CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, March 18, 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 February 19, 2013

ADOPTION OF MINUTES OF QUARTERLY WORKSHOP MEETING of February 20, 2013

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for Monday, April 15, 2013 at 7:00pm in the City Council Chambers.

2) Report on City Council actions

3) Update on Planning activities:
   a. Update on Workshop on Discussion – Role and Scope of Historic District Commission and Historic District
   b. Other Activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW BUSINESS

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 the 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-05-57.00-01-20.00-000. Council District 4. *This Site Development Master Plan application received conditional approval at the Planning Commission Meeting of June 18, 2012.*

NEW DEVELOPMENT APPLICATIONS

1) 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 S.F. +/- 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.

2) C-13-02 Offices of E-ZPass 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.

3) 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 Street 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*.

4) 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 Meadow 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.*

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.

CITY OF DOVER PLANNING COMMISSION
February 19, 2013

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday, February 19, 2013 at 7:00 PM with Chairman Welsh presiding. Members present were Colonel Welsh, Mr. Holden, Mr. Tolbert, Mr. Baldwin, Ms. Still, and Mr. Ambruso. Mr. Shomo, Mr. Holt and Dr. Jones were absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Ms. Cornwell, Mrs. Harvey and Mrs. Mullaney. Also present were Mr. Troy Adams, Mr. Alberto Sealy, Mr. Jon Anstine, Mr. Donald Glanden, Mr. Mark Dunkle and Ms. Kam Yeung.

APPROVAL OF AGENDA

Mr. Tolbert moved to approve the agenda as submitted, seconded by Mr. Holden and the motion was unanimously carried 6-0 with Mr. Shomo, Mr. Holt and Dr. Jones absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JANUARY 22, 2013

Ms. Still moved to approve the Planning Commission minutes of January 22, 2013, seconded by Mr. Holden and the motion was unanimously carried 6-0 with Mr. Shomo, Mr. Holt and Dr. Jones absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the Planning Commission Quarterly Workshop is scheduled for Wednesday, February 20, 2013 at 4:00PM in the City Hall Conference Room. The materials for this meeting went out with the packet for the Regular Meeting of the Planning Commission. Mrs. Townshend stated that the Institute for Public Administration for the University of Delaware Planning training series is being held on Friday, February 22, 2013. A number of the Planning Commission members attended the January training. She stated that two (2) members were registered at this time, Dr. Jones and Colonel Welsh. She asked that if any other members were interested but not registered, that they contact the Planning Office for registration.

Mrs. Townshend stated that "Land Use and Development Administration" will be held on Friday, March 15, 2013 at 9:00AM. She stated that the registration deadline is Friday, March 8, 2013. If members are interested, they should contact the Planning Office to get registered.

Mrs. Townshend stated that there is a Fair Housing training being held on Thursday, February 28, 2013 from 6:00PM to 8:00PM at the Dover Public Library. The training is being presented by the State of Delaware Human Relations, the City of Dover and the Delaware State Housing Authority. Mrs. Townshend realized that Planning Commission members had Fair Housing training at the last Planning Commission Quarterly Workshop, but she stated that members were welcome to attend this training as well.

Mrs. Townshend stated that the next Planning Commission meeting will be held on Monday, March 18, 2013 at 7:00PM in the City Hall Council Chambers.

Mrs. Townshend stated that a flyer was on each member's desk regarding a Workshop to discuss the Historic District and the Historic District Commission. The Workshop is open to any members of the public. She further stated that the Workshop will help determine how the Planning Office can improve their process as it relates to the Historic District or if they even need to improve their existing process. Mrs. Townshend stated that this presentation will be held on Tuesday, February 26, 2013 from 4:00PM to 7:00PM at the Dover Public Library. There will be a presentation held at 4:00PM, followed by facilitated discussion and then a repeat of the 4:00PM presentation at 5:30PM. This presentation will also be followed by facilitated discussion. Mrs. Townshend stated that this presentation was posted as a potential quorum, so she encouraged Planning Commission members to attend if they would like to be a part of the discussion or if they are interested in the opinion of the public.

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

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

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

NEW BUSINESS

NEW DEVELOPMENT APPLICATION

1) SB-13-02 Lands of Conard at 633 Long Point Road – Public Hearing and Review of a Minor Subdivision to create three (3) parcels of land from the existing 167.561 acre ± parcel. The parcel will be subdivided into a 161.8836 acre +/- parcel, a 2.8189 acre ± parcel, and a 2.5 acre ± parcel. The property is zoned A (Agricultural Zone) and subject to the AEOZ (Airport Environs Overlay Zone) and the SWPOZ (Source Water Protection Overlay Zone). The property is located on the west side of Long Point Road south of White Oak Road. The property owner is Joan Conard. Address: 633 Long Point Road. Tax Parcel: LC-05-069.00-01-07.00-000. Council District 3. *Waiver Request: Elimination of Sidewalk along Long Point Road. This application supersedes previous application SB-11-01.*

Representatives: Mr. Troy Adams, Mountain Consulting

Ms. Cornwell stated that this is a Minor Subdivision to create three (3) parcels from the existing 167.561 ± acre parcel of land. The property is zoned A (Agricultural) and is subject to the Source Water Protection Overlay Zone Tier II and the Airport Environs Overlay Zone Noise Zone A. The property is in a State Agriculture Preservation District and those restrictions limit the land to only be subdivided for family members, which is what is being proposed with this application. Parcel one (1) will consist of 2.5 acres ± located along Long Point Road. Parcel two (2) will be approximately 2.8 acres ± of land and consist of the existing driveway, the farm house and the other out-buildings that are

currently on the property. Parcel three (3) will be the remainder of the property which is 161 acres ± of farmland.

Ms. Cornwell stated that there is one (1) waiver request associated with this application. It is for the elimination of sidewalk along Long Point Road. The applicant is requesting to not provide sidewalk along the road frontage. Ms. Cornwell asked members to note that this application had been seen in April 2011. Ms. Cornwell further stated that this application will supersede that application as it was never recorded. The other reviewing agencies have provided their comments.

Mr. Adams stated that he did not have any questions or comments. He further stated that they are requesting the waiver for the sidewalk and that they are willing to comply with all of the DAC comments.

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

Mr. Tolbert moved to approve SB-13-02 Lands of Conard at 633 Long Point Road and the waiver requested for the elimination of the sidewalk, seconded by Mr. Baldwin and the motion was unanimously carried 6-0 with Mr. Shomo, Mr. Holt and Dr. Jones absent.

C-13-01 Daycare Center at 1344 Forrest Avenue – Public Hearing and Review of a Conditional Use Site Plan to allow for the establishment of a large family daycare facility. The property is zoned C-2A (Limited Central Commercial Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the south side of Forrest Avenue west of Independence Boulevard. The owner of record is Newwind Properties, LLC. Address: 1344 Forrest Avenue. Tax Parcel: ED-05-076.10-01-51.00-000. Council District 1.

Representatives: Mr. Alberto Sealy, representing the owner Mrs. Gloria Sealy

Mrs. Harvey stated that the Conditional Use Site Plan review is to permit a large family daycare with a maximum of twelve (12) children in an existing building located at 1344 Forrest Avenue. The property is zoned C-2A (Limited Central Commercial Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Newwind Properties, LLC and Mrs. Gloria Sealy will be the leasee. The Site Plan was previously approved by the Planning Commission in March 2009. Since the property has been vacant for over one (1) year, the Site Plan approval has expired. There were two (2) waiver requests submitted with the previous application. The first waiver request is to eliminate the required upright curbing along all permanent parking areas, which was approved by the Planning Commission. The second waiver request is to eliminate the fence component of the opaque barrier requirement, which was denied noting that the fence and landscape components of the opaque barrier must be constructed as required in the *Zoning Ordinance*. This requirement has since been satisfied. The applicant has elected not to expand the parking lot and maintain the number of parking spaces at five (5), which was also previously approved by the Planning Commission.

Mr. Tolbert questioned if the applicant at any time planned to exceed more than the twelve (12) children limit? Responding to Mr. Tolbert, Mr. Sealy stated not at this time but maybe in the future.

Mr. Tolbert questioned if the facility could accommodate more than twelve (12) children at this time? Responding to Mr. Tolbert, Mr. Sealy stated yes, it could accommodate more than twelve (12) children but their budget at the moment does not allow them to modify the parking lot or the other requirements that the City of Dover has in place.

Mr. Ambruso questioned how many employees would be working at the daycare? Responding to Mr. Ambruso, Mr. Sealy stated that right now his wife, Mrs. Gloria Sealy and his daughter are the only two (2) employees of the business.

Mr. Baldwin questioned if there would be evening hours? Responding to Mr. Baldwin, Mr. Sealy stated that there were no evening hours at this time.

Colonel Welsh questioned what the operating hours were going to be? Responding to Colonel Welsh, Mr. Sealy stated that the hours were 6:00AM – 6:00PM.

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

Mrs. Townshend stated that all members have revised Public Works comments on their desks. These revised comments have been provided to the applicant.

Colonel Welsh questioned what the revision was? Responding to Colonel Welsh, Ms. Cornwell stated that the revision is the requirement that the applicant does not have to provide certain water flows and other flows that were originally required in the original comments. The revision is making it easier for the applicant to move back in to the existing building.

Mr. Tolbert moved to approve C-13-01 Daycare Center at 1344 Forrest Avenue, with full compliance of all DAC comments and Staff comments, seconded by Ms. Still and the motion was unanimously carried 6-0 with Mr. Shomo, Mr. Holt and Dr. Jones absent.

US-13-01 Greentree Shopping Center at 25-140 Greentree Drive – Public Hearing and Review of a Unified Comprehensive Signage Plan application to permit the construction and implementation of signage for the Shopping Center consisting of two pylon signs, monument signs at entrances and wall signs for the tenants. The property is zoned SC-2 (Community Shopping Center Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the north side of Forrest Avenue (Route 8) between Independence Boulevard and Kenton Road. The owners of record are Greentree Village Center LP and Stevens/Anstine 1987-1 LP. Addresses: 25-83 and 87-140 Greentree Drive (excluding 50, 121 and 125 Greentree Drive). Tax Parcels: ED-05-076.06-06-67.00-000 and ED-05-076.06-06-66.00-000. Council District 1.

Representatives: Mr. Jon Anstine, JBA Properties LTD

Ms. Cornwell stated that this was a Unified Comprehensive Signage Plan application for the Greentree Shopping Center. The Signage Plan includes two (2) buildings on this site. One building that is closer to Kenton Road and also the main building where Redner's Market is being built. The plan proposes one (1) wall sign for each tenant, with the exception of Redner's Market and the former Blockbuster tenant space. The existing wall signs for the existing tenants range in size from twenty five (25)

square feet to fifty-five (55) square feet in sign area with the exception of Rite Aid; it is currently one hundred twenty-nine (129) square feet in sign area.

Ms. Cornwell stated that there are two (2) sign types that exist at the Shopping Center. There are individual channel letters and also interior illuminated box signs. The plan proposes to keep the two (2) sign types. She further stated that the plan is proposing four (4) wall signs, totaling four hundred (400) square feet in sign area for the Redner's Market. The plan is also proposing two (2) wall signs totaling four hundred (400) square feet in sign area for the former Blockbuster tenant space. Ms. Cornwell stated that Staff is recommending two (2) wall signs for a total of two hundred (200) square feet in sign area for the former Blockbuster tenant space. She stated that the two (2) former signs for the Blockbuster tenant space were both ninety (90) square feet, totaling one hundred eighty (180) square feet in sign area. This would make the proposed signs only twenty (20) square feet larger than what previously existed.

Ms. Cornwell stated that the plan is also proposing to keep the existing four (4) free-standing signs. This includes two (2) legal non-conforming pylon signs and two (2) monument signs. She stated that the two (2) monument signs are both nineteen (19) square feet in sign area and are not proposed to change. Both signs are located off of Greentree Drive and Independence Boulevard near the entrances of the Shopping Center. The plan proposes to change the two (2) existing legal non-conforming pylon signs. The first pylon sign located along Forrest Avenue, closer to Independence Boulevard, is proposed to increase in height from twenty (20) feet tall to twenty four (24) feet tall and also to increase in sign area from one hundred fifty-seven (157) square feet to one hundred ninety-five (195) square feet in sign area. The second pylon sign is also located along Forrest Avenue but its located closer to the former Blockbuster tenant space. This sign is proposed to decrease in height from twenty- five (25) feet to nineteen (19) feet and to decrease in sign area from two hundred nine (209) square feet to two hundred four (204) square feet in sign area. The pylon signs have more than three (3) tenant spaces per sign and Staff is recommending in favor of this and also that no tenants have signage on both pylon signs, so that they would be restricted to just one sign on the pylon sign. Staff is also recommending in favor of continuing the landscaping and enhancing the landscaping at the base of the existing free standing signs. Ms. Cornwell stated that there are a number of other Staff recommendations that can be found in the DAC Report. The other agencies reviewing this application have provided their comments.

Colonel Welsh questioned if Mr. Anstine was in agreement with the DAC comments and recommendations and also Staff recommendations? Responding to Colonel Welsh, Mr. Anstine stated yes, he was in agreement with the DAC comments and recommendations and also the Staff recommendations.

Colonel Welsh questioned the size of the sign area for the former Blockbuster tenant space? He believes that it is an awfully large area of four hundred (400) square feet of sign area. He stated that without knowing who the tenant was going to be, it is very difficult for him to consider approving something of that size. Responding to Colonel Welsh, Mr. Anstine stated that Ms. Cornwell had reduced that sign area to two hundred (200) square feet and that they were in agreement with the change.

Colonel Welsh questioned who the tenant for the former Blockbuster was going to be? Responding to Colonel Welsh, Mr. Anstine stated that there was no perspective tenant at this time.

Colonel Welsh further questioned that they may not use that sign area? Responding to Colonel Welsh, Mr. Anstine stated most likely they will use the sign area. He further stated that one side is on the south side facing Forrest Avenue and the other side faces the parking lot. The former Blockbuster tenant had one hundred eighty (180) square feet of sign area, so most likely they will use the same for the new tenant.

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

Mr. Baldwin moved to approve US-13-01 Greentree Shopping Center Signage Plan, along with the DAC comments and Staff recommendations, seconded by Mr. Tolbert and the motion was unanimously carried 6-0 with Mr. Shomo, Mr. Holt and Dr. Jones absent.

MI-12-24 Comprehensive Rezoning and Text Amendment: AEOZ (Airport Environs Overlay Zone)

a) Proposed Amendments to the *Zoning Ordinance*: AEOZ (Airport Environs Overlay Zone) – Public Hearing and Recommendation to City Council on proposed amendments to the *Zoning Ordinance* to update the provisions of the AEOZ (Airport Environs Overlay Zone). This Ordinance amends Appendix B: Zoning, Article 3 Section 22 – Airport Environs Overlay Zone (AEOZ) including the Land Use Compatibility Table. Ordinance # 2013-01.
b) Comprehensive Rezoning: AEOZ Zoning – Public Hearing and Recommendation to City Council on proposed rezoning of 685 properties in the eastern portion of the City by changing the boundary of the Airport Environs Overlay Zone (AEOZ) in accordance with the *2010 Air Installation Compatible Use Zone (AICUZ) Study* published by the Dover Air Force Base. The proposed changes involve revisions to the noise contours boundaries now as the Noise Zones A-D of the AEOZ zoning classifications. Ordinance # 2013-02.

Mrs. Townshend stated that there were two (2) parts. One part being the Zoning Text Amendments and the Comprehensive Zoning Map Amendment associated with implementing the Airport Environs Overlay Zone (AEOZ). She stated that an overview of the Text Amendment would be given first, along with a Public Hearing and then the changes to the map would follow.

Mrs. Townshend stated that this a project that is being completed in accordance with the *2010 Air Installation Compatible Use Zone (AICUZ) Study* developed by the Dover Air Force Base. The Airport Environs Overlay Zone (AEOZ) was adopted by City Council in 2001 and this is an updated of that Zone.

Mrs. Townshend stated that the primary change in the text was that the former Land Use Compatibility Tables were removed and we inserted what the Dover Air Force Base has currently. There are no significant changes. Mrs. Townshend stated that in some cases, it breaks down things more clearly. The Text Amendment states what you can do in the different Noise Zones, the Accident Potential Zones and the Clear Zones. Mrs. Townshend further stated that changes were made to the purpose and intent in order to make it clearer.

Mrs. Townshend stated that the most significant change to the text is under Tab AEOZ, page 2, lines 70-83. It currently states that additions to existing commercial buildings are permitted but limited to no more than 3,000 square feet. A practical example of where this was a problem was at Dover

Behavioral Health. This project went to the Board of Adjustment in order to do an expansion of greater than 3,000 square feet. Mrs. Townshend further stated that in trying to prevent deferring that type of expansion to the Board of Adjustment, knowing that it is very limited in terms of that type of use and that a lot of what's in the zone complies with the use requirements, they proposed a change. Additions to existing non-residential buildings designed for human occupation shall be limited to a maximum increase of 50 percent of the floor area. Mrs. Townshend stated that it is now more of a ratio approach. For instance, a 2,500 square foot operation cannot be expanded by more than double. She also pointed out that a large facility is still limited to 50 percent increase. This text amendment provides a check and balance that unlimited expansion is not applicable, by pro-rating the expansion based on the size of the facility.

Mrs. Townshend stated that additions to existing non-residential buildings designed for storage warehousing and other uses not intended for human occupancy as a primary use, are unlimited in floor area. Typically, most of the warehousing uses are permitted but they wanted to make it clear that there is a limit on expansion for buildings intended for human occupancy versus buildings that are used for storage.

Mrs. Townshend stated that when going through the process for both the map and text changes, they coordinated closely with the Community Planner for the Dover Air Force Base. All of the materials have been available for review and they have not received any concerns. She further stated that when the public workshop was held in November 2012, the Community Planner for the Dover Air Force Base did attend. The purpose of the Airport Environs Overlay Zone (AEOZ) is to protect the Air Force Base from encroachment of incompatible uses in the area surrounding the Dover Air Force Base.

Colonel Welsh questioned if the Dover Air Force Base was in compliance with the purposed amendments? Responding to Colonel Welsh, Mrs. Townshend stated yes, the Dover Air Force Base had not stated otherwise and they have been working very closely with them.

Colonel Welsh opened a public hearing.

Mr. Donald Glanden – DHK, LLC 14 Starlifter Avenue Dover DE 19901

Mr. Glanden stated that he presently has a building located in the Industrial Park on Starlifter Avenue. He further stated that the zoning will continue to be zoned M (Manufacturing), but the Noise Zone is being changed from Noise Zone C to Noise Zones A and B. Mr. Glanden asked for clarification as to how that would affect their operation or how it affects their property? Responding to Mr. Glanden, Mrs. Townshend stated that in terms of their operation, the Noise Zone change does not affect any operation that is existing. The Noise Zones A and B are less restrictive than Noise Zone C. She further stated that Noise Zones C and D are the more intense Noise Zones. Primarily, especially as it related to the manufacturing type operations and warehousing type operations, the Noise Zone affects it in terms of building construction and the noise attenuation you need to construct the building to.

Mr. Glanden further questioned if the zoning change would make it more difficult for new construction to come in to the Industrial Park? Responding to Mr. Glanden, Mrs. Townshend stated that it would not make it more difficult. With the change in the noise contours they are seeing a contraction of the Noise Zones. She further stated that the change would take away some level of restriction.

Mr. Mark Dunkle – Parkowski, Guerke & Swayze P.A. 116 W Water Street Dover DE 19904

Mr. Dunkle stated that he was here on behalf of Dover Behavioral Health and that they fully support the common sense amendment and also appreciate the language.

Ms. Kam Yeung – First State Billiard Inc 10 Maggies Way Dover DE 19901

Ms. Yeung stated that she currently owns a building located in Bryan Business Park which is a pool hall. She further stated that she was confused with the Noise Zone change. Responding to Ms. Yeung, Colonel Welsh stated that the zoning at ground level was not changing. The zoning change has to do with the flight path of the air craft and the noise and also the Accident Potential Area. Colonel Welsh further stated that these areas have actually shrunk, so if you were not affected before then you should not be affected now.

Mrs. Townshend stated that there is an issue with this property since it is located within the Accident Potential Zone. She pointed out that the Accident Potential Zones have not changed with this amendment. With regard to the pool hall, it would be limited to the type of expansion. The building is now zoned as a public assembly, so it would not be a permitted use. Any expansion would be limited to 50 percent expansion of the existing area. Mrs. Townshend gave an example of a 5,000 square foot building; they would only be allowed to expand no more than 50 percent.

