilized as offices. The building is known as Greenwold (K-126) and also known as the Manlove Hayes House (original owner) and Scull Mansion (20th century property owner). It is listed on the National Register of Historic Places. Constructed circa 1864 the house and its property included other outbuildings, a front carriage drive, and a planned landscape design.

PROJECT PROPOSAL (Drawings dated 3/1/2013):
The application proposes construction of several parking lot areas on the property at 625 South State Street. The existing parking lot located between the existing two story office building (mansion house) and the one story Outpatient Surgery Center will be expanded to the west. The existing gravel area south of the mansion house is proposed as an eleven space paved parking lot. The existing gravel drive just west of the mansion house and the gravel area to the north of the mansion house are proposed to become a seven-four (74) space parking lot. It is noted that a small parking area existed previously north of the mansion house; however, aerial photographs show that between 2007 and 2012 this gravel area was greatly expanded into previous lawn areas (without approval) and a driveway connection made to the adjacent property at 605 South State Street. The applicant indicates that the gravel area north of the mansion house was expanded as part of the construction parking and staging area for the recent building expansion projects at the

Bayhealth Medical Center. The project plans show some information on stormwater improvements in the northeastern area of the site and new tree plantings.

Previous Review of Master Plan S-06-14 Bayhealth Medical Center:
While this specific property was not included in the Master Plan, a Master Plan was completed for the main campus area of the Bayhealth Medical Center at 640 South State Street. The project area for the Bayhealth Medical Center Master Plan consisted of multiple parcels of land located between South State Street and South Governors Avenue in the vicinity of South Street and Hope Street. It did not include this subject parcel at 625 South State Street. (Note: This property was later included in a Unified Comprehensive Signage Plan for the Bayhealth Medical Center facilities.)

The Bayhealth Medical Center Kent Campus Master Plan (S-06-14) was approved under the Site Development Master Plan process in June 2006 with a one year extension to the project in May 2007. The Site Development Master Plan process allows for a series of construction phases to be outlined in a Master Plan for Planning Commission review and approval. Revisions to the Master Plan approved in September 2007 related to a Pedestrian & Utility Bridge over South Street rather than a tunnel as first proposed. The phases of the project were given as follows:

- Phase 1: Central Services Building
- Phase 2: Podium Building, Parking Garage, and Pedestrian & Utility Bridge
- Phase 3: South Street Parking Lot improvements
- Phase 4: seven story Bed Tower Building Addition and north Parking Garage

Prior to each Phase of construction a Site Plan specific to that phase is submitted for Administrative Site Plan review. After some revisions to the construction sequencing the following phases have been completed: S-08-20 Phase 1- Podium Building and Parking Garage and S-08-42 Phase 2A – Central Services Building and Pedestrian & Utility Bridge. Administrative Site Plan review was completed in August 2009 for S-09-02 Phase 2B – South Street Parking Lot Improvements; however, this aspect of the project has not commenced.

PARKING SUMMARY
The proposed northwestern parking lot expansion will result in parking between the building and the street; however, the parking lot is located over one hundred (100) feet back from the street and is therefore permitted to be located there. This is exception is granted in the IO zoning district provisions (*Zoning Ordinance,* Article 3 §10.31).

The following parking information is provided for the subject property at 625 South State Street: The parking requirements for a property in the IO zone is one parking space per 300 S.F. of floor area or one per employee, whichever is greater. The Day Care Center requires parking at a rate of one parking space per adult attendant and one parking space per ten (10) children.

Based on the size of the office buildings and surgery center building totaling at least 14,904 S.F. resulting in a total of at least fifty (50) parking spaces would be required for these buildings* on the project site (*Note: The overall square footage for the two story office buildings is unclear on the plan. The building being demolished and storage pole building are not included in square footage calculation.). Based on nineteen (19) attendants and seventy-eight (78) children, the Day Care Building requires twenty-seven (27) parking spaces. Therefore, overall the subject property requires at least seventy-seven (77) parking spaces and would be permitted to have at least ninety-six (96) parking spaces under the maximum parking provisions of *Zoning Ordinance*,

Article 6 §3.11. With clarification of the total square footage for each building, the parking requirement for the subject site can be set. As currently presented the subject property is proposing a total of two hundred twenty-six (226) parking spaces which exceeds the maximum allowed parking.

Consideration of Joint Facilities for Parking

While the total number of parking spaces proposed on the site at 625 South State Street exceeds the maximum parking limitation, the applicant has indicated they are seeking to consider the overall parking provided for the Bayhealth Medical Center properties. The *Zoning Ordinance* includes provisions for considerations of parking to jointly serve multiple establishments.

