CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, October 15, 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 September 17, 2012

COMMUNICATIONS & REPORTS

1) An Audio/Web Conference entitled "Planning Mistakes: Accessing, Learning, Adapting" will be held on October 10, 2012 from 4:00pm-5:30pm at the Kent County Administrative Building, Room 220. The session is co-sponsored by the Delaware Chapter of the American Planning Organization (APA) and the Kent County Department of Planning Services.

2) Reminder: The next Planning Commission regular meeting is scheduled for November 19, 2012 at 7:00pm in the City Council Chambers.

3) Reminder: The next Planning Commission Quarterly Workshop is scheduled for Tuesday, November 20, 2012 at 4:00pm in the City Hall Conference Room.

4) Report on City Council actions

5) Update on other Planning activities

NEW BUSINESS

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

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 – 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.

NEW DEVELOPMENT APPLICATIONS

1) 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.

2) 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.

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: October 5, 2012 at 12:45pm

CITY OF DOVER PLANNING COMMISSION
September 17, 2012

The Regular Meeting of the City of Dover Planning Commission was held on Monday, September 17, 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. Nichols. Mr. Baldwin was absent.

Staff members present were Mrs. Townshend, Ms. Cornwell, Mrs. Melson-Williams, Ms. Duca, and Ms. Metsch. Also present were Mr. David Braun, Mr. Nick Alessandro, Mr. Gregg Moore, and Mr. Mike Hartman. Also present speaking from the public was Mrs. Mary Conrad, Councilman Bill Hare, and Mrs. Linda Burdick.

Colonel Welsh announced that if there was anyone here concerning the House of Pride properties, they have agreed to the revocation of the Conditional Use Permit and there will be no public hearing this evening. There will still be some discussion regarding the revocation.

Mrs. Townshend stated that the agenda would be amended to move the House of Pride up under New Business.

APPROVAL OF AGENDA

Mr. Tolbert moved to approve the agenda as amended, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF AUGUST 20, 2012

Mr. Shomo moved to approve the regular Planning Commission meeting minutes of August 20, 2012, seconded by Mr. Tolbert and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

APPROVAL OF THE PLANNING COMMISSION QUARTERLY WORKSHOP MINUTES OF AUGUST 21, 2012

Mrs. Still moved to approve the Planning Commission Quarterly Workshop minutes of August 21, 2012, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next regular Planning Commission Meeting is scheduled for Monday, October 15, 2012 at 7:00 PM in the City Hall Council Chambers.

Mrs. Townshend further stated that the Delaware Chapter of the American Planning Association has an Audio Web Conference series with the next session title "Planning Mistakes, Accessing, Learning and Adapting." This will be held on October 10, 2012 at 4:00 PM in the Kent County Administrative Complex Building, Room 220.

Mrs. Townshend provided an update on the regular City Council meeting of August 27, 2012; the Safety Advisory and Transportation Committee Meeting of August 29, 2012; and the regular City Council, Legislative, Finance and Administration Committee, and the Parks, Recreation and

Community Enhancement Committee meetings of September 10, 2012.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

S-10-17 Duncan Plaza at 600 Forest Street - Request for an extension of the Planning Commission approval granted on September 20, 2010 with the one year extension of September 19, 2011 for a Site Development Plan and Architectural Review Certification for construction of a four story 32,624 S.F office building with coffee shop and the associated site improvements. The project site is zoned IO (Institutional and Office Zone) and subject to the H (Historic District Zone) and the SWPOZ (Source Water Protection Overlay Zone). The property site is located on the south side of Forest Street just west of the intersection of West Loockerman Street, South Kirkwood Street, and Slaughter Street. The owner of record is 1776 Investments & Holdings (Robert Duncan). Property Address: 600 Forest Street. Tax Parcel: ED-05-076.12-02-44.00-000. (Parcel ED-05-076.12-02-45.00-000 is reputed to be a City of Dover owned parcel). Council District 4. *Final Site Plan approval has not been granted.*

Representative: None

There were no comments or questions from any Commission members at this time.

Mr. Shomo moved to grant approval of a one year extension for S-10-17Duncan Plaza located at 600 Forest Street, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

S-10-21 NBR Properties at 850 New Burton Road - Request for an extension of the Planning Commission approval granted on September 20, 2010 with a one year extension of September 19, 2011 for a Site Development Plan to permit the construction of a 20,000 S.F. office building with the associated site improvements on a 1.671 acre parcel. The property is zoned C-1A (Limited Commercial Zone). The property is located southwest of the intersection of New Burton Road/Queen Street and West Street. The owner of record is NBR Properties, LLC. Property Address: 850 New Burton Road. Tax Parcel: ED-05-76.00-01-23.00-000. Council District 2. *Final Site Plan approval was issued on January 30, 2012; however, construction has not commenced.*

Representative: None

Mr. Holden recused himself from the application due to his employer working on this project.

There were no comments or questions from any Commission members at this time.

Mr. Tolbert moved to grant approval of a one year extension for S-10-21, S-10-21 NBR Properties located at 850 New Burton Road, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Baldwin absent and Mr. Holden recusing himself.

NEW BUSINESS

C-08-01 House of Pride at Properties on North New Street and South New Street - Public Hearing and Consideration of Revocation of the Conditional Use Permit for the House of Pride properties, a philanthropic use and social service agency, including a residential recovery program and transitional housing. The project is located on seven (7) properties on North New Street and South New Street. The application involved the establishment of a multi-use philanthropic use relating to substance abuse prevention, intervention, treatment, education, and aftercare. The buildings include office, recovery houses, and transitional houses. The properties are zoned RG-1 (General Residential Zone) with the exception of 105 South New Street which is zoned C-2 (Central Commercial Zone). The owner of record is The House of Pride, Inc. The property addresses and associated tax parcels numbers are listed below. Council District 4.

20 North New Street	ED-05-076.08-05-20.00-000
29 South New Street	ED-05-077.05-03-10.00-000
37 South New Street	ED-05-077.05-03-08.00-000
38 South New Street	ED-05-076.08-05-84.00-000
55-57 South New Street	ED-05-077.05-03-02.00-000
105 South New Street	ED-05-077.09-01-37.00-000
110 South New Street	ED-05-077.09-01-31.00-000

****Initial approval of the Conditional Use by the Planning Commission on January 22, 2008. At the January 18, 2011 meeting, the Planning Commission acted to provisionally continue the Conditional Use Permit and required that it be subject to annual review by the Planning Commission. At the September 19, 2011 the Planning Commission acted to provisionally continue the Conditional Use Permit and directed the Annual Review to occur in July 2012. The Annual Review by the Planning Commission was rescheduled from the July meeting to the August 20, 2012 meeting to allow for completion of property inspections. However, after review of the Inspection Reports the Planning Office initiated the Process for Revocation of the Conditional Use.*

Representatives: Sandra Dean, Board of Directors and Attorney for House of Pride.

Mrs. Townshend stated that a letter was received dated September 12, 2012 that states "Dear Mrs. Townshend, The Board of Directors of the House of Pride, Inc. met yesterday and authorized this letter. First, we are glad to report that all properties of the House of Pride have passed inspection and are in compliance with City Codes except for 38 S. New Street which is under renovations and 110 S. New Street which is vacant. The House of Pride requests that all Conditional Use permits be revoked immediately. All properties except for 105 S. New Street is being immediately converted to residential rentals. 105 S. New Street will continue as a commercial use as the rental office. The House of Pride is embarking on a new broader purpose which is to provide community service and motivation to all persons in need. The House of Pride is no longer operating a residential recovery center and transitional housing is eliminated. We are excited about this new purpose and embark with new resolve to help all in need. We understand that all properties will now be subject to City property tax and applications will be submitted for rental licenses. Also, of course, part of our mission is to the keep the rental properties in compliance of all Codes, in partnership with the City of Dover. Yours truly, Sandra W. Dean."

Mrs. Townshend stated that with receipt of this letter, Staff has determined that a public hearing is not necessary as the Conditional Use would essentially be agreed upon to be revoked by the applicant. Staff would ask that the Planning Commission confirm this through a motion.

Mrs. Townshend further stated that a couple of points that she would like to recognize is that we do have two (2) pieces of correspondence that she will recognize for the record. A letter received from Christopher and Rebecca Raubacher and another from Kathleen Sarchet. She stated that there was a question that she had heard with regards to 105 S. New Street continuing as commercial use as the rental office. 105 S. New Street is zoned C-2 which is Central Commercial which would allow the office and business as a permitted use by right in that district. The letter also references 38 S. New Street which is the house that had a fire back in January. That house will be restored to a one family dwelling unit. Currently, the property located at 110 S. New Street is vacant and prior to reoccupying that house, a Certificate of Occupancy must be obtained and all the requirements associated with a Certificate of Occupancy met. As rental units, they will still be subject to City Inspections and will still be required to make any corrections necessary to meet Code requirements.

Mr. Tolbert stated that according to the letter, the various properties will be subject to City property tax. Will they not be rented under the House of Pride's 501c3 tax exemption? Responding to Mr. Tolbert, Mrs. Townshend stated that this is an issue that will be addressed with the Tax Office; however, according to the Tax Office, the properties that are owned by non-profit and not used for the non-profit purpose, so it will be a market rental.

Mr. Ambruso questioned if there were any inhabitants in any of these properties currently in use? Responding to Mr. Ambruso, Mrs. Dean stated that yes.

Mr. Ambruso further questioned what would happen to these inhabitants? Responding to Mr. Ambruso, Mrs. Dean stated that all of the people who are presently living in the houses are executing rental agreements with the House of Pride. Some of them have been in transitional housing and are now able to begin paying rent and become regular tenants. Some of the occupants are being given the option that if they wish to provide all or part consideration for their rent by doing community service or work for the House of Pride they are being given that option. The definition of a tenant is someone who gives the landlord "consideration." The "consideration" is usually money; however, not always.

Mr. Tolbert moved to approve the revocation of the Conditional Use Permit for the House of Pride, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

NEW DEVELOPMENT APPLICATIONS

C-12-06 Dover First Christian School at 647 Wyoming Avenue - Public Hearing and 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*

Representatives: Mr. David Braun, Braun Engineering; Nick Alessandro, Diamond State Pole Buildings.

Ms. Cornwell stated that the Planning Commission previously approved a Conditional Use Site Plan for a daycare center to be built on this site in 2004. The daycare was not constructed and the Site Plan expired in 2006. The new building will be constructed at the west end of the parking lot and the outdoor play area will be located to the north of the building.

