CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, November 19, 2012 – 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 October 15, 2012

COMMUNICATIONS & REPORTS

1) NOTE: The Planning Commission Quarterly Workshop for Tuesday, November 20, 2012 at 4:00pm in the City Hall Conference Room is CANCELLED.

2) Reminder: The next Planning Commission regular meeting is scheduled for December 17, 2012 at 7:00pm in the City Council Chambers.

3) Report on City Council actions

4) Update on other Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

2) Review of Development Application:
   a) C-12-06 Dover First Christian School at 647 Wyoming Avenue – Public Hearing and Continuation of the Review of a Conditional Use Site Plan to allow for the construction of a 4,000 SF school building and associated site improvements. The application also includes a Conditional Use to allow for the temporary use of the existing hall within the church as the school. The property is zoned R-8 (One Family Residence Zone). The property is located on the north side of Wyoming Avenue east of New Burton Road and west of Woodford Drive. The owner of record is Seventh Day Adventist Church. Address: 647 Wyoming Avenue. Tax Parcel: ED-05-76.20-01-78.00-000. Council District 2. *Waiver Requests: Elimination of Sidewalk along New Burton Road, Elimination of Sidewalk along Konschak Avenue, Elimination of Upright Curbing, Reduction in Parking. At the meeting of September 17, 2012, the Planning Commission referred the application to the Architectural Review Oversight Subcommittee and tabled the application until the October meeting. At the meeting of October 15, 2012, after hearing the Architectural Review Oversight Subcommittee Report the Planning Commission set a Public Hearing on the application for November 19, 2012.*

NEW BUSINESS

1) Appointment to Architectural Review Oversight Subcommittee

NEW DEVELOPMENT APPLICATIONS

1) S-12-20 Rear Plaza Improvements at 22-24 West Loockerman Street – Public Hearing and Review of a Site Plan and Architectural Review Certification to allow for the construction of a plaza area off the rear of the existing building adjacent to West North Street. The property is zoned C-2 (Central Commercial Zone) and is subject to H (Historic District Zone). The property is located on the south side of West Loockerman Street west of South State Street. The property owner is the Downtown Dover Partnership. Addresses: 22-24 West Loockerman Street. Tax Parcel: ED-05-077.09-04-16.00-000. Council District 4. *Waiver Request: Tree Mitigation Plan. Application HI-12-07 is scheduled to be reviewed by the Historic District Commission on November 15, 2012.*

2) SB-12-02 Lands of First National Bank of Wyoming at 219 Beiser Boulevard – Public Hearing and Review of a Minor Subdivision to create two (2) parcels of land from the existing 3.78 acre ± parcel. The parcel will be subdivided into a 1.39 acre ± parcel and a 2.39 acre ± parcel. The property is zoned IPM (Industrial Park Manufacturing Zone). The property is located in the Enterprise Business Park and is on the west side of Beiser Boulevard. The owner of record is First National Bank of Wyoming. Address: 219-229 Beiser Boulevard. Tax Parcel: ED-05-076.15-01-03.08-000. Council District 1. *The previous Site Plan S-07-23 Office Buildings at Enterprise Business Park Lot 2 has expired.*

3) US-12-01 Dover Mall at 1365 North DuPont Highway: Comprehensive Signage Plan – Public Hearing and Review of a Unified Comprehensive Signage Plan application to permit the construction and implementation of signage for the Mall consisting of a pylon sign, wall signs for the anchor tenants, and directional signage. The property is zoned SC-3 (Regional Shopping Center Zone) and is subject to the SWPOZ (Source Water Protection Overlay Zone) Tier 3 - Excellent Recharge Area. The property is located on the east side of North DuPont Highway south of Rustic Lane. The owner of record is Dover Mall, LLC. Address: 1365 North DuPont Highway. Tax Parcels: ED-05-057.00-01-14.00-000, ED-05-057.00-01-13.01-000, ED-05-057.00-01-13.02-000, ED-05-057.00-01-13.03-000, and ED-05-057.00-01-14.03-000. Council District 3.

4) US-12-02 Redevelopment of Former Wal-Mart Site at 1574 North DuPont Highway: Comprehensive Signage Plan – Public Hearing and Review of a Unified Comprehensive Signage Plan application to permit the construction and implementation of signage for the proposed redevelopment of the former Wal-Mart building consisting of two pylon signs and wall signs for the future tenants. The property is zoned C-4 (Highway Commercial Zone). The property is located on the west side of North DuPont Highway, north of Rustic Lane. The owner of the property is Onix Dover, LLC. Address: 1574 North DuPont Highway. Tax Parcel: ED-05-057.00-01-05.01-000. Council District 4.

ADJOURN

THE AGENDA ITEMS MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

Posted Agenda: November 9, 2012 at 3:00pm

CITY OF DOVER PLANNING COMMISSION
October 15, 2012

The Regular Meeting of the City of Dover Planning Commission was held on Monday, October 15, 2012 at 7:00 PM with Chairman Welsh presiding. Members present were Mr. Shomo, Mr. Tolbert, Mr. Holt, Mr. Ambruso, Colonel Welsh, Mrs. Still, Mr. Holden and Mr. Baldwin.

Staff members present were Mrs. Townshend, Ms. Cornwell, Mrs. Melson-Williams, and Ms. Metsch. Also present were Mr. David Braun, Mr. Nick Alessandro, Mr. Tailap Luk, Mrs. Lisa Rinnier, and Mr. Keith Kooker. Also speaking from the public was Mr. William McKee, Pastor Theodore Henderson, and Mr. Gregg Moore.

Colonel Welsh stated that he has the pleasure of introducing the newest Planning Commission member observing from the audience, Dr. Bobby Jones. She will begin participate in meetings in November.

APPROVAL OF AGENDA

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

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF SEPTEMBER 17, 2012

Mr. Shomo moved to approve the regular Planning Commission meeting minutes of September 17, 2012, seconded by Mr. Holt and the motion was unanimously carried 8-0.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that last week there was an Audio Web Conference titled "Planning Mistakes; Accessing, Learning and Adapting" held on October 10, 2012 at 4:00 PM in the Kent County Administrative Complex Building, Room 220. Mrs. Melson-Williams and Ms. Cornwell attended; however, there were no Planning Commission members in attendance.

Mrs. Townshend further stated that she would note that on January 16, 2013 there will be a "Zoning for Small Business" Audio Web Conference with the City of Dover hosting it at the new Dover Library. Staff will be reaching out to the business community, specifically the Downtown business community to receive local participation as well as Planning Commission members.

Mrs. Townshend stated that the next regular Planning Commission Meeting is scheduled for Monday, November 19, 2012 at 7:00 PM in the City Hall Council Chambers. The next Quarterly Workshop for the Planning Commission is scheduled for November 20, 2012 in the City Hall Conference Room. This is Thanksgiving week and she would like to ask if the Commission members would like to push the Quarterly Workshop to January or keep it on the holiday week.

Colonel Welsh stated that he would poll the Planning Commission members at a later time and report back to Mrs. Townshend at a later date.

Mrs. Townshend provided an update on the regular City Council meeting of September 24, 2012; the Utility Committee; the regular City Council, the Legislative, Finance and Administration

Committee, and the Parks, Recreation and Community Enhancement Committee meetings of October 8, 2012.

NEW BUSINESS

Resolution honoring Francis Nichols for his service as a Planning Commission member

Resolution

Whereas, Francis C. Nichols *became a member of the City of Dover Planning Commission on May 28, 2002 and has served with diligence and distinction in this capacity as an advocate for sound land use planning in the public interest and has shared his knowledge and experience in the areas of utility services and stormwater management; and,*

Whereas, Francis C. Nichols *has also served on the Utility Committee of City Council beginning on May 22, 2000 through May 28, 2002 prior to his appointment to the Planning Commission; and,*

Whereas, Francis C. Nichols *has played a role in ensuring fundamental fairness and careful forethought in the planning and development of the Capital City through his service on the Planning Commission; and,*

Whereas, Francis C. Nichols *has influenced the pattern and appearance of development in Dover through his contributions to the City's Comprehensive Plans including the 2003 Comprehensive Plan Update and the 2008 Comprehensive Plan; and his participation in the development of numerous amendments to the City of Dover Zoning Ordinance including* the *AEOZ, TND, SWPOZ, and ROS zones; and,*

Whereas, Francis C. Nichols *completed his service on the City of Dover Planning Commission on September 17, 2012.*

Now Therefore Be It Resolved That*, the City of Dover Planning Commission does hereby express its sincere appreciation to* ***Francis C. Nichols*** *for his faithful and exemplary service to the Citizens of the City of Dover as an active member of the City of Dover Planning Commission, and extends its very best wishes to* ***Francis C. Nichols*** *for a bright and prosperous future.*

Colonel Welsh stated that he has worked with Mr. Nichols for ten (10) years on the Planning Commission and he has brought a lot of value to the Planning Commission. His knowledge of Public Works and the City of Dover as a former employee added measurably to our effectiveness and we will miss him a lot.

Mr. Holt moved to adopt Resolution #2012-15 honoring Frances Nichols, seconded by Mr. Tolbert and the motion was unanimously carried 8-0.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

C-12-06 Dover First Christian School at 647 Wyoming Avenue – Continuation of the Review of a Conditional Use Site Plan to allow for the construction of a 4,000 SF school building and associated site improvements. The application also includes a Conditional Use to allow for the temporary use of the existing hall within the church as the school. The property is zoned R-8 (One Family Residence Zone). The property is located on the north side of Wyoming Avenue east of New Burton Road and west of Woodford Drive. The owner of record is Seventh Day Adventist Church. Address: 647 Wyoming Avenue. Tax Parcel: ED-05-76.20-01-78.00-000. Council District 2. *Waiver Requests: Elimination of Sidewalk along New Burton Road, Elimination of Sidewalk along Konschak Avenue, Elimination of Upright Curbing, Reduction in Parking. At the meeting of September 17, 2012, the Planning Commission referred the application to the Architectural Review Oversight Subcommittee and tabled the application until the October meeting. The Public Hearing was closed on September 17, 2012.*

Mr. Baldwin will abstain from this application as he was absent from last month's meeting.

Representatives: Mr. David C. Braun, Braun Engineering and Surveying; and Mr. Nicholas Alessandro, Diamond State Pole Buildings.

Mrs. Townshend stated that this application was reviewed by the Planning Commission at the September 17, 2012 meeting. There was a public hearing held at that time with a lot of discussion among the Planning Commission members regarding the architecture. The Planning Commission ultimately referred it to the Architectural Review Oversight Subcommittee who met on October 9, 2012 at 4:00 PM.

Mrs. Townshend further stated as an overview, this application is for a pre-school and kindergarten Conditional Use application with the property being zoned R-8 (One Family Residence Zone), for thirty-seven (37) students. There are a number of waivers that have been requested; partial elimination of the sidewalk along New Burton Road; partial elimination of the sidewalk along Konshack Avenue; combined parking spaces; and elimination of curbing. The combined parking spaces provision of the *Zoning Ordinance* allows you (the Commission) to consider the overlap of a church and school. In that at the peak of use, they will not be using the same spaces so rather than requiring the number of spaces for both, there would be enough spaces to accommodate the larger use. The applicant has proposed sixty-three (63) spaces.

Mrs. Townshend further stated that there was a public hearing held at the September meeting and that public hearing was closed. There have been a number of phone calls to our office as well as a number of correspondence that have come to our office. At this point, with the public hearing closed, that additional public testimony cannot be submitted for the record. Staff inquired to the City Solicitor what would need to happen if the Planning Commission did want to consider further public testimony. In order for that to happen, the Planning Commission would have to vote to re-open a public hearing and set a night for that public hearing with it to be advertised. We would not be able to hear public comment this evening because when the public agenda was posted, it did not include a public hearing and therefore, would be a FOIA violation to do that.