> *Article 6 Section 3.7 Joint facilities.* Required parking spaces, open or enclosed, may be provided in spaces designed to serve, jointly, two or more establishments, whether or not located on the same lot, provided that the number of required spaces in such joint facilities shall be not less than the total required for all such establishments.

Bayhealth Medical Center Campus Parking Summary:

The minimum off street parking requirement for hospital use is based on one (1) space per every three (3) beds in the facility (Article 6 § 3.1). The IO zoning district parking requirements are governed by either square footage or employee count. Previous projects implemented on the Bayhealth Medical Center campus with the recent capital improvement project included construction of a parking garage, new surface parking lots, and improvements to existing parking lots. At the time of the Master Plan review for the Bayhealth Medical Center in 2006, the *Zoning Ordinance* did not include a maximum parking space limitation.

The applicant provided a Parking Exhibit Plan (4/2/12) to the Planning Office showing the locations of the campus buildings and associated parking facilities in order to utilize the provisions for joint facilities parking. The Bayhealth Medical Center main campus area was identified to include the Hospital building and Parking Garage between South State Street and South Governors Avenue; the Hope Street Parking Lot; the Central Services Building, office building and the South Street Parking Lot; the office buildings at 540, 560, and 600 South Governors Avenue; the Gates property at 605 South State Street, and the subject site at 625 South State Street. See Chart of Existing Parking Facilities (Information from Parking Exhibit Plan).

Existing Parking Facilities at Bayhealth Medical Center campus		
Location	**Address**	**Number of Parking Spaces**
Scull Property	625 South State Street	141
Gates Property	605 South State Street	9
Bayhealth Hospital (main building)	640 South State Street	12 at Frear House 8 at front entrance 371 in Parking Garage 17 Emergency Room 84 Staff Parking Lot
North of South Street	Governors Avenue	26 at Office Building 56 at Central Service Building 401 South Street Parking Lot
Hope Street Parking Lot	Southeast corner of Hope Street and South Governors Avenue	157
Human Resources Office	600 South Governors Avenue	49
Medical Office Buildings	540 & 560 South Governors Avenue	184

Overall, a total of 1,515 parking spaces are available and the total number of employees is 2,052 employees. The parking requirement for the joint facilities would be based on the employee count; thus, the project for parking lot expansion at 625 South State Street contributes towards the overall parking requirement for the facility.

Bicycle Parking

The project is required to provide bicycle parking. The bicycle parking calculation is one for every twenty parking spaces. Based on the total of 226 parking spaces on this parcel, twelve (12) bicycle parking spaces are required. The plan does not depict bicycle parking locations for the property.

Waiver Requested: Partial Elimination of Curbing

Article 6 §3.6(b) requires upright curbing for all parking areas. The proposed parking lot does not incorporate curbing in the following areas: east and southeast sides of the front expanding parking lot, and the parking lot south of the mansion house office building. A written waiver request for the elimination of curbing in these areas was submitted to the Planning Office for consideration by the Planning Commission citing the reasons of existing conditions and the management of water runoff. See attached waiver request.

SITE CONSIDERATIONS

Access

The property is access by an entrance drive from South State Street. For addressing purposes, this entrance drive is named Scull Terrace. The entrance drive is shared with the Holy Cross Church and School Complex. This shared entrance drive was created in the late 1980's and is referenced in an Easement Agreement dated January 30, 1987 (Deed Book 47 Page 63). (Also referenced in development activities for property with Application C-90-1 KGH Surgery Center & Diagnostic Center and C-90-12 KGH Paramedic Training Center.)

SWPOZ (Source Water Protection Overlay Zone)

Portions of the site are located within the SWPOZ (Tier 3: Excellent Recharge Area and Tier 1: Secondary Wellhead Protection Area) found in Article 3 Section 29.7 of the *Zoning Ordinance*. However, this project site is within the downtown redevelopment target area which is exempted from the SWPOZ requirements and restrictions as per *Zoning Ordinance*, Article 3 §29.79 for the Tier 3 area. The area subject to the Tier 1 requirements does not appear to be located within the project area for the new parking lot expansion.

Sidewalks

The project site has an existing sidewalk along the South State Street frontage. The sidewalk must include the appropriate accessibility ramps and crosswalk markings at the intersection with the entrance drive. There are a narrow concrete path crossing the northern portion of the front lawn to the street and a stone path crossing the southern area of the front lawn to the street.