Ms. Cornwell further stated that with a Conditional Use Site Plan, the Planning Commission is to consider the use and whether it is in harmony, size and character of its location. The Site Plan is providing the required number of parking and bicycle parking spaces, dumpster pads, and trees.

Ms. Cornwell further stated that the applicant is requesting four (4) waivers. The first is for the use of combined parking. The church is required to provide sixty-three (63) parking spaces based on the seats within the church. The school is required to provide eight (8) parking spaces based on the number of students and teachers for a total of seventy-one (71) parking spaces. The site has sixty-three (63) parking spaces on site. The Planning Commission may allow a reduction in parking spaces if it can be demonstrated that the two uses generate demand for parking at different times. The second waiver request is to allow for the elimination of curbing within the parking lot to allow for drainage into the stormwater management area. The third and fourth waivers are both for the elimination of sidewalk. The applicant is requesting for the elimination of sidewalk along Konshack Avenue and are also requesting for the elimination of sidewalk along New Burton Road. Sidewalk does exist along Wyoming Avenue and sidewalk will be constructed as a part of this plan along Woodford Drive.

Ms. Cornwell further stated that the building will be constructed of metal with a pitched roof with windows and shutters along all sides of the building with porticos located over all of the doors. There will be a watertable feature around the entire building. The other agencies reviewing this application have provided their comments.

Mr. Ambruso questioned if this was to be a temporary building? Responding to Mr. Ambruso, Ms. Cornwell stated that no, the new building will be a permanent building; however, they are looking to use the existing church that has a hall in it to be used temporarily as the school so that they can have the school on site while the new building is being constructed. Once the new building is constructed, they will no longer use the existing church and the school will move into the new building.

Mrs. Still questioned in looking at the elevations that were provided and the existing building that is there, is there something that could be done to make it more in keeping with the residential look? Metal siding she does not feel is quite in keeping with the residential properties that are adjacent. Responding to Mrs. Still, Mr. Alessandro stated that the metal siding provides several advantages obviously the green building product that it is completely recyclable. As far as the product itself, there are twenty-one (21) different colors that can be chosen for both the wainscoting, the siding material, the roofing material, and all the trim. As far as color matching, they could match almost all of the vinyl siding that is in the neighboring housing. The church is brick and one of the issues that the church has is their budget. The church did not know that they would have to plant so many trees and other City Code issues; that it has eaten the budget. Currently, with building the structure as it is and other requirements, the budget is just not there. As the contractor, we are building a huge portion of this at cost with concrete being donated and the mason donating time to put in the sidewalks just to

keep us within budget so that the entire building can be built. If they are unable to build this due to budget constraints, there would be no trees or sidewalk built down New Burton Road.

Mr. Alessandro further stated that the church made changes from the initial standpoint with the porticos that we put over the doors and the wainscoting was not part of the first estimate. The church was willing to do what they could within budget to make the building attractive. Initially, the colors that the church chose were two shades of grey. They are willing to make any changes that the committee wants to see as far as color options. By putting on the wainscoting and porticos, which is fairly expensive, the whole idea was to make it more attractive for the surrounding area.

Mrs. Still further stated that from the perspective of compatibility, she would still like to see something akin to brick whether it is a wainscot or horizontal siding as opposed to vertical siding. It would definitely give it a more residential feeling. Responding to Mrs. Still, Mr. Alessandro stated that the very first commercial structure that is north of the church, which is the old Agway building, has steel vertical siding on it. The very first commercial structure south is Michael's Hair Care which has brick and vertical siding. The third house in on the left if you go down Konshack Avenue has vertical siding as well. It is within the realm of what is nearby and what is consistent with commercial structures. He feels that what are more important than vertical siding would be the colors that are chosen for aesthetics of the building. On New Burton Road he does not feel that you would be able to see the siding and whether it is vertical or horizontal. Doing brick wainscoting is going to be adding another $15,000 to $20,000 to the budget. Doing steel siding is like doing any other siding whether it is vinyl or cement board, it can easily be removed and changed at any point.

Mr. Nichols stated he has some concerns with this building. Back in 2006, this same type of building was submitted and he believes that Mr. Braun was the engineer on the building at that time and it was submitted as a metal building. At that time, it was also projected that the building should be brick with asphalt shingles on the roof. This building is not in keeping with what is nearby. If you have a pole building that is fine on a farm; however, this is not a farm. It is a residential area and the metal building does not set well in this area at all. It needs to be built of brick with asphalt shingles on the roof to match the existing. You have a lot of houses here that are brick with various types of siding. This is going to have to be done before the building can be approved.

Mr. Nichols further stated that the six (6) inch sewer that is coming out is going to have to have a shallow manhole in the bend in order to reflect the curve in there. You cannot just put a 90 degree there it will not work. Responding to Mr. Nichols, Mr. Alessandro stated that the housing development that is there appears to be at least 20 to 30 years old and back then steel was not a viable option for siding. We put steel siding on residential homes all the time and the same thing with the roof. This is a roof that will last for sixty (60) years. There is no asphalt roof that is going to last that long. It makes good sense from that point of view; aestheticwise as you would not see that on a farm.

Mr. Holt questioned how many children that are members of the church who would go to the school and what would the hours of operation be? Responding to Mr. Holt, Mr. Alessandro stated that the building can occupy up to 50 and would not all be members of the church. The hours of operation would be 7:30 AM to 3:30 PM.

Mr. Tolbert questioned that the building would accommodate 50 children and while you are waiting for the building to go up, you would have children in the temporary building? Responding to Mr.

Tolbert, Mr. Alessandro stated that the church has a hall that would occupy the children until the new structure is built. Currently, there are not 50 children enrolled.

Mr. Tolbert further questioned if the church hall would accommodate the number of children during this timeframe and is suitable to house the school? How long will it take before they can get into the building? Responding to Mr. Tolbert, Mr. Alessandro stated yes it's suitable to house their needs. Typical construction for a building of this size is about four (4) months.

Ms. Cornwell stated that Staff recommended that if the Conditional Use is granted that if the temporary use of the church is granted that this temporary use cease on September 30, 2013 whether or not the building was built. If they were still under construction, the use of the temporary use ceases then.

Colonel Welsh opened a public hearing.

Mrs. Mary Conrad – 932 Shank Road – Stated that she has a couple of questions. In her notice, it stated that there would be thirty-seven (37) maximum students; is this correct? Responding to Mrs. Conrad, Mr. Alessandro stated yes.

Mrs. Conrad further questioned with regards to New Burton Road, this is a busy road will there be something along the edge of roadway that will prevent the children from running out into the roadway? Responding to Mrs. Conrad, Mr. Braun stated that the play area where they will be outside will be fenced and parents will be walking the students from the parking lot into the building.

Mrs. Conrad further stated that her next concern is the traffic in this residential area. You will be adding more traffic in the morning when the residents are trying to get out going to work and you are adding more traffic in the evening when the residents are coming home, there will be parents in this mix as well. This is a concern that she has living in this area and already Wyoming Avenue is very busy because of people coming from New Burton Road trying to get over to Route 13.

Mr. Bill Hare – 23 Woodburn Circle – Stated that he is a Councilman for the Second District. He has spoken to most all of the residents that live in that area and they have some concerns. The majority of them are against taking this from residential to whatever it will be realizing that it may happen regardless of how they may feel. The traffic concerns about getting out onto New Burton Road are already a problem that has been mentioned numerous times to the City Manager. Secondly, if it is approved, the trees that are proposed would be the buffer that they like to see. Plus a pole building does not sit well with anyone in the neighborhood. The church has been a good neighbor with not being an eyesore. With the bricks structure that is there, they would like to see the continuation of the same type of structure that is in the neighborhood currently. He does not care how pretty steel or metal roofs can be it is not conducive to the neighborhood. They are very adamantly against the rezoning to begin with and secondly, if it does happen, they are hoping that it will at least be something that will flow with what is on the property now not a pretty steel or metal roof. To address some other things, Michael's Hair Care used to be Dobie's Liquor Store which was there before the neighborhood was. It was Dobie who was complaining about the houses being built. Agway and Southern States were there considerably before the development really got going; also which was already zoned commercial not residential trying to become commercial.

Colonel Welsh stated that as a point of clarification they are not seeking a rezoning on this; it is a Conditional Use Site Plan in a residentially zoned neighborhood.

Mrs. Linda Burdick – 54 Konschak Avenue – Stated that she was here to let you know that there are two (2) parcels that the church is laying claim to; however, we do not believe that they own. One of the parcels is subject to litigation currently. Responding to Mrs. Burdick, Mrs. Townshend stated that the area where the building is proposed is not within any of the setbacks to the area that is in question.

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

Mrs. Townshend stated that correspondence was received with a letter dated September 4, 2012 from Mr. L. Steady who again, echoes some of the concerns of compatibility that has previously been raised. A letter received from a Walter and Shirley Wharton of 955 Woodford Drive concerned about issues of traffic and the concern that if it does end up being successful that they may be looking to expand in the future. A letter was received from Jim Galvin located at 825 Westview Terrace, he indicates that he is concerned about the impact it will have on the quality of the neighborhood specifically is the metal clad building and metal roof. He believes that it is not in keeping with the character of the neighborhood and that it be constructed of a material more in keeping with the neighborhood and the adjacent church building. A letter was received from Aliticia Bickling located at 949 Woodford Drive, she is located directly across from the proposed daycare (school) and she expresses three (3) concerns. One is the impact on her property values, second is traffic, and third is the peacefulness of the neighborhood and how the cars coming and going and the playground activity would impact the peace and quiet in the neighborhood.

Mr. Holden questioned if there has been any discussion as to potentially reducing the size to address the exterior aesthetics of the building to better keep in harmony with the neighbors? Responding to Mr. Holden, Mr. Alessandro stated that the building is as small as it can be to accommodate that many children. If they needed to reduce the size of the structure for the budget, they would not be able to house that many children. They need to house this many children to pay for the construction of this project. If they are required to make some concessions on siding, roofing, or both, he would ask to be able to do what is minimum. Vinyl siding would be in keeping with the neighborhood; however, it is an inferior product. The steel has a thirty year warranty against fading and will look nice for a lot longer period of time.

Mr. Holden further questioned if there were steps or changes that could be done to have the new structure blend better with the existing structure that is already on the property? Responding to Mr. Holden, Mr. Alessandro stated that other than changing the outside of the building there is nothing on the interior that could change.