Ms. Cornwell stated that on your desks this evening is a memorandum that is the results of the Architectural Review Oversight Subcommittee meeting that was held on October 9, 2012. Also enclosed are two (2) separate pieces of architecture with one being what the applicant proposed for that meeting which is a combination of vinyl siding and brick. The second option is what the Subcommittee recommended which is an entirely brick building with the third item being the minutes from that meeting.

Ms. Cornwell further stated that the Architecture Review Oversight Subcommittee had a consensus that the new school building should match and be consistent with the existing church building. They also were concerned that the building eave height should match the existing church. The exterior of the building should be brick matching the color of the church and that they should have asphalt shingles for the roof and that the brick around the windows be set back. The Subcommittee also expressed their concerns for the placement of a playground in relationship to its location near New Burton Road and suggested rotating it slightly farther away from the road and away from being into the front yard setback.

Ms. Cornwell further stated that the original application for the architecture was a metal sided building with a metal roof. The Architectural Oversight Review Subcommittee is recommending a brick building with asphalt shingles and brick around the windows to be set back and that the eave match the existing church.

Mr. Alessandro stated that when they were here for the September meeting it seemed to him and to his client that the consensus here was to have the building be more consistent with the residential neighborhood as we proposed the structure to have steel siding and steel roofing. At the Architectural Review Oversight Committee it was determined that a brick wainscoting, horizontal siding, and steel roof be proposed. We drew up the elevations showing the brick wainscoting and horizontal vinyl siding all to match color wise and be consistent with the existing neighborhood. When we went to the Architectural Review Oversight Subcommittee we were not there very long and they seemed very inflexible. Mrs. Still was the only one that seemed to want to listen to making some minor changes rather than just being closed minded stating that it has to look exactly like the church and that is that. He brought several samples in which they did not look at any of them. It was disappointing to have that meeting.

Mr. Alessandro further stated that at the Planning Commission meeting last month they made it seem like cost was not a concern. It was made clear at the Architectural Review Oversight Subcommittee that cost is not a concern; however, it has to be a concern. Moving the playground for child safety makes sense. One of the main reasons the church wants to build the school is for the safety of the children. They sit on a bus for an hour currently to go to school and these are local children that have a home local to the church. The church is not trying to build a Starbucks. They want to build a non-profit school to teach Christian education that has to have some bearing on the decision of what gets built. The church is not inflexible at all. They are willing to do whatever they can to get the structure built. They cannot afford, in the initial budget, to do the brick wainscoting and the vinyl siding; however, if that is what has to happen they will make it work. Doing brick and asphalt is adding forty percent to this project and the money is not there to do it. If the project is scrapped, that means there is no local school for these kids and they will have to get back on a bus for an hour and there will not be a sidewalk down New Burton Road.

Mr. Alessandro further stated that based on the last meeting and the church discussing it amongst themselves, doing a brick wainscoting to match the church, the vinyl siding consistent with the neighboring homes, and a metal roof is in the budget and is what they can make work. Anything more than that would be extremely difficult and most likely the project would be scrapped.

Colonel Welsh stated that the Architectural Review Oversight Committee has provided recommendations that are not binding. Tonight the Commission can either agree all in total with what they have recommended or we can modify it for what we as a Commission feel is correct.

Mr. Holden questioned in the Architectural Review Oversight Subcommittee minutes there was some discussion over eave heights and roof lines, have there been any changes? Responding to Mr. Holden, Mr. Alessandro stated that this was always consistent with the church, same eave height.

Mr. Holden further stated that you mentioned the playground as an issue has the location or the orientation of the playground been amended? Responding to Mr. Holden, Mr. Alessandro stated that the playground is perfectly legal and acceptable to the City to have it where it is. They voiced a concern that it is encroaching on the setback which again by law, it is allowed to do; however, if they saw fit to move it the church is not opposed to moving it by putting an angle on it and keeping it consistent with the setback.

Mr. Holden further questioned if it is the churches desire that if the brick wainscoting along the lower portion of the building is required, it would match the existing church brick? Responding to Mr. Holden, Mr. Alessandro stated that this was correct.

Colonel Welsh questioned the metal roof that you have shown with the brick wainscoting and the vinyl siding. Is the metal roof more or less expensive than the asphalt? Responding to Colonel Welsh, Mr. Alessandro stated that it was quite a bit less.

Colonel Welsh further questioned if there were any homes in the area that would have a metal roof? Responding to Colonel Welsh, Mr. Alessandro stated that they did not see any. Keep in mind that they can be real consistent with color even though the church has an asphalt roof it is a charcoal color and there is a charcoal color metal that would match colorwise.

Mr. Holden questioned as the buildings are laid out, why weren't they connected? Visually, it appears as a separate building as an addition versus an expansion of the church. The visual difference is to magnify that it is an additional building versus an expansion of the church. Was there a driver to not connect the buildings instead of enlarging the church? Responding to Mr. Holden, Mr. Alessandro stated that with the existing church, there is not really one side of the building that is conducive of putting an addition on and cost is a huge factor. It cost quite a bit more to attach the building then it does if it is stand alone. On the detached version of it, it would be easier on the parking as well. They would have to eliminate some of the parking if they tried to attach it to the existing church.

Mr. Holden further questioned if there was a break point in the number of students or the size of the building? The piece that he struggles with is that it is a Conditional Use that is a change in use and is not an expansion of the church either visual or a footprint; it is an addition of a new building. Is there a threshold of which it is a viable project; however, could be an expansion of the church versus a separate building? Was that considered in the calculus of the preliminary design? Responding to Mr.

Holden, Mr. Alessandro stated that the Conditional Use is to occupy a piece of the church in the interim until the new structure is built which is considerably smaller than the new structure. They would not be able to house as many children in the conditional space. The church never discussed about putting an addition on the church; however, from the budgetary standpoint and from a location standpoint, that would not be easy to do.

Colonel Welsh stated that the Commission has three (3) choices. First, we can approve the recommendation of the Architectural Review Oversight Subcommittee which is why we established the Committee to begin with to provide their recommendation; second, we can approve what the applicant has submitted for their revised plan; or third, we can approve what they have submitted with revisions as we see necessary such as asphalt shingles versus the metal roof.

Mrs. Townshend stated that another option would be if you would want to schedule another public hearing which would be a separate meeting.

Colonel Welsh stated that we could defer the matter until the November Planning Commission meeting and allow public hearing so that we can get a much better idea of what the community is really looking for and if they are willing to accept the compromised position that the church has provided.

Mr. Ambruso stated that often times what we call progress turns out to be the exchange of one nuisance for another. He feels that we could avoid that by having a public hearing and by rescheduling the public hearing at our next regular Planning Commission meeting so that we could have a better sense and feel as to how the public feels with these changes.

Mr. Ambruso moved that a public hearing be set at the next regular Planning Commission meeting so that the Commission members could be privy to correspondence that may have been received along with the verbal input from people who are impacted the most in light of the changes, seconded by Mr. Tolbert. (See discussion on motion given below prior to vote). A vote was conducted with 6 aye votes and 1 nay vote (Mr. Holt) with Mr. Baldwin abstaining as he was not present at last month's meeting. The motion carried 6-1.

Colonel Welsh stated that he would agree with Mr. Ambruso and advised the applicants that it will delay you another month. He does not know what an impact that will be for you; however, he feels that it is critically important that we get something that is agreeable with the applicant and the neighbors that live in this surrounding area that are directly affected by what you do put up there.

Mr. Holt stated that he would agree with the Architectural Review Overview Subcommittee recommendations. If we have another public hearing, it will come right back to the Architectural Review Oversight Subcommittee and they are going to want what has already been done. We have the expert's opinion on what would look good for this neighborhood

Mrs. Still stated that from her perspective, she is more inclined to agree with Mr. Ambruso that it would be beneficial to get some further input as far as both new proposals that are on the table from the Architectural Review Oversight Subcommittee and the applicant. The Architectural Review Oversight Subcommittee did a good job relating the addition to the existing building; however, how that impacts the residents in the area that is something that we do not have any input on right now.

Mrs. Townshend stated that if the public hearing is opened, comments may be more than just the architecture and there could be other things that come forward. If you want it to be comments regarding only the architecture that would need to be made clear. The Conditional Use has not been decided in general.

Mr. Ambruso stated that he believes that is should be anything that the public would want to cover. He feels that people who are neighbors of this project should have a final say in what is being presented.

NEW DEVELOPMENT APPLICATIONS

AX-12-01 Lands of Taililou LLC at 110 and 136 Rustic Lane –Public Hearing and Recommendation to City Council on the Rezoning Request associated with the Annexation of two parcels of land totaling 1.68786 +/- acres located at 110 and 136 Rustic Lane. The property at 110 Rustic Lane consists of 1.118 +/- acres is currently zoned BG (General Business District). The property at 136 Rustic Lane consists of 0.56986 +/- acres is currently zoned RMH (Residential Manufactured Home District) in Kent County. The proposed zoning for both properties is C-2A (Limited Central Commercial Zone). The properties are located east of North DuPont Highway. The current annexation category according to Dover's *2008 Comprehensive Plan* is Category 1: High Priority Annexation Areas. The owner of record is Taililou LLC. Addresses: 110 and 136 Rustic Lane. Tax Parcels: ED-00-057.02-02-38.00-000 and ED-00-057-02-02-40.00-000.

Representative: Mr. Tailap Luk, Property Owner.

Mrs. Townshend stated that as you may recall, the last annexation request that was heard about three (3) years ago. There was the determination that was made after the Planning Commission recommended against an Annexation that it was not within the pervue of the Planning Commission. The pervue of the Commission is to make a recommendation on zoning. With this in mind, Staff structured their report accordingly.

Mrs. Townshend further stated that the adjacent properties also owned by the same owner are zoned C-4 and are closer to the highway. The property request for annexation is located directly behind the Sonic Restaurant. There are three (3) pieces of property owned by the applicant that are currently in the City and zoned C-4 and then there are two (2) pieces of property 110 & 136 Rustic Lane that the applicant has requested annexation and zoning of C-2A.

Mrs. Townshend further stated that the purpose of the C-2A zoning is that it allows mixed use. Also, if you look at the location of these two (2) properties they are further back from the highway. The Highway Commercial Zone becomes a little less appropriate as you get out of the highway and transitioning into a residential neighborhood. Staff provided in the report an overview of the types of uses permitted in the C-2A zone. The applicant wants to do a mixed use which would include residential and first floor retail. The zoning requested is consistent with the Comprehensive Plan that is in a high priority annexation area. Comments were received from other agencies including under the advisory comments that there are some technical issues that the applicant will have to deal with in terms of getting sewer and water to the site. When there is a development application, they will have to deal with the Kent Conservation District and DelDOT requirements associated with that application.

Mr. Holt questioned with regards to the sewer/septic and your continued use of it will this be permanent or will they be made to tie into the City's? Responding to Mr. Holt, Mrs. Townshend stated that they can tie in; however, there is a lot of main that they will have to install to serve the property and they will work with the Public Works Department to design that.

Mr. Luk stated that he spoke with the owner of the Sonic Restaurant today and he will be working with him to get this done.

Mr. Holt further stated that it would be to your advantage to do this because with his experience being in real estate for a few years, he is aware of the problems that come up with septic systems and they are continuous.

Colonel Welsh opened a public hearing.

Mr. William McKee – 111 Rustic Lane – Stated that he is against this request. The house that he (the applicant) has at 136 Rustic Lane has five (5) families living in this house that is a single family home and it has a sewer problem. All of the people he has talked to in this area are against this request. He lives at the second home on the left as you come onto Rustic Lane behind the Wawa. The people who live in the first and third place also do not want it. He also owns the fourth lot on Rustic Lane behind the Wawa and the sewer in this area is not that great. This home that they live in has poor maintenance on it and has four to five weeks of papers laying out in the front yard.