Ms. Yeung stated that she was not looking for expansion; she is trying to sell the property. She further stated that her property is limited to the type of use that is able to be at this location. Responding to Ms. Yeung, Mrs. Townshend stated that this is not something that is changing. She further stated that the existing pool hall was a non-conforming use previously. The Planning Office has spoken with people about a number of things opening at this location. The reality is that the property is located within the Accident Potential Zone where even under the current language in the *Zoning Ordinance,* public assemblies or similar activities are prohibited from starting new.

Ms. Yeung questioned if any other type of business could open at this location? Responding to Ms. Yeung, Mrs. Townshend stated that businesses can open. There are just restrictions on the types of uses at this location based on the issue of safety and how many people are going to be in the flight zone.

Ms. Yeung stated that at the present time, her occupant load at this time is about 300 people. Mrs. Townshend stated that Ms. Yeung's existing business is legal non-conforming in the zone. She further stated that that type of use can continue as long as the business does not cease for the period of a year.

Colonel Welsh stated that if Ms. Yeung were going to sell the property and it remained a pool hall, then she would have no issue. Responding to Colonel Welsh, Ms. Yeung stated that due to the economy being so bad, no one has extra money to spend to keep the pool hall open. She further stated that she has potential buyers from India, who want to open a temple at the location.

Mrs. Townshend stated that opening a temple at this location would be an issue in terms of both the Airport Environs Overlay Zone (AEOZ) and the zoning of the property, which is zoned C-3 (Service Commercial Zone). A public assembly would not be something permitted in the C-3 (Service Commercial) Zone.

Colonel Welsh closed the public hearing after seeing no one else wishing to speak.

Mr. Ambruso moved to recommend approval to the City Council on the proposed amendment to the Zoning Ordinance pertaining to the updating of the Airport Environs Overlay Zone (AEOZ), amending Appendix B, Article 3 Section 22, including the Land Use Compatibility Table, seconded by Ms. Still and the motion was unanimously carried 6-0 with Mr. Shomo, Mr. Holt and Dr. Jones absent.

Mrs. Townshend stated that Part B of the Comprehensive Rezoning and Text Amendment was the Comprehensive Zoning Map Amendment. She stated that this was the map companion for the text amendment that was just discussed. Mrs. Townshend asked members to look specifically at the Exhibit Maps in their packets. She further stated that in an effort to answer any questions and concerns at the front end of things, the Planning Office held a workshop on November 8, 2012. A notice was sent to all property owners, inviting them to attend the workshop. She stated that a number of people did attend the workshop.

Mrs. Townshend stated that what was being presented was a change to the Zoning Map based on the *2010 Air Installation Compatible Use Zone (AICUZ) Study* published by the Dover Air Force Base in August 2010. The primary change being made is on the second map. A number of properties (shown in purple) under the map amendment, will be removed from the Airport Environs Overlay Zone (AEOZ). These properties would come out of the Noise Zone. She stated that the Accident Potential Zone I, Accident Potential Zone II and the Clear Zone do not change on the map but the Noise Zones change fairly significantly. There will be a number of properties coming out of the Noise Zones and then those which remain in the Noise Zones are shifting and contracting. For example, numerous properties are shifting from Noise Zones C and D to Noise Zones B or A. She stated there are also some properties under Noise Zones B and C, but the line shifts on the property. The primary impact that this has on properties deals with new construction and the noise attenuation that has to be built into the buildings.

Mrs. Townshend further stated that the use restrictions are not changing. For example, going from a Noise Zone D or C to a Noise Zone B or A the restrictions decrease to a degree. She stated that all properties owners affected by this change have been notified multiple times. The first notification was for the Workshop followed by the official Public Notice.

Mrs. Townshend asked members to look at page two (2) under Summary. She stated that when making a motion it would be important to hit the factors specified in the *Zoning Ordinance* that need to be considered. She further stated that for any Rezoning, the Planning Commission's report needs to consider whether such change is consistent with the aims and principles embodied into the *Zoning Ordinance* as to the particular zones concerned. Based on the fact that this is being done in accordance with implementation of the *2010 Air Installation Compatible Use Zone (AICUZ) Study* published by the Dover Air Force Base, we believe that it is clearly met. Also, whether such proposed amendment is consistent with the aims of the *Comprehensive Plan* for the City of Dover. There is significant deference to the Air Force Base given in the *Comprehensive Plan* and the importance of protecting the Air Force Base as an employer and also preventing encroachment of incompatible uses through the use of the Airport Environs Overlay Zone (AEOZ). Section 5.43 states that the Planning Commission needs to determine whether the uses permitted by the proposed change are compatible with the existing uses and zones in the areas concerned. She again stated that this would be relieving a level of restriction rather than adding a level of restriction. In cases where a business may be legal non-conforming, the amendment does not change how that use

continues or the fact that it could not be re-established if it were to expire. Whether adequate public services and infrastructure exist or can be created or expanded to service the needs of any additional demand as a result of such change. She stated that this is an Overlay Zone, so she does not see this being a concern. Also, whether the proposed change is in accordance with the City of Dover's *Comprehensive Plan*. This ties into the concept of updating the Airport Environs Overlay Zone (AEOZ) in accordance with the current data which is very much consistent with the *Comprehensive Plan's* goals as it relates to the Dover Air Force Base.

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

Mr. Ambruso moved to recommend approval to City Council on the proposed rezoning of the 685 properties in the eastern portion of the City, by changing the boundaries of the Airport Environs Overlay Zone (AEOZ) in accordance with the 2010 Air Installation Compatible Use Zone (AICUZ) Study, published by the Dover Air Force Base. These proposed changes involve revisions to the noise contour boundaries, known as the Noise Zones A-D of the AEOZ zoning classification, Ordinance # 2013-02. Also for the record, the proposed changes are consistent with the principles embodied in the Zoning Ordinance and the City of Dover's Comprehensive Plan and the other criteria specified in the Zoning Ordinance, seconded by Ms. Still and the motion was unanimously carried 6-0 with Mr. Shomo, Mr. Holt and Dr. Jones absent.

Meeting adjourned at 7:55 PM

Sincerely,

Kristen Mullaney
Secretary

CITY OF DOVER PLANNING COMMISSION
QUARTERLY WORKSHOP
February 20, 2013

The Regular Quarterly Workshop Meeting of the City of Dover Planning Commission was held on Wednesday, February 20, 2013 at 4:00 PM with Chairman Colonel Welsh presiding. Members present were Colonel Welsh, Mr. Tolbert, Mr. Baldwin, Dr. Jones and Ms. Still. Mr. Shomo, Mr. Holt, Mr. Ambruso and Mr. Holden were absent.

Staff members present were Mrs. Townshend, Ms. Cornwell and Mrs. Harvey.

Planning Commission Comments and Concerns

Colonel Welsh stated that he was very pleased with the response that was received from the training held last month at the Paradee Center. Each member of the Planning Commission is appointed and is given books and materials when they become Planning Commissioners. He doesn't think that the members are given enough preparation for how to be Planning Commissioners. This translates into members having issues during the meetings, in terms of members being afraid to ask questions. He feels the more training that the members receive, the more effective that they will all be as Commissioners. This will help them to better serve the City of Dover. He is going to be encouraging all members to take as many of the training courses as they can, providing that they are relevant. Some training courses are not relevant most of the members have already had for example the Fair Housing training. Some members have not attended that training, but are encouraged to do so.

Mrs. Townshend stated that there is a Fair Housing training session offered on Friday, February 28, 2013 from 6:00PM to 8:00PM at the Dover Public Library.

Mrs. Townshend stated that there is also a Planning Ethics Webinar that is being offered by the Delaware Chapter of the American Planning Association. Ms. Cornwell is one of the actresses in this training. The webinar is going to be held in March 2013 and that it is going to be broadcasted nationally. It's an ethics session about the ethical challenges in the workplace. The Planning Ethics Webinar would be a webcast that could be shown in the City Hall Conference Room. She would get the exact date of the webinar to all Planning Commission members.

Colonel Welsh stated that another issue that he sees as the Chairman is having a difficult time getting other members to make a motion. It is always the same members who end up making all of the motions. If the rest of the members never jump in and get their feet wet then they will never be comfortable making a motion. As a Chairman, it is awkward to ask for a motion and receives total silence. He believes that some members are bashful or that they are afraid of making mistakes. If an issue presents when members try to make a motion, Planning Staff or another Commission member will step in to assist in making the motion.

Mr. Tolbert stated that when he was appointed to the Planning Commission, Mr. DiMondi was still a member and everyone knew that he would make all of the motions. He was afraid initially to make a motion because he was not sure what he was doing. He found that it was better to just jump in and give it a shot. The more that you do it, the more comfortable you will feel.

Mrs. Townshend stated that Planning Staff will make sure that when a motion is approved that it is worded properly for future processes. If the motion being made during a Planning Commission meeting does not give them that level of comfort, then they are going to assist with making the motion. An application may be coming back to Planning Commission again because Planning Staff had a discussion with the applicant because they thought that the Planning Commission said something was not required. After listening to the recording of the meeting and hearing that a Planning Staff member had added to the motion, she was able to tell the applicant that there was a specific requirement.

Colonel Welsh reiterated that there needs to be more participation from the floor. Questions need to be asked that will help the member make a motion. He has found that the motion can be made almost directly from the agenda.

Mrs. Townshend stated that the cover sheet for the DAC Report always contains the waiver requests. The Planning Staff can start adding the waiver requests on the agenda so that the members can use the agenda to make motions.

Colonel Welsh stated that one of the reasons that he wanted to continue to have the Planning Commission Workshops is so that they could discuss what has been done in the past. They could not discuss what is coming in the future. If any of the Commissioners had questions or concerns about previous applications, that this was an excellent quorum to raise those questions.

Mr. Baldwin stated that he had a concern in reference to when a contractor has requested to use City property for certain things but they don't return it the way they received it. He was specifically referring to the Saulsbury Road Park. He thanked Mrs. Townshend for fighting with CVS to get the sign back. They requested to use the Saulsbury Road Park as a staging area for their construction materials. The monument for Dr. Williams was removed and the sign was removed but when they were returned several months later at Mrs. Townshend's request, they did a very poor job. Before the monument was removed it was placed on a nice berm. The sign was there and it had a peach blossom tree planted behind it. Now when you go by, the sign is crooked and the monument is on the ground and looks like it is sinking into the ground. If someone wants to borrow City property, it should be put back the way it was when returned. He believes that the Planning Commission should have some type of leverage to make them do so.

Colonel Welsh stated that this was a good point and that he would think that there was a moral obligation if not a legal obligation for them to return the property to what it was formerly.

Mr. Baldwin further stated that he was surprised that the grounds keeper did not complain because the heavy equipment that was brought in created ruts in the ground. These ruts were never fixed so now the grounds keepers have a difficult time when cutting the grass.

Mrs. Townshend stated that she would talk to the Public Works Department about the issue. The City may be able to request a bond or an escrow when someone requests to use City property, so that if there are problems in the end the City can have it restored properly.

Colonel Welsh questioned that when someone requests to use City property, is it something that is bound by any type of legal documents? Responding to Colonel Welsh, Mrs. Townshend stated

that she was not sure because the request does not come through the Planning Office. She could check with the Public Works Department on the process.

Colonel Welsh stated that it may not be too late to get the company to restore the Saulsbury Road Park now.

Dr. Jones questioned if anyone knew if there were pictures of the Saulsbury Road Park prior to the contractor using the property? Responding to Dr. Jones, Mr. Baldwin stated that he did have pictures.

Colonel Welsh questioned if Mrs. Townshend would look into this? Responding to Colonel Welsh, Mrs. Townshend stated that she would follow up with Public Works to see if there was any recourse for not returning the property to what it was previously. She would update Mr. Baldwin and Colonel Welsh on this matter.

Dr. Jones questioned about two (2) houses on Walker Road? They have been there for many years and that they are an eye sore. Responding to Dr. Jones, Mrs. Townshend stated that they were on the Administrative Dangerous Building List. There has not been the problem of people getting into the homes like they have had with some of the other houses on this list; therefore, other houses on the list are being demolished ahead of them. They will have to take both houses to City Council for demolition.

Mr. Tolbert stated that 39 Primrose Drive had been demolished during the week prior.

Mrs. Townshend stated that this was a property where people were continually getting into the house. They had to repeatedly send out the Police and the Code Enforcement Officers. Unfortunately, there are a lot of houses that need to be demolished but the ones posing the biggest public safety risk will be demolished first.

Mr. Tolbert questioned the properties where there is illegal commercial activity in a house, if that problem is dealt with or not? Responding to Mr. Tolbert, Mrs. Townshend stated that they try to deal with these situations. The problem is being able to document that there is truly commercial activity at these homes.

Mr. Tolbert stated that he knew of two (2) houses in the Persimmon Park Place development where these types of activities were taking place. 27 Primrose Court has tires in front of the house and a whole stack of tires in the back of the house. 35 Primrose Court has vehicles brought to the house from McKinney's Towing Company.

Dr. Jones stated that in regards to the participation during Planning Commission meetings, she is one who is reluctant to make motions. She wants to understand what she is saying a little better; however, she is getting more comfortable. She needs to get comfortable with terminology and the process of applications. Responding to Dr. Jones, Mrs. Townshend stated that the application comes in, it gets distributed to all of the agencies and then the DAC meeting takes place internally. That following week, the reviewing agencies meet with all of the applicants. The report is then finalized and distributed to the Commission members. At that point there should not be any surprises to the applicant. They should know what is going on. There should not be

any problems with the reviewing agencies once the application has reached this point. Usually there are things that have to be done after Planning Commission but there should not be any deal breakers.

Dr. Jones further stated that it is getting better. When she first read the applications she was confused as to what they were saying. As she reads the applications more and more that it will become easier.

Dr. Jones asked for an explanation of the philosophy behind tree mitigation? Responding to Dr. Jones, Mrs. Townshend stated that there is a tree planting requirement. Any development application that comes to the Planning Commission, the applicant is required to plant one (1) tree for every three thousand (3,000) square feet of lot area. In some cases where they have a buffer requirement, the trees that are used as part of the buffer cannot be counted as part of the tree planting requirement. For example, the Dover High School had to plant trees for a buffer; however, they could not use those trees as part of their tree calculation. They had thousands of trees to plant. In that case, the application went to the Board of Adjustment and received a variance so that they could count some of the buffer trees towards the tree planting requirement. Another project with big tree mitigation is the Garrison Energy Center. Their tree planting requirement is three hundred seventy (370) trees. Due to the nature of their site and because of the lease restrictions that relate to being adjacent to the Solar Park, they have very little land where the trees can be planted. The Planning Office is working with the Department of Public Works Grounds Division to identify locations in the City of Dover where the applicant can plant three hundred seventy (370) trees, instead of planting the trees on their site.

Mr. Tolbert questioned if there was overlapping between the functions of the Board of Adjustment and the Planning Commission? Responding to Mr. Tolbert, Mrs. Townshend stated that there was not an overlap but there are some projects that will come to both committees. For example the 7-Eleven project; it went to Board of Adjustment because of the size of the lot. They could not lay the site out to meet the setbacks. She will frequently remind the Board of Adjustment members during their meetings that they are only looking at certain things of the application. For example with the 7-Eleven project, the Board of Adjustment was only looking at how far they were from their front property line and how far they were from their rear property line. Also, the Board of Adjustment determines if there was a justification that meets their legal standard for granting an exception to meeting the requirements of the setbacks. The Planning Office tries very hard to keep the Board of Adjustment focused. The Board of Adjustment is only looking at one thing on the plan and the rest is not a part of their role. The Planning Commission does not have to approve that layout shown to the Board; however, they cannot say that they are not approving this layout because they are not in agreement with what the Board of Adjustment has approved. The Planning Commission can however, not approve an application because of an issue that they have the ability to approve or not approve.

Mr. Tolbert questioned whether or not the Board of Adjustment decisions have to go to City Council? Responding to Mr. Tolbert, Mrs. Townshend stated no they do not and neither do the Planning Commission decisions. There are a lot of municipalities in Delaware where Site Plans and Conditional Use Plans go to City Council for approval.

DEPARTMENT OF PLANNING AND INSPECTIONS UPDATE

Summary of 2012 Ordinance Amendments

Mrs. Townshend stated that there were handouts attached to the agenda. One being the listing of ordinances completed in 2012. These related to the permitted uses in the Agricultural Zone, allowing alcohol in restaurants in the RG-O Zone within the Historic District, updates to the sign regulations, the regulation of bamboo and the changes to the Airport Environs Overlay Zone (AEOZ).

Summary of 2012 Applications

Mrs. Townshend stated that another handout outlined the application volume for the Planning Commission for 2012. The total was on track from the previous year with 79 applications reviewed. This was still a significantly reduced volume from the prior years. For example, in 2007 there were 163 applications reviewed. They are starting to see some things pick-up.

Colonel Welsh stated that he predicted that before anyone's term expired, they would experience four (4) hour long meetings again. As the economy begins to pickup, they would have a high volume of agenda items and applications.

Dr. Jones questioned the regulations of how long a meeting could last? Responding to Dr. Jones, Colonel Welsh stated that they would not start a new application after 10:30PM.

Dr. Jones requested a brief description of each application type. Responding to Dr. Jones, Mrs. Townshend stated that the Board of Adjustment is a variance. The applicant is requesting relief from one of the requirements of the *Zoning Ordinance*. Annexations are where applicants want to add land to the City of Dover. Conditional Uses are where the Planning Commission can say yes, no or yes with conditions. A Site Plan is for the construction of new buildings or additions. Subdivisions are where new lots are created. A Rezoning is where the zoning classification is changed. Miscellaneous can be anything. For example, zoning text amendments, parcel consolidations or minor lot line adjustments. Unified Signs is where an applicant brings in a campus of signs. The Historic District Commission sees applications located within the Historic District and then they make recommendations to the Planning Commission.

Other Project and Research Activities

Mrs. Townshend stated that the City of Dover has created a Bicycle and Pedestrian Sub Committee. The first meeting of that group will be held on Tuesday, March 5, 2013. They could end up with code changes after this meeting. The reason for this Committee is to find out what needs to be done to make the City of Dover a more pedestrian and bicycle friendly place. One thing that was done in the past in terms of the *Zoning Ordinance*, was the addition of a bicycle parking requirement. There could be things that come up that may affect how applications are reviewed.

Mrs. Townshend stated that last year she worked with the business community, the real estate community and the Chamber of Commerce to develop changes to the sign regulations. The sign regulations were approved in the fall of 2012. The Planning Office was going through a very in depth process of reviewing the Commercial Zones which are very out dated. They are planning to look at everything, from the uses, to the setbacks, to the lot coverage. In terms of the uses, they are trying to keep it more general. For example, instead of listing 25 different retail uses there will be a category for retail uses along with a definition.

Mrs. Townshend stated that beginning in July 2012, the nature of the Department that she oversees has expanded. She now has Planning, Community Development, Code Enforcement, Building Inspections, Licensing and Permitting, Fire Marshal's Office and Recreation.

Educational and Training Opportunities

Ms. Cornwell stated that there will be another Institute for Public Administration (IPA) class coming up on March 15, 2013. The next class offered is "Land Use and Development Administration" and the deadline to register is March 8, 2013.

Ms. Cornwell stated that Tuesday, February 26, 2013 a Workshop will be held at the Dover Public Library to discuss the role and scope of the Historic District Commission and the Historic District. The first presentation will be at 4:00PM, followed by a repeat presentation at 5:30PM.

Training: Review of *Zoning Ordinance*

Ms. Cornwell gave a presentation reviewing the *Zoning Ordinance.*

Mr. Tolbert questioned if an interpretation of the zoning requirement has ever been challenged? Responding to Mr. Tolbert, Mrs. Townshend stated that it has never been challenged in the City of Dover. There is a substantial body of case law across the country that supports the fact that if it is not stated in the District Regulations then it is not allowed.

Dr. Jones questioned if something is prohibited under a particular *Zoning Ordinance*, do applications come forward that ask for exceptions or waivers? Responding to Dr. Jones, Mrs. Townshend stated no.

Colonel Welsh questioned if at some point the Planning Office could create a handout that could be given to the Commissioners to be used as a reference sheet? Responding to Colonel Welsh, Mrs. Townshend stated yes, this type of handout could be created.

Mr. Tolbert questioned if the Silver Bullit located on North DuPont Highway was now occupied? Responding to Mr. Tolbert, Mrs. Townshend stated yes, the building is now occupied. One of the tenants is KCI. She is unsure of the other tenant.

Colonel Welsh stated that he feels they have an obligation as the Capital of the First State, to try to do something about the architectural standards that are expected. An *Architectural Review Ordinance* was created and it has made a difference. When he first started on the Planning Commission, applicants were coming with no elevation, no drawings and no description of construction materials. A few of the Commissioners began demanding that applicants come forward with elevations and architectural renderings. He thinks that they have made some progress but feels that this community has a long way to go to get to where they should be.