Mr. Holden further questioned the properties potentially under some disagreement of ownership. Are they located on the property and do they impact the sidewalks there? Responding to Mr. Holden, Ms. Townshend stated that it does not affect any of the sidewalk locations, it is up closer to Konschak Avenue.

Mrs. Still stated that she would prefer that there be some efforts made to revitalize the exterior of the facility to try to make it more in keeping with the residential neighborhood particularly with some sort of addition of brick so that is looks more cohesive with the existing building. Responding to Mrs.

Still, Mr. Alessandro asked that she keep in mind that the church is not reluctant to make the building look consistent with its neighbors. It is all budget issues that is an enormous amount of money that is just not there. Currently, the children that are associated with this church getting a Christian education are bused to Maryland. So this will be a much improved place for the kids to go as they are local kids going an hour in a bus to get an education.

Mr. Nichols stated with reference to New Burton Road, the trees that are on the southeast corner he met with these people years ago to try to get in there and cut those trees down because when you look south you cannot see the traffic. He refuses to cut those trees down on the southeast corner of Wyoming Avenue and New Burton Road. These trees are roughly about forty (40) feet tall that is an arborvitae type of tree. He will not cut them down and he would guess that the only way to get them down would be to have the State condemn the property to take the trees out so that it would alleviate a lot of problems on Wyoming Avenue.

Colonel Welsh stated that this is not on the church property and that Mr. Nichols was simply making an observation.

Mr. Nichols stated that what was brought up was the problem of getting out from Wyoming Avenue onto New Burton Road. He originally tried to get the property owner to remove those trees so that it would be easier for traffic.

Colonel Welsh stated that part of our charge in the Planning Commission is to ensure that the architecture of the building reflects the architecture so it has to blend in and tie in. There are no other steel structure buildings in the area. He personally thinks that steel structure buildings are fine in an industrial park and limited uses in a residential area. As a minimum, what he would like to see is a brick wainscoting that would tie in with the church so that it would flow with the church. He does not have a problem with 2/3 vertical steel siding of a neutral color. Again it would tie in with the existing facility which is the church. He does not have a problem with a metal roof as they are very functional and are certainly longer lasting than asphalt; however, there is no place in the neighborhood that has steel roofs. He thinks that something open for consideration would be to take this to the Architectural Review Committee who will take input from the community, input from the developer to try and come up with a solution. This committee is made up of two (2) members from the Planning Commission, the Mayor's designee and two (2) design professionals. If the Planning Commission approves the construction of the building; however, cannot or does not approve of the architectural style or material of the building then this is something that we may need to refer to the Architectural Review Committee for resolution.

Colonel Welsh further stated that he understands that this will adversely impact you if more requirements are placed on you; however, part of our charge is to ensure that you tie in with the community. We either put this burden on you or we put it on your neighbors and he does not feel that it is fair to put it on your neighbors.

Mr. Tolbert moved to table Application C-12-06 Dover First Christian School at 647 Wyoming Avenue until next month and during that period in-between that they work with the Staff to come up with a building that is more suitable and acceptable to the community and to the Planning Commission, seconded by Mr. Holt.

Colonel Welsh questioned if he did not want to see it go to the Architectural Review Committee for their involvement?

Mr. Tolbert questioned that it goes to the Architectural Review Committee then what happens after that? Responding to Mr. Tolbert, Colonel Welsh stated that it would be part of the process. There are two things that we have got to do. As a result of the questions that have come up and the conflicts this evening, first we need to approve the concept of having the building there and if we do, we have to agree on or come up with a solution to resolve the architectural issue differences that exist which would be done through the Architectural Review Committee.

Mrs. Townshend stated that you would need to revoke your motion and make a motion to refer the project to the Architectural Review Committee for recommendation back to the Planning Commission next month after having worked with the applicant.

Mr. Tolbert questioned that this would not deal with the waiver requests? Responding to Mr. Tolbert, Mrs. Townshend stated that it would deal only with the architecture.

Mrs. Townshend stated that the motion could be to approve the Conditional Use C-12-06 with or without the waivers and not approving the architecture this evening; rather referring it to the Architecture Review Committee for a recommendation next month.

Colonel Welsh stated that it would be a two part motion. First, we are approving the concept of the school as it fits or does not fit in the neighborhood and then if we approve it as the concept then we need to refer it for further review for the architectural standards.

Mr. Tolbert moved to withdraw his first motion, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

Mrs. Townshend stated that the other option is to refer the architecture and vote on everything next month.

Mr. Tolbert moved to approve the application C-12-06 Dover First Christian School at 647 Wyoming Avenue for the construction of a school building on the condition that changes are made to the architecture and that said motion also include that the waiver not be approved for the elimination of sidewalk along New Burton Road and that it be referred to the Architectural Review Committee for approval at the October meeting for any architectural changes that need to be made to have a closer tie into the community.

Mrs. Townshend stated that you would need to specify that minus the sidewalk on New Burton Road, the other waiver requests would be approved as submitted and the temporary use of the fellowship hall as the school would be discontinued or all of the Staff recommendations.

Colonel Welsh stated to Mr. Tolbert that we are mudding the water the way that we are doing this. It might be cleaner if you withdraw your motion and then make a motion that Planning Staff and the Architectural Review Committee meet and table the application until next month.

Mr. Tolbert moved to withdraw the last motion, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

Mr. Tolbert moved to defer the application of C-12-06 Dover First Christian School at 647 Wyoming Avenue until the October meeting and to refer it to the Architectural Review Committee, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

Mr. Holden stated that he would be recusing himself from the next two (2) applications as his employer is the engineer of record for both projects.

S-12-15 DelTech Office of the President Building Addition – Public Hearing and Review of a Site Development Plan to allow for the construction of building additions totaling 6,029 S.F. to the existing Office of the President/Administration Building and associated site improvements on the campus of Delaware Technical Community College: Terry Campus. The subject parcel of land is zoned IO (Institutional/Office Zone). The property is located on the west side of North DuPont Highway south of West Denneys Road and north of Scarborough Road. The owner of record is State of Delaware - Delaware Technical Community College. Address: 100 Campus Drive. Tax Parcel: ED-05-057.00-01-01.00-000. Council District 3. *Waiver Requests: Elimination of Loading Space, Partial Elimination of Curbing.*

Representative – Mr. Gregg Moore, Becker Morgan Group, Inc.

Mrs. Harvey stated that the building addition is one story like the existing building and all renovations will match the existing design of the building. Two waiver requests were submitted with this application. One for the elimination of the loading space citing limitations on placement due to mature trees and other existing conditions. The second waiver request is for the partial elimination of curbing to allow for drainage into the stormwater management area. The Site Plan for this application includes the proposed construction of an expansion to create an adjacent parking lot in the future.

Mrs. Harvey further stated that a variance application has been filed for consideration by the Board of Adjustment at their meeting of September 19, 2012. The applicant is seeking to exceed the maximum parking limitation to allow for the expansion of the adjacent parking lot by twenty-two (22) parking spaces.

Mr. Nichols stated that he felt that this was a very good addition and is very compatible with the existing building that is currently in use there and will be well liked when it is completed. Mr. Tolbert and Colonel Welsh concurred with these comments.

Mr. Moore stated that they are making a modification for the entrance to this building to try and enhance the features of the entrance so that you know it is the main entrance as they make this building larger. There are comments in the DAC Report regarding adding sidewalk and they are agreeable to adding the sidewalk along the entrance to the facility. There is a double lane entrance with a median in the center and we would like to add the sidewalk along that side to allow bikers to use that. There is also a comment regarding a second sidewalk that would go from the backside of the new building to that sidewalk as well. This is a garden area and where the President's conference room and office is. We do not want to invite students to walk across here; we would rather they walk across the main entrance.

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

Mr. Tolbert moved to approve S-12-15 DelTech Office of the President Building Addition with the understanding that they (the applicant's) concur with all the DAC comments of record except the second sidewalk and that for the waivers requested: the elimination of the loading space and the waiver for partial elimination for upright curbing be approved, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Mr. Baldwin absent and Mr. Holden recusing himself.

Mrs. Townshend questioned whether the sidewalk connection would come out of the report or that the Planning Commission is not going to require that they build it? Responding to Mrs. Townshend, Mr. Tolbert stated that he would defer to Staff recommendations.

Mrs. Melson-Williams stated that Staff recommendation is that the sidewalk be constructed.

Mr. Moore stated that they agree with the sidewalk along the main entrance which is the largest one and is the sidewalk that will take you to Denneys Road all the way in and get you to the campus. This building is the administrative headquarters for all of the campuses throughout the state and it is not there just for the administration of Dover. Because of that the various offices here, they do not want the students approaching the building to use the buildings as though it were for administration offices and because the President has his office and conference room off of that backside area and would rather this area be much more garden area and not a main throughway for the students. We would like Staff comments to include just the one sidewalk.

That Staff comment is with regards to a sidewalk connection leading to the multi-use path. It is Item #3 under Staff recommendations. The sidewalk along the entrance drive to the campus is a Code requirement for a linking sidewalk from the street frontage sidewalk into the site. On the east side of the building, the sidewalk connects from sidewalk to a multi-use path and is the Staff's recommendation to complete that connection.

Mr. Moore stated that their position is that the sidewalk they are going to build also does connect to the multi-use path so that there is an adequate connection for it. Responding to Mr. Moore, Colonel Welsh stated that your concern would be that you would have students walking by there unnecessarily. They will cut across and walk through the President's area and the main administration area and cause issues with the administrative complex.

Mrs. Townshend stated that Staff tends to believe that if you are on the bike path and you are going to go into the site, you will go in at a place that is most convenient so even if they do not construct it, it is likely to get utilized. If the concern is that it should not be utilized, we do not believe that not constructing the sidewalk necessarily accomplishes that. We think that establishing the sidewalk helps to make the campus friendlier to multi-modal transportation alternatives.

Mr. Tolbert stated that he would amend the motion to indicate that part of the sidewalk should be constructed, to include the sidewalk from behind the President's office to the multi-modal pathway seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Baldwin absent and Mr. Holden recusing himself.

S-12-16 Dick's Sporting Goods at the Dover Mall – Public Hearing and Review of a Site Development Plan to allow for the construction of a 53,183 SF addition and associated site improvements to the existing mall. The subject parcel of land is zoned SC-3 (Regional Shopping Center Zone) and are 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 Parcel: ED-05-057.00-01-14.00-000. Council District 3. *Waiver Request: Reduction in Bicycle Parking Spaces*

Representative – Mr. Gregg Moore, Becker Morgan Group, Inc.; and Mike Hartman, Simon Property Group.