Lighting

The parking lot project does identify additional site lighting in the areas of expansion. However, the type of lighting fixture that will be used needs to be shown on the plan. The proposed lighting must be adequate to safely light all parking and pedestrian areas yet must be shielded and directed as to not create a nuisance on the adjacent properties.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan presents information on the existing trees on the property and the proposal for new tree plantings. Portions of the property are existing woodland that are shown to remain. Based on the total non-woodland area of 278,779 S.F., a total of ninety-three (93) trees are required. The plan lists seventy-three (73) existing trees to remain on the property and the planting of twenty (20) new trees thus meeting the requirement. A number of existing trees to the north and east of the mansion house building will be removed to accommodate the parking for the site. The new tree plantings are prosed on the west edge of the front parking lot area and to the southeast of the mansion house adjacent to the expanded parking lot. The plantings include ornamental trees such as Crabapple and Crape Myrtle trees, Eastern Red Spruce trees and Winter King Hawthorns.

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

CITY AND STATE CODE REQUIREMENTS:

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

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

3) This application seeks to utilize the joint facilities parking provisions of *Zoning Ordinance,* Article 6 Section 3 for the subject site at 625 South State Street and the Bayhealth Medical Center campus. Information on the required parking for the hospital facilities and the existing parking conditions on the campus was provided for review.

4) Sheet C-001:
   a) The data column needs to be updated prior to Final Approval. Some of the items which need revising are as follows:
      i) Indicate the zoning SWPOZ (Source Water Protection Overlay Zone) Tier 3 and Tier 1 under the zoning for the site.
      ii) Add maximum lot coverage limitation of 85%.
      iii) Update Item #15 for the floor area calculation to list the total floor area (excluding the building to be demolished, the pole building used for storage, and the day care center) and the appropriate parking calculation. The Day Care Building floor area cannot be counted in this tally as it has a specific parking calculation based on its use.
      iv) Check number of parking spaces provided. The plan drawing shows 226 spaces.
      v) Add note listing the SWPOZ exemption for Tier 3 for this property.
      vi) Add note with SWPOZ requirements for the Tier 1 areas.
      vii) Clarify and add information regarding the joint facilities for parking including the subject area, total number of parking spaces available (currently and proposed), total number of employees, etc.
      viii) Add a note to the Plan to provide information on any waivers granted by the Planning Commission.

5) Show location of the Flood Plain areas that impact the property.

6) Show dimension of distance from parking lot to street in reference to the IO zoning district off-street parking requirements.

7) Add information on the easement regarding the shared entrance drive.

8) The plan does not show the location of existing utilities (water, sewer, stormwater, etc.). This information will be necessary to determine conflicts with proposed tree planting locations and other site improvements.

9) Sheet C-101: Provide reference to tree protection measures and identify locations on the Demolition Plan.

10) Show location of existing Dumpsters that serve the property. Construction of Dumpster enclosures or other screening mechanisms may be required.

11) Sheet C-201:
    a) Clarify the total floor area square footage for each building. It is unclear if the label of each building is the building footprint area or total floor area. Also update the floor area listings in any data columns.
    b) Identify entrance locations to mansion house office building to ensure appropriate access is in place from the parking lot.
    c) Connect existing path along existing landscape wall on south side of mansion house building to the parking lot.
    d) Add sidewalk connection between the two parking lot areas in the area east of the mansion house building.
    e) Show location of parking bumpers (existing and proposed).
    f) Identify the location of any traffic control signage for the parking lots.

12) Add construction details for items such as curbing, parking bumpers, traffic control signage, light fixtures, etc.

13) The following information must be provided on the plan as related to Landscape Plan in accordance with the plan requirements as listed in *Zoning Ordinance*, Article 5 §16.8:
    a) Provide list of existing trees to remain.
    b) Add planting detail for evergreen tree.
    c) Update listing of zoning per Site Plan comments.
    d) Check number of existing trees to be retained. Trees must be located on this parcel to be counted.
    e) Revise tree type proposed as two Eastern Red Spruces directly west of the mansion house as these plantings will block the view of the historic mansion building from South State Street.

14) Add connecting sidewalk from new parking lot area to sidewalk stub at the Holy Cross entrance.

15) Evaluate the pavement conditions of the entrance drive. Improvements may be necessary to paving, parking bumpers, and curbing and pavement markings including updating the crosswalks to the piano key style striping.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Waiver Request: The following is the Staff recommendation regarding the waiver request.
    a. Partial Elimination of Curbing: Staff recommends approval of the request to eliminate the curbing for the parking lot for areas necessary for stormwater management. The locations of such eliminations of curbing may be refined during the design process. Parking bumpers are recommended at the head of all parking spaces where the upright curbing has been eliminated.

2) The plan provides limited information on the projects' strategy for stormwater management. There are known drainage issues along the southern property line with Holy Cross Church and School complex. This project must not increase the drainage issues in that area and it is recommended that improvements be made in that area to help resolve drainage issues.