Mrs. Townshend stated that she and the Planning Staff are glad that the Planning Commission has set a bar and expects compliance with that bar. When Planning Staff meets with applicants, they don't always bring in their "A" game first. She tries to suggest things that she thinks they should improve before submitting an application. She tells the applicant, this is what the Planning Commission is going to be looking for based on the *Zoning Ordinance* and our experience. If the applicant comes back with the same submittal then Planning Staff knows that

the applicant will have a tough road ahead of them. She has told applicants that the Planning Staff does not just make up things because they are trying to be difficult. They want to help them through the process.

Dr. Jones questioned when this type of scenario takes place and the applicant is advised but does not make changes, is the Planning Commission made aware that Staff is not in favor? Responding to Dr. Jones, Mrs. Townshend stated yes, the Planning Commission will know. It will be noted in the Staff Report.

Colonel Welsh stated that the longer that you are a member, you will see through interaction with other Commission members what the standard is. The Planning Commission set a higher standard in the late 1990's. He thinks this community, as being the Capital of the First State still has a long way to go for setting an even higher standard. The Commission is doing a great job with holding the developer's and applicant's hands to the fire to get what they think is going to be appropriate. In the future they will be able to raise the standard even higher.

Mr. Tolbert questioned if there should be some type of discussion or training before the Commissioners regarding what their architectural standards should be so that all members are on

the same page? Responding to Mr. Tolbert, Colonel Welsh stated yes, the Planning Staff should be able to generate something. The architectural standards are defined in the *Zoning Ordinance*.

Mrs. Townshend stated that it was defined in the *Zoning Ordinance* but it was in general. It is in reference to the architecture tying in to the surrounding area.

Dr. Jones questioned what was being built on the corner of Wyoming Avenue and State Street? Responding to Dr Jones, Mrs. Townshend stated that it was going to be Dr. Ditty's office; a dental office.

Colonel Welsh stated that this project was a really good example of someone accommodating the requirements of the Planning Commission. When the application was first presented, the building had a flat roof with a couple of pitch points and it looked terrible. The Commission as a whole turned the application down. The applicant then returned to the Planning Commission during the next meeting with a new architectural plan including everything that the Commissioners had asked for plus more. If the members had not done anything then there would have been another flat roof building in Dover.

Colonel Welsh stated that the next Quarterly Workshop would be scheduled in May 2013.

Meeting adjourned at 5:44 PM

Sincerely,

Kristen Mullaney
Secretary

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 the 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-05-57.00-01-20.00-000. Council District 4. *This Site Development Master Plan application received conditional approval at the Planning Commission Meeting of June 18, 2012.*

- Development Advisory Committee Report of June 6, 2012 for Application S-12-12

- Notice of Decision Letter dated June 25, 2012 for Application S-12-12

- Excerpt of Planning Commission Meeting Minutes of June 18, 2012 for Application S-12-12

- Applicant's Request Letter dated March 5, 2013 with Exhibits
    - Aerial Photo of Campus with Property Lines
    - Boundary Survey of Campus

City of Dover

DATA SHEET FOR SITE DEVELOPMENT MASTER PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF June 6, 2012

PLANNING COMMISSION MEETING OF June 18, 2012

Plan Title:	Delaware State University Applied Optics Research Building S-12-12
Plan Type:	Site Development Master Plan
Property Location:	North side of College Road, west side of North DuPont Highway
Property Address:	1200 North DuPont Highway
Tax Parcels:	Portion of ED-05-057.00-01-21.00-000 ED-05-057.00-01-20.00-000 ED-05-057.00-01-19.00-000
Owner:	Delaware State University/ State of Delaware
Project Engineer:	Becker Morgan Group
Site Area: Project Area Phase 1: Project Area Phase 2 & 3:	287.32 acres+/- not listed 1.59 acres +/-
Existing/Proposed Use:	University campus
Building Areas:	Existing Modular Buildings (Relocated): 4,280 S.F. Existing Modular Building (Relocated): 1,696 S.F. Existing Modular Building (Relocated): 1,696 S.F. Proposed Building 1: 30,700 S.F. Proposed Building 2: 44,232 S.F.
Impervious Area:	Existing – 33.79% Proposed – 34.30%
Sewer & Water:	City of Dover
Zoning Classification:	IO (Institutional/Office Zone) SWPOZ (Tier 3: Excellent Recharge Area)
Waiver Requested:	Elimination of Loading Spaces

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 6, 2012

APPLICATION: Delaware State University Applied Optics Research Building at 1200 N. DuPont Highway: Site Development Master Plan

FILE #: S-12-12 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:

This is a Site Development Master Plan Review for Delaware State University Applied Optics Research Buildings consisting of three phases on the Delaware State University Campus. Project includes 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-05-57.00-01-20.00-000.

Preliminary Land Use Services Review (PLUS)

The application was evaluated for the necessity of Preliminary Land Use Services Review. This project was very close to the project size threshold established in the City of Dover's Memorandum of Understanding (MOU) that requires non-residential developments of over 75,000 square feet complete the PLUS Review process prior to application submission. For this Site Development Master Plan, a waiver of the requirement for PLUS Review process was received from the Office of State Planning Coordination via a letter dated May 14, 2012 citing its location within an existing developed campus and that the proposed new construction fell under the size threshold.

SWPOZ (Source Water Protection Overlay Zone)

The site is located within the SWPOZ (Tier 3: Excellent Recharge Area) and subject to Article 3 Section 29.7 of the *Zoning Ordinance*. The proposed use as a university campus with education and research facilities is not prohibited in the SWPOZ. For Tier 3: Excellent Recharge Areas, the maximum lot coverage for the site is 30% unless infiltration is utilized then the maximum lot coverage is 60%. The plan indicates that the site has an existing impervious coverage of 33.79%. It

must be confined that the lot coverage was calculated by utilizing the three university parcel areas located north of College Road. With this project, the lot coverage is proposed to increase to 34.30%. The plan shows infiltration practices in the vicinity of Buildings 1 and 2 (Phases 2 and 3) by utilizing two underground infiltration systems to manage roof drainage and by utilizing two bio-retention areas. In the SWPOZ, the differential volume of stormwater between the 30% and 60% lot coverage must utilize infiltration. Thus the stormwater resulting from the increase in the lot coverage from 33.79% to 34.30% (increase of 0.51% in lot coverage) must be infiltrated. If infiltration is not a viable option the site shall comply with the existing lot coverage; this would require elimination of impervious surfaces.

PROJECT DESCRIPTION

The Site Development Master Plan proposes three (3) phases of the project for the Delaware State University Applied Optics Research Buildings. Overall, the project involves the following:

- Phase 1: Relocation of three existing modular buildings from project site area to other areas of campus. Relocation Site 1 (Near College Road and President's House) – two modular buildings of 1,696 S.F. each. Relocation Site 2 (North end of Memorial Hall & Gymnasium) – one modular building of 4,280 S.F.
- Phase 2: Construction of Applied Optics Research Building 1 as four stories and 30,700 S.F. Project area location in southern portion of campus between Dining Hall of the University Village Student Housing and the Administration Building.
- Phase 3: Construction of Applied Optics Research Building 2 as five stories and 44,232 S.F. Project area location in southern portion of campus between Dining Hall of the University Village Student Housing and the Administration Building.

SITE DEVELOPMENT MASTER PLAN

The plan for this project is submitted for review under the Site Development Master Plan process (See *Zoning Ordinance,* Article 10 §2.44 listed below). This process allows for a series of construction phases to be outlined in a Master Plan for Planning Commission review and approval. Prior to each Phase of construction a Site Plan specific to that phase is submitted for Administrative Site Plan review.

> Article 10 §2.44 Site development master plans. Conceptual site development master plans shall be reviewed by the planning commission in accordance with the provisions of subsection 2.43. Conceptual site development master plans shall depict a site development proposal that reflects general compliance with the provisions of the zoning ordinance and shall also reflect the following information on the plan:
>
> (A) Conceptual Master Plan. Conceptual Master Plan shall include the proposed general layout of building, streets, parking, open space, landscape concepts, and stormwater management areas.
>
> (1) Detailed site construction plans, details, and specifications are not required as part of a site development master plan submission.
>
> (2) The plan shall illustrate distinct phase boundaries for each proposed construction phase and shall depict proposed construction and site improvements planned for each phase. Bulk quantities and area totals for each construction phase, and for the total site, shall be tabulated in a data column on the plan.
>
> (3) Each construction phase shall be enumerated in sequential order on the site development master plan according to the order of construction contemplated by the plan. Phases shall be implemented in accordance with the approved site development master plan unless the city planner approves an alternate phasing.

(4) Each construction phase represented on the master plan shall be planned and designed to function independent of construction and site improvements contemplated in future construction phases in all respects, including but not limited to bulk area provisions of the zoning district in which the site is located, off-street parking requirements, site entrances, emergency access requirements, site utilities, and stormwater management improvements except where the requirements and needs of a later phase are met and remain met by a previous phase of completed construction.

(5) Any special agreements or conditions of approval relative to the overall development that have been specified by regulatory agencies shall be documented on the site development master plan.

(B) Phased site plan approval. Individual phased components of the Conceptual Master Plan are to be reviewed and approved as an Administrative Site Plan. Final site construction plans, including detailed site grading, paving, utilities, stormwater management, and tree planting and preservation plans shall be submitted for final approval by the city planner and/or authorized designee, and to other agencies having jurisdiction, on a phase by phase basis in accordance with the approved site development master plan, and all regulations of the City of Dover governing the approval of site plans as set forth in subsection 2.4 and 2.5.

BUILDING ARCHITECTURE

Architectural Elevations have been submitted for review per Article 10 Section 2.54(o) and subject to Article 5 Section 19 of the *Zoning Ordinance* for the new buildings. A series of photographs show the appearance of the three existing modular building that will be relocated in Phase 1 of the project. For Phases 2 and 3 of the project, the Applied Optics Research Buildings (Buildings 1 and 2) are a modern style of design. With a triangular building footprint, the buildings are clad with an exterior wall finish of an insulated metal panel wall system painted white. The exterior walls do include vertical slot windows. The buildings are then wrapped in a structural steel braced frame (in white) with a glass curtainwall rainscreen (clear glass with white ceramic frit pattern) placed on an angle on certain elevations which exposes the steel frame at ground level. The structural steel braced frame is visible through the rainscreen element. The rainscreen element extends above the building roof to form a parapet wall that helps to screen the mechanical penthouse areas on the roof. The mechanical penthouse is also clad in an insulated metal panel wall system. Buildings 1 and 2 comply with the maximum height and number of stories imitations of the IO zoning district. A connecting bridge element is to connect the two buildings on the upper floors above ground level.

SITE CONSIDERATIONS

The entrances to the Delaware State University campus from the local road network remain unchanged with this project with the main entrance to campus from North DuPont Highway and several entrances from College Road. The project site for the development of the Applied Optics Research Buildings is within the campus near the Dining Hall of the University Village Student Housing and the Administration Building. The project site is in a block established by existing parking lots, circulation drive aisles, and adjacent buildings.

PARKING SUMMARY

The parking requirement for a university is one (1) parking space for every five (5) seats in the auditorium or cafeteria. The Board of Adjustment set the required number of parking spaces needed for the Delaware State University Campus at 1,650 parking spaces per Article 6 Section 3.8 of the *Zoning Ordinance* on April 15, 2009 (V-08-19). At the time the campus had 2,256

parking spaces exceeding the required 1,650 required by 606 parking spaces. Construction activities on campus since 2009 have revised the number of existing parking spaces to 2,243 spaces (following S-09-09). With this project, the two new buildings when calculated at the typical parking rate of one parking space per 300 S.F. of floor area (rate for parking in IO zone) would require 250 parking spaces. This plan claims the parking space credits available from the existing spaces on campus. In addition, this plan will revise 16 existing parking spaces to seven (7) parking spaces; thus a reduction of existing nine (9) parking spaces for the campus. As a result the campus parking will stand at 2,234 existing parking spaces remaining which is in compliance with the 1,650 parking space required (as set by the Board of Adjustment in 2009) and any increase in parking needs of the new Applied Optics Research Buildings covered by the excess parking (584 spaces).

Waiver Request: Elimination of Loading Spaces

For office buildings, laboratory establishments and schools, loading spaces are required at a rate of one space per 10,000-25,000 S.F. of floor area with an additional space for each 25,000 S.F. Thus the new buildings required to have three (3) loading spaces based on the square footage of the buildings. The plan does not indicate any loading spaces. The *Zoning Ordinance* does recognize joint facilities usage of loading spaces. As a campus, the University may also function with a centralized receiving facility/processing. A written waiver request for the elimination of the loading spaces specific to these buildings and describing the campus procedures for receiving was received for consideration by the Planning Commission.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one for every twenty parking spaces. The number of bicycle parking spaces on the Delaware State University campus is unknown. Using the 250 parking spaces required for these two new buildings, thirteen (13) bicycle parking spaces are required and must be identified on the plan. The Planning Commission has the ability to reduce the number of bicycle parking spaces required.

Dumpster

The institutional buildings are required to have one (1) dumpster pad based on the size of the building at a rate of one per 40,000 SF. Thus it required two dumpsters for this building. The plan notes that the University has a centralized trash pick-up and disposal process for the campus. However, locations for these two dumpster pads must be reserved at a location on campus for future potential use. A location for the reserved dumpster pad shall be shown on the plan with a note stating that the dumpster shall be constructed if determined to be necessary by the Planning Director.

Sidewalks

For modular building Relocation Site #1, there is existing sidewalk along the loop road with proposed connections to be made to each entrance of the building. For the modular buildings at Relocation Site #2, there is existing sidewalk along Old College Road (internal to the Campus) with a proposed sidewalk connection leading to the buildings. In Phases 2 and 3, the sidewalk is proposed around the project area block for Buildings 1 and 2 in the form of plaza areas leading to the buildings while interconnecting to the surrounding sidewalk network of the campus.

Curbing

Article 6 § 3.6(b) requires curbing for all parking areas. There is existing curbing at the relocation sites for the modular buildings and existing curbing creating the campus block for the project area of Phase 2 and 3. Some areas of new curbing are proposed with the reconfiguration of the east row of parking spaces and curb depressions to allow for fire lane access.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan presents a concept for tree planting specifically for Phases 2 and 3. Based on the project area of 69,358 SF, twenty-four (24) trees would be required. The Plan is proposing twenty-four (24) new trees to be planted around the bio-retention areas adjacent to the new buildings. The specific tree species are not identified; however, it appears to be ornamental trees and other deciduous trees. For the Phase 1 relocation sites, a designated project area for each site must be identified which will then be subject to tree planting compliance.

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. The University campus provides this required thirty (30) foot landscape buffer along DuPont Highway which includes tree plantings, landscape plantings of shrubs and annuals, and a brick wall. Activities of this Site Development Master Plan do not impact the Arterial Street Buffer.

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) Loading spaces shall be constructed as required by the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request was submitted for consideration by the Planning Commission.

2) The Data Column on the Index Plan Sheet will need to be updated prior to Final Approval of the Administrative Site Plan submission with the following:
   a) Any changes recommended, waivers granted, or other approvals by the Planning Commission.
   b) Add listing as Tier 3: Excellent Recharge Area to zoning classification.
   c) Clarify if property area (of the campus) consists of area to the north of College Road only.
   d) Provide Project areas for Phase 1: Site 1 and Site 2.
   e) Clarify impervious surface coverage calculations as to phases and if campus overall is limited to the campus north of College Road.
   f) Update remaining surplus parking tally and add total existing parking on campus.
   g) Indicate the number of required parking spaces is 1,650 per Board of Adjustment action.
   h) Provide a note stating that lighting shall be a minimum of 1½ foot candles at grade.
   i) Provide tree planting calculations for Phase 1 areas.
   j) Update references from Public Utilities to Public Works.

k) Add a note indicating that the Board of Adjustment set the number of required parking spaces for the campus to 1,650 on April 15, 2009 per *Zoning Ordinance,* Article 6 Section 3.8.
l) Provide a note stating that if infiltration is not achievable in the project area or in at alternative location on campus for compliance with the provisions of the SWPOZ then the entire campus shall reduce impervious coverage.

3) Add title of signee on behalf of the University in the owner's certification.

4) Sheet C-101:
   a) Check spelling in labels.
   b) Determine if any existing trees could be relocated as part of project. Clearly identify all trees to be removed.

5) Sheet C-201, Phase 1:
   a) Provide boundaries of each site project area and the area thereof.
   b) Ensure existing trees have adequate space in relation to proposed building placements.
   c) Provide existing conditions plans for the Phase 1 Site 1 and Site 2 areas.
   d) Identify project area for tree planting calculation.

6) Sheets C-202 and C-203, Phases 2 and 3:
   a) Clarify the locations of depressed curbing for access to plaza sidewalk fire lanes.
   b) Check ties lines of labels (grease trap mislabeled).
   c) Locations of fire hydrant and fire department connections for this area will need to be shown.
   d) Ensure connecting bridge has appropriate height clearance over the plaza sidewalk if fire lane.
   e) Check placement of tree along eastern parking space row. In Phase 2, it is not within the planting island.

7) Provide two reserved spaces for dumpster pad on the campus (to satisfy requirements of the Phase 2 and 3 areas) and provide a note on the Index Plan Sheet stating that the dumpster pad shall be constructed if it is determined to be necessary by the Planning Director. Since a system for collection is in place, the construction of the dumpster enclosure may not be necessary at his time; however, must be reserved.

8) Provide bicycle parking spaces at or in the vicinity of the buildings. Information on the campus-wide availability of bicycle parking spaces may also assist the Planning Commission in consideration of any requests to reduce the bicycle parking for these specific buildings.

9) Construction details such as the following but not limited to: sidewalk, barrier free sidewalk, paving, dumpster enclosure, dumpster pad, curbing, bicycle rack, handicap signage, etc. will be required as part of the Administrative Site Plan process.

10) A parcel consolidation plan to consolidate the three existing parcels and separate the land across College Road needs to be completed. This request for a parcel consolidation plan was an advisory comment adopted by the Planning Commission with application S-09-09

which required it to be completed prior to or with the next submission of a development application. The applicant has taken step to complete a boundary survey of the campus.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Recommendation on Waiver:
    a. Elimination of Loading Spaces. Staff recommends approval of the elimination of the three (3) required loading spaces for Phases 2 and 3 of this project due to the existing procedures for centralized receiving and distribution for the Delaware State University Campus.

2) The *U.S. Route 13 Circulation Study* and the *2008 Comprehensive Plan* discuss concepts for implementation of a connector road which continues Crawford Carroll Avenue to the south for new interconnections with North DuPont Highway and through the campus to College Road. Discussion of the appropriate timing of right-of-way designation will need to occur between the City, DelDOT, and Delaware State University. This transportation network planning element should be incorporated into the University's on-going efforts of master planning of the campus.

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

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

4) The site is located within the SWPOZ (Tier 3: Excellent Recharge Area) and the Planning Office and DNREC will coordinate to ensure compliance.

5) Following Planning Commission approval of the Site Development Master Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. These revisions are to be depicted as part of the Administrative Site Plan submissions which are required to progress to construction. The Site Plan of each construction phase/project area must be submitted

for Administrative Site Plan Review by the Planning Office and other agencies. Article 10 §2.44 (D) sets forth the construction timing in relation to approvals.

> Article 10 §2.44
>
> (D) Expiration of planning commission approval. For projects which are reviewed and approved by the planning commission as conceptual master plans, approval of the conceptual master plan shall remain valid for a period not to exceed five years from the date of planning commission approval, provided that the authorized construction or use has commenced within two years of approval and is proceeding toward completion. In addition, the time between the completion of one phase and the initiation of the next phase shall not exceed a period of two years.

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

7) Construction may have an effect on the adjacent campus areas. Any work requiring the closing or rerouting of employees, students, or visitors to adjacent areas should be coordinated as to offer the least amount of inconvenience.

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

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. Any proposed site or building identification sign may require a Sign Permit from the City of Dover prior to placement of any such sign in accordance with *Zoning Ordinance* Article 5 §4.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MAY 30, 2012

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **DELAWARE STATE UNIVERSITY APPLIED OPTICS RESEARCH BUILDING**

FILE #: **S-12-12**

REVIEWING AGENCY: **City of Dover**

CONTACT PERSON: **Steve Enss - Electric**
Jason A. Lyon - Water, Wastewater, Stormwater

CONTACT PHONE #: **302-736-7070**

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. 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.

WATER

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

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures.
3. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
4. Sizing (flow) calculations must be submitted for all sanitary sewer mains showing that velocity and all other requirements are met. Any projected future flow requirement must be clearly identified.
5. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
6. The minimum size of all sanitary sewer laterals shall be six-inch (6"). Revise the plan accordingly.
7. Sanitary laterals shall be connected directly to the main, not manholes.
8. East of the Existing Dining Hall, it appears a sanitary sewer main is exiting a catch basin, this is in violation of Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County, please revise.
9. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.