Mrs. Melson-Williams stated that the overall addition to the building for this tenant will make use of some of the existing area within the mall building itself as well as additional square footage on the outside of the building for what is currently a parking lot area. Overall, the tenant space will be 53,183 square feet for the tenant. This is not the first addition to the Dover Mall since its construction back in the 1980's. There have been several expansions over time with the Boscov's, what is now Macy's, as well as the movie theater on the other side.

Mrs. Melson-Williams further stated that at this location, the area is currently an exterior exit from the main corridor of the mall facility. With this, the Dick's project will have direct access to the interior of the Mall; however, also has its own exterior entrance from the parking lot itself.

Mrs. Melson-Williams further stated that the architecture of the proposed building addition is a split face concrete block following very similarly to what the existing mall is. It does have additional detailing in the form of horizontal banding on the three sides that are exterior walls and then the main entrance on the west side of the building is much more highlighted with a column and metal wall system predominating what is the west side that faces the parking lot.

Mrs. Melson-Williams further stated with the Dover Mall property, the entrances to the Dover Mall facility itself from Route 13 remains unchanged. There is a south and north entrance that are signalized off of Route 13. She would also note that for the mall property a portion of it immediately adjacent to Route 13 is within the Source Water Protection Overlay Zone; however, this building addition does not impact that area of the property so you do not have to worry about those aspects of the code.

Mrs. Melson-Williams further stated that with the project, fire protection in the form of fire lanes, fire hydrants, and other protection measures will have to be evaluated to ensure compliance for both this tenant as well as the overall Mall since egress from the Mall will not be changing.

Mrs. Melson-Williams further stated that overall the parking requirements for such a property in SC-3 is one parking space per 300 square feet of leasable floor area. Given the overall size of the Mall including this addition would require 2,920 parking spaces. The Mall currently has over 4,400 parking spaces and well exceeds the parking requirements for the site; however, with this project with the location of the addition, there are obviously some changes to the parking lot and the overall number of parking spaces at the Mall will actually be reduced to 4,235 parking spaces overall. The parking spaces are considered legal non-conforming that are existing and allowed to continue. They

could not increase the number of parking spaces based on other regulations in our Code.

Mrs. Melson-Williams further stated that for this site, they obviously will need a loading area. Typically square footage for this tenant size would require three (3) loading spaces; however, for buildings that exceed 150,000 square feet overall, which the Mall itself does, loading is as needed and needs to be deemed sufficient to serve the facility. With this there is a dedicated loading area for this tenant space specifically. With the project, we also looked at bicycle parking. Bicycle parking requirements of the Code are newer since the Mall was originally constructed. There are bicycle parking spaces in several locations at the mall; however, it does not achieve the total number of spaces that would be 146 bicycle spaces. The applicant has submitted a waiver request to reduce the number of bicycle parking requirements for the project. They are seeking to only add the bicycle parking that would be required based on this tenant space which would be nine (9) bicycle parking spaces.

Mrs. Melson-Williams stated that overall there is curbing throughout the parking lot and it gets reconfigured along what would be sidewalk areas immediately adjacent to the building and some of the fire lane that serves the areas immediately adjacent to it. For dumpsters, this project would require two (2) as it is an anchor tenant. They are proposing a trash compactor so we will determine whether that meets the dumpster requirements for the site.

Mrs. Melson-Williams further stated that with regards to sidewalk overall the frontage along North DuPont Highway does have sidewalk. The one connecting sidewalk leading from Route 13 into this side is located along the northern entrance of the property. Along the south entrance there is not a sidewalk that links from Route 13 into the site.

Mrs. Melson-Williams further stated for tree planting they have to plant sixty-nine (69) trees with this project and that will be a mix of existing trees that will be retained in this area as well as new tree plantings in various parking lot islands in the area.

Mrs. Melson-Williams further stated that the Planning Staff provided a series of comments. Specifically, we have some recommendations with regards to the Site Plan itself. First, we do recommend approval of the bicycle parking reduction and recommend that this tenant provide the nine (9) bicycle parking spaces specific to its use itself. The second comment from staff is with regards to the connecting sidewalk. The Planning Staff is recommending that a connecting sidewalk or a multi-use type path be implemented along the south entrance from Route 13 leading into the site. Staff sites that the Code actually calls for pedestrian traffic to be separated from vehicular traffic in planning such properties and this will actually increase pedestrian safety because there are a significant number of pedestrian visitors that come to the site from the Delaware State University campus. They can use a cross walk to cross Route 13; however, they would then have to walk all the way to the north entrance to come in on a sidewalk. Whereas, if they are coming in from the south, an entrance connecting sidewalk along the south entrance would be more appropriate. The third comment from Staff to highlight is with regards to transit services. Currently, the location of where this addition is proposed is a bus stop so we are recommending that ongoing communication continue with DART First State and the Dover Mall to address where transit bus services exist on the property. We feel that transit services to the Mall are a key alternative mode of transportation that should be maintained.

Mrs. Melson-Williams further stated that various other agencies have provided comments including the City's Electric Department, water and wastewater from the Public Works Office, and the Fire Marshal's Office. Staff has received a comment from DelDOT in that they (the applicant) will make a payment towards an area wide study fee in lieu of performing a TIS for this project. The stormwater management plan will be subject to review and approval by the Kent Conservation District. The Kent County MPO also notes the concept for coordination of bus stops and also expresses their concerns regarding pedestrian connectivity from Route 13 into the site.

Mr. Moore stated that they are agreeable to placing the sidewalk along the side that does not currently have sidewalk that would be in the grass area alongside the pond by the entrance. The sidewalk would then terminate and there would be a crosswalk along the main road. We are calculating the nine (9) bicycle parking spaces which is based on the full size of Dick's which is 53,000 square feet and 14,000 square feet of interior space that is being renovated that would exceed the bicycle count for just this building. There are a number of bicycle racks around the Mall that are not overused in fact: they are generally underused.

Mr. Tolbert questioned if the applicant would be responsible to initiate coordination of a bus stop for Route 13 to the site? Responding to Mr. Tolbert, Mrs. Townshend stated that currently, there are bus stops at the Mall campus. One of the heavily utilized bus stops is in this location so the Delaware Transit Corporation specifically asked that the applicant work with them.

Mr. Moore stated that this is part of the DAC comments and we have contacted them and the Transit Corporation has not been able to get to the discussion; however, the Dover Mall wants to continue that and it could be moved as there are plenty of spots where we have main entrances that will take up what this used to be as a main entrance.

Mr. Nichols stated this is a good addition to come into the Mall. It is not as big as the one they will be building at the Christiana Mall; however, is something that has been needed here for quite some time.

Colonel Welsh stated to clarify, the applicant does agree to all of the DAC comments of record? Responding to Colonel Welsh, Mr. Moore stated yes they do.

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

Mr. Nichols moved to approve S-12-16 Dick's Sporting Goods at the Dover Mall to include the approval of the waiver request for bicycle parking, seconded by Mr. Tolbert and the motion was unanimously carried 7-0 with Mr. Baldwin absent and Mr. Holden recusing himself.

Mr. Moore stated for clarification, they did not need a waiver for the loading as we presented nor the trash facilities that was worked out with Staff? Responding to Mr. Moore, Colonel Welsh stated no.

Mr. Nichols announced his retirement from his position as a Planning Commissioner effective immediately. Other members thanked him for his years of service.

Meeting Adjourned at 8:31 PM

Sincerely,

Diane Metsch
Secretary

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 September 17, 2012 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 will meet on Tuesday, October 9, 2012 at 4:00pm. The recommendation of the Subcommittee will be reported at the Planning Commission meeting of October 15, 2012.

- The information on the application was provided in the packet for the September 17, 2012 meeting.

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

PETITION TO ANNEX AND ZONE PROPERTY
Before the City of Dover Planning Commission
October 15, 2012

Applicant/Owner:	Taililou, LLC 17601 Coastal Highway, Unit 6 Lewes, DE 19958
Location:	110 Rustic Lane
Size:	1.118 +/- ac.
Tax Parcel:	ED-00-057.02-02-38.00-000
Application Date:	August 31, 2012
County Zoning:	BG (General Business District)
Proposed Zoning:	C-2A (Limited Central Commercial Zone)
Present Use:	Residential
Proposed Use:	Commercial
Comprehensive Plan Designation:	Category 1 – High Priority Annexation Areas
Comprehensive Plan Land Use Designation:	Mixed Use

Applicant/Owner:	Taililou, LLC 17601 Coastal Highway, Unit 6 Lewes, DE 19958
Location:	136 Rustic Lane
Size:	0.56986 +/- ac.
Tax Parcels:	ED-00-057.02-02-40.00-000
Application Date:	August 31, 2012
County Zoning:	RMH (Residential Manufactured Home District)
Proposed Zoning:	C-2A (Limited Central Commercial Zone)
Present Use:	Residential
Proposed Use:	Commercial
Comprehensive Plan Designation:	Category 1 – High Priority Annexation Areas
Comprehensive Plan Land Use Designation:	Mixed Use

File Number: AX-12-01

APPLICATION REVIEW COMMENTARY

D.A.C MEETING DATE: October 3, 2012

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APPLICATION: Annexation and Zoning of Lands of Taililou, LLC at 110 & 136 Rustic Lane

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

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

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

Surrounding Land Uses:
The immediately adjacent properties to the southwest are within the City limits and zoned C-4 (Highway Commercial). This includes the Sonic drive-thru restaurant located on the corner of Rustic Lane and North DuPont Highway/Route 13, and three properties under the same ownership as the properties requested for annexation. The property abutting the subject properties to the rear (south) is zoned IO (Institutional and Office) in the City of Dover and houses the Delaware State Police Headquarters. The unincorporated properties in the vicinity of the subject parcel are zoned RMH (Residential Manufactured Home) and BN (Neighborhood Business) and are residential in use.

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

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

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

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

Recommendation of the Planning Staff:
The requested zoning of C-2A is consistent with the Comprehensive Plan and compatible with the surrounding area. The adjacent properties that are under common ownership are zoned C-4 (Highway Commercial); however, the applicant wishes to develop the property as a mix of commercial and residential. This would not be permitted in the C-4 (Highway Commercial) zone; however, it would be permitted in the C-2A (Limited Central Commercial) zone. Staff recommends in favor of the C-2A zoning requested by the applicant and the ultimate development of the site as mixed use. Such development would be subject to site development plan review by the Planning Commission.