3) Staff recommends installation of shrub/hedge planting along the South State Street side of western parking lots as a screening for the vehicles in the parking lot. This will help mitigate the effects of adding the parking lot into the landscape area surrounding the historic mansion house (now offices) and character of the area. At the neighboring church property a landscaped hedge screens the parking lot from the street.

4) Staff recommends implementation of a new pedestrian sidewalk system leading from the parking lot expansion area along the north side of the entrance drive leading to the pedestrian crosswalks at the entrance drive and designated crossing area of South State Street. The stone path and the narrow concrete path are not constructed as accessible routes. Appropriate pedestrian connections to other hospital facilities not located on the subject site is a key element in the consideration of this expanded parking lot to serve multiple hospital facilities under the provisions of the joint parking facilities.

5) Staff recommends that light fixtures places in the vicinity of the mansion house building fit the character of the historic structure.

6) Since the property is listed on the National Register of Historic Places, documentation of the outbuilding (646 S.F. two story office building) is recommended prior its demolition. It appears to be one of the remaining outbuildings (accessory structures) previously associated with the mansion house. Documentation of the building would include photographs and information on the building's construction.

ADVISORY COMMENTS TO THE APPLICANT:

1) The Planning Commission will act upon waiver requests as part of any motion to approve this project, or as a separate motion if necessary. Note: All waivers are at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.

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

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

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

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

6) As the property is listed on the National Register of Historic Places (known as Greenwold and Manlove Hayes House), any projects involving federal funds are subject to the Section 106 process of the National Historic Preservation Act.

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

8) The applicant shall be aware that Site Plan approval does not represent a Building Permit, Demolition Permit, and associated construction activity permits. A Building Permit will be utilized as a tracking mechanism for the site improvements of the parking lot. A Demolition Permit is required to demolish the small office building. A separate application process is required for issuance of a Building Permit from the City of Dover.

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

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: MARCH 27, 2013

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Lands of KGH Development Corporation**

FILE #: **S-13-05**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Owner is responsible for installing all conduits and equipment pads per the City of Dover Engineering Department specifications.
2. 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.
3. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
4. All Engineering and design for Dover Electric will be engineered upon final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

WATER / WASTEWATER / STREETS / GROUNDS / SANITATION

1. None.

STORMWATER

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

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

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

1. None

SANITATION

1. Please depict the location of the current dumpster(s) / trash container(s) that is being serviced by the City of Dover, further comments may follow.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE:

CITY OF DOVER FIRE MARSHAL

APPLICATION: KGH 625 South State St. Scull Terrace Parking Lot

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

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

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

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

CITY AND STATE CODE REQUIREMENTS:

Existing building is over 5000 sq. ft. and paved service will need to have fire lanes marked per Delaware State Fire Prevention Regulations. Fire lane to pick up the front and north side of building.

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 2009 NFPA Life Safety Code, 2009 IBC, latest editions of all other NFPA Codes and the 2009 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: March 27, 2013

D E L D O T

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APPLICATION: Lands of KGH Development Corporations at 625 South State Street
FILE#: S-13-05 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The department requires the applicant to provide proper forms, fees, and plans in order to issue an entrance permit.

2. The applicant must provide ADA compliant curb ramps along the site frontage on South State Street. In addition, the cross-walks at the existing entrance must be removed and replaced with piano-key cross-walks.

3. A 10'wide permanent easement (PE) must be created along the site frontage to accommodate the existing sidewalk and all future utility installations.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

If the proposed parking lot will serve any of the staff at the Bayhealth hospital, then the developer will be required to perform a traffic study of the site entrance intersection to determine whether a signalized pedestrian crossing is warranted at the entrance. When the study is completed, DelDOT will review it and send its recommendations of the improvements to the City. The improvements contained in the study will be implemented by the developer per DelDOT's discretion. Please contact Ms. Naa-Astwei Tetteh at (302) 659-4097 or via e-mail at Naa-Atswei.Tetteh@state.de.us to obtain the scope of the traffic study.

ADVISORY COMMENTS TO THE APPLICANT:

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
April 2013

APPLICATION: *KGH Development Corporation*

FILE #: S-13-05

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

1. Green Technologies (bio retention, bio swales etc.) must be considered before traditional facilities can be considered.
    a. The addition of parking typically allows for the introduction of green technologies to be implemented.
    b. As a pre-treatment prior to entering the facility is also an effective use of bio swales, filter strips and/or bio retention.
2. The drainage patterns being shown on the plans do not appear to what was discussed in the pre application meeting. Some drainage is being directed to the adjacent property (Holy Cross) there are known drainage issues in the area that the flows are being directed.
3. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
4. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
5. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.
6. Based on the site characteristics, a pre-application meeting will be required to discuss stormwater management and drainage for this site.

