CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, August 20, 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 July 16, 2012

COMMUNICATIONS & REPORTS

1) Reminder: The Planning Commission Quarterly Workshop is scheduled for Tuesday, August 21, 2012 at 4:00pm in the City Hall Conference Room.

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

3) Report on City Council actions

4) Update on other Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:
   a) C-10-02 The Arbors at 1051 College Road – Request for a one year extension of the Planning Commission approval granted August 16, 2010 with the one year extension of July 18, 2011 for the Conditional Use Site Plan to permit the construction of a 55,350 S.F. multi-family building with 48 total units (condominium style units) and associated site improvements. The project is located on one parcel of land totaling 4.32 acres ± and is zoned RG-2 (General Residence Zone). The subject area is located on the north side of College Road, just west of McKee Road. The owner of record is JNK, LLC. Tax Parcel: ED-05-067.00-01-35.03-000. Council District 1.

2) Annual Review of Conditional Use Permit:
   a) C-08-01 House of Pride at Properties on North New Street and South New Street – Annual Review 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 meeting to allow for completion of property inspections. However, after review of the Inspection Reports the Planning Office is initiating the Process for Revocation of the Conditional Use Process with a Public Hearing to be scheduled for the September meeting.*

NEW DEVELOPMENT APPLICATIONS

1) Z-12-02 Lands of Bennie Smith at 870-872 Forest Street: Rezoning from CPO to C-1A – Public Hearing and Review and Recommendation for a rezoning application for one parcel of land consisting of 0.747 acres (32,532 S.F.) of area. The property is currently zoned CPO (Commercial/Professional Office Development District Zone) and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning classification is C-1A (Limited Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property known as 870-872 Forrest Street is situated on the south side of Forest Street and east of Gibbs Drive. The owner of record is Bennie Smith. Tax Parcel: ED-05-076.12-01-08.00-000. Council District 4.

2) S-12-13 Serenity Place Dover at 327 Martin Street — Public Hearing and Review of a Site Development Plan to allow for the construction of a two story 2,940 S.F. building as a residential treatment facility and associated site improvements. The subject property consists of 0.2696 acres and is zoned IO (Institutional and Office Zone). The property is located on the east side of Martin Street south of Court Street. The owner of the property is EBJ Inc. Address: 327 Martin Street. Tax Parcel: ED-05-077.10-01-48.00-000. Council District 2. *Associated with Board of Adjustment application V-12-04.Wiaver Request: Elimination of Connection Sidewalk*

3) C-11-03 Revised Governors Club Café at 144 Kings Highway – Public Hearing and Review of a Revised Conditional Use Site Development Plan to permit the establishment of a café/sandwich shop (restaurant use) serving alcohol in a portion of the first floor of an existing building. The property is zoned RGO (General Residence and Office Zone) and H (Historic District Zone). The property is located at the southernmost intersection of American Avenue and Kings Highway. The owner of record is Governors Club Professional Center, LLC and the lessee is Coffee Shop, LLC. Property Address: 144 Kings Highway SW. Tax Parcel: ED05-077.05-04-40.00-000. Council District 2. *The Planning Commission previously granted approval of the café/sandwich shop (restaurant use) with the condition of no serving of alcohol in June 2011.*

NEW BUSINESS

1) MI-12-21 Garrison Energy Center, LLC Performance Standards Review Application – Review of the Performance Standards Review Application associated with the Site Plan for Garrison Energy Center (Site Development Master Plan S-12-03) to determine if the proposed use will conform to the applicable performance standards as outlined in *Zoning Ordinance*, Article 5 §8 Performance Standards. The Garrison Energy Center is a combined cycle electric generating facility proposed for location on Lot 7 in the Garrison Oak Technical Park located on the north side of White Oak Road east of State Route 1. The owner of the property is the City of Dover and the lessee is Garrison Energy Center, LLC (Calpine Corporation). Address 1499 White Oak Road. Tax Parcel: Part of LC-05-068.00-01-03.00-000. Council District 3.

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: August 10, 2012 at 3:00pm

CITY OF DOVER PLANNING COMMISSION
July 16, 2012

The Regular Meeting of the City of Dover Planning Commission was held on Monday, July 16, 2012 at 7:00 PM with Chairman Welsh presiding. Members present were Mr. Baldwin, Mr. Shomo, Mr. Tolbert, Mr. Nichols, Mr. Holt, Mr. Ambruso, Colonel Welsh, Mrs. Still and Mr. Holden. (Note: Mr. Dean Holden was appointed as a Commission member on June 25, 2012)

Staff members present were Mrs. Townshend, Ms. Cornwell, and Ms. Metsch. Also present was Mr. Herbert Konowitz. Speaking from the public was Mr. Conny Malmberg.

APPROVAL OF AGENDA

Mr. Tolbert moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 9-0.

Mrs. Townshend stated that she would like to amend the agenda to move Item #1 under New Business to before Communications and Reports and also to move up #5 under Communications and Reports as well. (Note: there was no motion made to amend the agenda)

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JUNE 18, 2012

Mr. Shomo moved to approve the regular Planning Commission meeting minutes of June 18, 2012, seconded by Mr. Holt and the motion was unanimously carried 9-0.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that after twenty (20) years with the Planning Commission, Mr. John Friedman is moving on. A Resolution has been prepared that Staff would like the Planning Commission to approve.

Resolution

Whereas, John Friedman *became a member of the City of Dover Planning Commission on August 24, 1992 and has served with diligence and distinction in this capacity as an advocate for sound land use planning in the public interest; and,*

Whereas, John Friedman *has played a key role in ensuring fundamental fairness and careful forethought in the planning and development of the Capital City through his service on the Planning Commission; and,*

Whereas, John Friedman *has provided leadership on the Planning Commission through his role as Chairman of the Commission from July 17, 1995 to July 19, 2010; and,*

Whereas, John Friedman *has influenced the pattern and appearance of development in Dover through his contributions to the City's Comprehensive Plans including the 1996 Comprehensive Plan known as The Dover Plan, the 2003 Comprehensive Plan Update, the 2008 Comprehensive Plan; his participation in the development of numerous amendments to the City of Dover Zoning Ordinance including* the *COZ-1, C-2, IPM-2, AEOZ, TND, SWPOZ, and ROS zones; and,*

Whereas, John Friedman *completed his term of service on the City of Dover Planning Commission on June 25, 2012.*

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

Mr. Holt moved to approve adoption of the Resolution to John Friedman for his years of service, seconded by Mr. Shomo and the motion was unanimously carried 9-0.

Mr. Townshend further stated that she would like to welcome the newest Planning Commission member, Mr. Dean Holden who will now represent the Third (3rd) District.

Mr. Holden stated that he is a lifelong City resident having been born here. He went to school out of state and then came back. He spent ten (10) years working for Cabe Associates and just started working with Becker Morgan Group, Inc. He feels that it is worth mentioning that he knows that Becker Morgan Group, Inc. has a lot of plans that come before this Commission and he has talked to them in length about it. He will never be a Becker Morgan employee in front of the Commission if he is sitting here on this Commission. He would recuse himself if they had any plans that came forward that would come in front of this Commission with his involvement.

Mrs. Townshend stated that it was also worth noting that Mr. Holden is the Chairman of the Silver Lake Commission serving several years on it. He has done a lot of volunteer activities with the City through the Silver Lake Commission and with an adhoc committee to help look for skate park locations within the City.

Mrs. Townshend stated that the next regular Planning Commission Meeting is scheduled for Monday, August 20, 2012 at 7:00 PM in the City Hall Council Chambers. The next Planning Commission Quarterly Workshop is scheduled for Tuesday, August 21, 2012 at 4:00 PM in the City Hall Conference Room. Staff is working on getting someone to come in and do some Fair Housing Training.

Mrs. Townshend further stated that the Annual Review of the Conditional Use permit for the House of Pride was directed to be reviewed at the July meeting annually. This has been rescheduled for August to allow completion of the inspections and to report the status. It took a little more time to schedule the inspections because one of the Inspectors conducting the inspections was attending the Police Academy. The inspections were conducted last week and Staff is in the process of compiling the inspection reports.

Mrs. Townshend provided an update on the regular City Council meeting of June 25, 2012 where Mr. Ambruso and Mr. Holt were re-appointed to the Planning Commission as Second District representatives for a three (3) year term. Mr. Dean Holden was appointed to represent the Third District for a three (3) year term. Also, reported on the June 27, 2012 Safety Advisory and Transportation Committee meeting, the July 9, 2012, regular City Council meeting, and a July 11, 2012 joint meeting of the Legislative, Finance and Administration Committee and Election Board.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

NEW DEVELOPMENT APPLICATIONS

C-12-05 Transitional Housing for Dover Interfaith Mission for Housing, Inc. at 319 West Water Street - Public Hearing and Review of a Conditional Use Plan to allow for the establishment of a philanthropic use consisting of transitional housing in an existing single family residence. The parcel is zoned C-1A (Limited Commercial Zone) and is subject to SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area. The property is exempt from the requirements of the SWPOZ Tier 3 as the site is located within the Downtown Redevelopment Target Area. The property is located on the north side of West Water Street in the block between South Queen Street and South New Street. The owner of the property is Mockfaul, LLC and the lessee is Dover Interfaith Mission for Housing, Inc. Address: 319 West Water Street. Tax Parcel: ED05-077.09-03-05.00-000. Council District 2.

Representative: Mr. Herbert Konowitz – Vice-Chairman for the Dover Interfaith Mission for Housing.

Ms. Cornwell stated that this use would allow for the Dover Interfaith Mission for Housing to run a Transitional House. The house has four (4) bedrooms with typically four (4) men living there. The Transitional House is for men from the shelter who are employed and will stay there while they become self-reliant. The C-1A zoning district permits uses within the RG-1 (General Residence) Zoning District. The General Residence Zoning District permits uses within the One Family Residence Zone. Within the One-Family Residence Zone, philanthropic uses are a Conditional Use to the Planning Commission.

Ms. Cornwell further stated that in making your decision, the Planning Commission shall take into account the location, size, and character of the surrounding uses. If the Planning Commission grants approval for this Conditional Use, Staff has made a number of recommendations. Included in those recommendations is that an Annual Housing Inspection be conducted during June on an annual basis, that not more than four (4) reside in the house at any one time: that the owner maintain an active City of Dover Rental Dwelling License; and that the Conditional Use be reviewed by the Planning Commission at their July 2013 meeting.

Ms. Cornwell further stated that the other reviewing agencies have provided their comments.

Mr. Konowitz stated that he would like to comment on the caliber of the Planning Office and the help that they provided us during this process as they made it very easy for us. They accept all DAC comments and recommendations.

Mr. Holt stated that his question would be with regards to fire alarms to ensure that in case something happens that the fire would not get out of hand. Responding to Mr. Holt, Mrs. Townshend stated that the Fire Marshal's Office included their comments. There are hard-wired smoke detectors in the residence and the applicant has been very receptive to the recommendations of the Fire Marshal's Office.

Mr. Konowitz stated that they have an evacuation plan also posted.

Mr. Baldwin questioned if they had a maximum time that each participant would stay in the house? Responding to Mr. Baldwin, Mr. Konowitz stated that he would provide some history. The Dover Interfaith Mission for Housing takes homeless men in for thirty (30) days and within the thirty (30) days, they are obligated to try and find employment. If they actively pursue employment, we allow them to stay a little longer to sixty (60) days. If they do achieve employment, they can stay in the shelter for up to ninety (90) days and then they are moved to the Transitional House if they want to. They have to be employed and are charged $125.00 a week. If they pay that on time for a quarter, $25 of the $125 goes into a savings plan. If they do this for a whole year, they could walk away with a check for $1,200 so that they can get into their own facility or apartment.