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

Mr. Tolbert stated that this application is dealing with a petition to annex and zone exclusively at this point. Responding to Mr. Tolbert, Mrs. Townshend stated that this was correct. He was concerned that discussion was brought up about what is going on at that site and this application deals exclusively with annexing and zoning.

Mr. Tolbert moved to forward to City Council a recommendation of approval for AX-12-01 Lands of Taililou LLC located at 110 and 136 Rustic Lane to C-2A (Limited Central Commercial Zone), seconded by Mr. Holt and the motion was unanimously carried 8-0.

Mrs. Townshend questioned for clarification if the reasons for supporting the rezoning as requested are the reasons laid out in the Staff Report? Responding to Mrs. Townshend, Mr. Tolbert stated that yes they are.

S-12-18 Leander Lakes Apartments on Forrest Avenue – Public Hearing and Review of a Site Plan application to permit the construction of ten (10) apartment buildings totaling 240 units with the associated site improvements. The property is zoned RM-2 (Medium Density Residence Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The subject area is located on the south side of Forrest Avenue, west of Dover High Drive and the land recognized as the new Dover High School. The owner of record is Leander Lakes, LLC. Property Address: Forrest Avenue. Tax Parcel: ED-05-075.00-01-05.01-000. *Council District 1. Waivers Requested: Use of alternative sidewalk materials (concrete to asphalt) along Route 8, partial elimination of curbing to allow for stormwater management, and elimination of rear emergency access requirements. A previous application S-09-13*

for this property was conditionally approved by the Planning Commission on August 17, 2009; the plan has expired. PLUS #2009-05-08.

Representatives: Mrs. Lisa Rinnier, Leander Lakes; and Mr. Keith Kooker, Landmark Engineering.

Ms. Cornwell stated that this application was previous reviewed and approved by the Planning Commission in 2009; however, construction never commenced so the Plan expired in August of 2012. During that time, there were two (2) Record Plans that were recorded. One was to allow for the subdivision from the original parcel of Destiny Christian Church to create this parcel for Leander Lakes. The second was to record right-of-way for Dover High Road. Leander Lakes and the Capital School District have a signed agreement dated February 24, 2011 that addressed the design responsibility and construction of roads and infrastructure that will serve both this property and the property next door which is the new Dover High School site.

Ms. Cornwell further stated that the application was reviewed through the States PLUS process in 2009 as the application exceeds 150 dwelling units. The review was determined to be adequate for this submission. The property is subject to the COZ-1 (Corridor Overlay Zone); however, the buildings and infrastructure are not impacted by that. They are providing the required landscaping requirements along Route 8. For this site, they are providing the required number of parking spaces, number of dumpster spaces, and bicycle spaces.

Ms. Cornwell further stated that there are three (3) waiver requests associated with this application. The first is for an alternative material choice for the sidewalk along Forrest Avenue. Their request is to allow for asphalt instead of concrete. The second waiver is for a partial elimination of curbing along portions of the parking lot to allow for stormwater management. The third waiver is a recommendation from the Planning Commission to City Council to allow for the elimination of rear alley access for the apartment buildings. The buildings will be sprinklered so they will have fire protection.

Ms. Cornwell further stated that access from the property should be coming off of Dover High Drive. There are two access points from that road and three internal roads that would go around the ten different buildings to provide access. The architecture of the buildings is a combination of siding and brick. Brick is the main architecture element at the entrances. They are using two different colors of vinyl siding along the rest of the building. They will have a pitched roof with asphalt shingles and the clubhouse is a one story building that will reflect the architecture of the rest of the other ten apartment buildings.

Ms. Cornwell further stated that an Active Recreation area is required for this project. Based on the number of units, 1.51 acres is required and they are providing 1.934 acres. The Active Recreation Area planned was reviewed by the Parks, Recreation, and Community Enhancement Committee at their October 8, 2012 meeting. The Committee recommended the approval of the Active Recreation Area that includes three (3) barbeque and picnic areas that have benches and grills. There is a dog park at the walking path around the stormwater management areas, a playground that has equipment for swing sets, see saws, and a clubhouse that includes a swimming pool.

Ms. Cornwell further stated that the Parks, Recreation, and Community Enhancement Committee recommended the Staff requirement that they provide a bicycle parking space at the playground not be required and that it be removed. Staff has also made a number of recommendations that the Planning Commission may consider as part of the application that includes providing a safe pedestrian access across Dover High Drive for kids to get to the new high school. Providing a cross access easement to the Dover Christian Church property. Providing more recycling opportunities on site.

Mrs. Rinnier provided an overview of the project through a Power Point presentation at this time.

Mr. Kooker stated that the Planning Staff recommended the denial of the sidewalk waiver for the material in front of the site. We are just trying to follow what is accepted by DelDOT and are cognizant in the fact that we need private funding to do this work. We are trying to provide what is required while trying to limit our costs as much as possible.

Mr. Kooker further stated that with regards to Item #4 under recommendations, it states that Staff recommends designing a safe pedestrian crossing. He would like to make sure that they are not agreeing to a bridge or tunnel. He would propose that this be changed to crosswalk. Responding to Mr. Kooker, Mrs. Townshend stated that she would add to this that whatever the crossing is, we concur that it would not be a bridge or a tunnel and that it would need to be reviewed and approved by DelDOT as this will be a DelDOT road.

Mr. Kooker further stated that with regards to Item #8 under recommendations, they have no problem with the comment as far as there being access to the site for the Dover Christian Church. He realizes that Staff received a letter from the church regarding the application. He would like to make a point that we would much rather have access to the west of the Dover Christian Church as opposed to connecting on Dover High Drive. We realize that we will have to achieve approvals through DelDOT and if they tell us we have to do this, then we will have to do it. We feel that the way that the site is setup and the way that the apartments are laid out, they are overlooking a water facility as an aesthetic item and that if access were required to run along Dover High Drive, we feel that it would alter the pond shape and could alter the whole amenity of the this area and the way that things are laid out. They have offered to provide an access easement to run to the west of the Dover Christian Church and run over to the Destiny Christian Church entrance.

Mr. Kooker further stated that they are also asking for a sanitary sewer easement line to be brought to the property. We ask that due to cash considerations in that the way that the site is laid out now, the sewer on this particular property that would need to be extended to the parcel, would not be done until the very later stages of this project. We request that this not be required until the parcel was ready to be occupied in whatever they are proposing.

Mrs. Townshend stated that if there are specific Staff recommendations that you would like to pull out and address specifically, they need to be pulled out. When the motion is made, be clear that you are approving with the exception of those pulled out.

Colonel Welsh opened a public hearing.

Mrs. Townshend stated that she would enter two (2) pieces of correspondence into the record. One

is a letter from Pastor Theodore Henderson dated October 15, 2012 and is the letter referenced previously. They specifically asked three things that are important. "First, grant Conditional approval to allow our site access to either Dover High Drive or the neighboring private church entrance through the Leander Lakes Project. We prefer access to Dover High Drive; however, if Leander Lakes objects, we ask that they build the drive to our property line from the existing church entrance. Second, the Leander Lakes project designs and constructs their sewer system as a public system that allows for an additional public connection from our property through a new manhole that they install on our property line. Third, we request that these improvements be done by Leander Lakes and that an easement be granted to us."

Mrs. Townshend further stated that these are the three things and typically, the Planning Commission does not get involved with who pays for what.

Mrs. Townshend further stated another piece of correspondence was received dated October 10, 2012 from John H. Newcomer, Jr. of Morris James LLP who is the attorney on behalf of the Capital School District. They are confirming that the development as presented is consistent with the agreement that the two parties have and they have no objections to the development.

Pastor Theodore Henderson – Stated that he is absolutely, positively in favor of the Leander Lakes project as he feels that it is wonderful. He feels that it will do great things for our community. He was extremely impressed with the slides that he has seen this evening and feels that it is a beautiful development. We bought this property where you see it on the map that is a very white area where there are no trees where we want to put a church of approximately 7,000 to 9,000 square feet. We are working with Becker Morgan Group to help us design a church. The property we bought has been paid for in full and we gave about ten (10) feet of this property for DelDOT to extend the road and they paid us in kind for that. We want to be good neighbors to Leander Lakes and one of the ways that we can be good neighbors with Leander Lakes is to access the property and connections to the sewer. Money is a problem to us all and in addition to the easement we could help out if construction was a possibility to help us build that out. We feel that this project will work for all of our interests to both the school, Leander Lakes, and for our church. We are looking forward to being their neighbors because they are looking to put a lot of souls in those apartments and that is great recruitment for our church.

Mr. Gregg Moore, Becker Morgan Group, Inc. – Stated that we have not gotten plans to you yet; however, believe that they will come in for this church in either December or January. We have had a couple of meetings and DelDOT is telling us that they do not want us to access off of Forrest Avenue which is disconcerting to the church because when they brought the property that's where they thought they would be accessing and it would be a short drive. The second best choice is Dover High Drive and the only access point to that is through the Leander Lakes property. We would have to tuck the access way behind their stormwater pond to do that and feel that it would fit there. This is the best opportunity for the church in that you are not past the church when you are on Forrest Avenue. If we have to come off the current church's entrance, you would well be past the church. There is a considerable distance back to the property in question and a considerable cost and that is why we are asking primarily for the access to Dover High Drive. The other point is the sewer and in orchestrating the City Public Works Department and the Planning Department they did in fact provide sewer stubs to the property boundaries of each of the other adjacent properties which happen to be churches. We are asking for the same thing so that we do not have to go over

onto their parcel and undo construction as this is not something that the church would want to do.

Colonel Welsh questioned that the applicant is assuming that DelDOT will not give them access off of Dover High Drive? Responding to Colonel Welsh, Mr. Moore stated that when we met with DelDOT they did not want us to access off of Forrest Avenue; however, would let them access off of Dover High Drive with it being back as far as possible. DelDOT sent us to this forum to talk to Leander Lakes on gaining access and is why we are here at this meeting.

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

Mr. Holt stated with regards to the planting of trees, he is a big fan of Crepe Myrtles as they add a lot of color especially if they mix them up. Responding to Mr. Holt, Mrs. Rinnier stated that she loves those and they have that mix at the Marley Manor community apartments they have built and also at her own home and completely agrees with you.

Mr. Baldwin questioned did he understand that you would rather not put the sewer stub line in until the end of your project and if that happened, wouldn't they have to come back and disturb your finished product? Responding to Mr. Baldwin, Mr. Kooker stated that they would not have to install the sewer until they were ready for it so if their project gets delayed by three to four years, Leander Lakes would not have to install it until they are ready for the line to be installed. The church project could happen in 2014 or 2017 and if it does work out to be much later, we would ask that Leander Lakes only be required to install the line until it is absolutely necessary to be installed.

Mrs. Townshend stated that this is going to be a decision made by the Public Works Department in terms of the timing because they are going to approve the Utility Plan and all of the utility installation.

Mr. Tolbert stated that he was a little confused regarding the parking. All of the parking is on the side of Dover High Drive because it looks like the parking that is laid out on the plan is somewhat distant from some of your buildings such as Building #3, #4 & #5. If you have handicap people in those buildings, they would have a good walk from the parking lot or from the apartments to the parking lot. Where will the handicap parking be located? Responding to Mr. Tolbert, Mrs. Rinnier stated that we try to get the parking as close as possible to the buildings especially the handicap provision. We try to have a buffer of grass for aesthetics of about twenty-five (25) feet and then the parking area.