WAIVER REQUEST

UPRIGHT CURBING REQUIREMENT
KGH DEVELOPMENT CORP.
PARKING LOT EXPANSION FOR BAYHEALTH STAFF
2005147.02

REQUEST: Elimination of constructing upright curbing for the parking lot and drive aisles.

EXTENT OF THE REQUEST: The City of Dover Zoning Code, Article 6, Section 3.6(b) requires all permanent parking areas to be enclosed with upright concrete curbing at least six inches in height. The planning commission may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. A waiver is requested to eliminate a portion of the proposed curbing around the perimeter of the proposed parking areas and drive aisles to allow for necessary curb cuts and also to allow for sheet flow of stormwater runoff to stormdrain facilities.

BASIS FOR REQUEST: The proposed site drainage pattern will utilize sheet flow to convey the stormwater runoff from the proposed parking areas and drive aisles to proposed stormdrain facilities and eventually to a stormwater management area located behind the existing parking lot through the use of curb cuts and by utilizing sheet flow. A request is made to use curb cuts and sheet flow in certain areas of the proposed parking areas and drive aisles rather than constructing curbing, catch basins and storm drain pipe to convey runoff based on the relatively flat slopes of the developed site area.

City of Dover

DATA SHEET FOR SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF April 3, 2013

PLANNING COMMISSION MEETING April 15, 2013

Plan Title:	US Gas S-13-06
Plan Type:	Site Development Plan
Applicant/Owner:	US Gas, LLC
Project Engineer:	Lane Engineering, LLC
Location:	Southeast corner of North DuPont Highway and Townshend Boulevard
Address:	461 North DuPont Highway
Tax Parcel:	ED-05-068.13-01-55.00-000
Site Area:	0.846 acres ± (36,852 SF ±)
Zoning:	C-4 (Highway Commercial Zone)
Present Use:	Automobile service station with gas pumps
Proposed Use:	Automobile service station with gas pumps and with additional impervious area

Proposed New Impervious Area: 6,861 SF

Sanitary Facilities:	City of Dover
Water Supply:	City of Dover
Waivers Requested:	Reduction in Arterial Street Buffer Partial Elimination of Curbing

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

City of Dover Planning Office

APPLICATION: US Gas at 461 North DuPont Highway

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

CONTACT PERSONS: Janelle M. Cornwell, AICP PHONE #: 302-736-7196

PLAN SUMMARY

This is a Site Development Plan Review to permit the addition of a 6,861 SF impervious area. The site is an existing automobile service station with gas pumps. The property is zoned C-4 (Highway Commercial Zone). The property is located at the southeast corner of North DuPont Highway and Townsend Boulevard. The owner of record is US Gas, LLC. Address is 641 North DuPont Highway. Tax Parcel: ED-05-068.13-01-55.00-000.

The site has an active Code Enforcement Case (#12-1937) due to the placement of the impervious surface without review and approval. The amount of impervious surface (9,644 SF) placed on the property requires Site Plan approval by the Planning Commission. *Zoning Ordinance,* Article 10 Section 2.11(B) states that site plans with a total of 5,000 SF or greater of new or added impervious surfaces require Site Plan approval by the Planning Commission. A portion of the unapproved impervious surface (3,418 SF) is proposed to be removed as part of this application.

The use of the property as a motor vehicle service station shall conform with Article 3 Section 15.15 of the *Zoning Ordinance.* The storage of junk or dismantled vehicles or parts on the site is prohibited.

> Article 3 Section 15
> 15.15 Motor vehicle service stations, subject to the following regulations:
>
> (a) The minimum lot size for such service stations shall be 20,000 square feet, and the minimum street frontage shall be 150 feet.
>
> (b) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than ten feet from any property line and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.
>
> (c) Vehicle lifts or pits, dismantled and disabled automobiles and all parts or supplies shall be located within a building enclosed on all sides.

> (d) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
>
> (e) The storage of gasoline or flammable oils in bulk shall be located fully underground in accordance with applicable provisions of the National Fire Protection Association Code.
>
> (f) No gasoline pumps shall be located nearer than 15 feet to any street line.
>
> (g) No building permit for a motor vehicle service station shall be issued [for a station] with a fuel dispenser system located closer than 100 feet from a property line of any school, day care, church, hospital, nursing home, or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons.

PARKING SUMMARY

The minimum parking requirement for this project is one and a half (1½) parking spaces for 300 S.F. of floor area or one parking space per employee, whichever is greater. Based on the size of the building of 1,680 S.F., a total of nine (9) parking spaces are required. The site is providing nine (9) parking spaces. The site meets the parking requirement.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) parking spaces. Based on the number of parking spaces at nine (9), a minimum of one (1) bicycle parking space is required. The location of the bicycle parking is not identified on the plan.