Mr. Baldwin further questioned if they would be allowed to own automobiles while they are staying there? Responding to Mr. Baldwin, Mr. Konowitz stated that yes, they would.

Mr. Baldwin further questioned if there would be enough parking spaces if four (4) of them were to own vehicles? Responding to Mr. Baldwin, Mr. Konowitz stated that yes, this would not be a problem.

Mr. Nichols questioned if meals would be prepared here such as what you did when you were on Forest Street? Responding to Mr. Nichols, Mr. Konowitz stated that they would do their own meals. Once they leave the homeless shelter, they turn into different type of people by becoming very independent with using food stamps to buy food. They can eat their own food or can come back into the shelter; however, they hardly ever come back as they want to do their own thing.

Mrs. Still questioned with regards to parking, she drove back in that area which is behind Water Street in the back up the alley where the gravel part is and saw the space. It is marked for only two (2) spaces and if each person has a car that would be four (4) cars is this correct? Responding to Mrs. Still, Mr. Konowitz stated that the residents on Water Street do not have any cars, they use bicycles. When they come into the shelter, we try to outfit them with used bicycles.

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

Mr. Holt moved to approve C-12-05 Transitional Housing for Dover Interfaith Mission for Housing, Inc. located at 319 West Water Street including all DAC comments of record, seconded by Mr. Nichols and the motion was unanimously carried 9-0.

MI-12-13 Text Amendment: Revisions to *Zoning Ordinance*, Article 3 Section 23 Agricultural Zone - Public Hearing and Review for Recommendation to City Council of a Text Amendment to the *Zoning Ordinance*, Article 3 Section 23 Agricultural Zone (A) relating to permitted uses. The proposed ordinance adds Section 23.16 to permit the sale of agricultural supplies and products, accessory to the principal agricultural use on a parcel within the A Zone. Ordinance #2012-14.

Representative: Staff

Mrs. Townshend stated that this amendment would add the language under the "Uses Permitted" within the A Zone: "Sales of agricultural supplies and products as accessory to the principle agricultural use on the parcel." Essentially what it would allow for is if you have a farm, you could sell your products or farming supplies. There is not a whole lot of farmland left in the City; however, some of what is left is permanently protected so we want to keep it viable. This was requested by the owner of agricultural property with three (3) sponsors from City Council.

Mr. Holt questioned if you were talking about more like roadside farmstands? Responding to Mr. Holt, Mrs. Townshend stated that it could be that or it could be agricultural supplies such as grass seed, fertilizer or agricultural products other than heavy equipment.

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

Mr. Tolbert moved to forward recommendation of approval to City Council for MI-12-13 Text Amendment: Revisions to Zoning Ordinance, Article 3 Section 23 Agricultural Zone, seconded by Mr. Holt and the motion was unanimously carried 9-0.

MI-12-14 Text Amendment: Revisions to *Zoning Ordinance*, Article 3 Section 9 General Residence and Office Zoning (RG-O) - Public Hearing and Review for Recommendation to City Council of a Text Amendment to the *Zoning Ordinance*, Article 3 Section 9 General Residence and Office Zoning (RG-O) Zoning District. The ordinance would remove the prohibition of the sale of alcohol within restaurants that are located within the RGO Zoning District by amending Article 3 Section 9.14(b)i. The use as a restaurant is subject to Conditional Use approval by the Planning Commission. Ordinance #2012-15.

Representative – Staff

Mrs. Townshend stated that this is another amendment that was sponsored by members of City Council. It would eliminate the language "With no alcoholic beverages" from the Conditional Use provisions allowing restaurants and properties that are zoned both RG-O and H (Historic District). Currently, the Code reads "With no alcoholic beverages." This amendment would eliminate that language. It would not necessarily permit alcohol; however, would take off the prohibition.

Mrs. Townshend further stated that since this is a Conditional Use, this is something the Planning Commission would be able to consider during the review of the Conditional Use application. Alcohol sales are subject to regulations including a license through the State of Delaware from the Alcoholic Beverages Control Commission. Included in your packet is a map where it shows the Historic District Zone and with the blue hatching in that map showing the area where the amendment could be applicable.

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

Colonel Welsh opened a public hearing.

Mr. Conny Malmberg – Representing the Applicant that requested the Ordinance Change – Stated that after consultation with the Planning Office, this Ordinance is applicable and feels that it is a

good idea for the City. His particular client is the Governors Club Café which is the large Victorian house located across from the Governor's house. Currently, Mr. Sorrels runs a sandwich shop there that has been fairly successful on a daily basis. People have been asking him if he could do a wine bar at 5:00 PM and let people sit on his front porch and wind down. In further support of this amendment, if you look at any of the nice historic towns around the State, all of them convert the older buildings to neat old eateries such as the "Buttery" in Lewes, Delaware and several others in Lewes and places in New Castle County. It helps small businesses with the kind of quaint feeling of a town. This would be a plus to permit this use as a potential use with the property location and eatery such as this one.

Mr. Malmberg further stated that this remains a Conditional Use so if there were any particular circumstances with conditions or restrictions, they would still maintain control over that. He does not feel that this is a risk; however, a positive thing for the City of Dover. He would request that you approve it.

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

Mr. Ambruso moved to forward recommendation of approval to City Council for MI-12-14 Text Amendment: Revisions to Zoning Ordinance, Article 3 Section 9 General Residence and Office Zoning (RG-O). The new Ordinance would remove the prohibition of the sale of alcohol within restaurants that are located within the RG-O Zoning District, seconded by Mr. Holt and the motion was unanimously carried 9-0.

MI-12-15 Text Amendment: Revisions to *Zoning Ordinance*, Article 4 Section 5 Supplementary Sign Regulations - Public Hearing and Review for Recommendation to City Council of a series of Text Amendments to the *Zoning Ordinance*, Article 4 Section 5 Supplementary Sign Regulations. The proposed ordinance is a comprehensive amendment to the City's Sign Regulations. Proposed amendments allow for additional signage, increase in the allowable sign area, allowances for additional signage and sign placement, increased flexibility for temporary signage, revised definitions, updates the Sign Regulations using the United States Sign Council's Model Sign Code, and a revised Sign Table outlining permitted signage based on property use, adjacent uses, and road type. The series of text amendments amend Article 4 Section 5 of the *Zoning Ordinance*. Ordinance #2012-13.

Representative: Staff

Mrs. Townshend stated that after hearing a lot of feedback from members of City Council and the business community regarding the Sign Regulations being too stringent, she reached out to the Chamber of Commerce and the Real Estate community. Beginning in January, Staff started to meet specifically regarding signs as there will be other things that we will be meeting on in the fall. Mr. Malmberg was part of that group where we had a very good assemblance of people representing the business community.

Mrs. Townshend further stated that what was included in your packet is a bullet point list of the substantial changes to the Sign Regulations. In some cases, we took language from the *United States Sign Council Model Sign Code*. In addition to being the industry voice, they are also the body that has done the most research in terms of signage and the safety aspects of signage. Staff looked at their illumination standards and definition of sign area and electronic messaging centers.

Mrs. Townshend stated that Staff changed some definitions regarding the monument sign. Currently, it requires that it be wider than tall which means that there is nowhere in the Code that addresses whether it is taller than wide. In some cases if taller than wide it looks perfectly fine. The idea that these should be prohibited did not make sense so we changed the definition of monument signs so that the "wider than tall" comes out.

Mrs. Townshend further stated that the way that we define "sign area" in the current Sign Regulations has you put one metrical figure over the print. In the case where you have something that is taller in one area and lower in another, you have to box out that whole area. You would be boxing out a lot of white space that has to be counted towards the sign area; however, it is really not signage. We looked again to the United States Sign Council in their definition and it can be a series of geometrical shapes.

Mrs. Townshend further stated some other changes included: increasing the sign area for directional signage and a number of changes to the Sign Table such as removing the maximum height for wall signs that would be regulated by the building height where we obviously can't have a wall sign higher than the building. This is an area that we have seen things come forward in the past that we have been stuck with. It also includes increasing the maximum sign area square footage; elimination of the mountable wall area requirement while there is still a maximum percentage of the wall face that you can use; a reduction in the exclusion zones for monument and pylon signs; a change in the number of wall signs per frontage from one (1) to two (2); increasing the amount of the window that can be covered by window signage; and allowing more flexibility for Temporary Signs.

Mrs. Townshend further stated another change included the removal of the requirement that a non-conforming sign has to be brought into compliance when a change of use is involved. An example of that would be having an existing building with non-conforming signage such as a restaurant and it closes and a new restaurant comes in, you would be able to reface the sign because there would be no change of use. However, if it is a restaurant and the restaurant closes and it becomes an insurance office, the signage would need to come into compliance. We have found that to be very onerous for small business owners.

Mrs. Townshend further stated that there was a lot of compromise in these changes; however, she believes that it is certainly more generous than what we have now. However, it is strong enough to prevent the sign clutter that you see outside of the City.

Mr. Nichols questioned what is the limitation of entrances on State Street only? Does that mean new entrances or no more? Responding to Mr. Nichols, Mrs. Townshend stated that this is the RG-O Zoning District and is language that is just in there. This is the Ordinance that was the last item on the agenda. What this means is that for the restaurants in the RG-O Zone, if they are located on State Street, they would have to take their entrance from State Street. This would be physical not a driveway; however, a door.

Mr. Holden questioned with regards to the non-conforming signs, there are a large number of non-conforming signs. Is there another mechanism to bring them into conformance if businesses change hands or are we essentially saying that this is the way that the sign is and will stay that way forever? Responding to Mr. Holden, Mrs. Townshend stated that it would have to come into compliance if it is removed or if there is a certain degree of alteration to the property. For instance, if you tear down the building and rebuild something there, the new signage would have to comply.

Colonel Welsh questioned the changes to the Sign Table that include the following: the removal of the maximum height for wall signs. Would wall signs be restricted by the building height? Responding to Colonel Welsh, Mrs. Townshend stated that this is something that we did for new buildings back in 2009 when we made changes. Staff put it in the pervue of the Planning Commission to allow signage that exceeded thirty (30) feet. What we were finding is if something comes in and it is an existing building and a new tenant, they cannot place the sign high on the building because it is limited by thirty (30) feet. There are plenty of times where something taller than thirty (30) feet works with the building so we wanted to be able to allow that administratively. When you are looking in terms of the scale of the building, it will not exceed the building height. Part of the reason you control sign height is largely the pylon thing where you do not have a hundred foot tall pylon sign that you can see from Jupiter. In the case of a wall sign, if you have a building that is sixty-five feet tall limiting the wall sign height to thirty (30) feet, it could be in a really bad spot.

Colonel Welsh further questioned by more flexibility related to Temporary Signs, how will this be regulated? Responding to Colonel Welsh, Mrs. Townshend stated that no matter what we do with Temporary Signs, it is going to be a challenge to enforce as they have always been a challenge to enforce. We are going to have to put the Inspectors in a position of monitoring it by checking to see when a sign goes up and when it goes down.

Colonel Welsh opened a public hearing

Mr. Conny Malmberg – Stated that he was selected for the Sign Regulations Committee because he has had several applications before the Board of Adjustment for signs that just did not make sense. He feels that a lot of the impetus for this Ordinance was to try and not have stuff that is plainly obvious shouldn't be the way that it is coming before the Board of Adjustment all of the time. He feels that a lot of these issues were addressed. Mrs. Townshend stated that there was a lot of compromise; however, it was not all of us versus Staff. It was really a lot of different participants with different points of view that were doing most of the compromise. Staff did a fantastic job with a lot of background work and the way that different jurisdictions handle this and were generally very supportive. He feels that these changes are a great idea in that it will not turn into Las Vegas around here and it is getting rid of things that would not make sense if we started to apply them and saving the Board of Adjustment some time.