Mr. Tolbert questioned how much parking they would be able to provide? Responding to Mr. Tolbert, Mr. Kooker stated that it meets the required City Code. We go over it; however, we do not go over 125% which is required.

Mr. Tolbert further questioned if the handicap parking would be in the same area as the parking? Responding to Mr. Tolbert, Mr. Kooker stated that all of the handicap parking would be ADA compliant. Also responding, Mrs. Townshend stated that there would be handicap parking associated with each building.

Colonel Welsh questioned if Leander Lakes concurs with the two (2) conditions that were given by the Dover Christian Church regarding access to their property and construction of the sewer

system? Responding to Colonel Welsh, Mrs. Rinnier stated that they agree with granting access through their property and any easement that would be needed for it.

Mr. Kooker stated that they concur with these conditions; however, have a little different thought then them. However, in general we agree to grant them access; how and where that goes about, we differ on.

Colonel Welsh further stated with the alternative material choice for sidewalk constructions; his recommendation would be that we not approve the waiver request for alternative material for the sidewalk and that it be a continuous concrete sidewalk from Dover High School across the property line.

Mr. Tolbert moved to approve S-12-18 Leander Lakes Apartments on Forrest Avenue as submitted on the condition that all of the DAC comments of record are adhered to and complied with along with all Staff recommendations. Approval of the waiver request for the elimination of the emergency rear access alley and partial elimination of curbing. The request for the alternative material choice for the sidewalk along Forrest Avenue be denied as concrete should be used as a continuous material, seconded by Mr. Ambruso and the motion was unanimously carried 8-0.

Colonel Welsh stated that the motion should include the two conditions as stated previously.

Mrs. Townshend stated for clarification first, the access to be granted is a Staff recommendation; however, Staff will need to work with DelDOT to determine how best to do that so locking in on one is probably not advisable at this time. The second is consistent with the Public Works comments so you would not necessary need a motion to add these conditions because they are both consistent.

Meeting Adjourned at 8:27 PM

Sincerely,

Diane Metsch
Secretary

C-12-06 Dover First Christian School at 647 Wyoming Avenue – Public Hearing and Continuation of the Review of a Conditional Use Site Plan to allow for the construction of a 4,000 SF school building and associated site improvements. The application also includes a Conditional Use to allow for the temporary use of the existing hall within the church as the school. The property is zoned R-8 (One Family Residence Zone). The property is located on the north side of Wyoming Avenue east of New Burton Road and west of Woodford Drive. The owner of record is Seventh Day Adventist Church. Address: 647 Wyoming Avenue. Tax Parcel: ED-05-76.20-01-78.00-000. Council District 2. *Waiver Requests: Elimination of Sidewalk along New Burton Road, Elimination of Sidewalk along Konschak Avenue, Elimination of Upright Curbing, Reduction in Parking.*

- At the September 17, 2012 meeting the Planning Commission began consideration of Application C-12-06 and held a Public Hearing .The Public Hearing was closed at that time. Then the Planning Commission voted to table the application until the October 15, 2012 meeting of the Planning Commission.

- The Planning Commission referred this application to the Architectural Review Oversight Subcommittee of the Planning Commission.

- The Architectural Review Oversight Subcommittee met on Tuesday, October 9, 2012 at 4:00pm. The recommendation of the Subcommittee was reported at the Planning Commission meeting of October 15, 2012.

- At the October 15, 2012 meeting the Planning Commission during their continued review of the application chose to set a second Public Hearing on the application for the November 19, 2012 meeting.

- The information on the application was provided in the packets for the September 17, 2012 and October 15, 2012 meeting.

- If you have questions or required additional copies of the materials, please contact Planning Staff at 736-7196.

Appointment of the Architectural Review Oversight Subcommittee of Planning Commission

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

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

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

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

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

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

As of the Annual Meeting of the Planning Commission on July16, 2012, the following individuals were appointed to the Architectural Review Oversight Subcommittee of Planning Commission.

- Kathleen Still, Planning Commission member
- **(Francis Nichols)*, Planning Commission member
- Mr. Terry Jackson, Architect with Jackson Architects, Design Professional
- Mr. Jerry Peters, Facilities/Planning with Bayhealth Medical Center, Design Professional
- Mayor or Mayor's designee

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

***With the retirement of Francis Nichols from the Planning Commission in September 2012, there is a vacancy of a Planning Commission member on the Architectural Review Oversight Subcommittee. A new member must be appointed to fill this vacancy.**

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF October 31, 2012

PLANNING COMMISSION MEETING OF November 19, 2012

Plan Title:	Rear Plaza Improvements at 22-24 West Loockerman Street S-12-20
Plan Type:	Site Plan Architectural Review Certification (HI-12-07)
Project Location:	South side of Building adjacent to North Street between South State Street and South Governors Avenue
Property Addresses:	22-24 West Loockerman Street
Tax Parcels:	ED-05-077.09-04-16.00-000
Owner:	Downtown Dover Partnership
Present Zoning:	C-2 (Central Commercial Zone) H (Historic District Zone)
Existing Uses: Proposed Uses:	Vacant Commercial Building with Multiple Tenant Spaces Same with landscaping and paving improvements
Site Area:	13,913 S.F.
Waiver Requested:	Tree Mitigation Plan

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 7, 2012

CITY OF DOVER PLANNING

APPLICATION: Rear Plaza Improvements at 22-24 West Loockerman Street

FILE #: S-12-20 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:

This application is for review of a Site Plan and Architectural Review Certification to allow for the construction of a plaza area off the rear of the existing building adjacent to West North Street. The property is zoned C-2 (Central Commercial Zone) and is subject to H (Historic District Zone). The property is located on the south side of West Loockerman Street west of South State Street. The property owner is the Downtown Dover Partnership. Addresses: 22-24 West Loockerman Street. Tax Parcel: ED-05-077.09-04-16.00-000. Council District 4. *Application HI-12-07 is scheduled for review at the Historic District Commission Meeting on November 15, 2012.*

This project requires Site Plan Review and Architectural Review Certification.

PROJECT PROPOSAL:

The Site Plan proposes improvements to the currently asphalt paved area between the building (addressed as 22-24 West Loockerman Street) and North Street which is its southern property boundary. Improvements are proposed to consist of removal of the asphalt paving and replacement with a system of concrete and brick pavers along with landscape planting areas. Black metal fences are proposed along the west and east property lines. The fence on the west is five feet in height and the fence on the east is proposed at 42 inches (3.5 feet) in height. Another fence segment is proposed to screen the existing electrical equipment. The sidewalk along the North Street frontage of the property is scheduled for improvements (new brick and concrete surfaces) as part of the North Street Area Improvement Project (HI-11-05, C-11-07, S-12-04).

The overall project for the plaza improvement strives to follow the design and planning strategies outlined in the *Dover Transit Center Neighborhood Plan and Design Book.* The *Neighborhood Plan* suggested that this side of the building be enhanced with a more formal entrance and the screening of utilities to improve the aesthetics of the property and its appearance from North Street.

HISTORIC DISTRICT COMMISSION - REVIEW

The project site is located within the H (Historic District Zone). For the Rear Plaza Improvements project, the Historic District Commission will consider the application HI-12-07 on November 15, 2012 regarding an Architectural Review Certificate for the construction of the

plaza area. **The Historic District Commission will forward a recommendation on the Architectural Review Certificate to the Planning Commission.**

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*.

Zoning Review for C-2

For this property, the zoning is C-2 (Central Commercial Zone). Any tenants proposed to occupy the existing building must comply with the uses allowed in the C-2. These rear plaza improvements to the property would be considered a typical site improvement; however, due to the amount of site disturbance this Site Plan review process is required.

PARKING SUMMARY

This project does not involve construction of any buildings, but the parking requirements for the C-2 zoning district are provided for reference. Within the C-2 (Central Commercial Zone), there is not an off-street parking requirement for existing buildings and new buildings are required to provide 0.5 spaces per 300 S.F. of building floor area. This project does not propose construction of any off-street parking spaces but instead relies on public parking opportunities in the Downtown area such as on-street parking and public parking lots. The project is proposing to construct a concrete surfaced area capable of serving as a loading space with access from the property's depressed curb entrance (curb cut) along North Street. This loading space is an area consisting of 12'3" by 60 feet.

Bicycle Parking

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

SITE CONSIDERATIONS

Access to this property is from West North Street which is a City maintained street segment. The curb and sidewalk across the property's frontage will be depressed allowing for vehicular access to the loading space and pedestrian access to the plaza area at the rear of the building. The project does not include the need for upright curbing.

Dumpsters

Design consideration needs to be given for placement of a Dumpster enclosure to serve the existing building. The plan does not show a location for storage of trash and recycling containers.

Sidewalks

The project site has existing paved area along the North Street frontage. This sidewalk area will be improved to consist of brick and concrete paving as part of the North Street Streetscape Improvements. The construction of the sidewalk must comply with the City of Dover Public Works standards. Coordination between this site improvement project and the Streetscape Project will be necessary. The applicant will be required to reconstruct the sidewalk and curb where site improvements/entrance changes are proposed.

Lighting
The plaza 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. Lighting is located along North Street consistent with the existing fixtures used in the Downtown area.

Opaque Barrier Requirement
The *Zoning Ordinance* requires an opaque barrier between a residential use and a non-residential use (Article 5 Section 7.2). The buffering required is a six (6) feet high opaque barrier (fence, wall or berm) and a landscape screening component. This provision applies to the portion on the west side of the property where it adjoins the mixed-use building known as Loockerman Square which includes apartments. Previously, a lattice and wood screening fence was currently located in this area; it was removed following storm damage. With this plaza project, a five (5) foot black ornamental fence and a landscaped area is proposed along this boundary. Given the mixed use nature of properties in the Downtown area, Staff considers the fence and landscaping to comply with the intent of screening between the uses.

TREE PLANTING AND LANDSCAPE PLAN
The submitted plan presents a concept for planting several trees within the landscaped area on the west side of the plaza area. Based on the total property area of 13,913 S.F., a total of five trees are required. The plan appears to show three new trees to meet the requirement; two additional trees are required.

Request for Tree Mitigation
Article 5 §16.91(a) allows the Planning Commission to grant a waiver to allow for tree mitigation of the trees required to be planted to achieve the tree density requirements of the non-woodland areas of the site. The applicant is proposing to do offsite tree mitigation for two trees and has submitted a waiver request for Tree Mitigation noting that the size of the project area and the location of utilities will limit the available planting areas for trees on the site. The applicant has proposed planting the two trees on the nearby Loockerman Way Plaza property which is also owned by the Downtown Dover Partnership. The Planning Commission

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

CITY AND STATE CODE REQUIREMENTS:

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

2) The plan provides limited information on the projects' strategy for stormwater management. This may impact the parking lot and landscaping designs.

3) Indicate any existing or proposed easements related to utilities, etc.

4) West North Street is a City maintained road; therefore, work within the right-of-way is subject to City of Dover Department of Public Services – Public Works Division requirements. This includes construction of the site entrances (curb cuts) and sidewalk areas.

5) Provide location for Dumpster enclosure or method of storage for trash and recycling collection containers. These items should be compatible with the character of the Historic District.

6) Provide construction details for the following but not limited to: sidewalks ensuring accessibility, paving areas, dumpster enclosure ensuring architecture matches the building materials, lighting, fencing, benches, etc.

7) The following information must be provided on the plan as related to Tree Preservation and Planting Plan.
   a) Add two trees to meet the tree planting requirements. A total of five trees are required. A proposal for Tree Mitigation was submitted for review by the Planning Commission.
   b) The plan requirements as listed in *Zoning Ordinance,* Article 5 §16.8.
   c) Ensure that tree planting locations do not conflict with existing or proposed utilities.
   d) The selection of trees should incorporate trees well suited to the site conditions of an urban area.
   e) Clarify the surface treatment for the landscape areas as grass, mulch, etc.