SITE CONSIDERATIONS

Sidewalk

Sidewalk is required along all street frontages. Sidewalk exists along North DuPont Highway and is proposed along Townsend Boulevard. There is a partial sidewalk connection into the site at the corner of the property.

Loading Space

A loading space is not required based on the size of the building.

Dumpster

Based on the size of the building, one (1) dumpster pad and enclosure is required for the site. The dumpster pad and enclosure are not shown on the plan. The dumpster enclosure material shall be compatible with the architectural elements of the main building.

Waiver Requested: Partial Elimination of Curbing

The parking areas and access drives are required to be curbed (Article 6 §3.6). There is existing curbing around the grass island at the corner of the site and near the south property line. The plan is proposing the elimination of curbing for the rest of the site. There is no curbing along the existing building. Parking bumpers will be provided at the head of the parking spaces. A written waiver request for the partial elimination of curbing has been submitted to the Planning Office for consideration by the Planning Commission.

Waiver Requested: Reduction in Arterial Street Buffer

North DuPont Highway (U.S Route 13) is considered as a principal arterial and requires a thirty (30) foot landscape buffer along the road frontage known as an Arterial Street Buffer. The buffer is measured from the edge of the right-of-way. This plan does not provide the required thirty (30) foot landscape buffer along North DuPont Highway. The plan proposes a landscape buffer ranging from none to fourteen (14) feet to a maximum of twenty-four (24) feet along North DuPont Highway. A written waiver request for the reduction of up to sixteen (16) feet for the Arterial Street Buffer has been submitted to the Planning Office for consideration by the Planning Commission.

TREE PLANTING AND LANDSCAPE PLAN

One (1) tree is required for every 3,000 SF of land area. The tree planting requirement is based on the non-woodland land area. Based on the total size of the parcel (of the total non-woodland area) at 36,852 SF, a total of thirteen (13) trees are required. The plan indicates that there are twenty-six (26) proposed trees to be planted on the site. Five (5) of the proposed trees are planted within the Arterial Street Buffer and shall not count towards the overall tree planting requirement. The trees include a mixture of deciduous and evergreen trees. The trees are located throughout the site with concentrations along the property lines. The plan meets the tree planting requirement.

The property is zoned C-4 and requires a ten (10) foot landscape strip along the street lines. This landscaped area is provided on the site along a portion of North DuPont Highway and Townsend Boulevard. The trees planted within the landscape area along Townsend Boulevard may count towards the tree planting requirement.

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

CITY AND STATE CODE REQUIREMENTS:

1) **The Arterial Street Buffer shall be constructed in accordance to the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver for the reduction of the Arterial Street Buffer has been submitted to the Planning Office for consideration by the Planning Commission.**

2) **Curbing shall be constructed in accordance to the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver for a partial elimination of curbing to allow for drainage into the stormwater management area has been submitted to the Planning Office o for consideration by the Planning Commission.**

3) Provide the following items in the Data Column:
   a) Indicate the size of the existing building.
   b) Indicate the number of required and provided bicycle parking spaces.
   c) Indicate the amount of new impervious surface.
   d) Indicate the amount of new impervious surface to remain.

e) Indicate if the property is located within the floodplain and referenced FIRM map.
f) Provide a note stating that the use as a motor vehicle service station shall comply with Article 3 Section 15.15 and there shall be no storage of junk or dismantled vehicles or parts on the site.
g) Provide a note stating that the property is legal non-conforming with regards to the 100 foot setback from the property line of a church and that the gas pumps along North DuPont Highway may be within 15 feet of the property line.

4) Indicate the location of the bicycle parking on the Site Plan, Grading Plan, and Landscape Plan Sheets.

5) Show the setbacks on the Grading Plan Sheet.

6) Provide a full sidewalk connection into the site. This can be an extension of the existing partial sidewalk connection into the site at the corner of the property or elsewhere on the property.

7) Ensure barrier free access for the sidewalks on the site.

8) Indicate the full tax parcel number on the adjacent parcels of land on all Plan Sheets.

9) Indicate the zoning on the adjacent parcels of land on all Plan Sheets.

10) Indicate the full tax parcel number for the site on all Plan Sheets.

11) Provide the location of the dumpster pad and enclosure on the Site Plan.

12) Indicate the location of the existing utilities on all Plan Sheets.

13) Provide one (1) handicap parking space on all Plan Sheets.