STORMWATER

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

STREETS/SANITATION/GROUNDS

1. None

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. None

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. The University owns and operates the power distribution system. Dover does own some circuit feeders through the campus.

WATER

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

WASTEWATER

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

STORMWATER/STREETS/SANITATION/GROUNDS

1. None

GENERAL

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 30, 2012

CITY OF DOVER FIRE MARSHAL

APPLICATION: Applied Optics Research Building – Delaware State University

FILE #: S-12-12 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Fire lane coverage approved as proposed.
2. Any gas fired HVAC equipment must be equipped with emergency cut-off switches remotely located.
3. Address numbers of at least 12 inches in height must be placed on the street side of the building visible from the street.
4. Any natural or LP gas bottles, meters, values, regulators, etc., must have impact protection.
5. Full building and fire plan review is required.
6. Building cannot be occupied or construction or renovations started until completion of building and fire plan review.
7. All required means of egress shall have an exit discharge consisting of a non slip surface and leading to and terminating at a public way.
8. Sprinkler system required. System to be monitored.

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

10. Fire alarm system required.

11. Standpipes required.

12. Gate to be operational with Fire Department Opti-Con system.

13. Project to be completed per approved Site Plan.

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

ADVISORY COMMENTS TO THE APPLICANT:

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

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

3. The proposed building will be reviewed under Business Occupancy.

4. 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.

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 6, 2012

D E L D O T

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APPLICATION: Delaware State University Applied Optics Research Building: Site Development Master Plan

FILE#: S-12-10 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.

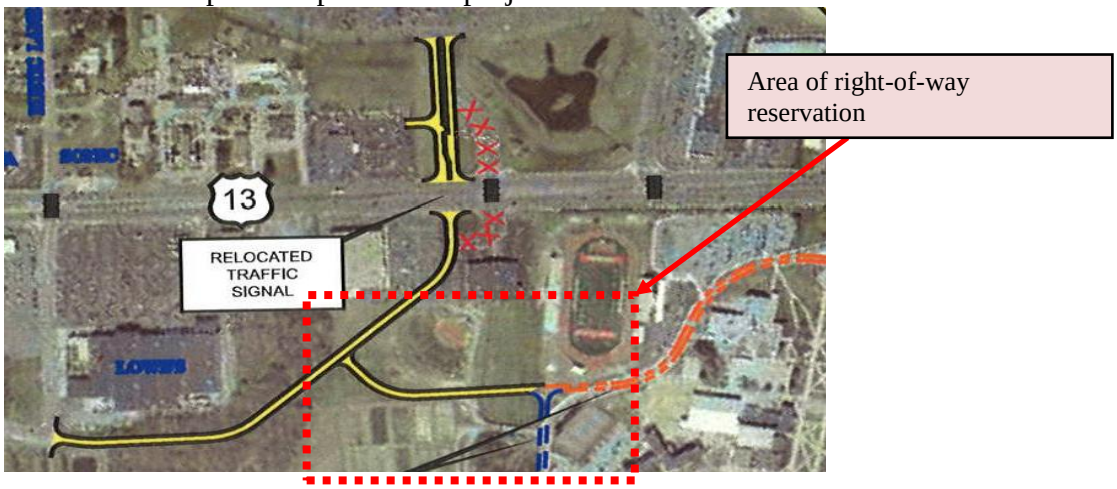
THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:

1. The department requires the applicant to provide proper forms, fees, and plans in order to issue a Letter of No Objection.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

- The department requires a 60' wide right-of-way reservation across a portion of the rear property to accommodate the future road improvements based on the US Route 13 Circulation Study. Please refer to the picture below for the area of the right-of-way reservation, and a note referencing the right-of-way reservation must be added to the plans as part of this project.



ADVISORY COMMENTS TO THE APPLICANT:

- A pre-submittal meeting with the applicant must occur prior to the issuance of the Letter of No Objection (LONO) for lot line consolidation.

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

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

OFFICE OF THE
DIRECTOR

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

Memorandum

DATE: May 24, 2012

TO: Dawn Melson-Williams, Planner
City of Dover

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

RE: Development Advisory Committee
S-12-12 Delaware State University Applied Optics Research Building

CC: Jamie Rutherford, Program Manager
Mike Henry, Becker Morgan Group

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

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

2. If the land disturbance will exceed 1.0 acre, a Notice of Intent for Storm Water Discharges Associated with Construction Activities and the $195 NOI fee must be submitted to DNREC prior to any construction activity taking place on the site.

3. All areas of the project site that can convet stormwater runoff to the Silver Lake "forebay" located at the southeast corner of the campus will be considered managed for stormwater quantity and quality. For remaining areas, stormwater quantity and quality management must be provided. Green Technology BMPs including bioretention, biofiltration swales, and filter strips must be given first consideration in meeting the stormwater quality management requirements for the those areas.

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

STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

May 14, 2012

Ms. Ann Marie Townshend
Planning Director, City of Dover
15 E. Loockerman Street
Dover, DE 19904

RE: PLUS Waiver for the Applied Optics Lab within Delaware State University

Dear Ms. Townshend:

I am writing to inform you that I have waived the PLUS process for the above referenced project pursuant to your request.

The Applied Optics lab is part of the existing Delaware State University. The Delaware State University is a fully developed campus with infrastructure in place to support the new building. In addition, the PLUS threshold for a commercial project within the City of Dover is 75,000 sq. ft. This project is under that threshold.

It is also noted that the City of Dover's Development Advisory Committee provides a more stringent review process than is offered through PLUS. I am confident that all of the relevant State agencies will be included in the review of future construction projects that arise from this conceptual master plan. However, I request that this office be informed and consulted as individual construction projects are considered.

This waiver has been granted at my discretion according to the provisions of Title 29, Chapter 92, § 9205 of the Delaware Code. Please do not hesitate to contact me if I can be of any further assistance.

Sincerely,

Constance C. Holland

Constance C. Holland, AICP
Director, Office of State Planning Coordination

122 William Penn Street · Third Floor · Dover, DE 19901
Phone (302)739-3090 · Fax (302) 739-5661 · www. stateplanning.delaware.gov

WAIVER REQUEST

DELAWARE STATE UNIVERSITY
APPLIED OPTICS RESEARCH BUILDINGS

LOADING SPACE REQUIREMENTS

REQUEST: Relaxation of the loading space requirements for the site.

EXTENT OF THE REQUEST: By code, the property is required to have one (1) primary loading space with dimensions of 12'wide x 60' long and 2 supplementary loading spaces. We request to eliminate all three loading spaces.

BASIS FOR REQUEST: Article 6, section 4.4 (3) of the City of Dover zoning standards states that the Planning Commission may waive required loading berths when the applicant can demonstrate that the intended use is such that no deliveries by large vehicles is expected, now or in the future, or when the requirements of this ordinance are far in excess of the actual needs on the site or in the Downtown Redevelopment Target Area, where on-street loading areas are provided nearby.

The proposed facility is located on the campus proper and will house college classrooms, laboratories and faculty offices. The university has a central receiving facility where all supplies are delivered. University personnel then distribute the supplies to the various campus buildings, thus the need for individual loading spaces for each building is not required. We therefore request elimination of all three required loading spaces.

City of Dover

June 25, 2012

Mike Henry
Becker Morgan Group Inc.
309 S. Governors Avenue
Dover, DE 19904

Re: Notice of Decision
Site Development Master Plan Application: S-12-12 Delaware State University Applied Optics Research Building, Dover, Delaware

Dear Mr. Henry:

At its meeting of June 18, 2012 the City of Dover Planning Commission moved to grant conditional approval of the Site Development Master Plan for the Applied Optics Research Building project consisting of three phases on the Delaware State University Campus. The approval was granted in accordance with the conditions of approval outlined in the Development Advisory Committee (D.A.C.) Report dated June 6, 2012 and as noted below. A copy of the D.A.C. Report is enclosed for your reference.

The Site Development Master Plan (Conceptual Master Plan) was presented in three (3) phases for the Delaware State University Applied Optics Research Buildings. Overall, the project involves the following:

- Phase 1: Relocation of three existing modular buildings from project site area to other areas of campus. Relocation Site 1 (Near College Road and President's House) – two modular buildings of 1,696 S.F. each. Relocation Site 2 (North end of Memorial Hall & Gymnasium) – one modular building of 4,280 S.F.
- Phase 2: Construction of Applied Optics Research Building 1 as four stories and 30,700 S.F. Project area location in the southern portion of campus between Dining Hall of the University Village Student Housing and the Administration Building.
- Phase 3: Construction of Applied Optics Research Building 2 as five stories and 44,232 S.F. Project area location adjacent to Building 1 in the southern portion of campus between Dining Hall of the University Village Student Housing and the Administration Building.

In addition, the Planning Commission took action on the waiver request for the project. The decision on the waiver request is as follows:

1. Pursuant to *Zoning Ordinance*, Article 6 §4.23 the Planning Commission approved the waiver to eliminate three (3) loading spaces at the project site. It is noted that the University campus has a centralized receiving facility.

For Site Development Master Plans, the *Zoning Ordinance,* Article 10 §2.44 sets forth the construction timing in relation to approvals.

> Article 10 §2.44(E)
> (E) Expiration of planning commission approval. For projects which are reviewed and approved by the planning commission as conceptual master plans, approval of the conceptual master plan shall remain valid for a period not to exceed five years from the date of planning commission approval, provided that the authorized construction or use has commenced within two years of approval and is proceeding toward completion. In addition, the time between the completion of one phase and the initiation of the next phase shall not exceed a period of two years.

Thus the Planning Commission approval of the Site Development Master Plan requires that within two (2) years from the date of approval (June 18, 2012), the Administrative Site Plan for Phase 1 shall be submitted for approval and then authorized construction commenced. For this project, the expiration date is June 18, 2014 for plan approval and commencement of Phase 1 construction.

Each phase of the development identified in the Conceptual Master Plan shall be submitted to the Planning Office as an Administrative Site Plan for review in accordance with Article 10 §2.44(B) and other applicable sections of the *Zoning Ordinance*. This review by the Planning Office and other agencies with jurisdiction will be completed to ensure that "the final site construction plans, including detailed site grading, paving, utilities, stormwater management, and tree planting and preservation plans" are in accordance with the approved Site Development Master Plan (S-12-12) and other City of Dover regulations.

As a reminder, please remove the Public Notice Physical Posting signage from the property by June 25, 2012. Physical Posting signage not removed in a timely manner will be treated as an abandoned sign per the *Zoning Ordinance*. Should you have any questions, or require further assistance, please contact me at the Planning Office (302) 736-7196.

Sincerely,
Department of Planning & Inspections



Dawn Melson-Williams, AICP
Principal Planner

Enclosure: DAC Report

Cc without Reports unless specified:
Sharon Duca, P.E., Interim Public Works Director
Ann Marie Townshend, AICP Planning Director
Duncan C. Anderson III, Delaware State University with DAC Report
Andy Timberg, Richard + Bauer with DAC Report
File S-12-12

Excerpt of Planning Commission Meeting Minutes of June 18, 2012 pertaining to Application S-12-12 Delaware State University Applied Optics Research Building: Site Development Master Plan:

The Regular Meeting of the City of Dover Planning Commission was held on Monday June 18, 2012 at 7:00 PM with Vice-Chairman Tolbert presiding. Members present were Mr. Baldwin, Mr. Shomo, Mr. Tolbert, Mr. Nichols, Mr. Holt, and Mr. Friedman. Mr. Ambruso, Colonel Welsh and Mrs. Still were absent.

S-12-12 Delaware State University Applied Optics Research Building: Site Development Master Plan – Public Hearing and Review of a Site Development Master Plan consisting of three phases on the Delaware State University Campus. Project includes 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-05-57.00-01-20.00-000. Council District 4. *Waiver Requested: Elimination of Loading Spaces.*

Representative: Mr. Gregg Moore, Becker Morgan Group, LLC; and others in the audience, Kasey Jones and Trey Anderson, Delaware State University.

Mrs. Melson-Williams stated that this is a Site Development Master Plan with Conceptual Master Plan brought before the Planning Commission. Once the Master Plan is approved, the subsequent process becomes administrative in nature. Staff and other agencies review Administrative Site Plans for each phase of the project. This project specifically applies to Applied Optics Research Building.

Mrs. Melson-Williams further stated that the proposed site is internal to the campus. Coming in from the main entrance off of Route 13, it will be to your south towards the end of the campus where the large apartment style student housing project is from a couple of years ago. Currently, at the site of the project, are several modular buildings and as part of the first phase of this project the three (3) existing modular buildings will be relocated to other areas on this site for the campus as a whole. Two (2) of them will be relocated to the western portion of the campus near the President's House and a third much larger modular building is proposed for relocation to the north of Memorial Hall near the stadium on the north side of the campus. The relocation of the modulars is Phase I of the project itself. There were photographs of these existing buildings included in your packet.

Mrs. Melson-Williams further stated that the project overall received a waiver from the PLUS review process and was on the threshold of the size requirement to have to go through that process; however, a waiver was obtained. One thing unique to this corridor along Route 13 is the areas that fall within the Source Water Protection Overlay Zone: Tier 3, Excellent Recharge Area. For projects that fall into this zone and are doing a redevelopment projects, there is a maximum lot

coverage that is thirty (30) percent. If over that, any of the additional stormwater volume above that must be infiltrated and thus they could increase their impervious coverage up to sixty (60) percent. Overall, they have calculated for this site as it exists at 33.79% of the area and staff has utilized that area of the campus to the north of College Road for that calculation. With this project, they are increasing the overall lot coverage to 34.3% and will have to do infiltration to address stormwater management with the project.

Mrs. Melson-Williams further stated that the key parts of the project are Phase II and Phase III for the construction of the two Optics Research Buildings. The first building is a four (4) story building and the second building is a five (5) story building which is considered Phase III. The buildings are unique in that they have a triangular footprint and are very modern in style of architecture. A model of the project for Building 1, Phase II was available.

Mrs. Melson-Williams stated that the building has a metal wall system cladding to it that wraps it in a braced frame then a glass curtainwall system that presents a unique feature to the building design. Regarding the site aspects of the project for parking, the university campus has a parking number that was set back in 2009 by the Board of Adjustment that set a required number of parking spaces for the campus. The campus actually has more than that required number and even with the construction of these two (2) buildings, would still maintain the appropriate number of parking spaces on campus.

Mrs. Melson-Williams further stated that they have one waiver request regarding loading spaces. For this building project it would require three (3) loading spaces; however, they are seeking to eliminate those loading spaces noting that all of the receiving and processing of things for the University happens at a centralized location. With parking, the Code now requires a bicycle parking requirement and for this project, they will have to add thirteen (13) bicycle parking spaces to the site. With the dumpsters for the site the University has a centralized process for the collection of trash. There will need to be two (2) dumpster pads reserved on campus to service this facility.

Mrs. Melson-Williams further stated that with this project, it is within the campus itself so there are a number of existing sidewalks that link into other areas and the building plan itself includes extensive sidewalk connection and plaza areas leading up to and surrounding the building. With this project, they are also doing tree planting in the area and twenty-four (24) new trees would be required for the Phase II and III area. The Phase I relocation areas of the modular buildings will also be subject to the landscaping requirements.

Mrs. Melson-Williams stated that the Planning Office has provided a series of comments on the Conceptual Master Plan. One is with regards to a Parcel Consolidation Plan. Staff has recommended that three (3) existing parcels of land which makes up the campus north of College Road be consolidated into one parcel. This is a comment from a 2009 Plan and at that time, the Planning Commission required that it should be completed with or prior to the next development application on campus. Also with this project, it is in the area identified in the US Route 13 Circulation Study and the Comprehensive Plan for the City that envisioned a connector road from Crawford Carroll Avenue which is behind Lowe's and the area of Sam's Club continuing south towards the campus and ultimately connecting through the campus. Staff is recommending that

discussion about this right-of-way designation for that road continuation needs to occur with the City, DelDOT, and the participation of the University as well. Staff sees it as an opportunity for planning for a transportation network in the area and is an appropriate time as the campus is doing some master planning efforts.

Mrs. Melson-Williams further stated that a number of department and agencies have provided comments. The City's Public Works Office addressing water/wastewater, stormwater and electric on the property, the Fire Marshal's Office, DelDOT with some specific comments referring to the potential for a regional road network element and then in this case, DNREC the Division of Watershed Stewardship with regards to the stormwater management plans for this site as it falls under their review as it is State property.

Mr. Moore stated that they (the Becker Morgan Group, Inc.) are not the architects for this building, Richard & Bauer from the west coast is doing the building itself. From the architects, the building is a representation of a prism. A prism is a component of the Optics Program that goes on in this building. Delaware State University is currently at the top of the country in terms of optics research. They are currently doing this optic research program in deficient buildings that were not designed for optic research. This building will be a world class building representing that world class optics research and the prism is the key to that. You will notice in the building not only in its shape but also in a couple of elements outside the building that the prism will be replicated and is a representation of what is going on inside.

Mr. Moore further stated that he would point out the model that is present this evening in that this is a unique building in that it replicates a prism with glass. This building architecture is meaningful to the professors who do this type of research. This is a fast track project with the money and funding set aside by the State of Delaware along with Delaware State University to build the building. There is a push to get this built as quickly as possible because the research is occurring on campus now and those professors want to see a new facility meeting the needs of their research.

Mr. Moore further stated that they do not have any problems with the DAC comments of record. There are two (2) comments that he wants to discuss. The first is very similar to the last application DelDOT is asking for right-of-way through the Delaware State University to link the roads. This is new to the current administration who was not there when this came up in the past. Delaware State University would like to have the opportunity to negotiate with and talk to DelDOT; however, not attached to this very building. The reason for this is because they have to get the building built for the Optics Research and the area that DelDOT is asking for the roadway improvement is not even close to the building as it is on the entire other side of the campus. The parcel that they are putting it (the new building) on is where the new College Road has been created near the new student housing that is located on campus. The roadway that they are talking about is on the opposite side of campus along the ball fields on the other side of the football field and is not on the same parcel or connected to these buildings. Their request would be that this be made a separate request. Delaware State University and DelDOT can discuss this roadway and the future of this roadway going through the campus and disconnect that from these comments. Staff comments pretty much reflect this.

Responding to Mr. Moore, Mrs. Townshend stated that DelDOT moved it to a recommendation so she thinks that you have a lot of working room on that issue.

Mr. Moore further stated that the other Staff comments regarding the Consolidation Plat is that Delaware State University would like to not consolidate the parcels that they have that are four (4) parcels in total. This is partially a historic issue and partially an emotional issue for Delaware State University. The main campus parcel was part of the 1891 Land Grant that created Delaware State University's mission and that parcel has survived since 1891 and they want to keep this parcel intact. He realizes that this a comment that you see from Staff many times where they try to clean up for tax purposes and cleanliness of the parcels. As part of this project, they have surveyed the entire campus and the properties that make up these four (4) parcels and there are no violation of building setbacks along these parcels. There are no Code violations by leaving these parcels separate. In some cases, there could be those violations and is the reason, in his opinion, you would want to consolidate.

Mrs. Townshend stated that one of the things that Mrs. Melson-Williams stated in her report was for the purposes of the Source Water Protection Overlay Zone and the calculation of the thirty (30) percent or greater impervious coverage. We used the campus proper which is the area of the Delaware State University Campus that is north of College Road. Our maps shows three (3) parcels there with the southern parcel that is land hooked to the southern part of College Road which was not used in the impervious surface calculation. Staff does believe that even if it is not a full consolidation, that the issue of the land hooked parcel across College Road should be resolved. If you recall, several years ago, that parcel came in and was rezoned as a shopping center with discussion of developing it as a shopping center. It functions entirely separate from the campus proper.

Mrs. Townshend further stated that Staff believes that these parcels need to be consolidated and understands the history of the college and understands that there are other issues that come into play; however, it needs to be very clear that for the purposes of calculating things like impervious cover, we need to make sure that we are consistent so that we are always looking at the campus and not looking at the campus when it suites us or a piece of the campus when it suites us. In some ways, the consolidation helps to clarify that issue so that you have consistency in how something is reviewed over time. These are the two points that she would make. She believes that the issue of the land hooked parcel across College Road needs to be addressed and we need to be very clear even if we are not going to consolidate that there is a parcel that does not have any frontage and that there are some non-conforming aspects of things that would continue to exist and that when buildings come in we do have to look at them in terms of their setback from the parcel boundary not the campus boundaries.