Mrs. Townshend stated that while she was at the table with the business community, Janelle Cornwell had the tedious task of making sure that everything was incorporated correctly.

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

Mr. Ambruso moved to forward recommendation of approval to City Council for MI-12-15 Text Amendment: Revisions to Zoning Ordinance, Article 4 Section 5 Supplementary Sign Regulations, seconded by Mr. Baldwin and the motion was unanimously carried 9-0.

NEW BUSINESS

Nomination and Election of Officers (Chairman and Vice-Chairman)

Mr. Tolbert moved to nominate Colonel Robert Welsh as Planning Commission Chairman, seconded by Mr. Nichols and the motion was unanimously carried 9-0.

There were no other nominations for Chairman.

Mr. Ambruso moved to close the nominations for chairman. (There was no second called for closing the nominations).

Mr. Nichols moved to nominate Mr. Tolbert for Vice-Chairman, seconded by Mr. Holt and the motion was unanimously carried 9-0.

Mr. Shomo moved to close the nominations for Vice-Chairman, seconded by Mr. Nichols and the motion was unanimously carried 9-0.

Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 §2.28)

Colonel Welsh stated that presently, the two (2) members from the Planning Commission were Michael Hemmig who has departed and myself on this Subcommittee. He would be very interested in staying on this committee since he was one of the people who pushed through the architectural review process that we have.

Mrs. Still stated that she would volunteer to serve on the Architectural Review Oversight Subcommittee.

Colonel Welsh stated that Mrs. Still has a degree in architectural engineering and would be very valuable.

Mr. Nichols stated that he too would also like to serve on the Architectural Oversight Review Subcommittee.

Colonel Welsh suggested that he step aside since he has been on this committee for a while.

Colonel Welsh appointed Mr. Nichols and Mrs. Still as the two (2) Planning Commission members to serve on the Architectural Review Oversight Subcommittee.

Colonel Welsh stated that all who are favor of these nominations please signify by stating aye, all were in favor and the motion was unanimously carried 9-0.

Mrs. Townshend stated that Staff will need to find a second alternate as Mr. Jack Pepper is now deceased. Staff will look for another architect to fill this position.

Meeting Adjourned at 7:52 PM

Sincerely,

Diane Metsch
Secretary

Pennoni
PENNONI ASSOCIATES INC.
CONSULTING ENGINEERS

August 08, 2012

TASB 0902

The City of Dover Office of Planning and Inspections
Attn: Dawn E. Melson-Williams, AICP, Senior Planner
15 East Loockerman Street
Dover, Delaware 19901
Submitted via e-mail dmelson@dover.de.us

RE: The Arbors Condominiums Project
City of Dover, Kent County, Delaware

Dear Ms. Melson-Williams:

As discussed during our August 07, 2012 telephone conversation, the Conditional Use Approval for The Arbors Condominiums was granted at an August 16, 2011 Planning Commission Public Hearing. A one (1)-year extension request was submitted to your office on June 10, 2011 and subsequently granted by the Planning Commission on July 18, 2012. It is our understanding that the Conditional Use Approval is now scheduled to expire on August 31, 2012.

As you are aware, construction of this project has not yet been initiated. Therefore, on behalf of our Client and the property owner, Ashburn Homes Inc., we respectfully request an additional one (1)-year extension to the Conditional Use Approval. We understand that this is the last extension that may be requested in support of this project. Therefore, if the one (1)-year extension is approved by the Planning Commission, building permits must be secured and construction initiated by August 31, 2013 before the Conditional Use Approval is nullified.

We appreciate your continued assistance with this project. If you have any questions/comments or require additional information, please do not hesitate to contact me at this office.

Respectfully,

PENNONI ASSOCIATES INC.

Douglas D. Barry

Douglas D. Barry, PE, Project Manager

cc: Ashburn Homes Inc.

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City of Dover

August 10, 2012 Sent by Certified and Regular Mail

Marian Harris
House of Pride, Inc.
105 South New Street
Dover, DE 19904

Re: Notice of Initiation Process for Revocation of Conditional Use of the properties located North and South New Street, Dover, Delaware
C-08-01: House of Pride

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**

Dear Ms. Harris:

This letter serves as notice that the Planning Office is initiating the process to revoke the Conditional Use Permit for the aforementioned properties located on North and South New Street in accordance with *Zoning Ordinance* Article 10 Section 1.43. The properties are not in compliance with the provisional Conditional Use granted by the Planning Commission. The Planning Commission required that the properties must meet all Building and Life Safety requirements. The Fire Marshal has found numerous Life Safety violations including but not limited to non-operational smoke detectors, outdated or insufficient fire extinguishers, outdated electrical inspections, non self-closing doors and no working fire safety plan. The Code Enforcement Office also identified a number of Code violations.

You have thirty (30) days to correct all violations identified in the Fire Marshal and Code Enforcement inspection reports of July 2012 and develop a fire safety plan to be approved by the Fire Marshal's Office. The Planning Commission also required as part of the Conditional Use approval that the House of Pride have a knowledgeable person on staff to ensure the operation of the fire alarm system, and a working fire safety plan acceptable by the City of Dover Code Enforcement (Case 12-711).

The Planning Commission will hold the annual review of the Conditional Use at their meeting on August 20, 2012 at which time the Planning Staff will inform them of the Public Hearing scheduled for September 17, 2012. The Planning Commission will hold a Public Hearing on revocation of the Conditional Use on the aforementioned properties located North and South New Street at their meeting on September 17, 2012.

Staff notes that the property located at 110 South New Street has been condemned by the City of Dover and the House of Pride is appealing the condemnation to City Council. The appeal will be heard by City Council at their meeting on August 13, 2012.

Please be prepared to speak at the Public Hearing on September 17, 2012 to share information as to why the Conditional Use for Recovery and Transitional Housing should not be revoked.

Should you have any questions, or require further assistance, please contact me at (302) 736-7196.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Planning and Community Development Director

cc: Sandra Dean
Herb Konowitz
Janelle Cornwell, AICP Planner II
Dave Truax, Fire Marshal
Tim Taraila, Code Enforcement Supervisor
C-08-01

PETITION TO AMEND AND ZONING DISTRICT
Public Hearing before the Planning Commission
August 20, 2012

Applicants/Owners:	Bennie L. Smith
Address:	870-872 Forest Street
Location:	South Side of Forest Street east of Gibbs Drive
Tax Parcel ID #:	ED05-076.12-01-08.00-000
Size:	32,552 +/- Square Feet
Present Use:	Commercial (Vacant & Day Care Center)
Proposed Use:	Commercial (Retail & Day Care Center)
Comprehensive Plan Designation:	Commercial
Present Zoning:	CPO (Commercial and Professional Office Zone)/COZ-1 (Corridor Overlay Zone)
Proposed Zoning:	C-1A (Limited Commercial Zone)/COZ-1 (Corridor Overlay Zone)
Reason for Request:	To allow for retail development on the site
File Number:	Z-12-02

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 8, 2012

APPLICATION: Lands of Bennie Smith at 870-872 Forest Street - Proposed Rezoning from CPO/COZ-1 to C-1A/COZ-1

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

CONTACT PERSON: Ann Marie Townshend, AICP PHONE#: (302) 736-7196

This rezoning application consists of for one parcel of land totaling of 0.747 acres (32,532 S.F.) of area. The property is currently zoned CPO (Commercial/Professional Office Development District Zone) and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning classification is C-1A (Limited Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property known as 870-872 Forrest Street is situated on the south side of Forest Street and east of Gibbs Drive. The owner of record is Bennie Smith. Tax Parcel: ED-05-076.12-01-08.00-000.

Previous Applications:
On September 22, 2003, this property at 870 Forest Street was approved for rezoning by City Council from RG-1 (General Residence Zone) to CPO (Commercial Professional Office Zone) with the property also subject to the COZ-1 (Corridor Overlay Zone 1). Application Z-03-03.

Redevelopment of this parcel of land was then reviewed under Site Plan S-04-01and approved by the Planning Commission on January 20, 2004. The Site Plan proposed that the two existing buildings be utilized as office buildings and include site improvements for parking and landscaping.

On November 15, 2004, a Conditional Use Site Plan C-04-08 was reviewed and granted conditional approval by the Planning Commission to permit the use of the existing Building #2 (rear building addressed as 872 Forest Street) on the property as a Day Care Center. As part of the motion, the Planning Commission set the maximum number of children for this Day Care Center at sixty (60) children. The lessee proposing the daycare center was William Schick and Jennifer. Conditional Use Site Plan (C-04-08) was granted Final Plan approval on June 8, 2005. Construction activities were began to renovate the buildings and complete the site work. During the implementation of the plan a discrepancy between the approved Site Plan and the approved Landscape Plan was identified related to the opaque barrier requirements and as a result the

Planning Commission considered and approved a waiver request for the opaque barrier requirements on September 19, 2005.

Existing Property:
The subject property consists of one parcel of land and includes two (2) existing buildings. The front building at 870 Forest Street is registered as a Vacant Building under the provisions of the Vacant Building Ordinance. The rear building at 872 Forest Street currently houses a Day Care Center known as Cindy's Bright Star Learning.

Surrounding Land Uses:
The surrounding uses vary. Immediately surrounding this property are residential properties zoned RG-1 (General Residence Zone) and with properties zoned R-8 (One Family Residence Zone) further to the south. This area of single family dwellings is known as Lincoln Park. To the north of the subject property across Forrest Street (Route 8) is zoned IO (Institutional and Office Zone) and is the location of an elementary and middle school. To the northeast of this parcel at the intersection of Forrest Street and Division Street is a mix of zoning including C-1A (Limited Commercial Zone), and C-3 (Service Commercial Zone). The commercial uses in this area include a laundromat, car wash, and retail store. Further east on Forest Street are two parcels zoned C-1 (Neighborhood Commercial Zone).

Those properties fronting on Forest Street are within the COZ-1 (Corridor Overlay Zone) which requires enhanced design requirements for development activities such as landscaping, setbacks, building placement, parking, buffering, etc. to promote superior urban design.

Comprehensive Plan:
In the *2008 Comprehensive Plan*, the Land Development Plan (Map 12-1 as amended, dated March 2012) recommends that this property be used for Mixed Use. Specifically, regarding mixed use in the downtown area, the Comprehensive Plan identifies the following goal:

> Enhance the role of Downtown Dover as a major employment, residential and commercial center as well as the symbolic and cultural heart of the community, and recognize its unique heritage and historic resources. Provide for mixed use development allowing greatest variation of uses.

The rezoning request is consistent with this Land Use Classification and the stated goal.

Request for C-1A (Limited Central Commercial Zone)
The types of permitted uses in the C-1A Zone are given Article 3 §12 of the *Zoning Ordinance* and the referenced Article 3 §11 for uses of the C-1 (Neighborhood Commercial Zone). The permitted uses include the following:

Section 12. - Limited commercial zone (C-1A).

12.1 *Uses permitted.* No building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

12.11 All uses permitted in the neighborhood commercial C-1 zone, with no limitation on size of establishments.

12.12 Residences conforming to the regulations set forth in article 3, section 2.

12.13 Banks or businesses, professional or governmental offices.

12.14 Other retail and service establishments, but excluding:

12.141 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.

12.142 Wholesaling, warehousing or storage.

12.143 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.

12.144 Excessive traffic generating uses, such as theaters, drive-ins, bowling alleys and other commercial, recreation, restaurants, etc.

12.15 Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

12.2 *[Enclosed buildings.]* All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides.

12.3 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

12.4 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance or certificates of occupancy for any change of use.

Section 11. - Neighborhood commercial zone (C-1).