14) Provide information as to the stability and strength of the impervious surface area to remain. The impervious area shall comply with the standard paving detail and standards or the area shall be paved.

15) The Plan Data Column will need to be updated prior to Final Approval with the following:
a) Any changes recommended or approvals including any waivers granted by the Planning Commission.

16) Provide construction details for the following items but not limited to: barrier free sidewalk, dumpster enclosures, dumpster pad, curbing, parking bumpers, paving section, lighting fixtures, fence (maximum height 4 ft. in front yard and 8 ft. in side and rear yards), handicap signage, bicycle parking, etc.

17) Revise the following items on the Landscape Plan Sheet:
a) Provide a Tree List on the sheet.

b) Identify the exact type of trees to be planted on the site in the Tree List.
c) Identify the exact number of the specific types of trees to be planted in the Tree List.
d) Identify the exact type of shrubs to be planted on the site in the Tree List.
e) Identify the exact number of the specific types of shrubs to be planted in the Tree List.
f) Provide a Landscape Architect, Architect, or Certified Nursery Professional Certification.

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Waivers Requested: The following is Staff recommendation regarding the waivers requested.
   a) Partial Elimination of Arterial Street Buffer: Staff recommends approval for the reduction in the Arterial Street Buffer. Staff notes that there is a small buffer located at the corner of N. DuPont Hwy. and Townsend Blvd and there is a large entrance along N. DuPont Hwy. limiting the area of the Arterial Street Buffer. The may be the potential for expansion of the buffer based comments from DelDOT.
   b) Partial Elimination of Curbing: Staff recommends approval for the partial elimination of curbing. Staff notes there are areas on the site that do not have curbing. The new impervious area is proposing drainage into the stormwater management area. Parking bumpers will be installed at the end of the parking spaces and a fence will be located around the new impervious area.

ADVISORY COMMENTS TO THE APPLICANT:

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

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

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

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

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MARCH 27, 2013

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **US Gas at 451 N. Dupont Highway**

FILE #: **S-13-06**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Owner is responsible for installing all conduits and equipment pads per the City of Dover Engineering Department specifications.
2. 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.
3. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
4. All Engineering and design for Dover Electric will be engineered upon final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
   b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.

4. Per the Water / Wastewater Handbook, minimum eighteen-inches (18") of separation shall be provided for all water services from all storm sewer infrastructure.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.
3. Per the Water / Wastewater Handbook, minimum eighteen-inches (18") of separation shall be provided for all wastewater services from all storm sewer infrastructure.

STORMWATER

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

STREETS

1. Final site plan approval will not be granted until either a copy of the approved entrance plan or a letter of no objection, signed by DelDOT is submitted to our office.

GROUNDS / SANITATION

1. None.

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

WATER

1. The current design for this site includes a stormwater management area that is directly above the existing water service to the building in question. Currently, the backflow prevention is downstream of the location of the proposed pond. The current orientation increases the chance of contamination to the water service, since the backflow preventer is not located to the north of the pond the water distribution system is subject to contamination. Staff requests that the water line be designed to eliminate all conflict from the proposed pond. The relocation of the water

service would define the project as a renovation to water infrastructure, which would require the project to bring the component of water service to be changed up to current standards and specifications. This includes, but is not limited to the following:

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

b. Curb stops shall be installed one foot (1') outside of the right-of-way or easement line for each lot, in a non-traffic bearing location.

c. The minimum size of all water service lines shall be one-inch (1").

WASTEWATER

1. The current design for this site includes a stormwater management area that is directly above the existing wastewater lateral to the building in question. The current orientation increases the likelihood of infiltration to the wastewater lateral, which would subsequently enter the wastewater sewer system, causing unneeded treatment costs from the Kent County Wastewater Treatment Plant. Staff requests that the wastewater lateral be designed to eliminate all conflict from the proposed pond. The relocation of the wastewater lateral would define the project as a renovation to wastwater infrastructure, which would require the project to bring the component of wastewater lateral to be changed up to current standards and specifications. This includes, but is not limited to the following:

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

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

   c. 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.

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

STORMWATER / STREETS / SANITATION / GROUNDS / GENERAL

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

1. The City of Dover water system is available to this site. The developer is responsible for all costs associated with extending and providing service to the proposed project.

2. Prior to plan approval, the water system plans may need to be submitted to the Division of Public Health, Office of Drinking Water for review and approval. The owner/developer will be responsible for providing all completed forms and plan sets to the City of Dover as required for submission to the Office of Drinking Water. Plans will not be submitted to the Office of Drinking Water until review has been completed by our office.

3. Hydrant flow testing is currently only performed during the spring and fall. The applicant must call the Department of Public Works directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.