Mr. Nichols questioned that when the old College Road went through the campus and then the new College Road came through, all of those parcels were then all college property at that time, is it still under a deed for that property or is that separate now? Responding to Mr. Nichols, Mrs. Townshend stated that where old College Road went through, the area north of that is part of that Land Grant parcel. The area south of that is not; however, it shows as all one parcel. If there is already some change in the actual tax parcel boundary from what was the initial Land Grant because that is north of old College Road and that is still part of the parcel that goes south.

Mr. Nichols further questioned if the property that is south of old College Road is part of the campus? Responding to Mr. Nichols, Mrs. Townshend stated that it is part of the campus. It is not part of the 1891 Land Grant.

Mr. Moore stated that the original College Road is where the surviving property line that separates the 1891 Land Grant area to the 1918 piece which was then bisected by College Road. When College Road went in, DelDOT procured from Delaware State University in negotiations when they built this roadway that then separated the piece on the other side of College Road from the main campus. Surveys have found that this line is a sustaining property line from the original Land Grant which is what Delaware State University was trying to preserve and still wants to preserve. As soon as Delaware State University dedicated their property to DelDOT and eliminated the right-of-way, they actually had more separation then less. The property line runs down the center of where that road used to be. The tax maps do not show the original Land Grant. Our survey did go back and check deeds and verify the accuracy of the land records. Delaware State University is a non-paying tax entity because of its 501(c) status that is exempt under State law from the tax rolls.

Mrs. Townshend stated that we find that somewhere along the line administratively throughout the City if properties are under the same ownership for tax purposes were administratively consolidated. Mrs. Melson-Williams looked as far back as 1977 on the tax parcel maps and it was still showing as all one property. Responding to Mrs. Townshend, Mr. Moore stated that what the land records show is 1891 is the main campus, in 1918 both sides of the now relocated College Road bisected that piece of land and then 1966 and 1967 Delaware State University procured or bought the two pieces of property that Mrs. Townshend is referring to where there are ball fields and the fish ponds are located. They do not have any substantial programs on this piece other than the fish ponds and ball fields and is the reason they are not wanting to consolidate this piece because they do not have a plan for it.

Mr. Moore further stated that the other thing that is pertinent here that responds to both of these issues is that Delaware State University is going through a Comprehensive Master Plan of the entire campus. They are not yet finished that process and would like to finish that process before they do some of these bigger issues and present that to the public as to what they are going to be doing. There are discussion regarding a number of different buildings that they may build; however, until this Master Plan is executed, they do not want to make these changes until a later time.

Mr. Nichols questioned if this road eventually comes through from Crawford Carroll Avenue to this, will it come into the loop road? Responding to Mr. Nichols, Mr. Moore stated that he has seen a couple different scenarios. The one that is in the Master Plan does not show that it shows cutting through a ball field and heading towards Route 13. DelDOT put these plans together seven (7) or eight (8) years ago and what will likely happen is they are going to start talking to other owners and as they do that, the request may change.

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

Mr. Nichols moved to approve S-12-12 Delaware State University Applied Optics Research Building: Site Development Master Plan to include the waiver request to eliminate all loading spaces and to include all of the DAC comments of record to also include consolidation of parcels.

Mrs. Townshend stated that Mr. Tolbert has questioned the DelDOT comment. She thinks that the way that they revised their comment, Staff can work within the framework of how they have written it. Mr. Moore wanted to pull it out for your attention; however, she feels that Staff can work through it. Responding to Mrs. Townshend, Mr. Moore stated that there are no improvements that they are making in public right-of-ways as part of this project and would be the City's authority that is in control here.

Mrs. Townshend stated that there will need to be some degree of DelDOT sign-off; however, Staff will get it done by working with DelDOT. DelDOT has it in their comments as a recommendation and not a requirement that will make it easier to work with them.

After discussion, the motion was seconded by Mr. Holt and unanimously carried 5-0 with Mr. Ambruso, Colonel Welsh, Mrs. Still and Mr. Friedman (left the meeting at 8:20 PM) absent.

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RECEIVED
MAR 5 2013
CITY OF DOVER
PLANNING & INSPECTIONS

March 5, 2013

Mrs. Dawn Melson-Williams, AICP
City of Dover
Department of Planning and Inspections
P.O. Box 475
Dover, DE 19903-0475

RE: **Parcel Consolidation Plan Reconsideration**
DELAWARE STATE UNIVERSITY / APPLIED OPTICS RESEARCH BUILDINGS
Dover, Delaware
2012001.01

Dear Mrs. Melson-Williams:

On behalf of our client, Delaware State University, we are hereby requesting that the Planning Commission reconsider the requirement for a Parcel Consolidation Plan to be completed for the campus. Delaware State University makes this request based on the following reasoning:

1. The University would like to maintain the portion of the original land grant parcel intact and separate from the other parcels due to its historic nature. The deed creating the parcel dates to August 24, 1891. The existing boundary lines of record maintain the original parcel and the university feels that to eliminate the boundaries of the original land grant parcel and consolidate the campus would be disrespectful to the history of the university.

2. There is a cost involved with the consolidation of the parcels. This comes at a time when the economy is uncertain and sources of funding are being limited and thus all unnecessary expenditures hurt the University's mission of educating students.

3. The proposed Optics Research Building Project is not impacted by the existing boundary lines nor does the project create any zoning code issues based on the existing boundary lines.

This is request is submitted for consideration at the March 18, 2013 Planning Commission meeting. We are providing the following:

1. Fifteen (15) copies of the boundary survey of the campus.
2. Fifteen (15) copies of an aerial photo showing the campus, property lines and Optics Research Building project site.

BECKER MORGAN GROUP, INC.
ARCHITECTURE & ENGINEERING
309 SOUTH GOVERNORS AVENUE
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WILMINGTON, NC 28403
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BECKER MORGAN GROUP

ARCHITECTURE
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Please include us on the Planning Commission Agenda and contact me with any questions.

Sincerely,

BECKER MORGAN GROUP, INC.

Gregory V. Moore, P.E.
Vice President

MJH/rlh

Enclosures

Cc: Anthony Patterson - Delaware State Uuniversity
Duncan Anderson – Delaware State University
Andy Timberg – Richard + Bauer

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PETITION TO ANNEX AND REZONE PROPERTY
Report to the City of Dover
Planning Commission
March 18, 2013

Applicants/Owners:	Sipple's Used Cars, Inc.
Property Address:	1174 South Governors Avenue
Tax Parcel ID #:	ED00-086.05-01-12.00-000
Size:	8,250 SF +/-
Present Use:	Residential
Proposed Use:	Residential

Comprehensive Plan Designation: Category 1 – High Priority Annexation Areas

Comprehensive Plan Land Use Designation: Commercial

Present Zoning:	BG (General Business)
Proposed Zoning:	C-2A (Limited Central Commercial)
Utility Availability:	The property is currently served by City of Dover Electric. There is no sanitary sewer or water service to the property; however both sanitary sewer and water mains run in South Governors Avenue in front of the property. The property owner would be responsible for the costs associated with tapping the sanitary sewer and water mains, extending services to the property, payment of impact fees, and obtaining permits associated with such improvements.
File Number:	AX-13-01

CITY OF DOVER PLANNING OFFICE

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C MEETING DATE: March 6, 2013

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APPLICATION: Annexation and Zoning of Lands of Sipple's Used Cars, Inc. at 1174 S. Governors Avenue

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

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

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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.

Surrounding Land Uses:
The immediately adjacent properties that are within the City are zoned C-2A (Limited Central Commercial Zone) and include a church and the Creekstone office parcel. The property directly adjacent to the south is zoned BG (General Business) in Kent County, and the properties across South Governors Avenue are zoned BG (General Business) in Kent County.

Comprehensive Plan:
The Annexation and Growth Map (Map 13-1: Potential Annexation Areas) contained within the current certified *2008 Comprehensive Plan* as amended designates this land as Category #1 – High Priority Annexation Areas thus making these lands desirable for Annexation. Map 13-2: Potential Land Use for Annexation Areas indicates the Commercial designation for the properties. The requested zoning is consistent with this designation.

Request for C-2A Zoning:
The types of permitted uses in the C-2A (Limited Central Commercial Zone) are given Article 3 §14 of the *Zoning Ordinance*, and include the following:

- Convenience retail stores such as drug stores, grocery stores, luncheonettes, variety stores or combinations thereof.
- Personal service stores such as, but not limited to, barbershops, beauty parlors, and tailors, provided that where steam pressure is used in clothes pressing, it shall not exceed 60 pounds per square inch.
- Service establishments furnishing services other than of a personal nature, but excluding gasoline filling stations and motor vehicle storage, repair, or service.
- Residential uses.
- Other retail and service establishments, but excluding:

    - Gasoline filling stations and motor vehicle storage, repair, or service, except that gasoline pumps shall be permitted as an accessory use, subject to conditional use approval by the planning commission pursuant to article 10, section 1.
    - Wholesaling, warehousing or storage.
    - The manufacturing, printing, assembling, converting, altering, finishing, cleaning or any other processing of goods on the premises, except as permitted in the C-1 zone.
    - Excessive traffic generating uses, such as theaters, drive-ins, bowling alleys and other commercial, recreation, restaurants, etc.
- Business, professional or governmental offices.
- Banks, theaters and restaurants.
- Hotels, clubs and places of worship.
- Civic institutions.

Recommendation of the Planning Staff:
The requested zoning of C-2A is consistent with the Comprehensive Plan and compatible with the surrounding area. Staff recommends in favor of the C-2A zoning requested by the applicant and the ultimate development of the site as commercial. Such development would be subject to site development plan review by the Planning Commission.

This recommendation is being made without the benefit of hearing the comments of surrounding land owners and residents. A public hearing is required on this matter and those comments should be given serious consideration by the Commission.

ADVISORY COMMENTS TO THE APPLICANT:

1) The applicant shall be aware that approval of any annexation and/or rezoning application does not represent Site Development Plan approval. A separate Site Development Plan must be submitted and approved if additional development activities are proposed on the property.

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

3) Upon annexation into the City of Dover, other permits or licenses may be required for the use of the property such as Business Licenses, Rental Dwelling Permits, etc.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **LANDS OF SIPPLE'S USED CARS, 1174 S. GOVERNORS AVE.**

FILE #: **AX-13-01**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

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

1. Our office has no objections to the proposed annexation of tax parcel ED-00-086.05-01-12.00-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

WATER

1. As per the Petition to Annex and Rezone Property, as heard by the City of Dover Utility Committee, February 25, 2013, please find the following:
    a. There is no water service to the property; however, a water main runs in South Governors Avenue in front of the property. The property owner would be responsible for the costs associated with tapping the water main, payment of impact fees, and obtaining permits associated with such improvements. Water infrastructure must be installed in accordance with the requirements of the City of Dover Water / Wastewater Handbook and DelDOT.
    b. The owner / developer is responsible for submitting a plan to the Department of Public Works that depicts the required information for a DelDOT State Utility Permit.

WASTEWATER

1. As per the Petition to Annex and Rezone Property, as heard by the City of Dover Utility Committee, February 25, 2013, please find the following:
    a. There is no sewer service to the property; however, a sanitary sewer main runs in South Governors Avenue in front of the property. The property owner would be responsible for the costs associated with connecting to the sanitary sewer main, payment of impact fees, and obtaining permits associated with such improvements. Wastewater infrastructure must be installed in accordance with the requirements of the City of Dover Water / Wastewater Handbook and DelDOT.
    b. The owner / developer is responsible for submitting a plan to the Department of Public Works that depicts the required information for a DelDOT State Utility Permit.

SANITATION

1. The City of Dover will only provide sanitation service to residential properties.

STORMWATER / STREETS / GROUNDS

1. None.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 27, 2013

D E L D O T

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APPLICATION: Lands of Sipple's Used Cars at 1174 South Governors Avenue
FILE#: AX-13-01 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT FOR THE REZONING:

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

- A pre-submittal meeting with the applicant will be required, if the proposed development generates 200 vehicles per day (VPD).

- In order to be issued an entrance permit, the department will require the applicant to provide the proper forms, fees, and entrance plans.

- The applicant is required to obtain a utility permit from the DelDOT Central District for this project prior to performing any construction works within the right-of-way.

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
MARCH 2013

APPLICATION: Lands of Sipple Used Cars

FILE #: AX-13-01

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

1. *Kent Conservation District has no objection to re-zoning plan for the above referenced site.*

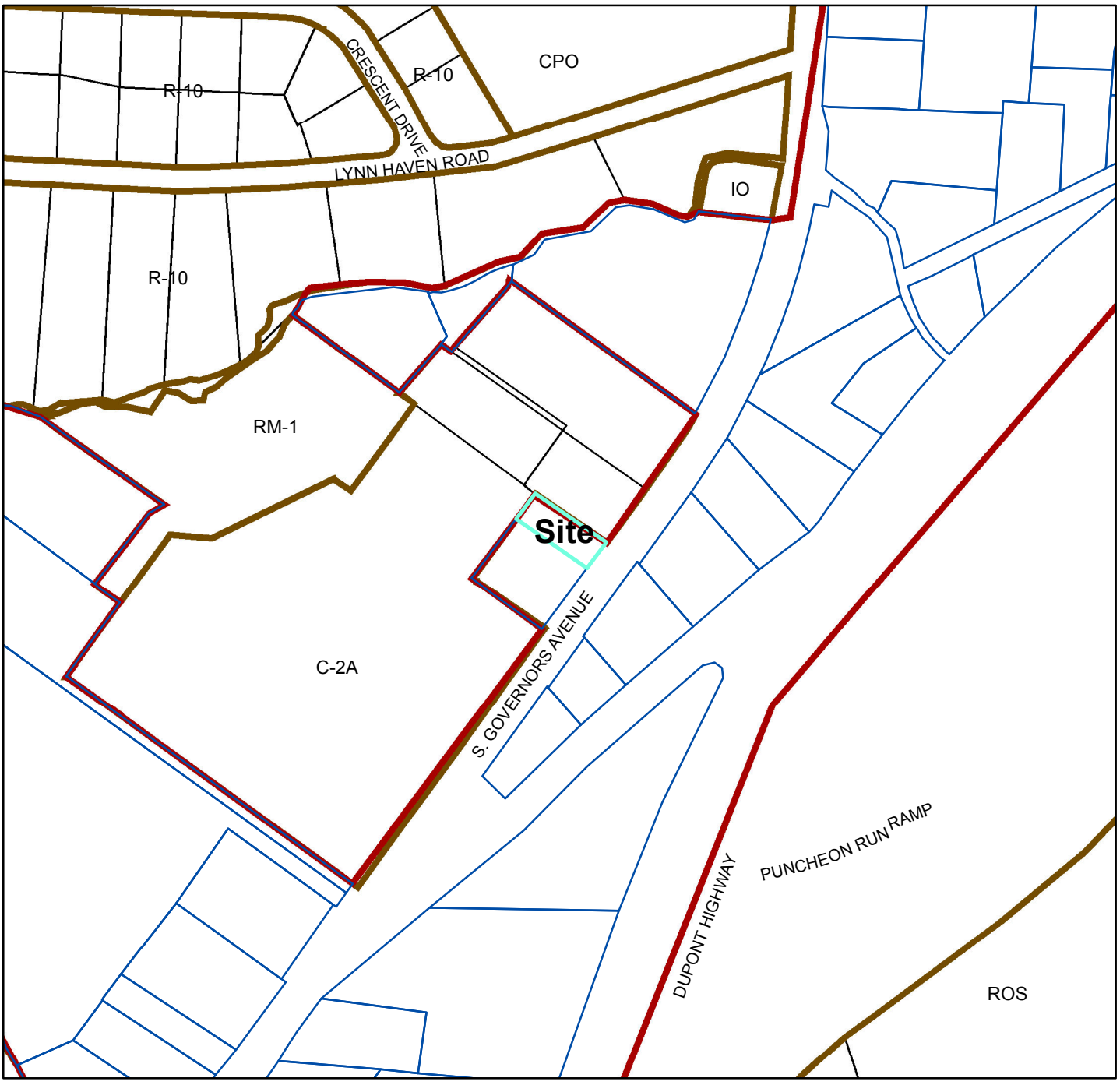
ADVISORY COMMENTS TO THE APPLICANT:
The Following comments are advisory and apply to the development of a detailed site plan for this project.

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

City of Dover

Department of Planning & Inspections

Application No.: AX-13-01



Plan Title: Lands of Sipples Used Cars, Inc.
Location: 1174 South Governors Avenue
Plan Type: Annexation
Tax Parcel: ED-00-086.05-01-12.00-000
Proposed Zoning: C-2A
Proposed Land Use Classification: Commercial
Annexation Classification: Category 1 High Priority
Owner: Nathan Sipple
Date: 2-5-13

Legend

- Zoning
- Dover Parcels
- Kent County Parcels
- Dover Boundary

0 150 300 600 Feet

City of Dover

DATA SHEET FOR CONDITIONAL USE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF March 6, 2013

PLANNING COMMISSION MEETING OF March 18, 2013

Plan Title:	E-ZPass at 22-24 West Loockerman Street C-13-02
Plan Type:	Conditional Use Plan
Property Location:	South side of West Loockerman Street west of South State Street
Property Address:	22-24 West Loockerman Street
Tax Parcel:	ED-05-077.09-04-16.00-000
Owner:	Downtown Dover Partnership
Tenant:	E-ZPass
Building Area:	21,801 S.F. ± (Building) 13,282 S.F. ± (E-ZPass)
Present Use:	Vacant Building
Proposed Use:	Office
Sewer & Water:	City of Dover
Zoning Classification:	C-2 (Central Commercial Zone) H (Historic District Zone)

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: March 6, 2013

City of Dover Planning Office

APPLICATION: E-ZPass at 22-24 West Loockerman Street

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

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

PLAN SUMMARY:
This Conditional Use Plan Review is to permit an office on the first floor of the existing building located at 22-24 West Loockerman Street. The property for the proposed development is zoned C-2 (Central Commercial Zone) and is subject to the H (Historic District Zone). The property is located on south side of West Loockerman Street west of South State Street. The owner of record is Downtown Dover Partnership. The property address is 22-24 West Loockerman Street. Tax Parcel: ED-05-077.09-04-16.00-000.

Previous Applications
The Planning Commission previously reviewed this site and granted approval of the Architectural Review Certificate as part of a Site Plan (S-12-20) for the rear plaza improvements at their December 2012 meeting. The Site Plan is currently working with the reviewing agencies to achieve Final Site Plan Approval. Building Permits have been issued for façade improvements with consultation by the Historic District Commission for the Architectural Review Certificate.

Proposed Project
The application seeks to allow for the establishment of an office on the first floor of the existing building. The proposed tenant is E-ZPass. E-ZPass will occupy the entire first floor of the building along with 2,000 SF of the basement. A small portion of the first floor of the building (612 SF) will be utilized as the retail component for the office.

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

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

locations unless the use is changed to one of the uses listed above in [sub] section 13.1 of this ordinance [section]. Changes from one conditional use to another will require conditional use approval.

13.21 Personal service stores, including, but not limited to, barbershops, beauty shops, tailors, day spas, and other establishments in which the primary business is the sale of a service, rather than a product, located on the first floor on Loockerman Street between State Street and New Street and located within 250 feet of another personal service store.

13.22 Business, professional, or government offices located on the first floor on Loockerman Street between State Street and New Street.

13.23 Outlets and pick-up stations for laundries and cleaning establishments.

13.24 Laundromats, limited to not more than 30 washing machines per establishment.

13.25 Newspaper printing, including incidental job printing.

13.26 Parking lots and parking structures as a principal use.

13.27 Places of worship.

13.28 Youth clubs, fraternal clubs, charitable organizations, and similar institutions, regardless of whether the club or organization is for private membership or open to the general public.

13.29 Social service agencies.

13.200 [13.30] Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that:

(a) An area fully concealed from any street and equal to not more than 20 percent of the area devoted to retail sales shall be so used;

(b) Electrical power not to exceed a total of five rated horsepower, and steam pressure not in excess of 60 pounds of pressure per square inch shall be used exclusively;

(c) Not more than four employees are engaged in such production or processing.

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

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

1.2 *Harmony of location, size and character.* That the proposed use shall be of such location,

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

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

13.3 *Submission requirements for conditional uses in the C-2 zone.* The following submission requirements shall be used in lieu of the requirements of article 10, section 1.6, in the event that the business, office, or establishment seeking conditional use approval will be occupying an existing structure:

(a) The applicant shall cause a site map to be prepared. The applicant shall submit 21 copies of the site map at the time of application. The site map shall conform to the following specifications and the following elements shall be included on the site map:

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

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

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

4. Legal data:

(a) Lot, blocks, and section number.

(b) Name and address of the owner of record.

(c) Name and address of the equitable owner, if any.

(d) Name and address of the person, firm, or organization preparing the map.

(e) Date, north point, and written and graphical scale.

(f) The location and names of adjacent streets.