8) The tree planting requirement shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission approving a Tree Mitigation Plan. A written waiver request and Tree Mitigation was submitted for consideration by the Planning Commission.

9) Coordination with the adjacent property owner regarding the installation of the screening fence for the electrical equipment will be necessary. Documentation of their concurrence with the installation and a maintenance agreement must be submitted.

10) The Historic District Commission is to provide a recommendation in regards to the Architectural Review Certificate for this project. They are scheduled to meet on November 15, 2012 to consider the application.

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

1) The Historic District Commission at their meeting of 11/15/2012 will take action to provide a Recommendation regarding the Architectural Review Certification (ARC) for the project including a series of comments. These comments/recommendations may be adopted by reference to the Architectural Review Recommendation Report when taking action on the Architectural Review Certification.

a. Planning Staff as part of the ARC application review process prepared a series of recommendations and review comments in regards to the Architectural Review Certification and compliance with the *Design Standards and Guidelines*.

2) Recommendations on Waiver Request for Consideration of Tree Mitigation Plan: Staff recommends approval of the Tree Mitigation Plan thus allowing for a portion of the required tree plantings to be planted at an off-site location in the Downtown area also owned by the same property owner. Staff notes the limitations of the subject site due to the existing utility infrastructure.

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

4) Staff recommends the following changes to the designed layout:
   a. For the west fence, the height of five feet must be limited to the area north of the front building façade of the Loockerman Square Building. This will help screen the service area of this adjacent building.
   b. For the west fence, the remaining length of fence from the building façade of the Loockerman Square Building continuing toward the street should be eliminated.
   c. Additional detail information is necessary to evaluate the design and placement of the east fence and utility screening fence.
   d. As the fencing approaches the North Street frontage, it must be evaluated for any visibility and sight distance compliance issues and connections with adjoining fences.

ADVISORY COMMENTS TO THE APPLICANT:

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

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

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

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

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

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: OCTOBER 31, 2012

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Rear Plaza Improvements ~ 22-24 W. Loockerman Street**

FILE #: **S-12-20**

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.
2. Prior to construction, owner is responsible for granting an easement to the City of Dover Electric Department. Easement forms will be furnished and prepared by the City of Dover Electric Engineering Department.
3. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.

WATER / WASTEWATER / GROUNDS / SANITATION

1. None

STORMWATER

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

STREETS

1. Provide details for the proposed sidewalk and curbing for this project. Only approved materials are allowed within the City of Dover right-of-way, specifically, approved brick and concrete. Remove the colored concrete portion that lies within the right-of-way.

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. Owner is responsible to meet the Electric Service Handbook.

WATER / WASTEWATER

1. Owner is responsible to meet the requirements of the Water/Wastewater Handbook.

STORMWATER

1. Add grade elevations and flow directions to the plan to prove that positive drainage exists for the property.

STREETS / SANITATION / GROUNDS / GENERAL

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. The Current design does not meet the 10' clearance in front of the equipment. (Low shrubs) The fence must be totally removable or hinged to open for personnel access and allow air to travel through to cool the equipment.

WATER / WASTEWATER / STORMWATER / STREETS / GROUNDS

1. None.

SANITATION

1. The City of Dover will not offer trash service to this proposed project, the owner/developer shall be responsible for private trash service.

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: October 31, 2012

CITY OF DOVER FIRE MARSHAL

APPLICATION: Rear Plaza at 22-24 West Loockerman Street

FILE #: S-12-20 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:

No Comments.

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.

Any proposed building will be reviewed under an Occupancy type.

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: October 31, 2012

D E L D O T

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APPLICATION: Rear Plaza Improvement at 22-24 West Loockerman Street
FILE#: S-12-20 REVIEWING AGENCY: DelDOT

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

==========

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

- ADA compliant curb ramps and sidewalks should be installed along the site frontage.

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
OCTOBER 2012

APPLICATION: *Rear Plaza Improvements 22-24 West Loockerman Street*

FILE #: S-12-20

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 requirements.***

BECKER MORGAN GROUP

ARCHITECTURE
ENGINEERING

PLANNING OUR
CLIENT'S SUCCESS

November 9, 2012

Planning Commission Members
City of Dover
15 Loockerman Plaza.
Dover, DE 19901

RE: **TREE MITIGATION REQUEST – 22-24 WEST LOOCKERMAN**
Application S-12-20
Dover, Delaware
2011104.04

Dear Commission Members:

In accordance with the city of Dover's Zoning Ordinance article 5 sec. 16.62, which states *"On each property for which a tree preservation and planting plan is required by this section, existing trees may be retained and new trees shall be planted such that the lot shall attain or exceed a tree density of one tree per 3,000 square feet of lot area or fraction thereof. Trees needed to meet buffer requirements shall not be counted towards tree density. Trees required to be planted in parking areas as specified by the planning commission shall not be counted towards tree density."* Application S-12-20 which consists of the rehabilitation of the rear pavement area of the building located at 22-24 West Loockerman Street requires a total of five (5) trees to be planted within the 2500 square foot site area of disturbance. We have proposed a total of three (3) trees to be planted on site and are requesting a tree mitigation waiver be granted for the two (2) additional trees not included as part of our application.

Pursuant to of the city of Dover zoning ordinance Article 5 sec. 16.91, a waiver may be sought from the provisions of sec 16.62 and tree mitigation can be considered. We are requesting this waiver due to the site limitation of both space and existing utility locations below the ground on the subject parcel. The City's electric department requires a ten foot separation between its utilities and any tree plantings. Given the limitations of the site regarding the width of the property in question, planting the additional trees may be problematic given the relative location of the City's infrastructure. We are requesting that the two additional trees be planted in the Loockerman Way project area directly west of the building. This property is currently owned and operated by the applicant and they have agreed to the additional plantings.

Thank you for your consideration on this matter. Please feel free to call our office with any questions regarding this matter.

Sincerely,

BECKER MORGAN GROUP, INC.

Jonathan N. H. Street
Civil Designer

jns/

Cc: William Neaton, DDP

201110400-bz-PC-tree mitigation.doc

BECKER MORGAN GROUP, INC.

ARCHITECTURE & ENGINEERING

309 SOUTH GOVERNORS AVENUE
DOVER, DE 19904
302.734.7950
FAX 302.734.7965

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312 WEST MAIN STREET
SALISBURY, MD 21801
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SUITE 211
3205 RANDALL PARKWAY
WILMINGTON, NC 28403
910.341.7600
FAX 910.341.7506

www.beckermorgan.com

City of Dover

DATA SHEET FOR MINOR SUBDIVISION PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF November 7, 2012

PLANNING COMMISSION MEETING OF November 19, 2012

Plan Title:	Lands of First National Bank of Wyoming at 219-229 Beiser Boulevard SB-12-02
Plan Type:	Minor Subdivision Plan
Property Location:	West side of Beiser Boulevard in the Enterprise Business Park
Tax Parcel Numbers:	ED-05-076.15-01-03.08-000
Owner:	First National Bank of Wyoming
Site Area:	167,247 S.F. +/-
Parcels to be created:	Lot 2A: 60,525 S.F. +/- Lot 3: 106,722 S.F. +/-
Proposed Sewer & Water:	Water: City of Dover Sewer: City of Dover
Zoning Classification:	IPM (Industrial Park Manufacturing Zone)
Waivers Requested:	None
Waiver to Be Requested:	None

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 7, 2012

CITY OF DOVER PLANNING

APPLICATION: Lands of First National Bank of Wyoming at 219-229 Beiser Boulevard

FILE #: SB-12-02 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY

This Minor Subdivision Plan proposes to create two (2) parcels of land (Lot 2A and Lot 3) from the existing parcel of land located in the Enterprise Business Park. The land is current shown as one property/parcel. This request will re-subdivide the land into two parcels consisting of 60,525 S.F. and 106,722 S.F. The subject parcel of land is zoned IPM (Industrial Park Manufacturing Zone) and is located on the west side of Beiser Boulevard. The owner of record is the First National Bank of Wyoming. Property Address: 219-229 Beiser Boulevard. Tax Parcel: ED-05-076.15-01-03.08-000.

This subdivision of land and any future development on the parcels are subject to the requirements found in the City of Dover *Zoning Ordinance*, Article 3 §20 and referenced sections outlined in the permitted uses for the IPM (Industrial Park Manufacturing Zone).

The following table highlights some of the design standard requirements for the IPM zone (Planned Industrial Park Option). NOTE: This chart is not an all-inclusive listing of the code requirements, but is provided as information on development requirements.

MINIMUM REQUIRED:	IPM Industrial Park Manufacturing
Lot Area	60,000 S.F. minimum
Lot Configuration - width/depth (ft.)	150 ft./250 ft.
Front yard setback (ft.)	60 ft.
Side yard setback (ft.)	40 ft.
Rear yard setback (ft.)	40 ft.
Side or rear yards which adjoins a residential zone (ft.)	100 ft.
Off-street parking spaces: Per 800 sq. ft. of floor area Per employee, per largest working shift (if greater than the requirement under the floor area calculation)	 1 1 1/2

Maximum Permitted: Building Height: Stories Feet	 2 stories 35 feet
Floor Area Ratio	0.5
Lot Coverage	65%

Previous Applications:
In November of 2005, the Planning Commission reviewed Application SB-05-08, a Minor Subdivision Plan for the subdivision of 27.13 acres of land into two parcels, Lot 1 and Lot 2 on the northwest side of Beiser Boulevard in the Enterprise Business Park. The Planning Commission granted conditional plan approval on November 15, 2005 with final plan approval granted on August 16, 2006. A revised Final Plan approval was received on May 22, 2007 that corrects a labeling and listing error for the total lot areas of the two lots created and recorded.

In May of 2007, the Planning Commission reviewed Application S-07-23 Office Buildings at Enterprise Business Park to permit the construction of two 19,304 S. F. two story office buildings (a total of 38,608 S. F.) as well as associated improvements on Lot 2 in the Enterprise Business Park. The Planning Commission granted conditional plan approval on May 21, 2007 with Final Plan approval on October 3, 3007. The two buildings have not been constructed and the Final Site Plan approval has expired.

Site Considerations
For the Minor Subdivision Plan, the proposed parcels must be in compliance with the lot requirements of the *Zoning Ordinance*. The proposed lots appear to meet the setback and lot dimension requirements of parcels within the IPM (Industrial Park Manufacturing Zone) Zoning District. Planning Staff has determined that this property is not subject to the COZ-1 (Corridor Overlay Zone) as it does not have frontage on a corridor street.

The existing parcel will be subdivided into two parcels. The existing land identified as Lot 2 will be divided into Lot 2A and Lot 3 in keeping with the previous lot numbering of the Enterprise Business Park. This section in the area of Enterprise Business Park consists of commercial and administrative offices.

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

2) The correct Tax Parcel identification number for Lot 2 needs to be updated on the Plan.

3) Sewer service needs to be included in the site data column prior to Final Approval of the Plan.

4) Three (3) abandoned signs (relating to contractor and office building project) on the site need to be removed per Article 5 § 4.11 of the *Zoning Ordinance.* The real estate sign advertising the sale of the property may remain.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

None

ADVISORY COMMENTS TO THE APPLICANT:

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

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

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: OCTOBER 31, 2012

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Lands of First National Bank of Wyoming, 219 Beiser Blvd.**

FILE #: **SB-12-02**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. The Electric Department has no objection to Minor subdivision.