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

ADVISORY COMMENTS TO THE APPLICANT:

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: SEPTEMBER 26, 2012

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **LANDS OF TAILILOU, LLC, 110 & 136 RUSTIC LN.**

FILE #: **AX-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 / WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. Our office has no objections to the proposed annexation of tax parcels ED-00-057.02-02-38.00-000 and ED-00-057.02-02-40.00-000

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

WATER

1. As per the Petition to Annex and Zone Property, as heard by the City of Dover Utility Committee, September 24, 2012, please find the following:
    a. There is currently an eight-inch (8") water main that terminates at 58 E. Rustic Lane. To receive water service, the developer / owner of the subject properties must extend the water main to the easternmost property line of 136 East Rustic Lane. Infrastructure must be installed in accordance with the requirements of the City of Dover Water / Wastewater Handbook and DelDOT.
    b. The subject parcels are currently located within Tidewater Utilities Certificate of Public Convenience and Necessity (CPCN). The property owner must follow the appropriate guidelines to allow for transference to the City of Dover's CPCN.

WASTEWATER

1. As per the Petition to Annex and Zone Property, as heard by the City of Dover Utility Committee, September 24, 2012, please find the following:
    a. Currently, there is no City of Dover gravity sanitary sewer service on East Rustic Lane. The closest City of Dover gravity sanitary sewer main is roughly 770 linear feet south of the intersection of East Rustic Lane and Route 13. There is also a one and one quarter inch (1-1/4") force main located on the east side of Route 13, utilized by WaWa and the Sonic, which is now a maintenance responsibility of the City of Dover.
    b. Providing sanitary sewer service to this area has been a long term goal of the Department of Public Works and will continue to be pursued through an out year capital improvement project as options become available to provide sanitary sewer service to the community as a whole.
    c. Until such time as gravity sanitary sewer service becomes available to the community the options for service are limited. The owner / developer of the subject properties could perform the following, in accordance with the Water / Wastewater Handbook:
        i. Install approximately 1,531 linear feet of sanitary sewer main (provided gravity flow can be obtained). This option has limited viability as it would be cost-prohibitive to any project and would not be approved by DelDOT for at least five (5) years, as Route 13 was recently repaved.
        ii. Utilize grinder pumps and install a force main connection to Route 13. This would become a long term maintenance responsibility for the City of Dover, which is discouraged unless there is a community benefit, as East Rustic Lane is a State road. In addition, the existing force main referenced may be unable to receive any additional contribution and connection in Route 13 would not be approved as noted above. The properties would be required to connect to gravity sanitary sewer when it became available.
        iii. The subject properties could continue to use a septic system. This option would only be viable for residential use if also approved by DNREC and adequate space was available. The property would be required to connect to public sewer when it became available.
    d. Due to the information above regarding the wastewater utility, future uses of the subject properties would therefore be limited.

STORMWATER / SANITATION / STREETS / GROUNDS

1. None.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: September 26, 2012

D E L D O T

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APPLICATION: Lands of Taililou LLC at 110 and 136 Rustic Lane
FILE#: AX-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 FOR THE REZONING:

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

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

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

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
September 2012

APPLICATION: Lands of Taililou

FILE #: AX-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 annexation of the above referenced site.*

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

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

City of Dover

DATA SHEET FOR SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF October 3, 2012

PLANNING COMMISSION MEETING October 15, 2012

Plan Title:	Leander Lakes Apartments S-12-18
Plan Type:	Site Development Plan
Applicant/Owner:	Leander Lakes, LLC
Project Engineer:	Landmark Engineering
Location:	South side of Forrest Avenue west of Dover High Drive and the property of Dover School and east of Artis Drive
Address:	Forrest Avenue
Tax Parcel:	ED-05-075.00-01-05.01-000
Site Area:	28.67 acres ±
Zoning:	RM-2 (Medium Density Residence Zone) COZ-1 (Corridor Overlay Zone)
Present Use:	Open space
Proposed Use:	10 apartment buildings with 24 units each for a total of 240 units
Sanitary Facilities:	City of Dover
Water Supply:	City of Dover
Waivers Requested:	Alternative material choice for the sidewalk along Forrest Avenue Elimination of the Emergency Rear Access Alley Partial Elimination of Curbing

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: October 3, 2012

CITY OF DOVER PLANNING

APPLICATION: Leander Lakes Apartments

FILE #: S-12-18 REVIEWING AGENCY: City of Dover Planning Office

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

PLAN SUMMARY

This is a Site Development Plan Review to permit the construction of the Leander Lakes Apartment complex through the construction of ten (10) buildings with twenty-four (24) units each on the site for a total of 240 dwelling units. The property is zoned RM-2 (Medium Density Residence Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Leander Lakes, LLC. Tax Parcel: ED-05-075.00-01-05.01-000.

The RM-2 (Medium Density Residence Zone) has a maximum density of eight (8) dwelling units per acre. The density of the proposed apartment development is 8 units per acre.

Previous Application

The Planning Commission originally granted conditional Site Plan approval (S-09-13) for a 240 unit apartment complex at their meeting in August 2009. Construction did not commence and the plan expired on August 31, 2012. Previously, a Record Plan was recorded to subdivide the subject property from the Destiny Christian Church parcel. A Record Plan also recorded the contribution of forty (40) feet of property by Leander Lakes, LLC to create the right-of-way for Dover High Drive.

Coordination of Development Activities

With proposals for the Leander Lakes Apartments and the Capital School District's new Dover High School affecting development in this area of Dover. The City's Planning Office worked to bring the two entities together to discuss and plan for the infrastructure needs of both projects. As a result, there is a "Access and Development Agreement" dated February 24, 2011 between Leander Lakes, LLC and the Capital School District with regards to the responsibility, design, construction, etc. of the roads and other infrastructure elements in order to serve both the proposed apartment complex project and the new Dover High School.

Delaware 8 Concept Plan and Operations Study

In 2007, the Dover/Kent County Metropolitan Planning Organization developed and approved the *Delaware 8 Concept Plan and Operations Study* to identify circulation improvements along the Route 8 corridor on the west side of Dover, from the railroad tracks to Artis Drive. The

study identifies a number or north/south connector roads to relieve traffic conditions along the Route 8 corridor. Among these improvements was the concept of a regional road that would run along the east edge of the Leander Lakes property from Route 8, south to Hazlettville Road, immediately west of the Village of Cannon Mill. The location and design of Dover High Drive begins a portion of the regional road running from Route 8 to the southern boundary of the Capital School District property (the adjacent neighbor to the east), including the road connection to Tribbitt Street.

Preliminary Land Use Services Review (PLUS)

This application was reviewed on May 27, 2009 by the Preliminary Land Use Services as required by the City of Dover's Memorandum of Understanding (MOU). This MOU requires that residential development of over 150 units complete the PLUS Review process prior to application submission. The applicant previously submitted a written letter to the Office of State Planning Coordination regarding the PLUS comments. A determination was made that a second PLUS review was not required for this re-application for the development of the apartment complex project.

COZ-1: Corridor Overlay Zone

The subject site involved with this application is partially located within the COZ-1 (Corridor Overlay Zone). The first 500 feet of the property is within the COZ-1 and will be subject to its requirements. The *Zoning Ordinance* details the requirements of the COZ-1 in Article 3 §26 and its subsections. The Corridor Overlay Zone as a planning and growth management tool is designed to foster and attractive, efficient, and economically vibrant urban corridor along Route 8/Forrest Avenue and Saulsbury/McKee Roads. To this end, more stringent standards are applied to development taking place in the corridor.

Development of the site is not significantly affected by the Corridor Overlay Zone as the development will occur outside of the overlay area. For the Leander Lakes apartment development, none of the buildings or parking areas are located in the COZ-1 area of the site; only aspects of the landscaping requirements will apply to this project. The site is providing the required landscaping along the road frontage on Forrest Avenue and along the sides that are subject to the Corridor Overlay Zone.

PARKING SUMMARY

The minimum parking requirements for this project as multiple dwelling/apartment buildings is two (2) parking spaces for every dwelling unit, one for every 200 S.F. of office space, and 0.25 for every dwelling unit for guest parking. Based on the number of proposed 240 dwelling units and office of 600 S.F., a total of 543 parking spaces are required. The site is providing 552 parking spaces. There are eleven (11) handicap parking spaces located throughout the complex. The site is also providing five (5) parking spaces for the use of the leasing office. The site exceeds the parking requirement; however, it does not exceed the maximum parking calculation of 25%.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) parking spaces. Based on the number of parking spaces at 552, a minimum of 28 bicycle parking spaces are required. The Plan places bicycle parking racks in front of most, but not all, apartment buildings.

BUILDING ARCHITECTURE

Architectural elevations are required to be submitted as a part of the Site Plan (*Zoning Ordinance*, Article 10 §2.54(o) and Article 5 §19). The submitted elevations reflect a three story building that will be a combination of two different colors of vinyl siding and brick. The brick will be installed the entire height of the building at the main entrances. A darker vinyl siding will be used along the first floor of the building with a lighter color used on the second and third stories. An architectural band will separate the stories. The buildings will have pitched roofs with asphalt shingles. The front and rear sides of the building will have balconies with railings. The ends of the buildings will have vinyl siding with widows to break up the wall.

The clubhouse will be a one story building. The materials will reflect the apartment buildings. There will be brick to the water table along all elevations of the building. The brick will extend up around the widows on the front and rear of the building. There are two columns on either side of the glass entrance to the clubhouse on front elevation.

SITE CONSIDERATIONS

Site Access

Residential developments over 150 dwelling units require two connections to public streets (*Land Subdivision Regulations*, Article VI Section A8). The site will have two (2) access points to Dover High Drive (previously referred to as Rinnier Row in S-09-13). Dover High Drive is a proposed street (to be dedicated to the State of Delaware) that runs down the east side property line of this property and the Capital School District property. Dover High Drive intersects Forrest Avenue/Route 8 then continues south to an unnamed street (proposed City street) that connects to Tribbitt Street.

The construction of the first segment of Dover High Drive and its signalized intersection with Forrest Avenue is currently underway as part of a joint effort of Leander Lakes, LLC and the Capital School District. The "Access and Development Agreement" dated February 24, 2011 between Leander Lakes, LLC and the Capital School District outlines the responsibility, design, construction, etc. of the roads and other infrastructure elements serving both the proposed apartment complex project and the new Dover High School. The continuation of Dover High Drive (the next segment south of the pump station) and the street interconnection over to Tribbitt Street is to be constructed by Leander Lakes, LLC and available for use at the opening of the Dover High School facility (Fall 2014). This street network completion is a condition the Planning Commission placed on the approval of application C-10-05 Dover High School on December 9, 2012.