11.1 *Uses permitted.* In a neighborhood commercial zone (C-1), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or signed to be used, in whole or in part, for any purpose, except the following, which shall be permitted, conditional upon approval as to use by the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1 of this ordinance:

11.11 Convenience retail stores such as drug stores, grocery stores, luncheonettes, variety stores or combinations thereof.

11.12 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.

11.13 Service establishments furnishings services other than of a personal nature, but excluding gasoline filling stations and motor vehicle storage, repair, or service.

11.14 Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

11.2 *[Enclosed buildings.]* All permitted uses and all storage accessory thereto, other than off-street parking, shall be carried on in buildings fully enclosed on all sides.

11.3 *[Floor space.]* The total floor space in any one retail or service store or establishment shall not exceed 2,000 square feet.

11.4 *Uses prohibited.* The following uses are prohibited:

> Residences, other than living quarters for not more than one family, incidental to each permitted building on each lot, for the use of the owner or caretaker of such building or of the owner or caretaker of the permitted use or uses housed in such building.

Recommendation of the Planning Staff:
Staff recommends that the rezoning be granted as requested, as the proposed zoning is consistent with the Comprehensive Plan and compatible with the surrounding area.

Staff recommends that the properties remain subject to the COZ-1 (Corridor Overlay Zone) due to their frontage on to Forest Street. The purposes of the COZ-1 are to promote superior urban corridor development; to foster coordination and linkage among corridor properties; to preserve functionality and efficiency of the roadway for traffic movement; and to achieve a visually balanced streetscape environment friendly to the pedestrian and motorist. (*Zoning Ordinance*, Article 3 §27)

This recommendation is being made without that benefit of hearing the comments of surrounding landowners and residents. A public hearing is required on this matter and the Planning Commission should give those comments consideration.

ADVISORY COMMENTS TO THE APPLICANT:

1) Prior to establishing any use or commencing with any construction on the subject property, including within the existing buildings, the applicant shall contact the Planning Office so that the appropriate review process can be determined and coordinated with other reviewing entities including the Fire Marshal's Office, Public Works/Utilities, and the Chief Building Inspector.

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

3) The applicant shall be aware that approval of any 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.

4) All businesses operating in the City of Dover are required to obtain a City of Dover Business Licenses from the Licensing and Permitting Division located in City Hall. Certain types of uses also require a Public Occupancy permit.

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: AUGUST 1, 2012

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **LANDS OF BENNIE SMITH AT 870-872 FOREST STREET**

FILE #: **Z-12-02**

REVIEWING AGENCY: **City of Dover**

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 / STREETS / SANITATION / GROUNDS

1. Our office has no objection to the rezoning of the following tax parcel numbers: ED05-076.12-01-08.00-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

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

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate meter / service / main to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of electric, water and sewer services and meters will be assessed at that time. (Please note that each water meter registered with the City of Dover must have a separate service line.) Should the existing water and sanitary sewer services no longer be required based upon the proposed use, they must be properly abandoned at the mains in accordance with all City of Dover Department of Public Works standards and specifications.
2. Any redevelopment shall adhere to the City of Dover Water/Wastewater Handbook, the Specifications, Standards & Procedures for City of Dover Public Works requirements, and the City of Dover's Electric Service Handbook.
3. Please note that renovations projects must ensure that the water and wastewater service is brought up to current requirements. This may include relocating the water meter outside or changing service line sizes. Please ensure you schedule a meeting with the Department of Public Works during the planning phase for this site.

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: August 1, 2012

D E L D O T

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APPLICATION: Lands of Bernie Smith at 870-872 Forrest Street: Rezoning From CPO to C-1A

FILE#: Z-12-02 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

- A Traffic Impact Study (TIS) will be required if the proposed new development 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 the City. 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 e-mail: 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).

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

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
AUGUST 2012

APPLICATION: Lands of Bennie Smith

FILE #: Z-12-02

REVIEWING AGENCY: *Kent Conservation District*

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

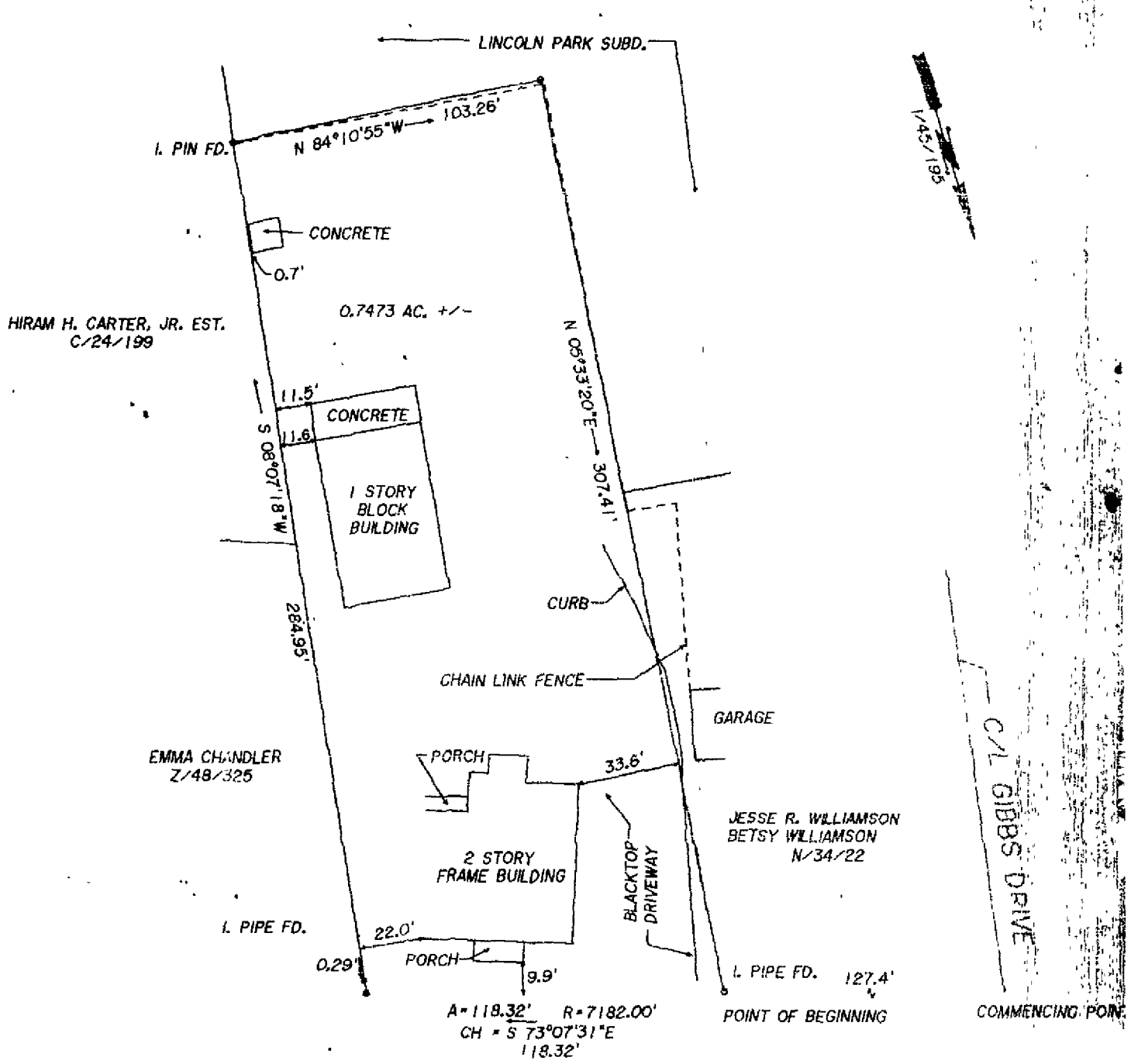
THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

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

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

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



#8, 0A FOREST STREET

BUYER:
BENNIE L. SMITH

THE ACCURACY OF THIS SURVEY EXCEEDS THE MINIMUM STANDARDS FOR A CLASS "A" SURVEY.

I CERTIFY THAT THE IMPROVEMENTS INDICATED HEREON ARE LOCATED AS SHOWN.

ROBERT L. LARIMORE
P.L.S. #392

KERMIT J. KNOWLAND

LILLIAN W. KNOWLAND

CITY OF DOVER

KENT COUNTY, DELAWARE

ROBERT L. LARIMORE	1" = 50'
LAND SURVEYOR	7-24-01
WYOMING, DE.	060A-22

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF August 8, 2012

PLANNING COMMISSION MEETING OF August 20, 2012

Plan Title:	Serenity Place at 327 Martin Street S-12-13
Plan Type:	Site Plan
Property Location:	East side of Martin Street south of Court Street
Property Address:	327 Martin Street
Tax Parcel:	ED-05-077.10-01-48.00-000
Owner:	EJB Inc.
Project Engineer:	Minnich Engineering
Building Area:	5,880 SF Proposed
Existing Use:	Existing office building Former site of residential treatment facility (destroyed by fire)
Proposed Use:	Residential Treatment Facility
Off Street Parking:	Required – 9 spaces* (7 spaces per BOA Variance) Proposed – 7 spaces
Sewer & Water:	City of Dover
Zoning Classification:	IO (Institutional Office Zone)
Waiver Requested:	Elimination of Sidewalk connection into the site

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 8, 2012

CITY OF DOVER PLANNING

APPLICATION: Serenity Place at 327 Martin Street

FILE #: S-12-13 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:
This Site Plan Review is to allow for the construction of a two story 5,880 SF building for the use as a residential treatment facility. The property for the proposed development is zoned IO (Institutional and Office Zone). The property is located on east side of Martin Street south of Court Street. The owner of record is EJB Inc. The property address is 327 Martin Street. Tax Parcel: ED-05-077.10-01-48.00-000.

The Board of Adjustment granted variances at their meeting on June 20, 2012 to allow for: parking to be located within the front yard setback, parking be located between the street and the principal structure, and a reduction in the overall number of required off- street parking spaces from nine (9) to seven (7). (V-12-04)

Serenity Place is a residential treatment facility for men who have substance abuse problems. The program has been in operation at 327 Martin Street since 1991. In June of 2011 a fire destroyed the former residential treatment building. The use was a non-conforming use within the former C-4 (Highway Commercial Zone) Zoning District. The property was rezoned to IO (Institutional and Office in October of 2011.

Parking Summary
The parking requirement for a dormitory use is one parking space for every three beds. Based on the overall number of beds of eighteen (18), six (6) parking spaces are required. The IO Zoning District parking requirement is one (1) off-street parking space for every 300 SF of floor area. Based on the overall size of the existing office building 690 SF, three (3) off-street parking spaces are required. The overall number of off-street parking spaces required is nine (9) parking spaces. The calculation of the off-street parking spaces as a dormitory was based on the function of the building as a residential treatment facility. The Board of Adjustment granted a variance to reduce the overall number of required off-street parking spaces to seven (7). The IO Zoning District prohibits parking within the front yard setback and parking between the street and principal structure. Variances were granted by the Board of Adjustment to allow for parking within the front yard setback and between the street and principle structure at their meeting on

June 20, 2012.

Bicycle Parking
The minimum bicycle parking is one (1) bike space for every twenty (20) parking spaces. Based on the number of 7 proposed parking spaces, one (1) bicycle parking space is required. The Site Plan does not indicate bicycle parking spaces on the site.

Architecture
The site is the construction of a new residential treatment facility. The new two story building will consist of siding. A brick watertable is along the front of the building and along the front portion of the left side elevation for the walls adjoining the parking lot. Windows are located around three sides of the building. The building has a number of bump outs along the left side. The rear of the building (east elevation) has windows. The right side of the building has windows along the first and second stories. The building has two roof pitches. The material choices shall be identified. There are no proposed changes to the existing office building located on the site.