(g) The location, zoning, and owners of record of all adjacent properties.

Site Considerations

Trash Collection
The Rear Plaza Improvements project (Site Plan S-12-20) for the site has designated a location for a dumpster enclosure on the North Street side of the building. The applicant has indicted that there is a potential of shared dumpsters between adjacent property owners. If the shared dumpsters are utilized, a dumpster pad and enclosure location shall be reserved on site. The dumpster pad and enclosure shall be constructed in accordance with S-12-20 if determined to be necessary by the Planning Director.

Parking
The C-2 Zoning district does not have an off-street parking requirement for existing buildings. Staff notes that there several municipal parking lots located within the immediate area. The Site Plan (S-12-20) indicates one (1) handicap parking space to be provided on site off of West North Street.

Bicycle Parking
Bicycle parking is not required as there is no off-street parking requirement. The Site Plan (S-12-20) indicates that one (1) bicycle parking space will be provided on site on the North Street Side of the Building.

Sidewalk
There is existing sidewalk along West Loockerman Street and West North Street.

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

CITY AND STATE CODE REQUIREMENTS:

1) The Site Data and plan drawing column will need to be updated prior to Final Approval with the following:
   a) Any changes recommended or approvals by the Planning Commission.
   b) Indicate the proposed use.
   c) Indicate the amount of floor area within the building to be utilized by the office tenant.
   d) Provide a note indicating that a dumpster enclosure shall be constructed.

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

   OWNER'S CERTIFICATION:

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

   DATE _____ SIGNATURE_____

3) Provide an Engineer's Certification note and signature line to the plan sheet.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Staff recommends approval of the use as an office on the first floor with 612 SF to be used as retail space.

ADVISORY COMMENTS TO THE APPLICANT:

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

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

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **OFFICES OF E-Z PASS, 22-24 W. LOOCKERMAN ST.**

FILE #: **C-13-02**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is now available on the website at the following link: http://www.cityofdover.com/Public-Documents-4017/.

WATER

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

WASTEWATER

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

STORMWATER/ SANITATION/ STREETS/GROUNDS

1. None

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. None

WATER / WASTEWATER / STORMWATER / STREETS/GROUNDS/GENERAL

1. None

SANITATION

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

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

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

1. None

GENERAL

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE:

CITY OF DOVER FIRE MARSHAL

APPLICATION: E-Z Pass 22-24 West Loockerman Street

FILE #: C-13-02 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 ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

There are no access requirements.

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

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

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

Full building and fire plan review is required.

Building cannot be occupied nor can construction or renovation be started until completion of building and fire plan review.

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

Sprinkler system required and system to be monitored.

Knox Box required.

Project to be completed per approved Site Plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

The proposed building will be reviewed under Business Occupancy.

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

The Dover Fire Department requests 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 or 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
MARCH 2013

APPLICATION: *Offices of E-Zpass*

FILE #: C-13-02

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 27, 2013

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APPLICATION: Offices of EZ-pass at 22-24 West Loockerman Street
FILE#: C-13-02 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: March 6, 2013

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Offices of E-Z Pass at 22-24 W. Loockerman Street

FILE #: C-13-02 REVIEWING AGENCY: Dover/Kent County MPO

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

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

City of Dover Planning Commission 3/18/2013
Project Review
C-13-02 Offices of E-Z Pass at 22-24 W. Loockerman Street

This is the building purchase by the Downtown Dover Partnership on W. Loockerman St. The proposed use is offices for employees of E-Z Pass with a small storefront to serve walk-in customers. The property is in the historic downtown of the city of Dover well served by a dense network of streets, sidewalks, and nearby transit stops. As allowed by the City of Dover Zoning Ordinance, there is no parking available on the site, but nearby parking available at their expense. It is probable, therefore, that employees may choose to ride bicycles at least seasonally. The city of Dover does require bicycle parking, but it is tied to a number of parking spaces. Regardless of this oversight of the code, secure bicycle parking should be available for employees of this business at the rear of the building. In addition, the DDP could notify the Delaware Transit Corporation of the new potential riders.

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.

Dear Commission Members:

On behalf of our client, The Downtown Dover Partnership, L.L.C., we are hereby submitting an Application for Conditional Use Approval for the existing vacant building located at 22-24 West Loockerman Street. The property is located in the heart of the downtown and we are seeking a conditional use to allow a portion of the front of the building facing Loockerman Street to be used for retail operations with the remainder of the building to be used as office space. The existing building has been vacant for many years. The desire of the D.D.P. is to renovate the interior of the building and lease the space to The State of Delaware Department of Transportation's EZ-Pass Division. The EZ-Pass Division employs approximately sixty employees. Additionally, the Division states that they handle approximately forty customers on a daily basis. The customers come to the facility to pay bills, pick up transponders and or return them for service. The retail foot traffic along with staff will provide one hundred additional people per day to the Loockerman Street area giving the local shops and restaurants one hundred additional opportunities to provide their services to the public. The D.D.P. has already invested significant funds in renovating the exterior of the building and eliminating environmental hazards within the building with the intent of making the building viable for use again. The City of Dover has long wanted to bring consumers back to the downtown area and the D.D.P. believes that approval of this Conditional Use will benefit the local shops and restaurants in the area and help to achieve the City's goal.

Sincerely,

BECKER MORGAN GROUP, INC.

1/30/13

Daniel Gordon
Civil Technician

201110404an-ltr.doc

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF March 6, 2013

PLANNING COMMISSION MEETING OF March 18, 2013

Plan Title:	Lands of Boyles at 527-529 South State Street: Parking Lot Construction S-13-03
Plan Type:	Site Plan Architectural Review Certification (HI-13-01)
Property Location:	Northeast corner of South State Street and Elm Terrace
Property Addresses:	527-529 South State Street
Tax Parcel:	ED-05-077.09-05-47.00-000
Owner:	William and Lisa Boyles
Present Zoning:	R-GO (General Residence and Office Zone) H (Historic District Zone) SWPOZ (Source Water Protection Overlay Zone)
Existing Uses: Proposed Uses:	Existing Building of Apartment Units Same with Parking Lot
Site Area:	9,775 S.F.
Waivers Requested:	Reduction of Parking Requirement Elimination of Curbing

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: March 6, 2013

APPLICATION: Lands of Boyles at 527-529 South State Street: Parking Lot Construction

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

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

PLAN SUMMARY:
This application is for review of a Site Development Plan application and Architectural Review Certification to allow for the construction of a parking lot to the east of the existing building at 527-529 South State Street. 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 Street 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.

This project requires Site Plan Review and Architectural Review Certification. Due to the amount of site disturbance and it's adjacency to residentially zoned property this Site Plan Review process is required.

PROJECT PROPOSAL (Drawings dated 1/30/13):
The application proposes construction of a parking lot in the backyard area of the property at 527-529 South State Street. The elements of the project are as follows:

1. Parking Lot: A seven (7) space paved parking lot with a twenty (20) foot width access from the alley off Elm Terrace is proposed. There is no direct vehicular access to Elm Terrace or to South State Street. The parking lot consists of one handicapped accessible space and six regular spaces. As no upright curbing is proposed for the parking lot, a series of parking bumpers are placed at the head of each parking space. All parking spaces are perpendicular to the drive aisle thus facing north.

2. Sidewalks/ Paved Areas: A new sidewalk of brick pavers is proposed from Elm Terrace to the rear of the existing building. The areas at the rear of the building adjacent to the parking lot are to be surfaced with the brick pavers as well giving as to the two porch entrances and the basement access door. The property has existing concrete sidewalks along the public street frontages of South State Street and Elm Terrace.

3. Landscaping: A landscape planting of a row of shrubs is proposed along the Elm Terrace frontage and alley corner of the property. These Inkberry Holly plantings are shown on

the property side of the new fence. There are a number of existing trees in the southern portion of the property, a row of boxwoods along South State Street between the building and Elm Terrace, and a row of shrubs along the northern property line.

4. Fences: Black aluminum style decorative fences are proposed along the south property line and portions of the west and east property lines. Gate openings are shown for the new brick sidewalk leading from street frontage sidewalks.

5. Site Furnishings: The site includes the addition of a bicycle rack of three (3) bicycle space spaces at the rear of the building.

6. Accessory Building: A shed is proposed in the northeast corner of the property. No additional details of the shed are provided in the submission.

HISTORIC DISTRICT COMMISSION - REVIEW

The project site is located within the H (Historic District Zone). For the Parking Lot Construction project, the Historic District Commission considered the application HI-13-01 on February 21, 2013 regarding an Architectural Review Certificate for the construction of this site improvement. **The Historic District Commission has forwarded a recommendation on the Architectural Review Certificate to the Planning Commission; see the Architectural Review Recommendation Report.**

The Planning Commission must act upon the Architectural Review Certification as part of any motion regarding this project, or as a separate motion if necessary. In taking this action, the Planning Commission is to consider the *Design Standards and Guidelines for the City of Dover Historic District Zone*.

PARKING SUMMARY

The parking requirements for apartments are two parking spaces per unit and 0.25 parking spaces per unit for visitors. Thus, this three unit apartment building requires seven (7) parking spaces. The use of a building within the R-GO (General Residence and Office Zone) is also allowed for offices; however, the parking requirement for offices is one parking space per 300 S.F. of floor area. Based on the size of the building at 3,000 S.F. a total of ten (10) parking spaces would be required for an office use.

Waiver Requested: Reduction in Required Parking for Office Use

The *Zoning Ordinance* in Article 6 §3.9 includes methods for adjustments to parking requirements; however, the reduction in parking by the Planning Commission is not to exceed 50% of the required number of parking spaces. This property is located within the Downtown Redevelopment Target Area making it eligible for a twenty (20) percent reduction in off-street parking (See Article 6 §3.9). A waiver request was submitted in order to establish the parking on the site should the building be converted to office use in the future as only the Planning Commission can grant this parking reduction. A reduction of thirty (30) percent equaling three (3) spaces would set the parking requirement for an office use at seven (7) parking spaces. See attached Waiver Request.

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 7 parking spaces, one bicycle parking space is required.

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. 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 rainwater runoff. See attached waiver request.

SITE CONSIDERATIONS

SWPOZ (Source Water Protection Overlay Zone)
The site is located within the SWPOZ (Tier 3: Excellent Recharge 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.

Trash Collection
The current residential use of the property utilizes the City of Dover residential style trash collection containers and recycling containers. This type of trash receptacles are not considered to be 'dumpsters' under the *Zoning Ordinance*; therefore the dumpster enclosure requirements do not apply to this residential use.

Sidewalks
The project site has existing sidewalks along the South State Street frontage and Elm Terrace.

Lighting
The parking lot project does not identify any additional site lighting. If provided then the type of lighting that will be used needs to be shown on the plan.

TREE PLANTING AND LANDSCAPE PLAN
The submitted plan presents information on the existing trees on the property and the proposal for shrub plantings. Based on the total property area of 9,775 S.F., a total of four (4) trees are required. The plan shows ten (10) existing trees to remain on the property thus meeting the requirement.

The *Zoning Ordinance* requires parking lots to be screened when located across the street from residential uses. This screening requirement occurs along Elm Terrace as it is across from several residential dwellings on the south side of the street.

> Article 5 Section 7.23 Parking lots. Whenever a parking lot is located across the street from a residential use, it shall be screened from view of such land by a thick hedge located along a line drawn parallel to the street and a distance of 20 feet therefrom, such hedge to be interrupted only at points of ingress and egress. The open area between such hedge and the street shall be landscaped in harmony with the landscaping prevailing on neighboring properties fronting on the

> same street. A fence five feet high may be required while such hedge is growing to a suitable thickness.

The project is proposing a black decorative fence four (4) feet in height and a row of Inkberry Holly shrubs along the fence as a screening treatment for the parking lot from the street.

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

CITY AND STATE CODE REQUIREMENTS:

1) The Site 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) A waiver request for a parking reduction was submitted for review as related to the use of the building as office space which is a permitted use in the RG-O zoning district. This addresses the parking requirement for office use should be building be renovated for that type of use in the future. The current proposal for seven (7) parking spaces complies with the parking requirement for the apartment use of the building.

4) Sheet C-001:
   a) Show the location of the corner visibility area.
   b) 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 H (Historic District Zone) and SWPOZ (Source Water Protection Overlay Zone) under the zoning for the site.
      ii) Correct setback information in Item #9. For the RG-O zone, the current use as an apartment building would refer back to the bulk standards provisions of RG-1 for multiple dwellings.
      iii) Add the number of bicycle parking spaces provided in Item #10.
      iv) Add note listing the SWPOZ exemption for this property.
      v) Add a note to the Plan to provide information on any waivers granted by the Planning Commission.
      vi) Add a note to the plan indicating the date and actions of the Historic District Commission review of the application.
   c) Check easement statement in General Notes #3.

5) Sheet C-901: Revise project details in accordance with conditions of Architectural Review Certification.

6) 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
   b) Provide data column of tree planting requirements.

c) Provide certification note.

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

8) The *Zoning Ordinance* limits the height of fences to four (4) feet within the front yard setback (Article 5 §1.55) with other provisions for increases in height for side yards, rear yards, and the second front yard on corner lots. In addition, for corner lots such as this, fences are limited to a maximum height of three (3) feet within the corner visibility area (triangle) as per *Zoning Ordinance,* Article 5 §1.3. It is noted that in consideration of the Architectural Review Certification, relief cannot be granted from the corner visibility height limits.
   a) Clarify fence height within the corner visibility zone on the plan drawings.
   b) Check for potential conflict of the proposed fence with an existing Crepe Myrtle tree.

9) The design of the proposed shed must be compatible with the *Design Standards and Guidelines* and must be placed a minimum of five (5) feet from the side and rear property lines. It is subject to Architectural Review Certification as part of a Building Permit process.
   a) Check placement of the proposed shed as two different locations are shown in the plan set (C-001 versus L-101).
   b) Provide the setback requirements on the plan drawings.

10) The design of any proposed enclosure or screening method for trash/recycling collection containers should be compatible with the character of the Historic District.

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

1) The Historic District Commission at their meeting of 2/21/2013 took action to provide a Recommendation with conditions regarding the Architectural Review Certification (ARC) for the project including a series of comments. These comments/recommendations may be adopted by reference to the Architectural Review Recommendation Report when taking action on the Architectural Review Certification.
   a. Planning Staff as part of the ARC application review process prepared a series of recommendations and review comments in regards to the Architectural Review Certification and compliance with the *Design Standards and Guidelines.* The following are recommended conditions:
      i. The fence should be constructed of the black metal decorative fencing in a picket style pattern not to exceed four (4) feet in height and not to exceed three (3) feet in height within the corner visibility area.
      ii. The bicycle parking rack should be black in finish color and of a decorative style. A bicycle rack of modern style (tube form) is not recommended.
      iii. The proposed shrubs along the southern fence should be evergreen varieties and a minimum of two (2) feet in height at the time of planting.

iv. The existing shrubs along the northern property line must be maintained at a minimum height of at least four (4) feet and should be an evergreen screen in order to assist in screening the vehicle parking lot. These shrubs appear to be recently pruned; therefore replanting of the shrubs may be necessary to maintain the screening buffer.
v. Maintain unpaved areas of the property as lawn areas with landscape beds in the areas of shrub plantings for ease of maintenance.
vi. Utilize black posts for any signage elements to be attached to posts i.e. handicapped parking signage and traffic control sign.
vii. Any light fixtures/poles utilized on the property for site lighting should utilize a black finish color.

2) Waiver Request: The following is the Staff recommendation regarding the waiver request.
   a. Reduction of Parking Requirement: Staff recommends approval of the request for a reduction in the parking requirement related to the use of the building as office space from ten (10) spaces to seven (7) parking spaces. Since the RG-O zone allows for the use as offices, Staff recommended that this potential use be considered when establishing the off-street parking on the site. The property is in the Downtown area in the vicinity of on-street parking, public parking facilities, transit services, and a sidewalk system for pedestrians. In addition, the site proposes to also provide bicycle parking on site.

   b. Partial Elimination of Curbing: Staff recommends approval of the request to eliminate the curbing for the parking lot. It appears that the elimination of curbing will allow existing drainage patterns to continue for the site.

3) The plan provides limited information on the projects' strategy for stormwater management. There are known drainage issues in this area of Elm Terrace due to limited stormwater management systems in the street network. Provide documentation showing that the project and its increase in impervious surface coverage does not increase the current level of run-off from the property.

ADVISORY COMMENTS TO THE APPLICANT:

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

2) 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.

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

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

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

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

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

8) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A Building Permit will be utilized as a tracking mechanism for the site improvements and a Building Permit for the fence installation must be submitted. A separate application process is required for issuance of a Building Permit from the City of Dover. The permit application also must comply with the conditions of approval of the Architectural Review Certification and Site Plan Review process.

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: FEBRUARY 27, 2013

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Lands of Boyles, 527-529 S. State St.**

FILE #: **S-13-03**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Owner is responsible for locating all water, sewer, and storm sewer lines.
2. Owner is responsible for site and/or street lighting.
3. **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.**
4. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
5. Prior to the completion of any/all designs and estimates, the owner is responsible for providing the Electric Engineering Department with a physical address of the property.
6. 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

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 submitted to our office.
2. Provide stormwater management calculations that prove that the runoff created by this parking lot can be adequately handled by the existing storm sewer system.

SANITATION/STREETS/GROUNDS

1. None

GENERAL

1. The final site plan must be submitted in a digital format compatible with AutoCAD 2010 (.dwg 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/.

STREETS

1. Install a stop bar and a stop sign exiting the parking lot to the Alley. Stop sign and stop bar shall be installed per the Delaware Manual of Uniform Traffic Control Devices (MUTCD).

WATER / WASTEWATER / STORMWATER / SANITATION / GROUNDS / GENERAL

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER / WASTEWATER / STORMWATER / STREETS / GROUNDS

1. None.

SANITATION

1. Currently, the solid waste on this site is being serviced by the City of Dover, further review would be merited if the current sanitation condition changes.

GENERAL

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: February 27, 2013

D E L D O T

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APPLICATION: Lands of Boyles at 527 – 529 South State Street
FILE#: S-13-03 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
MARCH 2013

APPLICATION: *Lands of Boyles*

FILE #: S-13-03

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the approval and/or issuing of construction permits for the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

The Following comments are advisory and apply to the development of a detailed site plan for this project.

- The proposed site improvements are less than 5000 square feet, the site is therefore exempt from strormwater management requirements.
- If at any time expansion or earth disturbing activity (clearing, grubbing tree clearing etc.) takes place and exceeds 5000 square feet; a detailed Sediment and Stormwater Management Plan must be submitted and approved to the Kent Conversation District.

WAIVER REQUEST

527-529 SOUTH STATE STREET
PARKING LOT

PARKING REQUIREMENTS / OFFICE USE

REQUEST: A 30% (3 spaces) parking reduction is requested for the proposed parking lot.

EXTENT OF THE REQUEST: By code, the project is required to have 10 parking spaces for an office use. The proposed parking consists of 7 spaces (a reduction of 3 spaces).

BASIS FOR REQUEST: Article 6, section 3.9 of the City of Dover zoning standards allows Planning Commission to reduce parking, not to exceed 50% of the required number of parking spaces.

The property is zoned RGO and located within the downtown redevelopment target area. The zoning allows residential or office uses. There is adjacent on street parking and mass transit stops adjacent to the site. Additionally, it's location in the downtown area provides many pedestrian connections to other buildings and municipal parking areas, thus the 30% reduction for an office use is requested.

WAIVER REQUEST

527/529 SOUTH STATE STREET / PARKING LOT
CURB REQUIREMENTS

REQUEST: Waive requirement to construct curbing around parking lot.

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 not to install curbing around the perimeter of the parking lot.

BASIS FOR REQUEST:

1. The majority of the site drains (surface flow) to Elm Terrace, and then to the city's storm drain system. To our knowledge, there have been no drainage complaints. Installing curbing will alter the drainage pattern that has existed for many years, and concentrate the runoff. This change will necessitate onsite storm drain system to collect the water, and then discharge to the city's storm drain along Elm Terrace, adding to the project construction cost.
2. This project site disturbance is less than 5,000 SF. Therefore, stormwater management is not required for this project. In addition, the drainage patterns will remain the same. Curbing the parking lot will not serve its intended purpose, but only create drainage problems that will require infrastructure to resolve the issues created by installing curbing.

ARCHITECTURAL REVIEW REPORT
Recommendation Report of the Dover Historic District Commission
Meeting of February 21, 2013

Application:	Lands of Boyles at 527-529 South State Street: Parking Lot Construction, HI-13-01 Site Plan S-13-03
Project Location:	Northeast corner of South State Street and Elm Terrace
Property Addresses:	527-529 South State Street
Tax Parcel:	ED-05-077.09-05-47.00-000
Owner:	William and Lisa Boyles
Present Zoning:	RGO (General Residence and Office Zone) H (Historic District Zone) SWPOZ (Source Water Protection Overlay Zone)
Existing Uses: Proposed Uses:	Building with Apartment Units Same with Parking Lot
Site Area:	9,775 S.F.