Site Circulation

There are three named drive aisles within the proposed Leander Lakes apartment development. Bliss Bayou is located along the Buildings #9 and #10. It takes access off of Dover High Drive. Isabelle Isle loops around Buildings #2 through #8 connecting twice to Dover High Drive. The final drive aisle MacDonald Grove runs parallel along Dover High Drive east of Building #1. In the northern portion of the site near Building #10, there is a vehicular connection to the existing Destiny Christian Church property.

Lighting

The location of some lighting is indicated on the plan. Adequate lighting needs to be provided

throughout the site and along Dover High Drive. Additional lighting should be placed along the walking paths and near the dog park. The lighting should be deflected away from other properties. The design/style of the fixtures should be provided on the Site Detail Plan sheet.

Dumpsters

Apartments require one (1) dumpster pad for the first 24 units and one (1) for every additional 24 units or a fraction thereof. Based on this calculation ten (10) dumpster pads are required for the 240 dwelling units. The site plan currently indicates ten (10) dumpster pads. The proposed dumpster pads are located along the edges of the property throughout the site. The method of private trash collection has been identified on the plan. A dumpster enclosure detail provided on the plan shows a wood and vinyl fence system as the enclosure. The architectural components of the Dumpster enclosures are to match the construction materials of the proposed buildings and be of a durable construction.

With this project, there is the opportunity to design for recycling collection on the site. Indicate if recycling will be provided for the complex and the location of the recycling area.

Waiver Request: Alternative Material Choice Sidewalk

Sidewalk is required along all street frontages. A standard concrete sidewalk is proposed along the property frontage with Dover High Drive. Currently, the plans show a shared use path (bike/pedestrian) along Forrest Avenue. A waiver request has been submitted for consideration of the use of hot-mix instead of concrete for this multi-modal path.

There is an internal sidewalk system within the apartment complex. Sidewalk runs along the front of the buildings with connections to the cinder walking paths. The internal sidewalk network connects to the street frontage sidewalk on Dover High Drive.

Waiver Request: Partial Elimination of Curbing

The parking areas and access drives are required to be curbed (Article 6 §3.6). The plan is proposing curbing throughout most of the site. The plan is not providing curbing along the parking areas farthest away from the buildings near the perimeter of the property. A waiver may be granted by the Planning Commission to direct runoff into the stormwater management area. A written waiver request has been submitted for consideration by the Planning Commission. Parking bumpers will be placed at the head of these parking spaces.

Active Recreation Area Plan

Active Recreation Area is required for residential developments at a rate of 275 SF per dwelling unit. Based on the total number of 240 proposed dwelling units, a total of 66,000 SF (1.5151 acres +/-) of Active Recreation Area is required. The plan proposes 84,241 S.F. (1.934 acres) of Active Recreation Area. The proposed Active Recreation Area includes three (3) barbeque/picnic areas with picnic tables and grills, a series of walking paths, a dog park, and a play area with swings and a see saw, picnic tables, and benches. The plan will be reviewed by the Parks Recreation and Community Enhancement Committee on October 8, 2012 and a recommendation will be made by them regarding the Active Recreation Area prior to Planning Commission meeting. See the Active Recreation Area Plan Review Report.

Waiver Request: Elimination of Emergency Rear Access Requirement

The *Zoning Ordinance* requires a 16 foot alley or an 18 foot secondary fire lane and an 18 foot subgrade emergency access lane to provide emergency access to the rear of two and three story apartment buildings (Article 5 §17.5(a)). The applicant is requesting a waiver for the elimination of these requirements. A written waiver request has been submitted to the Planning Office for consideration by the Planning Commission. Planning Commission will make a recommendation to City Council who has the final authority to grant the request for the elimination of the emergency rear access.

TREE PLANTING AND LANDSCAPE PLAN

One (1) tree is required for every 3,000 SF of land area. The tree planting requirement is based on the non-woodland land area. Based on the total size of the parcel at 28.67 acres, a total of 417 trees are required. The plan lists that there are 150 existing trees on the site to be preserved and they may count toward the overall tree planting requirement. The existing trees are located along Forrest Avenue and along the southern property line in a hedgerow area. The location of the woodlands needs to be identified on the plan. If present on the site, the woodland area is subtracted from the overall land area of the parcel for the calculation of the tree planting. The Plan indicated 311 new trees for a total of 461 trees. The trees include a mixture of deciduous and evergreen trees. The trees are located throughout the site with concentrations along the property lines, near recreation areas, and the walking path areas. The plan appears to meet the tree planting requirement.

COZ-1 Landscaping Requirements

The area of the property located within the COZ-1(Corridor Overlay Zone –1) is north of the site area proposed for development with the complex of building, parking lot areas, etc. The COZ-1 requires that a minimum of 25% of the site be landscaped open space. The area of the property located in the COZ-1 is to be landscaped with tree plantings and includes also a portion of the northern stormwater management pond with its walking path. The COZ-1 also includes specific tree planting requirements along property lines. For this property this requirement will be required for those areas of the property located with the COZ-1 which encompasses a depth of 500 feet from the corridor street of Forrest Avenue. One tree per fifty feet of frontage is required and one tree per 75 feet is required on the non-frontage perimeters within the COZ-1. Series of deciduous trees are proposed to be added to the site in these areas.

Agricultural Preservation District Area

The site for the apartment complex is adjacent to a parcel of land that is in an Agricultural Preservation District. The State requires a buffer of fifty (50) feet from the agriculture land in preservation. The State also requires a note be provided on the parcels of land when subdivided.

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 Final Plan set must include notes indicating the action taken by the Planning Commission in regards to any waivers and listing any additional conditions of approval. The plan set is to be revised to reflect all changes recommended by the Planning Commission.

2) Rear alleys shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by City Council. A written waiver request has been submitted to the Planning Office for consideration by the Planning Commission and final approval by City Council.

3) Curbing shall be constructed according to the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request for partial elimination of curbing to allow for drainage into the stormwater management areas has been submitted for consideration by the Planning Commission.

4) Sidewalks shall be constructed in accordance to the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A waiver for the change of material to construct the sidewalk along Forrest Avenue from concrete to asphalt has been submitted for Planning Commission consideration. A waiver for the use of an alternative sidewalk material has been submitted for Planning Commission consideration.

5) The site shall comply with the requirements of the signed "Access and Development Agreement" dated February 24, 2011 between Leander Lakes, LLC and the Capital School District pertaining to their development projects and association infrastructure improvements.

6) The street layout, design, and construction of the next segment of Dover High School (south of the Pump Station) and the unnamed connecting street to Tribbitt Street shall comply with the provisions of the "Access and Development Agreement" dated February 24, 2011 and agency requirements for street construction. Additional coordination and design review of these street segments with DelDOT and the City of Dover is required.

7) The continuation of Dover High Drive and the interconnection to Tribbitt Street shall be constructed and available for use at the opening of the Dover High School facility. This is a condition the Planning Commission placed on the approval of application C-10-05 Dover High School on December 9, 2010.

8) Revise the note regarding the maintenance of the right-of-way of Dover High Drive. Dover High Drive is a state maintained road until the street connection segment which runs east to connect to Tribbitt Street in the Cannon Mill Subdivision. The street segment connecting to Tribbitt Street is proposed to be a City of Dover maintained street

9) Provide a Site Plan sheet. This includes parking, fire lanes, building locations, sidewalk, etc.

10) Provide a Signage and Striping Plan or provide that information on a Plan Sheet. This includes location of stop signs, location of stop bars, crosswalks, directional arrows, fire lane markings, etc.

11) Revise the scale on the Paving and Utilities Plan Sheet (CC-02). The plan sheet is not scalable.

12) Revise all plan sheets to reflect the location of Dover High Drive and any site features shown on the approved plans for the first segment of Dover High Drive (now under construction).

13) Indicate the 50 foot agricultural preservation buffer on all plan sheets.

14) Indicate the locations of the fire hydrants and fire department connections on the appropriate plan sheet.

15) Indicate the number of parking spaces in each parking section on the Site Plan Sheet.

16) Provide crosswalks at the following locations: the intersection of Isabelle Isle across Dover High Drive; the intersection of Bliss Bayou and Isabella Isle; at the depressed curb on the east side of Building #1 across to the playground area; and across the intersection of Isabella Isle.

17) Provide adequate lighting throughout the site. Additional lighting should be placed throughout the Active Recreation Areas. Provide a Lighting Plan to depict this information.

18) The Plan Data Column on all Plan Sheets will need to be updated prior to Final Approval with the following:
    a) Any changes recommended or approvals including any waivers granted by the Planning Commission.
    b) Clarify item #12 Lot Coverage and item #16 Pervious and Impervious Area. The items should be combined into one item.
    c) Provide the bicycle parking calculation. One (1) bicycle parking space is required for every twenty (20) off-street parking spaces provided. Twenty-eight (28) bicycle parking spaces are required.
    d) Remove item #40.

19) Clarify the numbering in the Construction Notes on the Index Plan Sheet. The numbering goes through #40 then after #40 there is #36-40.

20) Indicate the location of mailboxes. Identify if they will be located inside the buildings, in the clubhouse, or if there will be outdoor cluster mailbox locations.

21) Provide construction details for the following items but not limited to: barrier free sidewalk, dumpster enclosures, dumpster pad, curbing, parking bumpers, traffic control signage, crosswalks, paving section, lighting fixtures, fence, gates, handicap signage, bike path, bicycle parking, etc.

22) The proposed drive aisle names within the apartment complex appear to lack street suffixes necessary for addressing. In addition, the Kent County 911 Addressing Section will review and provide recommendations on these proposed drive aisle names.

23) A Record Plan Sheet may be required to document and identify any easements for cross access (vehicular connection to Destiny Christian Church), utilities, drainage, etc. associated with the apartment complex development.
    a) If a Record Plan is prepared it must also include the appropriate notes due to the properties proximity to the Agricultural Preservation District.

24) Clarify if the property will subdivide the buildings into smaller parcels of land.

25) Revise the street name Rinnier Row to Dover High Drive on all of the Planting Plan Sheets and the Active Recreation Plan Sheets.