SITE CONSIDERATIONS

Dumpster
For the use as an institutional use, one (1) dumpster is required. The dumpster pad is located at the rear of the parking lot. The dumpster enclosure shall reflect the architecture of the main building. A gate is required on the dumpster enclosure as the enclosure faces the street. The dumpster pad location appears to interfere with the location of a parking space. The placement could make trash collection difficult. The applicant will work with the Planning Office, and the Public Works Office to resolve the method of trash collection and placement of the dumpster pad prior to Final Site Plan Approval.

Loading Space
A loading space is not required for the building.

Waiver Request: Elimination of Sidewalk Connection into site
Article 5 §18 requires sidewalks to be installed along the public street frontage of a property. There is existing sidewalk along Martin Street. There is no sidewalk connection into the site. A written waiver request for the elimination of the sidewalk connection into the site has been submitted to the Planning Office for consideration by the Planning Commission.

Curbing
Article 6 § 3.6 (b) requires curbing is for all parking areas. The plan provides curbing around the building drive aisles and the parking areas. There are no areas shown on the plan without curbing.

Tree Planting and Landscape Plan
The submitted plan does include the requisite Landscaping Plan elements. Based on the total site area of 0.2696 acres (11,743 SF+/-) for the site, four (4) trees are required. The plan shows the required four (4) trees. The tree located on the southwest corner of the property is located close to utilities. The trees proposed are Red Sunset Maples. All trees shall be located ten (10) feet from utilities.

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) Provide or revise the following information in the Data Column on the Title Sheet:
    a) The Plan will need to be updated to reflect any changes recommended or approvals or waivers granted by the Planning Commission.
    b) Indicate the number of required and proposed bicycle parking spaces.
    c) Revise item #8 to state the proposed use is residential treatment facility.
    d) Indicate the owner name.
    e) Indicate the method of trash collection.
    f) Indicate the setbacks for the IO Zoning District.
    g) Clarify the square footage of the building. The first floor is 2,940 SF. The total square footage of the building is 5,880 SF.
    h) Clarify the overall height of the building. The note indicates the building will be ten (10) feet tall; however, the building is two stories.
    i) Indicate the square footage of the parcel of land in item #4.
    j) Indicate the square footage of existing impervious surface in item #9.
    k) Indicate the square footage of proposed impervious surface in item #10.

2) Revisions to the architecture may be required as windows may not be permitted within the stairwell.

3) Clarify the number of beds within the building. The Site Plan indicates eighteen (18) beds; however, the floor plan indicates twenty (20) beds. The increase in the number of beds increases the overall number of parking spaces required.

4) Provide a note under General Notes that the Board of Adjustment granted variances to allow for parking within the front yard setback, allow for parking between the street and the principle structure and a reduction in the overall number of off street parking spaces to seven (7) at their meeting on June 20, 2012. (V-12-04)

5) The applicant will work with the Planning Office, and the Public Works Office to resolve the method of trash collection and placement of the dumpster pad prior to Final Site Plan Approval.

6) Clarify the amount of the existing concrete pad to be removed on the Existing Conditions and Demolition Plan Sheet.

7) Remove the concrete area to be removed from the Site Plan Sheet.

8) Indicate the surface from the main entrance to the parking lot.

9) Clarify the building entrance design to ensure ADA accessibility on the building architecture

or Site Plan.

10) Indicate if there is depressed curb for handicap access near the main entrance.

11) Provide a connection from the sidewalk into the site.

12) Provide bicycle parking on the site.

13) Provide construction details for the following but not limited to: dumpster enclosure, lighting, bicycle parking, etc.

14) Revise the curb detail to indicate that the curb shall be six (6) inches in height.

15) A gate is required on the dumpster enclosure as the enclosure faces the street.

16) Revise the location of the Shamrock Holly plants on the Landscape Plan. A number of the plants interfere with the location of the dumpster pad and enclosure.

17) Revise the location of the tree in the southwest corner of the site as it conflicts with utilities on the Landscape Plan.

18) Provide or revise the following in the Data Column on the Landscape Plan:
    a) Revise item #8 to state residential treatment facility.
    b) Clarify the amount of existing impervious surface. The site is only 0.2696 ac.
    c) Clarify the amount of proposed impervious surface. The site is only 0.2696 ac.
    d) Clarify the overall height of the two story building.
    e) Revise the location of the tree in the southwest corner of the site as it conflicts with utilities.
    f) Indicate the square footage of the existing impervious surface in item #9.
    g) Indicate the square footage of the proposed impervious surface in item #10.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Recommendation on Waiver Request:
    a. Elimination of Sidewalk Connection into site: Staff recommends approval of the elimination of the sidewalk connection into the site as there is sidewalk along the road frontage, the size and shape of the parcel restrict placement of a functional sidewalk connection on the site, and the main entrance to the building is off of the parking lot.

2) Staff recommends that any outside HVAC Equipment be designed to minimize the impact on adjacent property owners, adequately screened from public view and the overall visible impact on the streetscape. The location should be depicted on the plan.

ADVISORY COMMENTS TO THE APPLICANT:

1) An As-Built Survey shall be required prior to the issuance of a Certificate of Occupancy. This is required as the building is being built within one (1) foot of the setback lines.

2) In the event, that major changes and revisions to the Site Plan occur in the finalization of the Site Plan contact the Planning Office. Examples include reorientation of building additions, and relocation of site components like dumpster pads, utilities, changes in building size, etc. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

3) In the event, that there are changes to the architecture, building footprints, layout or square footage of the tenant spaces, or pad site buildings contact the Planning Office. These changes may require review by the Planning Commission.

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

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

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

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

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

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: AUGUST 1, 2012

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **SERENITY PLACE DOVER AT 327 MARTIN STREET**

FILE #: **S-12-13**

REVIEWING AGENCY: **City of Dover**

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. 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.
   b. 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. 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. The proposed site plan depicts a two-inch (2") water meter, calculations determining the service line size must be submitted to our office for review.
4. Our records indicate that the "Existing 1 Story Building" on this parcel is currently obtaining water from the existing water facilities to the west of the proposed water service. The Water/Wastewater Handbook allows each separate principal structure to have their own water services; however, the existing water meter pit is located in a traffic bearing location, which is not permissible in the Water/Wastewater Handbook. Please clarify if this water service is going to be abandoned and if the "Existing 1 Story Building" will obtain water from the proposed water service.
5. Per the Water/Wastewater Handbook, the only allowable tapping sleeve is the Powerseal 3490AS, please specify on the site plan. Additionally, please clarify the type of tapping sleeve proposed. The City of Dover allows the following tapping valves, Mueller (A-2360T), AFC 2500 and Kennedy 8572.
6. 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. Due to the fact that the only accessible water main is located in Martin Street and it is only a six-inch (6") water main, calculations shall be submitted to our office proving that the proposed six-inch (6") connection is adequate for both domestic and fire water supply. A waiver shall be submitted, specifically from the requirement outlined in section IV.B.2.v.
7. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.

WASTEWATER

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

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, this includes, but is not limited to manholes and cleanouts.

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 laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.

6. Per the Water/Wastewater Handbook, each principle structure may have their own sanitary sewer lateral. The existing sanitary sewer lateral to the south of the "Existing 1 Story Building" must be capped upstream of the connection to the "Existing 1 Story Building", this will bring the plan into compliance with our requirements. This action will also eliminate the proposed dumpster enclosure from being placed on top of the existing sanitary sewer lateral.

7. The proposed plan depicts two (2) sanitary sewer laterals. The Water/Wastewater Handbook allows each property to be served by a single sanitary sewer lateral. Additionally, due to the fact that there are separate principal structures, each building could have their own sewer lateral. Please clarify which methodology this site plan will utilize

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

STORMWATER

1. The southwest corner of the proposed parking has a low spot where water will pond, please revise to reflect proper drainage from the property.

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

STREETS

1. Based on the proposed pavement section patch in Martin Street, our office calculated the structural number (SN) to be 2.32. The minimum required structural number for this road is 2.40. Please revise the pavement patch section to meet this requirement, our office recommends matching the parking lot paving section.

SANITATION / GROUNDS

1. None.

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.

2. No tree shall be planted within ten feet (10') of any underground water line, sewer line, transmission line or other utility, please revise the landscaping plan accordingly. Additionally, the landscaping plan depicts plantings in the same location as the proposed dumpster enclosure.

3. The final site plan must be submitted in the following compatible digital formats:

   a. AutoCAD 2004 (.dwg format).

   b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. Owner 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

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.

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.

STORMWATER

1. Please be advised that it will be expected that erosion and sedimentation control measures be incorporated into the site plan and construction.

STREETS / GROUNDS

1. None

SANITATION

1. The City of Dover may not continue with commercial trash service in the future. As such the site must be designed, and a dumpster enclosure shall be constructed for private collection. To continue to receive City of Dover trash collection, the applicant shall utilize a minimum of four (4) 90-gallon containers and two (2) recycling containers. The City of Dover reserves the right to require additional containers for this site or have this site be serviced by a private contractor.

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: August 1, 2012

CITY OF DOVER FIRE MARSHAL

APPLICATION: Serenity Place 327 Martin St.

FILE #: S-12-13 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:

No fire lane requirements.

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

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

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

Full building and fire plan review is required.

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

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

Sprinkler system required. System to be monitored.

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

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

Fire alarm system required.

Knox Box required.

Project to be completed per approved Site Plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

The proposed building will be reviewed under Residential Board and Care Occupancy.

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 1, 2012

DELDOT

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APPLICATION: Serenity Place Dover at 327 Martin Street
FILE#: S-12-13 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
AUGUST 2012

APPLICATION: *Serenity Place Dover*

FILE #: S-12-13

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

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

- ***The proposed site improvements are less than 5000 square feet, the site is therefore exempt from strormwater requirements.***

MINNICH ENGINEERING & LAND PLANNING INC.

250A Camden Wyoming Avenue ~ Camden, DE 19934
Phone (302) 697-2239 ~ Fax (302) 697-2293 ~ Email krminnich@comcast.net

August 8, 2012

City of Dover Planning Commission
P.O. Box 475
Dover, DE 19903

RE: Sidewalk Waiver Request
Serenity Place

Dear Planning Commission Members,

The Dover Land Subdivision Regulations and Zoning Article 5, Section 18 requires the developer to install sidewalk along the public street frontage of a property whenever such property involves a development proposal which is subject to planning commission review and approval.

There is existing sidewalk along Martin Street which would remain with ADA accessible ramps installed on each side of the entrance of the proposed parking area. Due to the size and limited space available for development on the property, the owners are hereby requesting a waiver from the requirement to install a sidewalk connection from the site to the existing sidewalk on Martin Street.

Thank you for your consideration in this matter.

Sincerely,

Kevin R. Minnich
Professional Engineer

City of Dover

DATA SHEET FOR AMENDMENT TO CONDITIONAL USE PLAN REVIEW

PLANNING COMMISSION MEETING OF August 20, 2012

Plan Title:	Revised Governors Club Café at 144 Kings Highway C-11-03
Plan Type:	Conditional Use Plan
Property Location:	Intersection of American Avenue and Kings Highway
Property Address:	144 Kings Highway
Tax Parcel:	ED-05-077.05-04-40.00-000
Owner:	Michael and Connie Zimmerman
Lessee:	Coffee Shop, LLC
Present Use:	Café/sandwich shop on the first floor
Zoning Classification:	RG-O (General Residence and Office Zone) H (Historic District Overlay Zone)

C-11-03 Revised Governors Club Cafe at 144 Kings Highway: Amendment to Conditional Use to allow for the sale of alcohol with the restaurant

PLAN SUMMARY:

The application is requesting for the removal of the restriction prohibiting the sale of alcohol with the restaurant. The Planning Commission previously this application for the Governors Club Cafe on June 20, 2011. The Conditional Use Plan was granted Final Approval on August 24, 2011 and the site is currently operating as a restaurant without the sale of alcohol. A Text Amendment to the *Zoning Ordinance* to remove the language "with no alcohol beverages' from the conditional use provisions regarding restaurants for properties located within the RGO (General Residence and Office Zone) and the H (Historic District Overlay Zone) Zoning Districts will be heard by City Council at their meeting on August 13, 2012 (MI-12-14 Ordinance #2012-15). If the Text Amendment is not approved by City Council, then this application cannot be heard by the Planning Commission.