Project Description:
The Historic District Commission conducted a public hearing and took action to make a recommendation to the City of Dover Planning Commission for an Architectural Review Certificate for the Parking Lot Construction project at 527-529 South State Street. It is Site Plan project.

This application consists of a project involving the construction of a seven space 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 Street 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.

RECOMMENDATION OF THE HISTORIC DISTRICT COMMISSION:
The application was considered at the February 21, 2013 meeting of the Historic District Commission. The following members were present: Chairman Dick Scrafford, Mr. Chaz Salkin, Mr. Joe McDaniel, and Mr. George Fisher. The application was represented by Garth Jones of

Becker Morgan Group, Inc. Public testimony was received from Kathy Kosior of 12 Elm Terrace and Alan George representing Christ Church.

Action Taken by Historic District Commission:
The motion to recommend approval passed 4-0 of the members present. **The Historic District Commission recommends approval of the Architectural Review Certificate for application HI-13-01 Parking Lot at 527-529 South State Street along with the Staff Recommendations Items #2-10.**

The following are the comments and recommendations (renumbered as Items #1-9) for this application regarding project activities and Architectural Review Certification as adopted by the Historic District Commission.

1) **The following conditions are recommended to improve project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. The following are recommended conditions:**
    a. **The fence should be constructed of the black metal decorative fencing in a picket style pattern not to exceed four (4) feet in height and not to exceed three (3) feet in height within the corner visibility area.**
    b. **The bicycle parking rack should be black in finish color and of a decorative style. A bicycle rack of modern style (tube form) is not recommended.**
    c. **The proposed shrubs along the southern fence should be evergreen varieties and a minimum of two (2) feet in height at the time of planting.**
    d. **The existing shrubs along the northern property line must be maintained at a minimum height of at least four (4) feet and should be an evergreen screen in order to assist in screening the vehicle parking lot. These shrubs appear to be recently pruned; therefore replanting of the shrubs may be necessary to maintain the screening buffer.**
    e. **Maintain unpaved areas of the property as lawn areas with landscape beds in the areas of shrub plantings for ease of maintenance.**
    f. **Utilize black posts for any signage elements to be attached to posts i.e. handicapped parking signage and traffic control sign.**

2) **Some of the site improvements/amenities were not specifically described with the application information. Please provide information for consideration and discussion.**
    a. **Clarify the paving surface material for the parking lot.** *(Per applicant at the meeting, the paving is to be asphalt.)*
    b. **Clarify the surface treatment (lawn areas, plantings, type of mulch, etc.) between the parking lot and Elm Terrace.** *(Pre the applicant at the meeting, the area is to be grass lawn with the shrub plantings in a mulch bed near the fence.)*
    c. **Any light fixtures/poles utilized on the property for site lighting should utilize a black finish color.** *(Applicant stated that none was proposed at this time.)*

3) **The *Zoning Ordinance* limits the height of fences to four (4) feet within the front yard setback (Article 5 §1.55) with other provisions for increases in height for side yards, rear yards, and the second front yard on corner lots. In addition, for corner lots such as this, fences are limited to a maximum height of three (3) feet within the corner visibility area (triangle) as per *Zoning Ordinance,* Article 5 §1.3. It is noted that in consideration of the Architectural Review Certification, the Historic District Commission could not grant relief from the corner visibility height limits.**

4) **The design of the proposed shed must be compatible with the *Design Standards and Guidelines* and must be placed a minimum of five (5) feet from the side and rear property lines. It is subject to Architectural Review Certification as part of a Building Permit process.**

5) **The design of any proposed dumpster enclosure or screening method for trash/recycling collection items should be compatible with the character of the Historic District.**

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

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

8) **The plan for this project is also subject to the application and review process for Site Development Plan (Article 10 §2 of the *Zoning Ordinance*) before the Planning Commission. Note: Additional technical items for compliance with the *Zoning Ordinance* and other regulations may be identified during the Plan Review Process.**

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

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

The following information was considered by the Historic District Commission in marking their recommendation including the initial recommendations made by Planning Staff in regards to the application. Discussion at the Historic District Commission meeting also included a presentation of the project including project history and project details, discussion of fence material as wood or metal and its height,. From the public testimony heard at the Public Hearing, concerns were noted with parking along Elm Terrace, the fence height, site run-off, and also support for the project noting clean-up activities of the property by the current owner.

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

This building is located within the boundaries of a National Register Historic District, specifically the Dover Green Historic District. It is a listed as a contributing resource of this National Register Historic District. Provided below is the building summary from the building inventory listing found within the National Register nomination completed for the Dover Green Historic District (nomination completed 1973-76, amended 1979, 1984). The building is identified as K-394.76 in the Delaware Cultural Resource Survey.

> *K-394.76 527/529 S. State Street – John Banning House, Old Academy – 1770s; brick 2 ½- story, 4-bay Georgian style dwelling. Currently a double dwelling (two bays each), the structure was built as a shop plus dwelling. Later it was occupied by the Dover academy. Exterior walls are stuccoed. The gable roof features a modillioned box cornice Windows are 6/6 sash. The two entries at the center of the façade are finished with transoms. The house is built on a raised basement. Concrete stairs to the entries have a wrought iron railing. (c)*

A series of historic maps were reviewed by Planning Staff for preliminary information on this block of South State Street. The subject site, the John Banning House (Old Academy Building) is located on the east side of the street. The *1859 A.D. Byles Map of Kent* County (Dover insert) shows this building labeled as the "Academy" as the southernmost building in a series of dwellings fronting the east side of South State Street with Christ Church further to the east. The building is again labeled as the "Academy" on the *1868 Beers Map* published by Pomeroy & Beers. This block of residences continues to be shown on the *1885 Bird's Eye View of Dover* and the *1887 Map of the Town of Dover* by W.R. Roe which shows the building owner now as L.W. Thillson's Estate.

The series of *Sanborn Fire Insurance Maps* is also a reference source for information on the building which occupied this property over time. The 1897-1929 *Sanborn Maps* series show this property with a two-and-a-half story house with later one story porch additions to east side of the building. This map series also shows the neighboring properties and the changes associated with the neighborhood including the gradual disappearance of the residential dwellings fronting South State Street. The two dwellings to the north were demolished sometime in the mid-twentieth century (prior to 1991 as determined by aerial maps). The area of Elm Terrace is developed as a residential neighborhood between 1919 and 1929, as the *1929 Sanborn Fire Insurance Map* show the street Elm Terrace connecting to South State Street and continuing east with a series of houses.

In 2008, a project (HI-08-01) involved the replacement of the two existing brick and concrete street markers at the Elm Terrace development/street entrance from South State Street due to their deterioration. The markers flank the street known as Elm Terrace. Following the original form, the replacement markers are constructed of a brick pillar with a concrete name band and a stepped brick top. Included in the name band are the street names of State Street and Elm Terrace placed parallel to the so-named streets. The northern marker (labeled as brick monument street sign on the plan drawing) is located on the corner of the subject property.

SWPOZ (Source Water Protection Overlay Zone)
The site is located within the SWPOZ (Tier 3: Excellent Recharge 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.

PROJECT PROPOSAL (Drawings dated 6/29/12):
The application proposes construction of a parking lot in the backyard area of the property. The elements of the project are as follows:

1. Parking Lot: A seven (7) space paved parking lot with a twenty (20) foot width access from the alley off Elm Terrace is proposed. There is no direct vehicular access to Elm Terrace or to South State Street. The parking lot consists of one handicapped accessible space and six regular spaces. As no upright curbing is proposed for the parking lot, a series of parking bumpers are placed at the head of each parking space. All parking spaces are perpendicular to the drive aisle thus facing north.

2. Sidewalks/ Paved Areas: A new sidewalk of brick pavers is proposed from Elm Terrace to the rear of the existing building. The areas at the rear of the building adjacent to the parking lot are to be surfaced with the brick pavers as well giving as to the two porch entrances and the basement access door. The property has existing concrete sidewalks along the public street frontages of South State Street and Elm Terrace.

3. Landscaping: A landscape planting of a row of shrubs is proposed along the Elm Terrace frontage and alley corner of the property. These plantings are shown on the property side of the new fence. The specific varieties of the new plantings are not listed. There are a number of existing trees in the southern portion of the property, a row of boxwoods along South State Street between the building and Elm Terrace, and a row of shrubs along the northern property line.

4. Fences: Black aluminum style decorative fences are proposed along the south property line and portions of the west and east property lines. The fence height is not specified on this plan sheet. A gate opening is shown for the new brick sidewalk leading from Elm Terrace.

5. Site Furnishings: The site includes the addition of a bicycle rack of three (3) bicycle space spaces at the rear of the building.

6. Accessory Building: A shed is proposed in the northeast corner of the property. No additional details of the shed are provided in the submission.

Review of DESIGN STANDARDS AND GUIDELINES

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

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

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

STAFF COMMENTS AND RECOMMENDATIONS

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

1) Staff recommends conditional approval of the Architectural Review Certificate for the concepts presented in the Parking Lot Construction on the property at 527-529 South State Street. This recommendation is made subject to the following comments and suggested revisions.

2) The following conditions are recommended by Staff to improve project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. The following are recommended conditions:
    a. The fence should be constructed of the black metal decorative fencing in a picket style pattern not to exceed four (4) feet in height and not to exceed three (3) feet in height within the corner visibility area.
    b. The bicycle parking rack should be black in finish color and of a decorative style. A bicycle rack of modern style (tube form) is not recommended.

c. The proposed shrubs along the southern fence should be evergreen varieties and a minimum of two (2) feet in height at the time of planting.
d. The existing shrubs along the northern property line must be maintained at a minimum height of at least four (4) feet and should be an evergreen screen in order to assist in screening the vehicle parking lot. These shrubs appear to be recently pruned; therefore replanting of the shrubs may be necessary to maintain the screening buffer.
e. Maintain unpaved areas of the property as lawn areas with landscape beds in the areas of shrub plantings for ease of maintenance.
f. Utilize black posts for any signage elements to be attached to posts i.e. handicapped parking signage and traffic control sign.

3) Some of the site improvements/amenities were not specifically described with the application information. Please provide information for consideration and discussion.
   a. Clarify the paving surface material for the parking lot.
   b. Clarify the surface treatment (lawn areas, plantings, type of mulch, etc.) between the parking lot and Elm Terrace.
   c. Any light fixtures/poles utilized on the property for site lighting should utilize a black finish color.

4) The *Zoning Ordinance* limits the height of fences to four (4) feet within the front yard setback (Article 5 §1.55) with other provisions for increases in height for side yards, rear yards, and the second front yard on corner lots. In addition, for corner lots such as this, fences are limited to a maximum height of three (3) feet within the corner visibility area (triangle) as per *Zoning Ordinance*, Article 5 §1.3. It is noted that in consideration of the Architectural Review Certification, the Historic District Commission cannot grant relief from the corner visibility height limits.

5) The design of the proposed shed must be compatible with the *Design Standards and Guidelines* and must be placed a minimum of five (5) feet from the side and rear property lines. It is subject to Architectural Review Certification as part of a Building Permit process.

6) The design of any proposed dumpster enclosure or screening method for trash/recycling collection items should be compatible with the character of the Historic District.

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. The State Division of Historical & Cultural Affairs can provide technical assistance when dealing with archaeological resources including previous studies at the subject location.

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

9) The plan for this project is also subject to the application and review process for Site

Development Plan (Article 10 §2 of the *Zoning Ordinance*) before the Planning Commission. Note: Additional technical items for compliance with the *Zoning Ordinance* and other regulations may be identified during the Plan Review Process.

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

Historic District Commission Action on February 21, 2013

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

City of Dover

DATA SHEET FOR RECREATION PLAN REVIEW – Revised Plan #2
DATA SHEET FOR MINOR SUBDIVISION PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF March 6, 2013

PLANNING COMMISSION MEETING OF March 18, 2013

Plan Title:	Clearview Meadow, MI-13-04
File Numbers:	C-04-01 Clearview Meadow Planned Neighborhood Design: Concept Plan SB-04-04P Clearview Meadow PND: Preliminary Subdivision Plan SB-04-04F Clearview Meadow PND: Final Plat
Plan Type:	Planned Neighborhood Design Option **Revised Active Recreation Area Plan #2** **Minor Subdivision Plan**
Location:	North of South Little Creek Road, South of North Little Creek Road, and east of Babb Drive
Tax Parcel:	ED-05-077.07-06-98.00-000 (Active Recreation Area parcel)
Tax Parcels Affected by Minor Subdivision:	ED-05-077.07-06-96.00-000 ED-05-077.07-06-98.00-000 ED-05-068.19-06-24.00-000
Owner:	Shirliz LLC c/o Knollwood Development Corporation
Site Area:	88.2524 +/- acres
Property Use:	Residential Subdivision Development under construction
Number of Dwelling Units:	Approved – 303 dwelling units Proposed – One Lot to be relocated and Two Additional Lots Total - 305 dwelling units 169 Single Family Detached, 48 Duplexes, & 88 Townhouses
Sewer & Water:	City of Dover
Zoning Classification:	R-8 (One Family Residence Zone) RM-1 (Medium Density Residence Zone) AEOZ (Airport Environs Overlay Zone)

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: March 6, 2013

APPLICATION: Clearview Meadow: Planned Neighborhood Design – Revised Active Recreation Plan and Minor Subdivision Plan

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

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

This Application pertains to the Clearview Meadow Planned Neighborhood Design. The Application involves review of the Revised Active Recreation Plan #2 to eliminate the swimming pool facilities and add a community building within the Active Recreation Area of the subdivision. And the Application involves 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.

PROJECT SUMMARY

Clearview Meadow is a Planned Neighborhood Development on 88.2524 acres +/- of land. The subject property is located on the south side of North Little Creek Road and north of the South Little Creek Road and east of Babb Drive. At the time of original development of the subdivision, the property was zoned R-8 (One Family Residence Zone), R-10 (One Family Residence Zone), RM-1 (Medium Density Residence Zone), and RM-2 (Medium Density Residence Zone). Following the *Comprehensive Rezoning Project 2009*, the property was rezoned to R-8 and RM-1 reflecting the proposed housing types of the development.

The Concept Plan for Clearview Meadow PND (C-04-01) received Planning Commission approval on April 19, 2004 and the Preliminary Subdivision Plan (SB-04-04P) received conditional approval from the Planning Commission on September 20, 2004. The Record Plan for the Subdivision was recorded on September 30, 2005 and the Final Construction Plans were approved January 19, 2006.

The development, as approved, consists of the following: 167 single family detached homes, 48 duplexes, and 88 townhouses for a total of 303 dwelling units. The initial phases of construction and home building focused on the southern portion of the subdivision along the streets of Mer

Way, Lady Bug Drive and Nob Hill Road. Access into the subdivision is provided by JH Brown Boulevard and Babb Drive. Currently, there are 26 duplex units, 35 townhouse units, and 2 single family detached units complete (63 units complete); 2 duplex units under construction; and one single family detached home in permit review.

PROJECT PROPOSAL

This Application consists of two parts: a Revised Active Recreation Area Plan #2 and a Minor Subdivision Plan. Each part will be discussed below. Associated with the Revision to the Active Recreation Area of the subdivision, the applicant is proposing several lot revisions. The Minor Subdivision Plan proposes to relocate one lot (Lot 212) to accommodate the revised recreation area and to create two additional lots (Lot 304 and 305) for development as single family detached dwellings.

OPEN SPACE/ RECREATION PLAN

Twenty-five percent of the total site area must be set aside and preserved for open space within a subdivision under the Planned Neighborhood Design Option. Originally, a total of 22.0650 acres +/- of open space was approved for the Clearview Meadows development which met the 25% open space requirement. With this proposed revision to the Active Recreation Area, which is part of the Open Space (and the lot revisions), results in a total of 21.5751 acres +/- of open space. This continues to meet the requirement for 25% open space.

The Active Recreation Area for this project is required at a rate of 275 square feet per dwelling unit or 0.5 acre of land, whichever is greater. Based on 303 dwelling units, 83,325 S.F. (1.9129 acres) of Active Recreation Area is required. However, with the proposal for the lot revisions, the subdivision would have a total of 305 dwelling units thus requiring 83,875 S.F. (1.925 acres) of Active Recreation Area. The proposal complies with this requirement.

Previous Reviews of Active Recreation Plans

As part of the Subdivision Plan review process for Clearview Meadow PND, the applicant prepared a Recreation Plan which illustrated how the development will provide recreation amenities in accordance with the design specifications described in Article 5, Section 10 of the *Zoning Ordinance.* A 6.8429 acre Active Recreation Area was initially shown including a walking path system, play structure, swings, tennis court, picnic tables, and benches. This active recreational component was reviewed by the Parks and Recreation Commission on July 27, 2004.

The Revised Recreation Plan #1 involved the elimination of the tennis court and the addition of a swimming pool and bath house facility with associated parking lot. The playground equipment was also relocated in this redesign. A Revised Recreation Plan #1 was reviewed by the Parks Recreation and Community Enhancement Committee on November 9, 2004 and received Planning Commission approval on December 20, 2004.

CURRENT PROPOSAL for Revised Active Recreation Plan #2 (dated January 22, 2013)

The Revised Plan #2 indicates that 6.5624 acres of land would be reserved as Active Recreation Area creating a park area centrally located in the subdivision. The Revision proposes the elimination of the swimming pool and bathhouse building, relocation of the gazebo, and the

addition of a community building with parking lot. A play area that contains a swing set and a play structure and series of benches and picnic tables remain throughout the site. The amenities are connected by a walking path system that is five feet in width and constructed of bituminous asphalt. A large lawn area is central to the recreation area.

The community building fronts on Nob Hill Road at the northern terminus of JH Brown Boulevard, the main entry street into the development from the south. In front of the building is a fifteen (15) space parking lot. The architecture and floor plan of the community building submitted indicates a one story building with a front entry porch. The exterior finish materials appear to be a horizontal siding, a shake style shingle in the gables, and with a gable roof. The interior includes an exercise room, a small meeting (card/game) room, and large meeting room along with restroom facilities, storage, and a small kitchen.

See attached Recreation Plan Review Report. This Revised Active Recreation Area Plan #2 was reviewed by the Parks, Recreation & Community Enhancement Committee (PRCE) on February 11, 2013 and recommended for acceptance. City Council approved the Committee's recommendation on February 25, 2013.

CURRENT PROPOSAL for MINOR SUBDIVISION PLAN

The Minor Subdivision Plan Application proposes lot revisions to relocate one lot and to create two additional lots for a total of 305 residential lots. Lot 212 is to be relocated from its location on Nob Hill Road near JH Brown Boulevard to further northeast on Nob Hill Road near its intersection the Marta Drive. Additionally, Lot 304 will also be added in this area. A second lot (Lot 305) is proposed to be created from a portion of the open space area on the northeast side of Marta Drive near the intersection with Bluecoat Street.

The lots are located in areas zoned as R-8 (One Family Residence Zone) and are proposed for single family detached dwellings. This change does not involve a rezoning of the land as the Planned Neighborhood Design Option is plan specific. The land of the Clearview Meadow Planned Neighborhood Design would remain zoned R-8 and RM-1. The following variety of housing types are permitted in a Planned Neighborhood Design: single family detached dwellings, one family lot line dwellings, duplexes, multiplex dwellings, townhouses and rooming houses. With the changes, the overall gross density of the project will be 3.46 dwelling units per acre which is in compliance with the allowable density of the PND.

For the Minor Subdivision Plan, the proposed parcels are in compliance with the lot requirements of the Zoning Ordinance. Each lot must comply with the bulk standards for lot containing single family dwellings in a PND. Two off-street parking spaces must be provided for each dwelling unit. A driveway parking space and a garage parking space typically meets this requirement.

Site Considerations

The subject site of Clearview Meadow adjoins the Luther Village Planned Neighborhood Design: Senior Citizen Housing Option. Further to the west is commercial development of the Dover Crossing Shopping Center with the Safeway and Target stores. Surrounding residential areas include single family dwellings in the Edgehill neighborhood and County Village

Apartments. The adjacent property to the east is not in the City limits (it is under Kent County jurisdiction).

As designed Clearview Meadow places similar housing types adjacent to those existing in the surrounding neighborhood. The additional Lots are proposed in areas already designated for single family detached dwellings.