26) Revise the following items on the Planting Plan Sheets:
   a) Remove the trees proposed to be planted on the Capital School District property on the west side of Dover High Drive near Route 8. This area has a landscape planting plan associated with the Dover High School project.
   b) Identify the location of the woodland on the site and clarify the location of the existing trees to be preserved. Clarify if the 140 existing hedgerow trees are the woodland area; if they are the individual trees do not count toward the overall tree planting requirement. The woodland area is subtracted from the overall lot size to calculate the number of required trees to be planted.
   c) Clarify the total lot area and the non-woodland area. The total lot area should be larger than the non-woodland area.
   d) Check the tree planting calculations, the number of new trees and the total number of trees. It appears the following revisions are necessary: revise the number of new trees provided to 311; revise the number of required trees to 417; and revise the total number of trees to 461.
   e) Propose a different tree for the Pin Oaks. Pin Oaks are not recommended to be planted due to disease.

27) Refer to the Active Recreation Area Plan Review Report (issued for the 10/8/12 PRCE meeting) for Staff's comments and recommendations regarding this aspect of the plan. There may be revisions which affect other areas of the plan set.

28) There shall be provisions which ensure that the common open space land (including active recreation areas) shall continue as such and be properly managed and maintained. As the project is proposed as an apartment complex, the complex shall be responsible for the management and maintenance of all common areas, including the active recreation amenities.

29) The following items should be included on the Active Recreation Plan to clarify the construction of the recreation area improvements:
   a) A list of the proposed features needs to be provided on the Active Recreation Plan (i.e. the number of benches and the details of the items).
   b) Revise the name of the road to Dover High Drive.
   c) Provide lighting around the Active Recreation Areas such as the walking paths.
   d) Lawn areas shall be appropriate planted (seeded or sodded) and maintained for active recreation activities.
   e) Indicate the method of trash collection for the picnic tables and barbeque areas.
   f) Clarify the square footage of the clubhouse. It appears that half of the clubhouse will be utilized as Active Recreation Area.
   g) Clarify the property lines on the Plan Sheets.
   h) Provide bike racks near the club house.
   i) Identify the phasing for the construction of the Active Recreation Area with relation to the building construction phasing to ensure that the development of the Active Recreation amenities keeps pace with the building construction.
   j) Provide at least one fully accessible picnic area. This should include a paved surface to

the picnic table.

k) Clarify the maintenance and edging of the cinder walking trails to prevent erosion or encroachment of vegetation into the trail.

30) Indicate the following items for the dog park:
   a) Provide information for the dog park including by not limited to: method of trash collection, surface material, water fountain, posting of the rules, etc.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Waiver Requests: The following are Staff recommendation regarding each waiver requested.
   a) Elimination of Rear Emergency Alley Access: Staff recommends approval for the elimination of the rear emergency alley access as the buildings will be sprinklered.
   b) Partial Elimination of Curbing: Staff recommends approval of the elimination of curbing along the edges of the parking areas to allow for drainage into the stormwater management areas along the edges of the property. The installation of parking bumpers at the head of each parking space where the curbing has been eliminated is required.
   c) Alternative Material Choice for Sidewalk Construction: Staff recommends denial of the use of bituminous material for a bike/pedestrian path instead of concrete along Forrest Avenue. Staff recommends that concrete material be used for a bike/pedestrian path as this will be more durable and match the material used for the multi-modal path in front of Dover High School.

2) Staff recommended that the applicant be required to continue working with the adjacent property owner (Capital School District) to ensure:
   a) That the access road Dover High Drive and the interconnection to Tribbitt Street is constructed which services both Leander Lakes Apartments and the Dover High School;
   b) That the roads be designed and constructed according to the appropriate standards for DelDOT roads or City streets;
   c) That the costs of the shared road and other shared infrastructure improvements be shared according to any appropriate agreements;
   d) That the provisions of the "Access and Development Agreement" dated February 24, 2011 be followed and implemented.

3) Staff made several recommendations in the Active Recreation Area Plan Report. The comments and recommendations of that report are included here by reference and as listed.
   a) Staff recommends that a hard edging be required along the cinder surface walking trails to prevent erosion of the trail surfacing and/or the encroachment of vegetation into the trail.

4) Staff recommends the design provide a safe pedestrian crossing from Leander Lakes Apartments to the Dover High School. A potential location for this accessible crossing of Dover High Drive is at the apartment complex northern entry with Isabella Isle.

5) Staff recommends the applicant plan for the placement of recycling collection areas on the site near or by expanding the Dumpster enclosures. As part of a comprehensive statewide recycling program, single stream recycling will be required of multi-family residential areas

in the coming years. For more information see Delaware Universal Recycling Program at Delaware Solid Waste Authority.

6) Staff recommends that the applicant indicate a bus stop if one exists currently in the vicinity of this project. Staff recommends coordination with to work DART First State (Delaware Transit Corporation) to determine if any upgrades, changes, or a new stop would be necessary to provide transit services to the apartment complex.

7) Staff recommends that pedestrian connections (sidewalk connection) be added to connect the apartment complex to the adjoining properties of the Destiny Christian Church (existing church northwest of the complex) and to the proposed Calvary Baptist Church site on the west.

8) Staff recommends a cross access easement be provided for the adjoining property of Dover Christian Church Inc. (property north of the project site with a residential dwelling). With the transportation network improvements along Forrest Avenue/Route 8 and the construction of Dover High Drive creating a signalized intersection, access to the property may be limited should the property redevelop in the future.

9) Staff recommends that any outside HVAC Equipment be designed to minimize the impact on adjacent property areas and residents, adequately screened from public view and the overall visible impact on the streetscape/complex. Indicate the location of the equipment and provide screening (landscaping or walls) around the equipment. This plan shows "mechanical room" on the end of each building.

ADVISORY COMMENTS TO THE APPLICANT:

1) A recommendation by the Parks, Recreation and Community Enhancement Committee regarding the Active Recreation Area is needed prior to the consideration and action by the Planning Commission.

2) Planning Commission shall take final action regarding the Active Recreation Area Plan with consideration of the recommendations made by the Parks, Recreation and Community Enhancement Committee.

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

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

5) If a Record Plan is necessary for the project then it shall be recorded in the Kent County Recorder of Deeds Office prior to Final Site Development Plan approval.

6) In the event, that major changes and revisions to the Site Development Plan occur in the

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

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

8) As this development is a party to the "Access and Development Agreement" (dated 2/24/2011), the applicant is to comply with the provisions of the document including road construction responsibilities, traffic signal cost reimbursements, etc.

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

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: SEPTEMBER 26, 2012

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **Leander Lakes Apartments**

FILE #: **S-12-18**

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

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
    b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
    c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.
7. Per the Water/Wastewater Handbook; Provisions shall be made to extend water service / mains to all adjoining properties, parcels or lots, regardless of ownership or control of adjoining properties, parcels or lots, as required by the Department of Public Works. Extend the water mains to the property lines of adjacent owners.
8. Per the Water/Wastewater Handbook; All water mains not located in the right-of-way shall be located within five feet (5') of the center of a twenty feet (20') wide public utility easement.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.

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

3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. Sizing (flow) calculations must be submitted for all sanitary sewer mains showing that velocity and all other requirements are met. Any projected future flow requirement must be clearly identified.
6. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
7. The minimum size of all sanitary sewer laterals shall be six-inch (6").
8. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.
9. Per the Water/Wastewater Handbook; All wastewater mains not located in the right-of-way shall be located within five feet (5') of the center of a twenty feet (20') wide public utility easement.
10. Per the Water/Wastewater Handbook; Profiles of all sanitary sewer mains must be provided on the plans. All water, sanitary sewer and storm sewer crossings, including services, must be shown on the profiles.

STORMWATER

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

STREETS

1. Final site plan approval will not be granted until a copy of the approved entrance plan, signed by DelDOT is submitted to our office.
2. The current City of Dover standard street section provides for a 3' grass strip between the curb and sidewalk. This standard was administratively revised to meet ADA and FHA compliance with cross slope requirements and to prevent cars from scrapping at driveways. The revised standard utilizes a five feet (5') wide public sidewalk with a five feet (5') wide grass strip behind the curb.
3. A portion of the proposed Dover High Drive will be dedicated to the City of Dover, as such; the design of the road shall meet all the requirements of the City of Dover Specifications, Standards & Procedures for Public Works Construction.

SANITATION

1. Every person occupying a residence or duplex and every owner of an apartment shall provide such premises with a sufficient number of solid waste containers to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers.

GROUNDS

1. An official street tree species list has been approved by the superintendent of grounds for tree plantings along streets and avenues of the city. (The official list will be kept on file in the office of the city clerk.) No species other than those included in this list may be planted as street trees without the written permission of the superintendent of grounds.

2. Spacing of trees shall be determined by the superintendent of grounds, but, generally, all large trees shall be planted no closer than 35 feet, medium trees no closer than 30 feet and small trees no closer than 25 feet, except in special plantings designed or approved by a landscape architect.
3. No street tree shall be planted closer than 30 feet to any street corner and no closer than ten feet to any fireplug.
4. Only trees listed as small to medium shall be planted under power lines; and no trees shall be planted within ten feet of any underground water line, sewer line, transmission line or other utility.
5. It shall be unlawful and a nuisance for any person to plant any vegetation in any public right-of-way. Upon receipt of notice from the city to remove any vegetation located in a public right-of-way, the owner of the abutting property shall remove such vegetation at his own expense within the time limit provided in such notice.
6. It shall be unlawful and a nuisance for any person to plant any tree, shrub or bush within 16 feet of the curbline. Upon receipt of notice from the city to remove any tree, shrub or bush which is located within 16 feet of the curbline, the owner of the property upon which such tree, shrub or bush is located shall remove the same at his own expense within the time limit fixed in such notice.

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. Adobe Reader (.pdf format).
3. Please include all standard water/wastewater notes and requirements, which can be found in Section III.C of the Water/Wastewater Handbook.
4. No trees may be planted within ten feet (10') of underground utility infrastructure.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

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

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

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

4. Staff advises that the designer corroborate with the latest water as-built information from the Dover High School project, directly to the East of this property.

WASTEWATER

1. The City of Dover sanitary sewer system is available to this site. The developer is responsible for all costs associated with extending and providing service and capacity to the proposed development.
2. Prior to plan approval, the sanitary sewer system plans must be submitted to the DNREC, Division of Water Resources, Surface Water Discharges Section for review and approval. The owner/developer is responsible for providing all application fees, completed forms and plan sets directly to DNREC.
3. Profiles of the sanitary sewer main must be provided with the construction plans. All water, sanitary sewer and storm sewer crossings must be shown on the profiles.
4. Staff advises that the designer corroborate with the latest wastewater as-built information from the Dover High School project, directly to the East of this property.