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

GENERAL

1. Add the following note to the plans, "A seven and one half feet (7.5') wide easement is retained along all side and rear lot lines, to be unoccupied by building, for utilities, drainage and sanitary sewer purposes. Except where lots are divided for any reason whatsoever, said easements shall fall along the actual side and rear lot lines as conveyed. A fifteen feet (15') wide utility easement is retained along all rear lines of lots abutting the project boundary and other open spaces." A ten feet (10') wide utility easement is required along all front yard lot lines for utility installation. When a water, sewer, or storm sewer main is not located in the right of way, it shall be located within five feet (5') of the center of a twenty feet (20') wide utility easement.
2. Per the Water/Wastewater Handbook, no structure shall be placed within a public utility easement.
3. The final record 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 / WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS / GENERAL

1. None

ADVISORY COMMENTS TO THE APPLICANT

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

1. None

GENERAL

1. Record Plan 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: October 31, 2012

DELDOT

APPLICATION: Lands of First National Bank of Wyoming at 219 Beiser Blvd.
FILE#: SB-12-02 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
OCTOBER 2012

APPLICATION: *First National Bank of Wyoming*

FILE #: SB-12-02

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 the subdivision of the above referenced site.*

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

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

City of Dover

DATA SHEET FOR UNIFIED COMPREHENSIVE SIGNAGE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF November 7, 2012

PLANNING COMMISSION MEETING OF November 19, 2012

Plan Title:	Dover Mall Sign Plan US-12-01
Plan Type:	Unified Comprehensive Signage Plan
Property Location:	East side of North DuPont Highway south of Rustic Lane
Property Address:	1365 North DuPont Highway
Tax Parcels:	ED-05-057.00-01-14.00-000 ED-05-057.00-01-13.01-000 ED-05-057.00-01-13.02-000 ED-05-057.00-01-13.03-000 ED-05-057.00-01-14.03-000
Owner:	Dover Mall, LLC
Existing Signs:	One (1) pylon sign and multiple wall signs per tenant
Proposed Signs:	Number: one (1) pylon signs and 43 wall signs and directional signs
Zoning Classification:	SC-3 (Regional Shopping Center Zone) SWPOZ (Source Water Protection Overlay Zone) Tier 3 - Excellent Recharge Area
Roadway Classification:	North DuPont Highway – Urban Principal Arterial

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 7, 2012

CITY OF DOVER PLANNING

APPLICATION: Dover Mall Unified Comprehensive Signage Plan

FILE #: US-12-01 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:
This is an application to the Planning Commission for a Unified Comprehensive Signage Plan Approval. The Plan proposes the construction and implementation of signage for the Mall consisting of a pylon sign, wall signs for the anchor tenants, and directional signage. The property is zoned C-4 (Highway Commercial Zone). The property is located on the east side of North DuPont Highway, north of Rustic Lane. The owner of the property is Dover Mall, LLC. Address: 1365 North DuPont Highway. Tax Parcels: ED-05-057.00-01-14.00-000, ED-05-057.00-01-13.01-000, ED-05-057.00-01-13.02-000, ED-05-057.00-01-13.03-000, and ED-05-057.00-01-14.03-000.

The project area qualifies for the Unified Comprehensive Signage Plan because it is a shopping center and the site has over 400 linear feet of urban principal arterial road frontage (Article 5 §4.8A3). The property has frontage on North DuPont Highway (US Route 13) which is an urban principal arterial.

SIGNAGE REGULATIONS
The site is located on the urban principal arterial known as North DuPont Highway. The *Zoning Ordinance* permits a site on an urban principal arterial road four (4) signs: one pylon sign, one monument sign and two wall signs. The following table illustrates the size and types of signs permitted under the *Zoning Ordinance*:

Use		Road Type	Sign Type	# Permitted	Max Size	Max Height	% of Total Wall Area	Setback (R.O.W.)	Exclusion Zone
Non-Residential uses in non-Residential districts	Non Residential Uses	Urban Principal Arterial	Wall &	2/frontage	No max	N/A	Less than 15 %	N/A	N/A
			Monument or post and panel OR	1/entrance	100 SF	10 ft.	N/A	10 ft.	20 ft.
			Pylon Sign or	1/frontage	100 SF	30 ft.	N/A	15 ft.	50 ft.
			Pylon Sign	1/frontage	150 SF	30 ft.	N/A	31 ft.	50 ft.

The table above presents the traditional sign regulations for the property based on its road frontage. However, the applicant has requested consideration of a Unified Comprehensive

Signage Plan for the property. Under the provisions for Comprehensive Signage Plans for unified campuses and complexes found in Article 5 §4.8 of the Sign Regulations, an applicant may request the Planning Commission to grant additional signage and sign area than would be permitted under the traditional sign regulations.

However, in considering a Unified Comprehensive Signage Plan, "the number type and size of sign proposed may not be excessive and must be in proportion to the scale of the building and the uses on the site." For the Unified Comprehensive Signage Plans, there shall be architectural harmony and unity of signs within a unified campus or complex. Sign type, color scheme, size, and illumination within the site shall be coordinated and shall be compatible with the architecture of the center and the surrounding area. All Comprehensive Signage Plans must comply with the design guidelines found in Article 5 §4.4. The design requirements focus on freestanding signs, the material and craftsmanship of signs, wall sign placement, illumination, and changeable signs.

DESIGN GUIDELINES FOR UNIFED COMPREHENSIVE SIGNAGE PLANS

In reviewing the overall sign package, each of the sign locations must be reviewed individually and as a whole. The Planning Commission must take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents, business and property owners of the immediate neighborhood in particular and shall ensure that the site has adequate, but not excessive signage.

The Sign Ordinance specifically spells out the guidelines for the Planning Commission to use to approve or disapprove a Unified Comprehensive Signage Plan (*Zoning Ordinance* Article 5 § 4.8 B and C). The pertinent design guidelines and objectives are as follows:

> B. *Design guidelines for unified comprehensive signage plans.*
>
> > 1. Unified campuses and complexes applying for a unified comprehensive signage plan may not be held to the height, size, number and area regulations for signs found in other subsections of this section. However, the number, type and size of signs proposed may not be excessive, and must be in proportion to the scale of the buildings and the uses on the site.
> >
> > 2. All unified comprehensive signage plans must comply with all design guidelines found in subsection 4.4—Design requirements of this section, as well as all specific design guidelines found in this section.
> >
> > 3. Building signs shall be in harmony with the overall architectural concept for the site, and be compatible with each other and the building facades.
> >
> > 4. The freestanding signs identifying shopping centers and other unified campuses and complexes shall identify the name of the campus or complex and no more than three separate tenants within the campus or complex unless otherwise approved by the planning commission.
> >
> > 5. There shall be architectural harmony and unity of signs within a unified campus or complex. Sign type, color scheme, size, and illumination within the site shall be coordinated and shall be compatible with the architecture of the center and the surrounding area.
>
> C. *Planning commission duties.* In reviewing and approving comprehensive signage plans, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents, businesses, and property

owners of the immediate neighborhood in particular, and shall ensure that unified campuses and complexes have adequate, but not excessive, signage. Specifically, the following objectives shall guide the commission when reviewing such plans:

1. That the size and complexity of the campus or complex warrants the need for extra signage under the provisions of this section;

2. That, in respect to the number and type of entrances, the placement of signage at or near those entrances provides superior visibility in order to ensure the safety of the driving public;

3. That the proposed signs are adequate in number to safely direct the public to the use or uses on the site;

4. The proposed signs must not have an adverse impact on the visibility of adjacent signs, and shall be consistent with, or an improvement over, the prevailing type and style of signage in the general area;

5. That the proposed signs will be of a style and color which will complement the architecture of the site, and the area in general.

SUMMARY OF PROPOSED SIGNS

For the Dover Mall site, the proposed Comprehensive Signage Plan focuses on freestanding signage on the site and the signage to be applied as wall signage on the existing building which identifies the major tenants. The applicant is requesting one freestanding (pylon) sign of the shopping center and a minimum of one wall sign for each tenant accessed by an exterior entrance with the major tenants having multiple signs. There are a total of 43 proposed wall signs and directional signs. The total sign area proposed is 3,634.7 SF. See submitted Signage Plan for detailed information.

SUMMARY OF SIGNAGE AND RECOMMENDATIONS

The following summary and recommendations is presented in the same order as the Signage Plan document.

BOSCOV'S SIGNAGE

Boscov's has a total of eight (8) signs for a total sign area of 768 SF. There are five (5) wall signs (B-1, B-2, B-3, B-4 and B-7), one (1) projecting sign (B-8) and two (2) directional signs (B-5 and B-6).

Staff Recommendation for Boscov's signs

Staff recommends approval of the existing eight (8) signs for Boscov's. The number of signs and sign type are in keeping with the size of the building area for this anchor tenant and the services provided i.e. customer pick-up, garden center, etc.

CINEMA SIGNAGE

The Cinema has two (2) wall signs for a total sign area of 216 SF. These two signs (C-1 and C-2) each consists two sets of four posters (group of eight posters as each sign). One sign is located on the north elevation wall and one sign is located on the south elevation wall of the cinema.

Staff Recommendation for Cinema signs

Staff recommends approval for the existing two (2) wall signs. The number of signs and size are in keeping with the size of this tenant and the type of use. The presentation of movie posters is a typical sign feature on exteriors of movie theaters.

DIRECTIONAL SIGNAGE

The Dover Mall has eleven (11) directional signs for a total sign area of 136 SF. The directional signs (D-1 – D-11) are located throughout the shopping complex at key intersections of the circulation network or identify the truck court (loading areas).

Staff Recommendation for Directional signs

Staff recommends approval of the existing eleven (11) directional signs. The number of signs is in keeping with the size of the shopping complex providing information at key decision making points.

JCPENNEY SIGNAGE

JCPenney's has four (4) existing wall signs (J-1 – J-4) for a total of 494 SF. They are looking for the potential to add one (1) additional wall sign (J-5) with a sign area of 87 SF; there are two potential locations for sign J-5. The total number of signs proposed would be five (5) signs for a total sign area of 581 SF.

Staff Recommendation for JCPENNEY signs

Staff recommends approval of the existing four (4) wall signs. The number of signs is in keeping with the size of the building area for this anchor tenant and given its multiple exterior entrances.

Staff recommends approval of the proposed 87 SF wall sign (J-5). One of the potential locations of the future sign (J-5) is next to the Old Navy sign. The other potential location of the sign would be over a potential new mall entrance south of Dick's Sporting Goods.

MALL ENTRANCE SIGNAGE

For the main entrances to the mall building, the Dover Mall has three (3) existing signs and is proposing one (1) new sign for a total sign area of 144 SF. The mall signs (ME-1 – ME-4) are located at the Mall's building entrances and are identified by "Dover Mall" rather than a specific tenant name.

Staff Recommendation for Mall Entrance signs

Staff recommends approval of the existing three (3) mall entrance signs and the one (1) proposed mall sign. The number of signs is in keeping with the size of the shopping center and assists in identifying the name of the facility to the main entrance points to the building where the interior tenant spaces are located.

DICK'S SPORTING GOODS SIGNAGE

Dick's Sporting Goods is proposed to have two (2) wall signs (DSG-1 and DSG-2) for a total sign area of 272 SF. The wall signs will be located on the front (west) elevation and side (south) elevation of the proposed building. Dick's is the proposed anchor tenant for the Building

Addition to the Dover Mall as reviewed and conditionally approved with Site Plan Application S-12-16.

Staff Recommendation for Dick's Sporting Goods signs
Staff recommends approval of the proposed two (2) wall signs. The number and type of signs is in keeping with the size of the building area for this anchor tenant.

SEARS SIGNAGE
Sears has eight (8) wall signs for a total sign area of 544 SF. The wall signs (S-1 – S-8) are located around the Sears building.