Conditional Use Plan Amendment: Permission to have the sale of alcohol with a restaurant

The Conditional Use Plan was approved for a restaurant without the sale of alcohol by the Planning Commission at their meeting on June 20, 2011. If the text amendment is approved by City Council the wording prohibiting the sale of alcohol would be removed from the *Zoning Ordinance*; however, this application was approved for the use as a restaurant and prohibiting the sale of alcohol. This is an amendment to the Conditional Use and is to be considered as outlined

in Article 10 Section 1.57 of the *Zoning Ordinance*. The Planning Commission would still have the ability to place conditions (prohibiting the sale of alcohol with a restaurant, limiting the hours of operation, etc.) on the application. The applicant is requesting the use of a restaurant serving alcohol.

The application is to allow the existing café to serve alcohol in a portion of the first floor of the existing building. Due to its location, this type of land use as a restaurant required Conditional Use approval by the Planning Commission as noted in Article 3 §9.14 of the *Zoning Ordinance*.

Article 3 Section 9 General Residence and Office Zone

9.1 *Uses permitted.* In a general residence and office zone, no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

9.11 Any use permitted in the general residence zone, except off-street parking accessory to uses in the central commercial zone (C-2).

9.12 Any use permitted in the RM-2 zone.

9.13 Business, professional, or governmental office on suitably landscaped lots.

9.14 The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in section 10.1 and to any specified requirements set forth below:

(a) After a building complex in this zone has reached a building space area of 100,000 square feet, then the following uses shall be permitted as conditional uses, subject to the approval of the planning commission: cafeterias, restaurants, barbershops, beauty shops, travel agencies, banks, copy centers, coffee supplies, retail stores, newsstands and associated laboratory facilities.

(b) In order to stimulate limited commercial activity in this zone where the city's historic district overlay zone exists and to make this portion of the city's historic district a greater attraction to tourists and residents, the following list of preferred uses may be permitted as conditional uses, subject to the approval of the planning commission:

i. Antique shops, art galleries, gift and card shops, book stores, specialty hobby stores (i.e., miniatures, models, needlecrafts), bakeries (including baking on premises), [and] restaurants with no alcoholic beverages.

ii. Limitation of entrances from State Street only.

iii. Total floor area of any one retail use [is] not to exceed 2,000 square feet.

iv. Such uses will be subject to historic district requirements and will therefore require an architectural review certificate. Architectural review certificates for retail uses described above shall not be granted unless it has been demonstrated that the proposed use will result in either no material change to the exterior of the structure visible from State Street or will result in a restoration of the structure to an appearance which can be documented to more closely reflect the historical appearance of that

structure. Material change would include modifications to doors, windows and masonry, other than routine maintenance.

v. No parking shall be required for the retail user.

vi. If new construction is proposed on State Street between Loockerman and Water Streets, the proposal must not require demolition or extensive modifications of any existing structure which presently contributes to the historic district because of its age or architectural appearance. In addition, the RG-0 zone bulk and parking requirements would be waived in certain respects. Lot width and depth will be as appropriate to the site, subject to architectural review and site plan review. Setbacks will be discouraged. Side yards will reflect the needs of adjacent structures by providing adequate light and air to reach existing windows. The height limit of 35 feet or 2½ stories will be retained, as will the 85 percent lot coverage limit. The floor area ratio limitation will be raised to 1.0. The parking requirements will be waived.

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

Section 1. Approval of conditional uses.

On application and after public notice and hearing, the commission may authorize the issuance by the city planner of permits for any of the conditional uses for which this ordinance requires, in the district in which such use is proposed to be located. In approving any such use, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the results of its action may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular:

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

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

1.3 Residential zones. That, in addition to the above, in the case of any use located in, or adjacent to, a residential zone:

1.31 The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous

with, the said residential district or conflict with the normal traffic of the neighborhood; and

1.32 The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of landscaping, and other improvements on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

1.4 Conditional use permits.

1.41 Conditional use approval. Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

(A)The provision in this ordinance under which such permit was issued is still in effect;

(B) Such permit was issued in conformity with the provisions of this ordinance; and

(C) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

1.42 Periodic renewal of conditional use permit. The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following public notice and hearing in accordance with subsection 1.53. The commission may withhold approval of the renewal upon a determination by the city planner to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with.

Recommendation on Removal of Sale of Alcohol with Restaurant Amendment:

a) Staff recommends approval for the request for the sale of alcohol for the restaurant as the sale of alcohol is considered an accessory use to a restaurant. The applicant shall comply with the appropriate Building and Life Safety Codes regarding establishments serving alcohol.
b) Staff recommends the Conditional Use be reevaluated by the Planning Commission at their August 2013 meeting. The Planning Commission may require this to be an annual review of the Conditional Use.

Attachments: Amendment Request Letter dated 7-16-12

Law Offices Of
YOUNG, MALMBERG & HOWARD, P.A.
30 The Green
Dover, Delaware 19901
www.youngmalmberg.com

Constantine F. Malmberg, III
cmalmberg@youngmalmberg.com

Phone: (302) 672-5600
Fax: (302) 672-5609

July 16, 2012

RECEIVED
JUL 16 2012
CITY OF DOVER
PLANNING & INSPECTIONS

Ann Marie Townsend
Director of Planning Services
City of Dover
Dover, DE 19901

Re: Governor's Café at 144 Kings Highway
C-11-03

Dear Ms. Townsend:

Please accept this letter as a request for a hearing to amend the Conditional Use Application for the above-referenced approved conditional use. Specifically, the Planning Commission on or about June 20, 2011 approved my client's Conditional Use Application as set forth in the application matter referenced above. At the time the application was approved, alcohol was not permitted to be served at this establishment and that was noted in the City and State Code Requirements as part of the data sheet for Conditional Use Plan Review submitted to the Planning Commission for the June 20, 2011 meeting. I understand that there is an ordinance amendment that is being considered by the City of Dover that, if approved, will likely be adopted by Council on or about August 13th. Consequently, in order to confirm for my client that, as a result of that change in the City of Dover Ordinance, he will be permitted to serve alcoholic beverages, we are requesting an amendment to the Conditional Use confirming such authority if and when the City adopts an ordinance striking the

prohibition of selling alcoholic beverages on the premises. I have attached with this letter a request for an Application for Mailing List as well as an updated Project Contact List.

Best regards,

Constantine F. Malmberg, III

CFM/weg
Enclosures

STAFF REVIEW REPORT
of August 8, 2012 for
Review of Performance Standards Review Application
Before the City of Dover Planning Commission on August 20, 2012

Application for Review:	Performance Standards Review Application Garrison Energy Center, LLC MI-12-21
Plan Title:	Garrison Energy Center at Lot 7 Garrison Oak Technical Park Site Development Master Plan S-12-03
Applicants:	Property Owner: City of Dover Lessee: Garrison Energy Center, LLC
Location:	Northwest side of White Oak Road, east of Route 1
Tax Parcel:	Part of LC05-068.00-01-03.00-000
Zoning:	IPM-2 (Industrial Park/Manufacturing Technology Center) SWPOZ (Source Water Protection Overlay Zone) Tier 2

INTRODUCTION

The Garrison Energy Center has submitted its *Performance Standards Review Application* for review by the City of Dover Planning Commission in accordance with the provisions of the *Zoning Ordinance,* Article 5 §8. Performance Standards. The following Staff Review Report will provide a narrative of the project background, the next steps for the project, and the procedures for the review of the *Performance Standards Review Application*.

PROJECT LOCATION: Garrison Oak Technical Park

Within the Garrison Oak Technical Park, Lot #7 is proposed as the Garrison Energy Center. Garrison Energy Center is leasing from the City of Dover approximately 37 acres of the total 86.42 acres that makeup Lot #7. The northern and eastern portions of Lot #7 are woodland areas and are designated as a "Buffer Area" of approximately 49.99 acres. A portion of Lot #7 is located within the Source Water Protection Overlay Zone: Tier 2 – Primary Wellhead Protection Area and must comply with the requirements of the SWPOZ found in the *Zoning Ordinance*.

The Garrison Oak Technical Park Subdivision Plan (Application SB-09-06) presents the lot layout, street network, and other infrastructure to establish fifteen (15) individual lots and residual open space from two original parcels totaling 381.84 acres +/- on a tract known as Garrison Oak. Conceptual Subdivision Plan for the Garrison Oak Technical Park received conditional approval on January 19, 2010 and then the Planning Commission granted conditional approval of the Preliminary Subdivision Plan on September 20, 2010. The Record Plan

establishing the lots, street right-of-way, right-of-way dedication, and easements was recorded on May 22, 2012. Currently, the Subdivision Plan for the Garrison Oak Technical Park is in the administrative review process as plans are revised in order to achieve agency approvals for the associated Construction Plans for the Technical Park's infrastructure (street, utilities, etc.).

PROJECT DESCRIPTION: Garrison Energy Center

Overall, the Garrison Energy Center facility project involves construction of 618MW, combined cycle electric generating facility utilizing natural gas as the primary fuel. The facility will be constructed in two phases with each phase consisting of a 309 MW unit. The facility consists of gas and steam turbine generators, exhaust stacks, cooling towers, various tanks for water, fuel, and chemical storage, equipment, switchyard, etc. There is one building (11,600 S.F. footprint) within the complex which serves as the Administration Building including the control room and water treatment systems.

The facility is enclosed by eight foot chain link fencing and has two gated entrances off Garrison Oak Drive (the internal street of the Garrison Oak Technical Park). There are a series of circulation drives (roads) throughout the Garrison Energy Center site. The site also includes one permanent parking lot area of fifteen (15) parking spaces. The site is required to provide one bicycle parking space, one Dumpster for trash disposal, site lighting, etc. as site improvements. The tree planting requirements require a total of 482 new tree plantings either on-site or in the Tree Mitigation Plan approved locations while retaining specific existing woodland areas. The facility is to be served by City of Dover utilities (water and sewer).

PROJECT REVIEW: Garrison Energy Center

The City of Dover Planning Commission granted conditional approval of the Site Development Master Plan (S-12-03) for the Garrison Energy Center project on April 16, 2012. The two phase project for the Garrison Energy Center consists of the construction of a combined cycle electric generating facility (natural gas as primary fuel) to be located on Lot 7 in the Garrison Oak Technical Park. The approval was granted by the Planning Commission accordance with and subject to the conditions of approval outlined in the Development Advisory Committee (D.A.C.) Report dated March 7, 2012 and approval of a series of waiver requests. The approved waiver requests include: the elimination the sidewalks that interconnect from the street frontage sidewalk into the site; the elimination the required upright curbing in designated areas of the parking lot and drive aisles internal to the site to address stormwater management practices; recognizing the existing site conditions (existing woodland) to satisfy the opaque barrier of the screening (fence, wall, berm) component and the landscaping component; and approved a Tree Mitigation Plan allowing for off-site tree mitigation for a portion of the trees necessary to meet the tree density requirements

PROJECT NEXT STEPS

The Planning Commission approval of the Site Development Master Plan requires that within two (2) years from the date of approval (April 16, 2012), the Administrative Site Plan for Phase 1 shall be submitted for approval and then authorized construction commenced. For this project, the expiration date is April 16, 2014 for plan approval and commencement of Phase 1 construction.