Streets and Sidewalks

Two connections to the existing street network are required by Code based on the total number of dwelling units (305 dwelling units are proposed as revised). With the creation of one hundred fifty (150) dwelling units, a second connection to existing streets is required (Land Subdivision Regulations, Article VI §A.8). Clearview Meadow has one connection to North Little Creek Road, a connection to South Little Creek Road (aligning with the Levy Court Lane), and the continuation of Babb Drive. The development includes pedestrian oriented amenities with sidewalk along all streets and frontage roads.

The street network for Clearview Meadow PND was previously laid out with a right-of-way of sixty (60) feet and paved street widths of 32 feet (as per waiver granted in 2004). Through the joint efforts of Clearview Meadow and Luther Village the fifty (50) foot right-of-way for Babb Drive was provided and the 28 foot wide street constructed (waivers granted in 2004). No changes are proposed to the street network with this proposal.

The development previously completed a Traffic Impact Study (TIS) reviewed by DelDOT in 2004. The project is subject to requirements for off-site transportation improvements as noted on the plan. The complete submittal of the TIS is available for review in the Planning Office (MI-03-07).

Airport Environs Overlay District (AEOZ)*

A portion of Clearview Meadows also is currently subject to the AEOZ (Airport Environs Overlay Zone) found in *Zoning Ordinance*, Article 3, Section 22. The area lies within the Noise Zone A. According to the Land Use Compatibility Table, single, two and multi-family residential uses are permitted in Noise Zone A and would be subject to interior noise level reduction requirements if located in this area. The design of this plan (and the proposed revisions) does not include any dwelling lots in the AEOZ; only open space is located in this area.

**Note: Pending action on March 11, 2013 by City Council regarding Ordinances #2013-01 and #2013-02 for the Comprehensive Rezoning Project: AEOZ, the property will be removed from the AEOZ zoning district due to revisions to the AEOZ Noise Zones.)*

TREE PLANTING AND LANDSCAPE PLAN

Clearview Meadow PND Plan showed the concept for the landscaping. Based on an area of 88.2647 acres, total of 1282 trees are required. The approved plan presented plans for the planting of street trees and a mix of tree plantings at the rear of some residential lots. Other tree plantings are proposed for the open space areas adjacent to the stormwater management facility, the active recreation/park area, and near the subdivision entrances. These plantings include deciduous trees, evergreens, and ornamental trees. The Active Recreation/park area has over 220 tree plantings along with shrub plantings on the pathway network.

The Plan continues to have a significant number of tree plantings within the Active Recreation Area. The planting locations have been adjusted to accommodate the location of the Community Building. Some revisions to tree planting locations will also be necessary for the new Lot locations.

A 40-foot buffer area is required adjacent to the entire perimeter property line of the development. This buffer is to provide a transition between the Planned Neighborhood Design project and adjacent properties. No building can be constructed in this buffer area and should be indicated on the subject properties. This must be clearly noted on the plan and in deed restrictions for certain lots as it may impact the ability of certain properties to add accessory buildings such as sheds in the future. This requirement impacts proposed Lot 305.

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 proposed plan meets the area requirements for the Active Recreation Area. The plan is required to provide 1.925 acres of Active Recreation Area and it is proposing 6.5624 acres of Active Recreation Area.
   a) The Revised Active Recreation Area Plan #2 was reviewed by the Parks, Recreation & Community Enhancement Committee on February 11, 2013.

2) Staff recommends approval of the Community Building, Gazebo, the swing set and the playground area, walking path, and site furnishings with comments and conditions provided below.

3) The following items should be included on the Plan to clarify the construction of the recreation area improvements:
   a) Evaluate the need for any lighting in the Active Recreation Areas.
   b) Lawn areas shall be appropriate planted (seeded or sodded) a maintained for active recreation activities.
   c) Clarify the total square footage of the Community Building; the applicant notes the building will be approximately 2,600 SF.
   d) Provide bike racks near the Community Building.
   e) Identify utility service connections to the Community Building.
   f) Identify the phasing for the construction of the Active Recreation Area with relation to the building construction phasing to ensure that the development of the Active Recreation amenities keeps pace with the building construction.

4) The Community Building must include an accessible entrance route for entry into the building. Currently, the front porch is elevated several steps with no ramp system depicted.

5) Ensure barrier free access is provided at all intersections of drive lanes and sidewalks

including the entrance to the parking lot for active recreation area.

6) The Community Building must comply with the building and fire code requirements.

7) The applicant is reminded of the requirements for construction phasing of the recreation area as associated with the development of the residential units. The 17,325 S.F. of recreation area for the residential units constructed to date (275 S.F. x 63 dwelling units) is being met by several open lawn areas in the vicinity of JH Brown Boulevard.

   Article 5 §10.6 Construction Phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that one hundred (100) percent of the recreation and open space areas shall be completed prior to issuing building permits for the final twenty (20) percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

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

9) The data column and notes on all sheets needs to be updated prior to Final Approval. Some of the items which need revising are as follows:
   a) Update all General Notes to remove reference to swimming pool/pool area.
   b) Update zoning of the property and provide note regarding the change in zoning since initial plan approval.
   c) Update all lot tallies and associated calculations.
   d) Note #23: Add Lot 305 to the note regarding limitations of the 40 feet perimeter buffer.
   e) Any changes recommended and approvals by the Planning Commission.

10) Ensure that all driveways for proposed new lots meet the required separation distance from street intersections.

11) Ensure that tree planting locations do not conflict with utility lines or fire hydrant locations. All tree plantings should also be clearly located on individual lots (not on the property line).

12) Due to the proposed lot revisions several plans within the construction plan set for Clearview Meadow PND will need to be updated. This includes the General Development Plan, Plans for Utility Services, Grading Plan, Landscape Plan, etc.

13) A Record Plan depicting the lot revisions shall be prepared and submitted in accordance with the specifications and requirements set forth in Article IV, Section C of the City of Dover *Land Subdivision Regulations*.

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

None

<u>ADVISORY COMMENTS TO THE APPLICANT:</u>

1) In the event, that major changes and revisions to the Plan occur in the finalization of the Revised Recreation Plan and associated Minor Subdivision Plan contact the Department of Planning and Inspections. Examples include reorientation of elements, relocation of site components, etc. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

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

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

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

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

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

If you have any questions or need to discuss any of the above comments, please call the above contact person.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Clearview Meadows PND Revised Active Recreation Plan and Minor Subdivision Plan**

FILE #: **MI-13-04**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Owner is responsible for locating all water, sewer, and storm sewer lines.
2. Owner is responsible for installing all conduits and equipment pads per the City of Dover Engineering Department specifications.
3. All cable and electrical equipment will be installed along the right-of-way in front of the lots.
4. Meter locations will be determined by City of Dover Engineering Department.
5. Load sheets and AutoCAD compatible DXF or DWG diskettes of site plans, including driveways, are required prior to receiving approved electrical construction drawings.
6. 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.
7. Fees will be assessed upon final site plans. The owner will be responsible for fees assessed prior to construction. Owner is required to sign off plans prepared by the Electric Department.
8. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
9. All Engineering and design for Dover Electric will be engineered upon final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
   b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.

c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.

3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.

4. Water service lines shall be shown for each proposed residential lot meeting the following requirements: The water services shall be one-inch (1") diameter Type K copper tubing, and installed five feet (5') to the right of the sewer lateral as viewed from the center line of the street. Curb stops shall be installed one foot (1') outside of the right-of-way for each lot. A water meter and meter pit must be installed on the domestic water service, in a non-traffic bearing location just downstream of the curb stop.

5. 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 community building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

2. The following notes must be added to the plans:

   a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.

   b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.

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

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

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

6. Sanitary sewer laterals shall be shown for each proposed residential lot meeting the following requirements: The sewer laterals shall be six-inch (6") diameter schedule 35 PVC and, where practicable, installed to the center of each lot. Sewer laterals shall be connected directly to the main, not manholes, unless impracticable. Sewer laterals are to be installed one foot (1') beyond the right-of-way line at a typical depth of three feet (3'), preferably not exceeding five feet (5'). Cleanouts shall be installed one foot (1') outside of the right-of-way for each proposed residential lot.

7. 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.

8. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District submitted to our office.
2. The size, length, slope, type and flow directions must be shown on all existing and proposed storm sewer lines. Rim and invert elevations must be labeled on all stormwater structures.
3. Provide all stormwater management calculations and erosion and sedimentation control plan as required by Article 5, Section 11.2 and 11.2 of the City of Dover Zoning Ordinance. Ensure that individual lot grading, house locations with finished floor elevations, and driveway locations and grades are provided on the plans in order to verify the adequacy of the design. The provided information should also show adequate conveyance of runoff from each lot.

STREETS

1. Street signage shall meet the requirements of the Delaware Manual on Uniform Traffic Control Devices (MUTCD). Signage proposed for streets to be dedicated to the City of Dover must be included on the plan (no parking signs, speed limit signs, street blades, stops signs, watch children, etc.) All signs must be installed on two-inch (2") square break away sign posts.

SANITATION

1. The City of Dover will provide sanitation services for residential lots, not commercial properties.

GROUNDS

1. None.

GENERAL

1. The final plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. Adobe Reader (.pdf format).
2. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
3. No trees may be planted within ten feet (10') of water and wastewater utility infrastructure.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. The proposed Community Center has been designed in conflict with existing electrical equipment. This equipment will require relocation, new conduit and cable at the owner's expense.

WATER

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

2. Hydrant flow testing is currently only performed three (3) times per year during system wide flushing operations. The applicant must call the Department of Public Works directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.

WASTEWATER

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

STREETS

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

STORMWATER / SANITATION / GROUNDS /

1. None.

GENERAL

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 27, 2013

D E L D O T

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APPLICATION: Clearview Meadows PND: Revised Active Recreation Plan and Minor Subdivision

FILE#: MI-13-04 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

It is strongly recommended for the applicant to meet and discuss with the department the traffic signals and the off-site improvements noted in the Traffic Impact Study (TIS) letter dated 2/02/2005, and in the signed Letter of Agreement (LA) dated 1/19/2006 for this project.

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
MARCH 2013

APPLICATION: *Clearview Meadows*

FILE #: MI-13-04

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

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

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

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

DATA SHEET FOR RECREATION PLAN REVIEW
Recreation Plan Revision of January 22, 2013

PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE
MEETING OF February 11, 2013
Planning Commission Meeting of March 18, 2013

Plan Title:	Clearview Meadow, MI-13-04
File Numbers:	C-04-01 Clearview Meadow Planned Neighborhood Design: Concept Plan SB-04-04P Clearview Meadow PND: Preliminary Subdivision Plan
Plan Type:	Planned Neighborhood Design Option **Revised Active Recreation Area Plan #2**
Location:	North of South Little Creek Road, South of North Little Creek Road, and east of Babb Drive
Tax Parcel:	ED-05-077.07-06-98.00-000 (Active Recreation Area parcel)
Owner:	Shirliz LLC c/o Knollwood Development Corporation
Site Area:	88.2524 +/- acres
Property Use:	Residential Subdivision Development under construction
Number of Dwelling Units:	Total - 303 dwelling units 167 Single Family Detached, 48 Duplexes, & 88 Townhouses
Zoning Classification:	R-8 (One Family Residence Zone) RM-1 (Medium Density Residence Zone) AEOZ (Airport Environs Overlay Zone)

PROJECT SUMMARY

Clearview Meadow is a Planned Neighborhood Development on 88.2524 acres +/- of land. The subject property is located on the south side of North Little Creek Road and north of the South Little Creek Road and east of Babb Drive. At the time of original development of the subdivision, the property was zoned R-8 (One Family Residence Zone), R-10 (One Family Residence Zone), RM-1 (Medium Density Residence Zone), and RM-2 (Medium Density Residence Zone). Following the *Comprehensive Rezoning Project 2009*, the property was rezoned to R-8 and RM-1 reflecting the proposed housing types of the development. A portion of this property also is currently subject to the AEOZ (Airport Environs Overlay Zone)*. *(*Note: Pending action on Ordinances #2013-01 and #2013-02 for the Comprehensive Rezoning Project: AEOZ, the property will be removed from the AEOZ zoning district due to revisions to the AEOZ Noise Zones.)*

The Concept Plan for Clearview Meadow PND (C-04-01) received Planning Commission approval on April 19, 2004 and the Preliminary Subdivision Plan received conditional approval

from the Planning Commission on September 20, 2004. The Record Plan for the Subdivision was recorded on September 30, 2005 and the Final Construction Plans were approved January 19, 2006.
The development, as approved, consists of the following: 167 single family detached homes, 48 duplexes, and 88 townhouses for a total of 303 dwelling units. The initial phases of construction and home building focused on the southern portion of the subdivision along the streets of Mer Way, Lady Bug Drive and Nob Hill Road. Access into the subdivision is provided by JH Brown Boulevard and Babb Drive. Currently, there are 26 duplex units, 35 townhouse units, and 2 single family detached units complete (63 units complete); 2 duplex units under construction; and one single family detached home in permit review.

Associated with this Revision to the Active Recreation Area of the subdivision, the applicant is proposing several lot revisions. The Minor Subdivision, which is subject to review by the Planning Commission, proposes to relocate one lot (Lot 212) to accommodate the revised recreation area and to create two additional lots (Lot 304 and 305) for development as single family detached dwellings.

Previous Reviews of Active Recreation Plans
As part of the Subdivision Plan review process for Clearview Meadow PND, the applicant prepared a Recreation Plan which illustrated how the development will provide recreation amenities in accordance with the design specifications described in Article 5, Section 10 of the *Zoning Ordinance.* A 6.8429 acre Active Recreation Area was initially shown including a walking path system, play structure, swings, tennis court, picnic tables, and benches. This active recreational component was reviewed by the Parks and Recreation Commission on July 27, 2004.

The Revised Recreation Plan #1 involved the elimination of the tennis court and the addition of a swimming pool and bath house facility with associated parking lot. The playground equipment was also relocated in this redesign. A Revised Recreation Plan #1 was reviewed by the Parks Recreation and Community Enhancement Committee on November 9, 2004 and received Planning Commission approval on December 20, 2004.

CURRENT PROPOSAL for Revised Active Recreation Plan #2 (dated January 22, 2013)
The Revised Plan #2 indicates that 6.5624 acres of land would be reserved as Active Recreation Area creating a park area centrally located in the subdivision. The Revision proposes the elimination of the swimming pool and bathhouse building, relocation of the gazebo, and the addition of a community building with parking lot. A play area that contains a swing set and a play structure and series of benches and picnic tables remain throughout the site. The amenities are connected by a walking path system that is five feet in width and constructed of bituminous asphalt. A large lawn area is central to the recreation area.

The community building fronts on Nob Hill Road at the northern terminus of JH Brown Boulevard, the main entry street into the development from the south. In front of the building is a fifteen (15) space parking lot. The architecture and floor plan of the community building submitted indicates a one story building with a front entry porch. The exterior finish materials appear to be a horizontal siding, a shake style shingle in the gables, and with a gable roof. The interior includes an exercise room, a small meeting (card/game) room, and large meeting room along with restroom facilities, storage, and a small kitchen.

This Revised Active Recreation Area proposal must be reviewed by the Parks, Recreation, and Community Enhancement Committee for a recommendation prior to consideration of the Revised Plan #2 by Planning Commission.

The following table provides information from the submitted Plan (last updated January 22, 2013) for the Revised Active Recreation Area #2 to be constructed:

	Required	**Provided on Revised Plan**
Active Recreation Area (Article 5 §10.16)	275 S.F. per dwelling unit or 0.5 acre, greater thereof 305 DU = 83,875 S.F. (1.925 ac) Requires 1.925 acres	Community building, gazebo, lawn area, walking paths, and playground area = Total of 6.5624 acres
Active Recreation Amenities (Article 5 §10.15)	Accessible	Centrally located in the development. Access to all residential lots via the walking paths and sidewalk network. Accessible access to the community building is unclear. Parking lot provides one handicapped accessible parking space.
Active Recreation Amenities (Article 5 §10.15)	Age Oriented to development	Community Building Playground Area Equipment Gazebo Benches & Picnic Tables Walking path
	Parking	Off-street parking provided for each dwelling unit on the individual lots with street frontage sidewalks to recreation areas. A parking lot with 15 spaces is also located on the south side of the Community Building.
	Setbacks: 30 feet from residential lots and 25 feet from right-of-way for street	Community Building and Gazebo locations are in compliance with the setbacks as required.
	Landscaping	The Revised Active Recreation Plan #2 shows trees and landscaping around the site.

*Increase from 303 lots to 305 lots pending Minor Subdivision Plan Review by Planning Commission.

OPEN SPACE/ RECREATION PLAN

Twenty-five percent of the total site area must be set aside and preserved for open space within a subdivision under the Planned Neighborhood Design Option. Originally, a total of 22.0650 acres +/- of open space was approved for the development which met the 25% open space requirement. With this proposed revision to the Active Recreation Area, which is part of the Open Space (and the lot revisions), results in a total of 21.5751 acres +/- of open space. This continues to meet the requirement for 25% open space.

The Active Recreation Area for this project is required at a rate of 275 square feet per dwelling unit or 0.5 acre of land, whichever is greater. Based on 303 dwelling units, 83,325 S.F. (1.9129 acres) of Active Recreation Area is required. However, with the proposal for the lot revisions, the subdivision would have a total of 305 dwelling units thus requiring 83,875 S.F. (1.925 acres) of Active Recreation Area. The proposal complies with this requirement.

A 40-foot buffer area is required adjacent to the entire perimeter property line of the development. This buffer is to provide a transition between the Planned Neighborhood Design project and adjacent properties. No building can be constructed in this buffer area and should be indicated on the subject properties. This must be clearly noted on the plan and a deed restrictions for certain lots as it may impact the ability of certain properties to add accessory buildings such as sheds in the future.

TREE PLANTING AND LANDSCAPE PLAN

The Plan continues to have a significant number of tree plantings within the Active Recreation Area. The planting locations have been adjusted to accommodate the location of the Community Building. The Active Recreation/Park Area has over 220 tree plantings along with shrub plantings on the pathway network.

STAFF RECOMMENDATIONS

The following are comments and recommendations from Staff of the Department of Planning & Inspections following review of the Revised Active Recreation Area Plan #2 to be constructed.

1) The proposed plan meets the area requirements for the Active Recreation Area. The plan is required to provide 1.925 acres of Active Recreation Area and it is proposing 6.5624 acres of Active Recreation Area.

2) Staff recommends approval of the Community Building, Gazebo, the swing set and the playground area, walking path, and site furnishings with comments and conditions provided below.

3) The following items should be included on the Plan to clarify the construction of the recreation area improvements:
   a) Provide lighting around the Active Recreation Areas.
   b) Lawn areas shall be appropriate planted (seeded or sodded) a maintained for active recreation activities.
   c) Clarify the total square footage of the Community Building.
   d) Provide bike racks near the Community Building.
   e) Identify utility service connections to the Community Building.
   f) Identify the phasing for the construction of the Active Recreation Area with relation to

the building construction phasing to ensure that the development of the Active Recreation amenities keeps pace with the building construction.

4) The Community Building must include an accessible entrance route for entry into the building. Currently, the front porch is elevated several steps with no ramp system depicted.

5) Ensure barrier free access is provided at all intersections of drive lanes and sidewalks including the entrance to the parking lot for active recreation area.

6) Ensure that tree planting locations do not conflict with utility lines or locations.

7) The community building must comply with the building and fire code requirements.

8) The applicant is reminded of the requirements for construction phasing of the recreation area as associated with the development of the residential units. The 17,325 S.F. of recreation area for the residential units constructed to date (275 S.F. x 63 dwelling units) is being met by several open lawn areas in the vicinity of JH Brown Boulevard.
   (a) Article 5 §10.6 Construction Phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that one hundred (100) percent of the recreation and open space areas shall be completed prior to issuing building permits for the final twenty (20) percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

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

10) In the event, that major changes and revisions to the Plan occur in the finalization of the Revised Recreation Plan and associated Minor Subdivision Plan contact the Department of Planning and Inspections. Examples include reorientation of elements, relocation of site components, etc. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

11) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections and permits are required. The applicant shall be aware that Recreation Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover.

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

The Parks, Recreation, and Community Enhancement Committee shall submit to the Planning Commission a report detailing the recommendations as to the Revised Recreation Area Plan #2.

Attachments:

- Recreation Area Plan* – Final Plan approved 1/19/2006 (2 sheets)

- Proposed Recreation Area Plan* dated 1/22/2013 (2 sheets)
- Record Plat (recorded September 30, 2005) of Clearview Meadow* with redline mark-ups of lot revisions (Sheets 1-6)
- Recreation Area Estimate of Improvements of June 25, 2004 Revised October 25, 2004
- Recreation Area Estimate of Improvements dated January 23, 2013
- Community Building Conceptual Floor Plan & Architecture dated January 22, 2013

**Plan Set Sheets are available as paper copies should Committee members desire this format. Contact the Planning Office at 736-7196.*