Staff Recommendation for Sears signs
Staff recommends approval of the existing eight (8) wall signs. The number of signs is in keeping with the size of the building area for this anchor tenant and its services (i.e. Auto Center) with multiple entrance locations.

MACY'S SIGNAGE
Macy's has six (6) wall signs for a total sign area of 485 SF. The wall signs (M-1 – M-6) are located over the entrances to the building. The smaller signs M-4, M-5, and M-6 are located on the lower overhanging canopy at the three entrances. There is one (1) proposed new 72 SF wall sign (M-7). This sign if installed would be located on the back of the mall next to the food court entrance. The total sign area for Macy's is 557 SF.

Staff Recommendation for Macy's signs
Staff recommends approval of the existing six (6) wall signs (M-1 – M-6) and the one (1) proposed wall sign (M-7). The number of signs is in keeping with the size of the building area for this anchor tenant.

OLD NAVY SIGNAGE
Old Navy has one (1) was sign at 62 SF. The wall signs (O-1) is located on the wall where the Old Navy Store is located. Old Navy is the only retail store without an exterior entrance to the mall which currently has signage mounted on an exterior wall.

Staff Recommendation for Old Navy signs
Staff recommends approval of the existing wall sign (O-1). The sign is in keeping with the size of the shopping center and the tenant is one of the larger interior tenants in the facility.

FREESTANDING SIGNAGE - PYLON SIGNAGE
The Dover Mall is proposing a 358 SF pylon sign. The proposal identifies two alternative locations for the new pylon sign: Location #1 – at the south entrance in proximity to where the Dover Commons pylon sign exists and Location #2 – north of the northern entrance to the property. The Dover Mall has an existing 286 SF pylon sign currently centrally located along the property's North DuPont Highway frontage; this placement is in the open space area between the south and north entrances to the property. The overall height of the existing pylon sign is 44'6"

and the proposed pylon sign remains at the height of 44'6". The new pylon sign will identity the name of the main tenants (6 anchor tenants) within the mall and the name of the mall itself.

	Existing Pylon Sign	Proposed South Pylon Sign	Pylon* Permitted Per Code	**Difference Between Proposed and Code**
Sign Area	286 SF	358 SF	150 SF	**208 SF larger than Code (72 SF larger than existing sign)**
Height	44'6"	44'6"	30 feet	**14'6" taller than Code (Same size as existing sign)**
Setback from Right-of-way	~30 feet	~30 feet	31 feet	**May comply with setback. Need to clarify.**

*One pylon permitted per frontage.

Staff Recommendation for Pylon sign

Staff recommends approval of the new pylon sign as proposed with it remaining at the existing centralized location between the two entrances to the Dover Mall property. This is a visible location for signage when traveling from the north or south. The sign area and height are in keeping with the overall size of the mall facility and its use as a Regional Shopping Center/ Shopping Mall complex. The height will remain at 44'6" as the existing pylon sign will be modified/re-clad to create the new pylon sign.

Staff does not recommend the relocation of the pylon sign or the placement of additional pylon signs at the Alternative Locations #1 and #2 as these locations may result in conflicts with other signage or future transportation improvements.

FUTURE TENANT SIGNAGE

The mall is proposing to allow any future tenant with an exterior entrance one (1) wall sign with a maximum sign area of 75 SF.

Staff Recommendation for Future Tenant signs

Staff recommends approval of the future tenant wall signs. The number and size of sign are in keeping with the potential implementation of tenant spaces with exterior entrances.

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) Remove the Phase 1 and Phase 2 entrance designs from the plan sheet. The entrances have

not been approved by DelDOT. Also any approval of this Comprehensive Signage Plan does not indicate approval of these entrance/exit drive designs.

2) Staff notes that the roadway network and lots identified on the plan and that are located behind the Dover Mall are associated with the NASCAR race week camper parking.

3) Clarify how the freestanding pylon sign will be illuminated.

4) Revise the overall sign area to include the new Macy's sign (M-7).

5) Provide the length of the wall signs for JCPenney on Sheet 7.

6) Revise the total square footage for the directional signs to 176 SF on Sheets 2, 5 and 9.

7) Revise the total square footage for the directional signs from 60 SF to 100 SF on Sheet 6.

8) Provide the length of the mall entrance signs on Sheet 9.

9) Provide dimensions of Sign S-5 on Sheet 13.

10) Provide dimensions of the signs on Sheet 15.

11) Provide a square footage total of all existing and proposed signs (with the exception of future tenants) on Sheet 2.

12) Revise the total square footage of the existing signs on Sheet 2. The existing total square footage is 3,675 SF.

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

1) Refer to Staff recommendations for the freestanding (pylon) signs and the wall signs found within the text of this Report.

2) Staff recommends providing landscaping around the base of the freestanding (pylon) signs. Plantings such as small ornamental trees, low-growing shrubs, ground covers, and flowering plants should be implemented in the area surrounding the pylon sign. This will help incorporate the sign into the site landscape and improve the aesthetics of the signage and a welcoming entrance feature to the facility. Plantings will also help to minimize the impact of the sign height in this very open area without conflicting with the visibility of the sign.

3) Staff recommends against relocating the pylon sign to the proposed alternative locations. Alternative Location #1 would conflict with the Dover Commons pylon sign and could impact traffic entering the mall. Alternative Location #2 could conflict with any proposed realignment of the north entrance to the mall.

4) Staff recommends approval of the pylon sign identifying more than three tenants.

ADVISORY COMMENTS TO THE APPLICANT:

1) In the event, that major changes and revisions to the Signage Plan occur in the finalization of the plan contact the Department of Planning and Inspections. Examples include reorientation of signage, relocation of signs, changes in sign area, 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) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.

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

4) This plan does not limit any future change to an electronic message center. If in the future an electronic message center is requested, then it shall comply with the Sign Regulations.

5) Staff requires a final submittal of the Unified Comprehensive Signage Plan, including any revisions and conditions of Planning Commission approval, to be reviewed administratively before applications for Sign Permits will be accepted.

6) The applicant shall be aware that Unified Comprehensive Signage Plan approval does not represent a Sign Permit. 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) Signs should be placed in a manner that meets NESC requirements.

8) Be advised that the City of Dover, Public Works Department does not permit signs to be installed within ten (10) feet of existing or proposed water lines.

9) Be advised that the City of Dover, Public Works Department does not permit signs to be installed within ten (10) feet of existing or proposed sanitary sewer lines.

10) Be advised that any new or revised signs to be placed on a property with an approved comprehensive sign plan need not go back to the Planning Commission for re-approval if the sign area is not increased more than 15% and proposed signs comply with the approved plan.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: OCTOBER 31, 2012

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **DOVER MALL, 1365 N. DUPONT HWY: COMPREHENSIVE SIGNAGE PLAN**

FILE #: **US-12-01**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Signs should be placed in a manner that meets NESC requirements.

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. No structures, including permanent signage, may be located within ten feet (10') of utility infrastructure.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

ADVISORY COMMENTS TO THE APPLICANT

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / 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: October 31, 2012

D E L D O T

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APPLICATION: Dover Mall at 1365 North Dupont Highway: Comprehensive Signage Plans

FILE#: US-12-01 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:

No signs can be installed within the right-of-way without the proper permits. Also, the alternate locations for the pylon signs along US Route 13 should encompass and/or consider the north Dover Mall entrance re-alignment according to the 2007 US Route 13 Circulation Study.

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
OCTOBER 2012

APPLICATION: *Dover Mall Signage Plan*

FILE #: US-12-01

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 the signage 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.

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

City of Dover

DATA SHEET FOR UNIFIED COMPREHENSIVE SIGNAGE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF November 7, 2012

PLANNING COMMISSION MEETING OF November 19, 2012

Plan Title:	Redevelopment of Former Wal-Mart Site US-12-02
Plan Type:	Unified Comprehensive Signage Plan
Property Location:	West side of North DuPont Highway, north of Rustic Lane
Property Address:	1274 North DuPont Highway
Tax Parcel:	ED-05-057.00-01-05.01-000
Owner:	Onix Dover, LLC
Project Professionals:	Larson Engineering Group Inc. and First State Signs
Existing Signs:	One (1) pylon sign and one wall sign per tenant
Proposed Signs:	Number: 2 (two) pylon signs and 4 (four) wall signs for one tenant and 3 (three) wall signs for the other tenant
Zoning Classification:	C-4 (Highway Commercial Zone)
Roadway Classification:	DuPont Highway – Urban Principal Arterial Crawford Carroll Avenue – Urban Local Collector

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 7, 2012

City of Dover Planning

APPLICATION: Redevelopment of Former Wal-Mart Site Unified Comprehensive Signage Plan

FILE #: US-12-02 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:

This is an application to the Planning Commission for a Unified Comprehensive Signage Plan Approval. The Plan proposes the placement of two (2) pylon signs for the commercial building, with four (4) wall signs for one tenant and three (3) wall signs for other tenant. The property is zoned C-4 (Highway Commercial Zone). The property is located on the west side of North DuPont Highway, north of Rustic Lane. The owner of the property is Onix Dover, LLC. Address: 1574 North DuPont Highway. Tax Parcel: ED-05-057.00-01-05.01-000.

The site consists of one building. The project area qualifies for the Unified Comprehensive Signage Plan because the site has over 400 linear feet of urban principal arterial road frontage (Article 5 §4.8 A3). The property has frontage on North DuPont Highway (US Route 13) which is an urban principal arterial.

SIGNAGE REGULATIONS

The subject site is located on both an urban principal arterial (North DuPont Highway) and an urban local collector (Crawford Carroll Avenue). KW Boulevard is a private access drive and is not a public street right-of-way. The *Zoning Ordinance* permits a site on an urban principal arterial road four (4) signs: one pylon sign, one monument sign and two wall signs. The *Zoning Ordinance* permits a site on an urban local collector two (2) signs: choice of one monument, post & panel or post sign and one wall sign. The following tables illustrate the size and types of signs permitted under the *Zoning Ordinance* for each road type:

Use		Road Type	Sign Type	# Permitted	Max Size	Max Height	% of Total Wall Area	Setback (R.O.W.)	Exclusion Zone
Non-Residential uses in non-Residential districts	Non Residential Uses	Urban Principal Arterial	Wall &	2/frontage	No max	N/A	Less than 15 %	N/A	N/A
			Monument or post and panel OR	1/entrance	100 SF	10 ft.	N/A	10 ft.	20 ft.
			Pylon Sign or	1/frontage	100 SF	30 ft.	N/A	15 ft.	50 ft.
			Pylon Sign	1/frontage	150 SF	30 ft.	N/A	31 ft.	50 ft.

Use		Road Type	Sign Type	# Permitted	Max Size	Max Height	% of Total Wall Area	Setback (R.O.W.)	Exclusion Zone
Non-Residential uses in non-Residential districts	Non Residential Uses	Urban Local Collector	Wall &	2/frontage	32 SF	N/A	Less than 15 %	N/A	N/A
			Monument or post and panel OR	1/entrance	32 SF	7 ft.	N/A	5 ft.	20 ft.
			Post**	1/frontage	16 SF	7 ft.	N/A	5 ft.	10 ft.

The tables above present the traditional sign regulations for the property based on its road frontage. However, the applicant has requested consideration of a Unified Comprehensive Signage Plan for the property. Under the provisions for Comprehensive Signage Plans for unified campuses and complexes found in Article 5 §4.8 of the Sign Regulations, an applicant may request the Planning Commission to grant additional signage and sign area than would be permitted under the traditional sign regulations.