Each phase of the development identified in the approved Conceptual Master Plan shall be submitted to the Planning Office as an Administrative Site Plan for review in accordance with

Article 10 §2.44(B) and other applicable sections of the *Zoning Ordinance*. This review of the Administrative Site Plan by the Planning Office and other agencies with jurisdiction will be completed to ensure that "the final site construction plans, including detailed site grading, paving, utilities, stormwater management, and tree planting and preservation plans" are in accordance with the approved Site Development Master Plan (S-12-03) and other applicable regulations. A Performance Standards Review is required to be completed as part of the Site Plan process for Administrative Site Plan Review for the Garrison Energy Center facility project.

PERFORMANCE STANDARDS REVIEW

Uses in the IPM-2 (Industrial Park Manufacturing zone – Technology Center) are subject to the performance standards as set forth in *Zoning Ordinance,* Article 5 §8.1.

> *Article 5 §8.1 Dangerous and objectionable elements.* No land or building in any zone shall be used or occupied in any manner so as to cause any one or more of the following conditions to exist and to be dangerous, injurious, noxious or offensive beyond the boundaries of such premises in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises: Fire, explosive or other hazard; noise, or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness or electromagnetic disturbance; glare, liquid or solid refuse or waste; traffic congestion causing roadways or intersections in the surrounding highway network to fall below acceptable levels of comfort and convenience; or other substance, condition or element (referred to hereinafter as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.

As part of the Site Plan review process, the Performance Standards Review begins with submission of a *Performance Standards Review Application* which the Building Inspector refers to the Planning Commission. The specific procedure is outlined in *Zoning Ordinance,* Article 5 §8.6 (see excerpt below). The Planning Commission may refer the Application to expert consultants for review if deemed necessary. The Planning Commission is charged with determining if the proposed use of the Garrison Energy Center facility conforms to the applicable performance standards. The review does not require a Public Hearing on the Application and is considered at a regular meeting of the Planning Commission.

> *Article 5 §8.6 Performance standard procedure.*
>
> 8.61 *Application.* An application for a site plan approval shall be accompanied with a performance standard review application when a use or occupancy is required, and shall be referred by the building inspector to the planning commission. The applicant shall also submit, in an amount equal to the required number of site plan submissions, a plan of the proposed construction or development, including a description of the proposed machinery, operations, and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectional elements referred to in article 5, section 8.1, in accordance with rules prescribed by the planning commission specifying the type of information required in such plans and specifications, and an affidavit by the applicant acknowledging his understanding of the applicable performance standards and agreement to conform with same at all times.
> No applicant will be required to reveal any secret processes, and any information

submitted will be treated as confidential if requested. The fee for such application shall include the cost of the special reports required to process it, described below.

8.62 *Report by expert consultants.* The planning commission, if there is any reasonable doubt as to the likelihood of conformance, shall refer the application for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified herein. Such consultant or consultants shall make such report within 30 days after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.

8.63 *Decision of the planning commission.* At the next regular meeting of the planning commission, but in no event more than 30 days after the board has received the aforesaid report, or within such further period as agreed to by the applicant, the board shall decide whether the proposed use will conform to the applicable performance standards and, on such basis, shall authorize or refuse to authorize the issuance of a building permit or certificate of occupancy, or require a modification of the proposed plan of construction. Such decision of the commission shall be in the form of a written report. Any building permit or certificate of occupancy so authorized and issued shall be conditioned on, among other things:

(i) The applicant's completed buildings and installations in operation conforming to the applicable performance standards, and
(ii) The applicant's paying the fees for services of the expert consultant or consultants deemed reasonable and necessary by the planning commission for advice as to whether or not the applicant's completed buildings and installations will, in operation, conform to the applicable performance standards.

Performance Standards Regulations

The Performance Standards Regulations are found with *Zoning Ordinance,* Article 5 §8.5. (See Attachment for full text of code.) The project's compliance with a series of performance standards for the "dangerous and objectionable elements" is to be considered. The "dangerous and objectionable elements" are as follows:

- Fire and explosion hazards (activities with and storage of)
- Radioactivity or electromagnetic disturbance
- Noise (sound pressure level)
- Vibration
- Smoke
- Odors (Odorous gases or odorous matter)
- Fly ash, dust, fumes, vapors, gases and other forms of air pollution
- Glare (from lighting or high temperature processes)
- Liquid or solid wastes
- Traffic congestion (Level of Service E)

The project cannot cause the above conditions to exist so that they adversely affect the surrounding areas or adjoining properties. The specific limits of each performance standard are described in the *Zoning Ordinance.* Where the performance standards conflict with regulations established by other state or local agencies such as the Delaware Department of Natural Resources and Environmental Control (DNREC), the more restrictive regulations apply.

Performance Standards Review Application for Garrison Energy Center

The applicant Garrison Energy Center, LLC has submitted the *Performance Standards Review Application* (dated July 31, 2012) in the format of a nine (9) page narrative report which addresses each of the performance standards noting activities and actions such as design considerations, required permits, and plans for the Garrison Energy Center Facility on Lot #7 in the Garrison Oak Technical Park. The applicant also submitted a Reference Binder containing the exhibits referenced in the Application. The Reference Binder consists of a copy of the *Performance Standards Review Application*, the application information and plan sheets submitted for the Site Development Master Plan S-12-03, copies of the three Draft Air Construction Permits issued by DNREC, Source Water Protection Overlay Zone Compliance Letter, and the Affidavit. The Reference Binder is available for review in the Planning Office.

Staff Review of the Performance Standards Review Application submission:

The Planning Office has reviewed the *Performance Standards Review Application* submitted for the Garrison Energy Center (Application MI-12-21). The Planning Office also distributed electronic copies of the Application to the Development Agency Committee members (City Departments and the agencies of DelDOT and the Kent Conservation District) for review.

Staff finds that the *Performance Standards Review Application* for the Garrison Energy Center contains adequate information to confirm the project's compliance with the performance standards of *Zoning Ordinance*, Article 5 §8.5. For a number of the performance standards that are related to air quality, there are state or federal level permitting requirements that ensure the compliance both during construction and operation of the facility, thus limiting impacts to air quality resources. Some of the performance standards are governed by regulations and policies adopted and enforced by various City Departments such by fire protection regulations administered by the City of Dover Fire Marshal and liquid and solid waste disposal which are subject to the City's Water/Wastewater Regulations administered by the Department of Public Works in conjunction with other agencies.

The following review comments are provided by the City of Dover Planning Office. This listing also includes advisory comments related to the continuing plan review process and construction.

1) The Administrative Site Plan for each phase of the project must compliance with the comments and conditions outlined in the Development Advisory Committee Report of March 7, 2012 and the adopted conditions of the Planning Commission (S-12-03).

2) The Garrison Energy Center has been issued three draft air emission construction permits by DNREC – Division of Air Quality as follows:
    - APC-2012/0098 Construction (NSPS)(LAER)(PSD) One (1) 309 Megawatt (MW) Combined Combustion Turbine Generating System
    - APC-2012/0038 Construction (FE) One (1) 86,00 Gallon Per Minute (GPM) Cooling Tower
    - APC-2012/0039 Construction (VOC RACT)(FE) One (1) 1,400,00 Gallon Ultra Low Sulfur Distillate (ULSD) Storage Tank

    These permits provide emission limitations, operational limitations (hours, fuel, and

emissions), testing and monitoring requirements, record keeping and reporting requirements, and general and administrative provisions. As part of their review process, DNREC conducted a Public Hearing on the 'draft permits' on August 8, 2012. The 'draft permits' list an expiration date of July 6, 2015; however, this expiration date may be set for a timeframe of three years from the date of the permit final form and signature. The procedure for obtaining Operating Permits (Title V Air Operating Permits) for this equipment in also included in the Construction Permit.

3) The Application notes that a number of plans and practices will be implemented at the Garrison Energy Center facility to ensure ongoing compliance with the Performance Standards and other regulations. These include but are not limited to the following:
    - Fire Risk Evaluation Plan
    - Risk Management Plan for storage and use of anhydrous ammonia and natural gas including an Emergency Response Plan

4) The design and construction of the facility will utilize advanced and best available control technologies to address air pollution control, noise attenuation, and to limit emissions (solid or liquid particles) and odors.

5) In reference to glare from lighting, the Administrative Site Plan for the facility is required to show the lighting plan for the site. Lighting has additional compliance measures to adequately light the subject area while ensuring light does not reflect on adjacent properties and streets.

6) The design of water service and wastewater service (including process water discharge) components to serve the Garrison Energy Center is subject to the review and approval of the City of Dover Department of Public Works.

7) The City of Dover water and wastewater utilities primary goal is to protect the needs of our existing customers. The Public Works Department must be able to ensure all the needs are met. Currently the City is conducting analyses of the effects of this energy center on the water and wastewater systems. The City of Dover does not object to the *Performance Standards Review Application*; however, the overall site plan will not be approved until it is clear the designs and/or improvement are in place to meet the needs of current and future customers.

8) In regards to the surrounding transportation network, the facility is to take access from Garrison Oak Drive, a proposed City street within the Garrison Oak Technical Park. Garrison Oak Drive has two points of intersection with White Oak Road, a State maintained road. Design of the facilities access to Garrison Oak Drive is subject to review and approval by the City of Dover Department of Public Works as part of the Administrative Site Plan review process. The design review and approval of the intersections of Garrison Oak Drive with White Oak Road is by DelDOT through the entrance plan/permit process.
    - A Traffic Impact Study is not required for the development of this facility, but could be required for future development within the Garrison Oak Technical Park.
    - The City of Dover is continuing to work with DelDOT in regards to transportation

infrastructure design associated with the Garrison Oak Technical Park.
- The Garrison Energy Center project appears to have no adverse impact on the current Level of Service for the transportation network of the area.

9) In the event, that major changes and revisions to the Site Development Master Plan occur in the finalization of the Site Plan contact the Planning Office. Examples include, but are not limited to, reorientation of the complex/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.

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

11) Following the Planning Commission's conditional approval of the Site Development Master Plan, the Plan must now be revised to meet all conditions of approval from the Development Advisory Committee and as otherwise noted by the Planning Commission. These revisions are to be depicted as part of the Administrative Site Plan submissions which are required to progress to construction. The Site Plan of each construction phase/project area must be submitted for Administrative Site Plan Review by the Planning Office and other agencies.

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

13) The applicant shall be aware that approval of the Performance Standards Review Application does not represent a Building Permit and other associated construction activity permits. A separate application process is required for issuance of a Building Permit and other permits from the City of Dover.

Attachments:
- Garrison Energy Center Performance Standards Review Application submission
- Garrison Energy Center Site Development Master Plan sheet
- Excerpt of *Zoning Ordinance*, Article 5 §8

References Available in the City of Dover Planning Office:
- Garrison Energy Center Performance Standards Review Application Reference Binder with Exhibits
- S-12-03 Garrison Energy Center Site Development Master Plan (Application files)

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CITY OF DOVER
PLANNING & INSPECTIONS

GARRISON ENERGY CENTER LLC

PERFORMANCE STANDARDS REVIEW APPLICATION

City of Dover, Delaware
Planning Department

July 31, 2012

I. INTRODUCTION

Garrison Energy Center LLC ("GEC") has received conditional approval from the City of Dover's Planning Commission of its Site Development Master Plan to construct and operate an energy efficient, combined cycle power plant located in the Garrison Oak Technical Park in Dover, Delaware (the "GEC Facility"). (See Reference Binder, Tab 1). The Garrison Oak Technical Park location has many advantages, including industrial park zoning (IPM2) allowing the construction and use of gas-fired power plants, adequate room for development, proximity to a natural gas supply pipeline, nearby electrical transmission lines and planned park infrastructure improvements by the City of Dover, the property owner (e.g. road, water, sewer).