WASTEWATER

1. The City of Dover sanitary sewer system is available to this site. The developer is responsible for all costs associated with extending and providing service and capacity to the proposed project.

2. Prior to plan approval, the sanitary sewer system plans may need to be submitted to the DNREC, Division of Water Resources, Surface Water Discharges Section for review and approval. The owner/developer is responsible for providing all application fees, completed forms and plan sets directly to DNREC.

STORMWATER / STREETS / GROUNDS

1. None.

SANITATION

1. Please depict the location of the current dumpster(s) that is being serviced by the City of Dover, further comments may follow.

GENERAL

1. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.
2. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial Plan Submission Checklist, which can be obtained from the following website: https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal_1.pdf, page 88.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE:

CITY OF DOVER FIRE MARSHAL

APPLICATION: US Gas 461 North DuPont Highway

FILE #: S-13-06 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:

If used for vehicle storage a Knox Box is required for fire department entry.

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 Occupancy.

The City of Dover uses the 2009 NFPA Life Safety Code, 2009 IBC, latest editions of all other NFPA Codes and the 2009 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: March 27, 2013

D E L D O T

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APPLICATION: US Gas at 461 North DuPont Highway
FILE#: S-13-06 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The department requires the applicant to provide proper forms, fees, and plans in order to re-evaluate and issue an entrance permit.

2. The applicant must provide ADA compliant curb ramps along at the existing entrances along the site frontage on US Route 13 and Townsend Boulevard.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

Per the meeting that occurred between the applicant and the Department on June 7, 2011, the existing entrances that are located within the functional area of the intersection US Route 13 and Townsend Boulevard must be removed and relocated on Townsend Boulevard. Also, the applicant was encouraged to seek a permanent easement (PE) from the adjacent property in order to relocate the entrance away from the intersection.

ADVISORY COMMENTS TO THE APPLICANT:

- It is strongly recommended that the applicant meet and further discuss this project with the Department.

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
April 2013

APPLICATION: *US Gas @ 461 N. DuPont*

FILE #: S-13-06

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

1. When providing a report with the calculations for the site development the conditions that existed prior to the installation of the milling must be used (grass conditions).
2. The proposed outfall structure is being shown within an existing storm drain system; this not a desirable design and may require a pipe analysis to ensure no adverse drainage problems would develop.
3. Green Technologies (bio retention, bio swales etc.) must be considered before traditional facilities can be considered.
4. The plans show an outfall structure; however the type of facility (wet, dry or infiltration) has not been provided. The District would be opposed to any facility that would not be esthetically pleasing (facilities that promote nuisance vegetations')
5. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
6. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
7. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.
8. Based on the site characteristics, a pre-application meeting will be required to discuss stormwater management and drainage for this site.

Lane Engineering, LLC

Established 1986

Civil Engineering • Land Planning • Land Surveyors

15 Washington Street
Cambridge, Maryland 21613
Tel 410-221-0818
Fax 410-476-9942

117 Bay Street
P.O. Box 1767
Easton, Maryland 21601
Tel 410-822-8003
Fax 410-822-2024

354 Pennsylvania Avenue
Centreville, Maryland 21617
Tel 410-758-2095
Fax 410-758-4422

April 05, 2013

Janelle M. Cornwell, AICP
Planner II
City of Dover
PO Box 475
Dover DE 19903
(Via email - jcornwell@dover.de.us)

Subject: **US Gas, Inc. - 461 N. Dupont Hwy.** – ***Arterial Street Buffer Reduction and Elimination of Curbing Waiver Request***

Dear Mrs. Cornwell,

This letter is written to formally request a reduction in the required Arterial Street Buffer along the frontage of S. Dupont Highway and to request the elimination of required curbing for the proposed asphalt millings area located behind the existing building.

The site has an existing entrance along S. Dupont Highway that prevents establishment of the 30-foot wide buffer along the full frontage of the property. The site has a grassed island area at the north corner of the property that can accommodate additional buffer plantings. The proposed site plan shows the establishment of the required buffer to the extent possible within this existing island area. Plantings will be installed throughout the island area to include the area beyond the 30-foot buffer line.

The proposed asphalt millings area will be graded away from the building, to provide positive drainage and compliment existing drainage patterns. The installation of curbing around the millings area will prevent proper and adequate drainage. Additionally, the area will be enclosed by a fence which will prevent vehicles from encroaching beyond the paved area, providing the same confinement that a concrete curb otherwise might. Installation of curbing around the proposed millings area will not provide any specific benefit in this situation.

On behalf of US Gas, Inc. it is respectfully requested that your office grant the waivers requested.

Sincerely,

Timothy W. Glass, P.E.
Principal

Cc: Mike Singh