However, in considering a Unified Comprehensive Signage Plan, "the number type and size of sign proposed may not be excessive and must be in proportion to the scale of the building and the uses on the site." For the Unified Comprehensive Signage Plans, there shall be architectural harmony and unity of signs within a unified campus or complex. Sign type, color scheme, size, and illumination within the site shall be coordinated and shall be compatible with the architecture of the center and the surrounding area. All Comprehensive Signage Plans must comply with the design guidelines found in Article 5 §4.4. The design requirements focus on freestanding signs, the material and craftsmanship of signs, wall sign placement, illumination, and changeable signs.

DESIGN GUIDELINES FOR UNIFIED COMPREHENSIVE SIGNAGE PLANS

In reviewing the overall sign package, each of the sign locations must be reviewed individually and as a whole. The Planning Commission must take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents, business and property owners of the immediate neighborhood in particular and shall ensure that the site has adequate, but not excessive signage.

The Sign Ordinance specifically spells out the guidelines for the Planning Commission to use to approve or disapprove a Unified Comprehensive Signage Plan (*Zoning Ordinance* Article 5 § 4.8 B and C). The pertinent design guidelines and objectives are as follows:

B. *Design guidelines for unified comprehensive signage plans.*

1. Unified campuses and complexes applying for a unified comprehensive signage plan may not be held to the height, size, number and area regulations for signs found in other subsections of this section. However, the number, type and size of signs proposed may not be excessive, and must be in proportion to the scale of the buildings and the uses on the site.

2. All unified comprehensive signage plans must comply with all design guidelines found in subsection 4.4 - Design requirements of this section, as well as all specific design guidelines found in this section.

3. Building signs shall be in harmony with the overall architectural concept for the site, and be compatible with each other and the building facades.

4. The freestanding signs identifying shopping centers and other unified campuses and complexes shall identify the name of the campus or complex and no more than three separate tenants within the campus or complex unless otherwise approved by the planning commission.

5. There shall be architectural harmony and unity of signs within a unified campus or complex. Sign type, color scheme, size, and illumination within the site shall be coordinated and shall be compatible with the architecture of the center and the surrounding area.

C. *Planning commission duties.* In reviewing and approving comprehensive signage plans, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents, businesses, and property owners of the immediate neighborhood in particular, and shall ensure that unified campuses and complexes have adequate, but not excessive, signage. Specifically, the following objectives shall guide the commission when reviewing such plans:

1. That the size and complexity of the campus or complex warrants the need for extra signage under the provisions of this section;

2. That, in respect to the number and type of entrances, the placement of signage at or near those entrances provides superior visibility in order to ensure the safety of the driving public;

3. That the proposed signs are adequate in number to safely direct the public to the use or uses on the site;

4. The proposed signs must not have an adverse impact on the visibility of adjacent signs, and shall be consistent with, or an improvement over, the prevailing type and style of signage in the general area;

5. That the proposed signs will be of a style and color which will complement the architecture of the site, and the area in general.

SUMMARY OF PROPOSED SIGNS

For the redevelopment of the former Wal-Mart Site, the proposed Comprehensive Signage Plan focuses on freestanding signage on the site and the signage to be applied as wall signage on the existing building (to be divided and renovated into two or more tenant spaces). The applicant is requesting two (2) freestanding (pylon) signs for the property and four (4) wall signs for one tenant (Burlington Coat Factory) and three (3) wall signs for the second tenant. In this presentation, there are only two (2) tenants proposed for the existing building. The wall signs will be channel letters. The wall signs will occupy less than 15% of the total wall area of the tenant spaces. See submitted Signage Plan for detailed information dated 11-9-12.

SUMMARY OF SIGNAGE AND RECOMMENDATIONS

FREESTANDING SIGNAGE

The applicant is requesting two (2) freestanding signs. The proposed freestanding signs are pylon signs. The traditional sign regulations only allow one pylon sign per frontage.

South Pylon Sign

The first proposed pylon sign (south sign) is 440 SF in size and will be located 38 feet back from the right-of-way. The sign will be 31 feet tall. This pylon sign will be in the same location as (and will replace) the existing pylon sign on the property. The existing pylon sign is 270 SF in size. This sign is a new sign that will replace the existing pylon sign including the structure.

	Existing Pylon Sign	Proposed South Pylon Sign	Pylon* Permitted Per Code	**Difference Between Proposed and Code**
Sign Area	270 SF	440 SF	150 SF	**290 SF larger than Code (170 SF larger than existing sign)**
Height	33 feet	31 feet	30 feet	**1 foot taller than Code (2 feet shorter than existing sign)**
Setback from Right-of-way	38 feet	38 feet	31 feet	**Complies with setback**
Exclusion Zone	42 feet	42 feet	50 feet	**8 feet closer than Code**

*One pylon permitted per frontage.

Staff Recommendation for South Pylon sign

Staff recommends approval of the south pylon sign at 16 feet in width instead of the proposed 20 feet. The pylon sign would have a sign area of 352 SF. The width of the 16 foot wide sign would be in keeping with the character of surrounding signs and the existing Sam's Club sign. The overall sign area would be in keeping with other large shopping center multi-tenant freestanding pylon signs. This includes sharing the sign with adjoining property owner Sam's Club (existing 135 SF). Sharing the freestanding pylon sign allows for an addition in sign area of up to 50%. Based on code the maximum sign area allowed would be 225 SF for the shared freestanding sign.

North Pylon Sign

The second pylon sign (north sign) is 224 SF in size and will be located 27 feet back from the right-of-way. The sign will be 24 feet tall. The pylon sign is to be placed within an expanded curbed island area. The sign will also be located along North DuPont Highway, over 400 feet away from the south pylon sign.

	Proposed North Pylon Sign	Pylon* Permitted Per Code		**Difference Between Proposed and Code****
Sign Area	224 SF	100 SF	150 SF	**74-124 SF larger than Code**
Height	24 feet	30 feet	30 feet	**6 feet less than Code**
Setback from Right-of-way	27 feet	15 feet	31 feet	**Can comply with setback**

*One pylon permitted per frontage. Sign area increases if setback further.
**This would be the second pylon on this frontage and is not permitted by the Code.

Staff Recommendation for North Pylon sign

Staff recommends approval with conditions of the north pylon signs at its proposed size and form. Staff recommends that the north pylon sign shall not be constructed until signage is needed for more than three tenants on the site. Staff recommends that the tenants with signage on the south pylon sign not have signage on the north pylon sign. Staff recommends that on this sign the maximum sign area for any one tenant shall be 64 SF. The pylon sign shall comply with the setback of thirty-one feet.

WALL SIGNAGE

The applicant is requesting four (4) wall signs for one tenant and three (3) wall signs for any additional tenant. One wall sign is proposed for the North DuPont Highway/Route 13 elevation of the building with the other wall signs proposed for the south elevation of the building which is the front façade of the building where the main entries to each tenant space are found. The wall signs will be constructed of channel letters which are illuminated. The proposed wall signs will be regulated only by the amount of wall area a sign may occupy; wall signs may occupy up to 15% of the total wall area. For single buildings with multiple tenant spaces, the Sign Regulations allow at least one wall sign per tenant.

Staff Recommendation for Wall signs

Staff recommends approval for the wall signs. All wall signs will have a similar look (channel letters) and have the similar sign area. The first tenant would have four (4) wall signs. Three (3) wall signs on the front of the building with one (1) sign on the side of the building. The other tenant (anchor tenant) would have three (3) wall signs on the front of the building. Both tenants would have one larger sign over the main entrance and two smaller signs flanking the main sign.

Staff recommends allowing the other anchor tenant to have the option of having a fourth wall sign to be located on the east side of the building facing North DuPont Highway or the ability to install one of the proposed three wall signs on the east side of the building.

Staff recommends that the maximum number of wall signs permitted on the building shall be sixteen (16). This would allow for additional tenants within the building with up to three (3) wall signs each.

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) **This request does not include information on directional signs, window signs or any other types of signage proposed for the site**. These types of signs will need to comply with

the Sign Regulations of the *Zoning Ordinance.*

2) Clarify how the freestanding sign will be illuminated.

3) Clarify if the tenant of the second tenant space will require a wall sign on the east side of the building (North DuPont Highway/Route 13 frontage) in addition to the wall sign placed by the first tenant (Burlington Coat Factory).

4) Revise the sign area for the Sign 1 for Burlington Coat Factory. The plan indicates 46.32 SF; however, the sign area is 50.81 SF.

5) Revise the total sign area for Burlington Coat Factory.

6) Provide a note stating that all wall signs for all tenants will be under 15% of the wall area.

7) Update the sign area for Baby Depot to 50.81 SF.

8) Update the plan to reflect the use of the company logo or text instead of the coat factory sign as different presentations are shown.

9) Clarify the dimensions of the signs on the last two pages of the plan. The dimensions do not match.

10) Staff notes that the Sam's Club sign is permitted per *Zoning Ordinance,* Article 5 Section 4.9F Shared Freestanding Signs. Under these provisions the combined sign is entitled to a sign area bonus of 50% freestanding sign area otherwise permitted. (Pylon sign area of 150 SF + 50%(150) = 225 SF.)

11) Provide a copy of the agreement between the property owners/businesses for the shared freestanding sign to the Planning Office.

12) This plan does not include any potential pad sites. Additional pad sites shall comply with the sign regulations regarding wall signs and shall not be permitted any additional freestanding signs. Potential pad sites would be permitted to utilize the proposed freestanding north pylon sign.

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

1) Refer to Staff recommendations for the freestanding (pylon) signs and the wall signs found within the text of this Report.

2) Staff recommends providing landscaping around the base of the freestanding (pylon) signs. Plantings such as low-growing shrubs, ground covers, and flowering plants will increase the compatibility by incorporating it into the site landscape and improving the aesthetics of the signage.

3) Staff recommends limiting the number of wall signs to sixteen (16) to accommodate the

potential for multiple tenants within the building.

4) Staff recommends approval of the pylon signs identifying more than three tenants.

ADVISORY COMMENTS TO THE APPLICANT:

1) In the event, that major changes and revisions to the Signage Plan occur in the finalization of the plan contact the Department of Planning and Inspections. Examples include reorientation of signage, relocation of signs, changes in sign area, 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) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.

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

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

5) Staff requires a final submittal of the Unified Comprehensive Signage Plan, including any revisions and conditions of Planning Commission approval, to be reviewed administratively before applications for Sign Permits will be accepted.

6) The applicant shall be aware that Unified Comprehensive Signage Plan approval does not represent a Sign Permit. 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) Signs should be placed in a manner that meets NESC requirements.

8) Be advised that the City of Dover, Public Works Department does not permit signs to be installed within ten (10) feet of existing or proposed water lines.

9) Be advised that the City of Dover, Public Works Department does not permit signs to be installed within ten (10) feet of existing or proposed sanitary sewer lines.

10) Be advised that any new or revised signs to be placed on a property with an approved Comprehensive Signage Plan need not go back to the Planning Commission for re-approval if the sign area is not increased more than 15% and proposed signs comply with the approved plan.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: OCTOBER 31, 2012

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **REDEVELOPMENT OF FORMER WALMART SITE, 1574 N DUPONT HIGHWAY: COMPREHENSIVE SIGNAGE PLAN**

FILE #: **US-12-02**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Signs should be placed in a manner that meets NESC requirements.

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. No structures, including permanent signage, may be located within ten feet (10') of utility infrastructure.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS

1. None.

ADVISORY COMMENTS TO THE APPLICANT

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / 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: October 31, 2012

D E L D O T

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APPLICATION: Redevelopment of Former Wal-Mart Site at 1574 North Dupont Highway: Comprehensive Signage Plan

FILE#: US-12-02 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:

- No signs can be installed within the right-of-way without the proper permits.

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
OCTOBER 2012

APPLICATION: *Wal-Mart Signage*

FILE #: US-12-02

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 the signage 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.

- *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.*