STREETS

1. Staff advises that the designer corroborate with the latest road design information from the Dover High School project, directly to the East of this property

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.

STORMWATER / GROUNDS

1. None.

GENERAL

1. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.
2. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter 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 3, 2012

CITY OF DOVER FIRE MARSHAL

APPLICATION: Leander Lakes Apartments - 2161 Forrest Avenue

FILE #: S-09-13 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is a residential occupancy. Primary fire lanes are required to be 24 feet wide and cover the side of the building that has the primary entrance and exit. Secondary fire lanes can be reduced to 16 feet wide. Both can be no closer than 10 feet to the building and no farther than 50 feet from the building. Fire lanes shall cover 35% of the proposed building. Drawings are to show fire lane width and markings per Delaware State Fire Code.

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

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

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

5. Full building and fire plan review is required.

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

7. Sprinkler system required. System to be monitored.

8. Fire Department connection to be located within 50 feet of main entrance.

9. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment. Drawings to show FDC locations.

10. Required means of egress must have non-slip walking surfaces to a public way.

11. Fire alarm system required.

12. Knox Box required.

13. Standpipes required.

14. Elevator cars to meet the interior dimensions set forth in the Delaware State Fire Prevention Code.

15. Place fire hydrants 600 feet on center and show on site drawing.

16. Project to be completed per approved Site Plan.

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

ADVISORY COMMENTS TO THE APPLICANT:

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

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

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: September 26, 2012

D E L D O T

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APPLICATION: Leander Lakes Apartments on Forrest Avenue
FILE#: S-12-18 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 will require the applicant to provide the proper forms, fees, and plans in order to be issued an entrance permit.

2. The developer will be required to perform the off-site improvements along Dover High Drive as noted in the Access and Development Agreement dated February 24th, 2011. Also, the developer will be required to improved Dover High Drive to 12' lanes and 6' shoulders along the frontage of the property.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
September 2012

APPLICATION: *Leander Lakes Apartment*

FILE #: S-12-18

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

1. The site is currently under review by the District. The stormwater design appears to be in its final stages and an approval is foreseeable.
2. Green Technologies (bio retention, bio swales etc.) must be considered before traditional facilities can be considered.
3. The preferred methods of stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
4. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
5. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

DATA SHEET FOR RECREATION PLAN REVIEW
Recreation Plan Last Update September 4, 2012
PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE
MEETING OF October 8, 2012
Planning Commission Meeting of October 15, 2012

Plan Title:	Leander Lakes Apartments (S-12-18)
Plan Type:	Site Plan: Active Recreation Area Plan
Location:	South side of Forrest Avenue east of Artis Drive and west of Dover High Drive and the Dover High School property
Tax Parcel Number:	ED-05-075.00-01-05.01-000
Owner:	Leander Lakes, LLC
Site Area:	30.0 Acres +/-
Proposed Use:	Residential Development – 10 Apartment Buildings (Total 240 units)
Zoning:	RM-2 (Medium Density Residential Zone) COZ-1 (Corridor Overlay Zone)

Project Summary

The Leander Lakes Apartments is being reviewed as a Site Development Plan. The subject property consists of one parcel of land totaling 30.0 acres +/-. The Site Plan is to permit the construction of ten (10) apartment buildings for a total of 240 units and a clubhouse building. The residential units consist of apartments.

The plan was previously reviewed in 2009 as application S-09-13. The plan did not commence construction and the plan expired in August 2012.

Active Recreation Area Plan Summary:
As part of the Site Plan review process for this project, the applicant prepared a Conceptual Recreation Plan which illustrates how the Leander Lakes Apartments development will provide recreation amenities in accordance with the design specifications described in Article 5, Section 10 of the *Zoning Ordinance*. The Plan indicates that 84,241 S.F. (1.934 acres) of land would be reserved as Active Recreation Area. The Active Recreation Areas are located throughout the site. The proposed amenities include a clubhouse with a swimming pool located directly behind it; a play area that contains a swing set and a see-saw; three (3) barbeque/picnic areas; a dog park; and a series of walking paths.

There are three areas of walking paths, which also connect to the site's interior sidewalks. There is a path located around the stormwater management pond for Buildings nine and ten (on the north side of the site) that is proposed to be a cinder surface. A walking path is also proposed to

be located around the stormwater management pond for the other buildings at the southern portion of the site in the vicinity of the clubhouse with swimming pool. This is also proposed as a cinder surface trail. A small walking path segment, also to be a cinder surface, is located through the central recreation area that includes the playground and lawn area.

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

The following table provides information from the submitted Plan (last updated 9-4-12) for the Active Recreation Area to be constructed:

	Required	**Provided on Plan**
Active Recreation Area (Article 5 §10.16)	275 S.F. per dwelling unit or 0.5 acre, greater thereof 240 DU = 66,000 S.F. (1.5151 ac) Requires 1.5151 acres	Clubhouse, swimming pool, walking paths, BBQ areas, dog park, and playground area = Total of 84,241 S.F. (1.934 acres)
Active Recreation Amenities (Article 5 §10.15)	Accessible	Located throughout the development. Access to all buildings via the walking paths and sidewalk network.
Active Recreation Amenities (Article 5 §10.15)	Age Oriented to development	Clubhouse Swimming pool Playground area equipment Walking path (cinder surface)
	Parking	On-site parking provided for each dwelling unit. A parking lot with 5 spaces is also located on the northwest side of the clubhouse.
	Setbacks: 30 feet from residential lots and 25 feet from right-of-way for street	Clubhouse, swimming pool, dog park, walking path, and barbeque/picnic area locations are in compliance with the setbacks as required.
	Landscaping	The Active Recreation Area and the Landscape Plans for the project show trees and landscaping around the site.

Staff Recommendations:

The following are comments and recommendations from Staff of the Department of Planning & Inspections and the Parks & Recreation Division following review of the Active Recreation Area to be constructed.

1. The proposed plan meets the area requirements for the Active Recreation Area. The plan is required to provide 1.5151 acres of Active Recreation Area and it is proposing 1.934 acres of Active Recreation Area.

2. Staff recommends approval of the swimming pool, clubhouse, the swing set and see-saw of the playground area, barbeque/picnic areas, dog park, and walking path with comments and conditions provided below.

3. Staff recommends that a hard edging be required along the cinder surface walking trails to prevent erosion of the trail surfacing and/or the encroachment of vegetation into the trail.

4. The following items should be included on the Plan to clarify the construction of the recreation area improvements:
    a. Revise the name of the road to Dover High Drive.
    b. Provide lighting around the Active Recreation Areas.
    c. Lawn areas shall be appropriate planted (seeded or sodded) a maintained for active recreation activities.
    d. Indicate the method of trash collection for the picnic tables and barbeque areas.
    e. Clarify the square footage of the clubhouse. It appears that half of the clubhouse will be utilized as Active Recreation Area.
    f. Clarify the property lines on the Plan Sheets.
    g. Provide bike racks near the club house and playground areas.
    h. Identify the phasing for the construction of the Active Recreation Area with relation to the building construction phasing to ensure that the development of the Active Recreation amenities keeps pace with the building construction.
    i. Provide at least one fully accessible picnic area. This should include a paved surface to the picnic table.
    j. Clarify the maintenance and edging of the cinder walking trails to prevent erosion or encroachment of vegetation into the trail.

5. Indicate the following items for the dog park:
    a. Provide information for the dog park including by not limited to: method of trash collection, surface material, water fountain, etc.

6. The applicant is reminded of the requirements for construction phasing of the recreation area as associated with the development of the residential units.

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

7. There shall be provisions which ensure that the common open space land (including active recreation area) shall continue as such and be properly managed and maintained. As the project is proposed as an apartment complex, the complex shall be responsible for the management and maintenance of all common areas, including the active recreation amenities.

8. 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. Examples include reorientation of buildings, relocation of site components like stormwater management areas, and increases in floor area. 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.

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

Attachments:

Plan Set Sheets L1-L8* consisting of Planting Plans 1-3; Active Recreation Plans 1-3; planting Notes & Details, Active Recreation Notes & Details last updated September 4, 2012.

**Plan Set Sheets L1-L8 are available as paper copies should Committee members desire this format. Contact the Planning Office at 736-7196.*

LandmarkJCM
Science and Engineering

RECEIVED
SEP 7 2012
CITY OF DOVER
PLANNING & INSPECTIONS

September 6, 2012 C-2079-1

Ms. Janelle M. Cornwell
City of Dover
P. O. Box 475
Dover, DE 19903

Dear Ms. Cornwell:

SUBJECT: PRELIMINARY SITE PLAN APPLICATION
LEANDER LAKES APARTMENTS
TAX PARCEL # ED-05-75.00-01-05.01-000
DOVER, DELAWARE

Enclosed for yours and the Parks and Recreation Department's review and comment on behalf of the owner, Leander Lakes, L.L.C., is the following information:

1. (1) Planning Commission Application checklist;
2. (3) Completed site approval applications;
3. (1) Completed application for mailing list;
4. (1) Completed project contact list;
5. (1) Site Plan Application checklist (1 from Landmark and one from RRLA);
6. (23) 24"x36" Site Plans (Index, Paving & Utility, 2 L&G;
7. (38) 24"x36" Planting and Active Recreation Plans (L1-L8);
8. (15) 8½"x11" Apartment Building Architectural Elevations (A201 & A202;
9. (15) 8½"x11" Apartment Building color elevations (A201R);
10. (15) 8½"x11" Clubhouse photos;
11. $325.00 Application fee in cash for the City of Dover.

The proposed one story clubhouse will offer a fitness center, a community room and apartment management and sales offices. The picture provided shows a clubhouse from another apartment complex run by the Owner. They plan to replicate this one at Leander Lakes.

This application requests waivers for the following items:

1. Sidewalk materials waiver from concrete to hot-mix along the Rt. 8 multi-use path;

2. Elimination of rear emergency access for all apartment buildings and clubhouse. The buildings are proposed to be sprinklered.

3. Elimination of parking curb where sheet runoff is designed.

Please contact me with any questions concerning this submittal.

Sincerely yours,

Keith R. Kooker, P.E.
Branch Manager

/iag

Enclosures:

cc: Ms. Lisa Rinnier – Rinnier Development Company (w/out enclosures)