The GEC Facility will utilize energy efficient General Electric 7FA combustion turbine technology with natural gas as its primary fuel. Other significant equipment associated with the facility will include a steam turbine, heat recovery steam generator and a mechanical draft cooling tower. The GEC Facility will be equipped with advanced air pollution combustion and post-combustion control technologies. The approved Site Development Master Plan incorporates the potential for an additional generating unit to be added at the facility, which will expand the plant to a total of 618 MW, as well as a ULSD storage tank. Where practical, the common plant infrastructure improvements will be constructed to serve the project needs of two units.

Section 8 of the Dover Zoning Ordinance establishes performance standards for certain, specified conditions that any use within the City must comply. The ordinance also provides that to the extent the performance standards overlap or conflict with regulations of the Delaware Department of Natural Resources and Environmental Control ("DNREC") or other state or local agencies, the more restrictive regulation or standard is to apply. For uses in C-3, IPM and M zones, a performance standard review application is to be submitted for consideration by the City's planning commission. GEC submits this application in conformance with this requirement.

As reviewed below, the GEC Facility is consistent with the City's performance standards. With respect to air emission standards, GEC will use stringent, state-of-the-art air pollution abatement technology to limit the facility's emissions, utilizing Best Available Control Technology for pollutants regulated under the Prevention of Significant Deterioration ("PSD") and Delaware minor new source review program requirements, and Lowest Achievable Emission Rate control technology under the applicable non-attainment new source review rules. Conservative air dispersion modeling techniques and environmental-agency approved modeling procedures were used to demonstrate that the GEC Facility, operating under all modes and worst-case meteorological conditions, would not result in adverse air quality impacts. The analyses show that the construction and operation of the proposed well-controlled, state-of-the-art GEC Facility will not have any adverse impact on the air quality resources of the City of Dover, Delaware or surrounding regions.

With respect to other, applicable standards, the GEC Facility will be designed and operated to comply with all such standards. In order to do so, GEC will develop and maintain appropriate plans and practices for potential fire and explosion hazards, lighting and liquid and

solid wastes. GEC will also ensure that the proper noise abatement devices and technologies are utilized at the facility in order to meet applicable noise limitations.

II. PERFORMANCE STANDARDS REVIEW

1. Potential fire and explosion hazards. *All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point The relevant provisions of the state and local laws and regulations shall also apply.*

REVIEW: GEC will provide and maintain adequate safety devices and firefighting and fire suppression equipment to address potential fire and/or explosion hazards at the GEC Facility.

GEC will develop and maintain a Fire Risk Evaluation Plan for the GEC Facility that will be reviewed for compliance with applicable code requirements and industrial standards by the City of Dover's Office of the Fire Marshal. The Fire Risk Evaluation Plan will address the fire suppression needs of the facility, including water supply for firefighting, hydrant locations, facility access and any on-site fuel storage tanks. The plan will be updated as necessary by GEC for any facility expansions or modifications.

At the GEC Facility, there will also be two chemicals that will be stored/used in sufficient quantities so as to require federal and state risk management planning for potential accidents and releases. These are:

1) Anhydrous ammonia - Ammonia will be used in the facility's post-combustion Selective Catalytic Reduction ("SCR") air pollution control system. In this system, ammonia is injected in the flue gas in front of a catalyst bed to reduce NOx emissions into elemental nitrogen and water. The ammonia storage/delivery systems will be equipped with various control and monitoring elements to address potential hazards, including a water spray system and ammonia detectors for the ammonia storage tank, tank containment, double contained piping with monitoring for an underground ammonia delivery system, automatic shut-off valves, ammonia monitoring and operator alert systems, and leak detection equipment.

2) Natural gas - Natural gas, the primary fuel for the GEC Facility, is regulated under Delaware's Extremely Hazardous Substance Risk Management program, and will also be subject to risk management planning. Natural gas will be delivered to the facility via an underground pipeline that will be owned and operated by Eastern Shore Natural Gas. The gas pipeline will contain all safety systems necessary to meet federal standards for pipeline safety.

In accordance with the requirements of the federal Chemical Accident Prevention Provisions (40 *CFR* Part 68) and Delaware's Extremely Hazardous Substance Risk Management Act (7 *Del C* Chapter 77), facilities that store or handle listed chemicals above certain regulatory threshold quantities must develop a comprehensive Risk Management Plan which

must be reviewed and approved by DNREC's Accidental Release Prevention Program as well as the Local (Kent County) Emergency Planning Commission. The purpose of risk management planning is to critically review and analyze the delivery, storage, and use of covered chemicals used in specific processes, to assure the safe operation of such facilities, and to minimize the risk of any release to the environment as well as to protect workers and the public.

In developing its Risk Management Plan for the two pertinent chemicals/processes, GEC will be required to undertake various reviews and analyses including:

- Process safety information review
- Process hazards analyses
- Development of standard operating procedures
- Employee training
- Development of a mechanical integrity program
- Development of a management of change procedure
- A pre-start up equipment review procedure
- Compliance audits
- Incident Investigation Procedures
- Development of hot work permits/contractor permits

In addition, as required by federal and state rules, the GEC Risk Management Plan will contain an emergency response plan that sets forth emergency procedures, employee actions, public information dissemination, and agency response procedures in the event of an incident. This Plan will be tailored to the facility based on input from State, City and local emergency planning officials and first responders.

2. ***Radioactivity or electromagnetic disturbance.*** *No activities shall be permitted which emit dangerous radioactivity at any point, or electromagnetic disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.*

REVIEW: Based upon current site plans and contemplated equipment, the GEC Facility will not have any operating activities which emit dangerous radioactivity or electromagnetic disturbances that adversely affect the operation at any point of any equipment other than that of GEC.

3. ***Noise.*** *The maximum sound pressure level radiated by any use or facility (other than transportation facilities) at the property line shall not exceed the values in the designated octave bands given in [the following] table I, after applying the corrections shown in [the following] table II. The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z243-1944, American Standards Association, Inc., New York, N.Y., and American Standard Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc., New York, N Y, shall be used).*

Table I

Octave Band Range In Cycles per Second	*Sound Pressure Level in Decibels re 0.0002 dyne/cm^2*
300 30—	*60*
301—2,400	*40*
Above 2,400	*30*

If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m. and 7:00 a.m., one or more of the corrections in table II shall be applied to the decibel levels given in table I.

Table II

	Type of Location of Operation or Character of Noise		*Correction in Decibels*
1.	*Daytime operation only*		
2.	*Noise source operates less than**		
	a	*20 percent of any one-hour period*	*5*
	b.	*05 percent [sic] of any one-hour period*	*10*
3	*Noise of impulsive character (hammering, etc)*		*-5*
4.	*Noise of periodic character (hum, screech, etc.)*		*-5*
5	*Property is located in one of the following zones and is not within 500 feet of any residential district*:*		
	a.	*Central commercial C-2 zone*	*5*
	b	*Service commercial C-3 zone Manufacturing M zone*	*10*
6.	*Property is located in industrial park manufacturing zone IPM*		*10*

**Apply one of these corrections only.*

REVIEW: The GEC Facility will be designed and operated to comply with all applicable noise regulations established by DNREC and performance standards for the City of Dover.

Delaware's Regulations Governing the Control of Noise, 7 *DE Admin. Code* 1149, prohibit a facility from making, continuing, or causing to be made or continued, any noise disturbance. These regulations establish specific sound levels that may not be exceeded within certain receiving land use zones. For example, the regulations establish maximum noise levels of 85 dBA from industrial facilities such as the GEC Facility into other industrial use parcels and

75 dBA from such industrial facilities into agricultural receiving lands. Furthermore, these regulations limit the sound emissions from an industrial-zoned property to a receiving residential property (as measured within the property boundary of the residence) to 65 dBA during the day (7 a.m. to 10 p.m.) and 55 dBA at night (10 p.m. to 7 a.m.), and also consider a sound level to be a noise disturbance if it exceeds the ambient noise level within the receiving property by 10 dBA.

The GEC Facility will be located in an industrial park that is generally surrounded by land that is zoned as agricultural. An initial noise assessment was conducted, consisting of field measurement of existing noise levels and a modeling analysis of anticipated facility equipment, to predict sound levels of the GEC Facility during normal operation. This initial assessment concluded that standard noise attenuation equipment and practices will result in compliance with the City of Dover and Delaware regulatory noise limits. Noise attenuation technology(ies) that may be incorporated into the design of the facility include:

- Vent and exhaust stack silencers
- Acoustical equipment building enclosures
- Acoustical insulation on various equipment as needed
- Low noise trim on steam pressure reducing valves
- Inlet air silencing on the combustion turbine

GEC will conduct, as necessary, refined noise assessments of the GEC Facility to ensure that the anticipated acoustical noise performance of the facility or its equipment meets the applicable noise regulations and standards.

4. Vibration. *No vibration shall be permitted which is discernible without instruments at the property line.*

REVIEW: Based upon current site plans and contemplated equipment, the GEC Facility will not have any operating activities that cause an impermissible vibration. Certain equipment at the facility will be fitted with vibration analyzers for monitoring at all time to protect the equipment and facilitate compliance.

5. Smoke. *No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc., and copyrighted 1954 (being a direct facsimile reduction of the standard Ringlemann chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 2 on said chart may be emitted for four minutes in any 30 minutes These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color, but with an apparently equivalent opacity. Any emission shall be in conformance with air pollution regulations of the Delaware Department of Natural Resources and Environmental Control.*

REVIEW: The GEC Facility will be designed and operated to comply with all applicable air pollution regulations established by DNREC and performance standards for the City of Dover, including those associated with smoke.

Delaware's Regulations Governing the Control of Air Pollution define "smoke" as "small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon and other combustible material." These regulations provide that "No person shall cause or allow the emission of visible air contaminants or smoke from a stationary or mobile source, the shade or appearance of which is greater than 20% opacity for an aggregate of more than three minutes in any one hour or more than 15 minutes in any 24 hour period. For guideline purposes only, Shade Number 1 of the Ringlemann Smoke Chart coincides with the regulatory limit of 20% opacity, when observing black smoke." 7 *Del Admin. Code* 1114 § 2.1. As provided below, "air contaminant" does not include uncombined water vapor (i.e., steam). *See* 7 *Del Admin Code* 1101 § 2.

DNREC has issued draft air construction permits for the proposed facility's Combined Cycle Combustion Turbine Generating System, ULSD Storage Tank and Process Water Cooling Tower that limit visible emissions in accordance with the above-cited regulatory requirement. (See Reference Binder, Tabs 2-4). Limited particulate emissions are expected from the facility's turbine generating system and cooling tower; however, the facility has been designed to avoid the potential to cause an opacity violation. GEC will perform an annual opacity observation on the turbine generating system as well as other monitoring and recordkeeping requirements as required by DNREC.

Following the successful completion of the GEC Facility construction, the smoke requirements will be included in the Title V Air Operating Permit for the facility.

6. Odors. *No emission shall be permitted of odorous gases or other offensive odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air Any process which may involve the creation or emission of any offensive odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail There is hereby established as a guide in determining such quantities of offensive odors Table III, Odor Thresholds, in chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Association, Inc., Washington D.C., and said manual and/or table as subsequently amended.*

REVIEW: The GEC Facility will be designed and operated to comply with all applicable air pollution regulations established by DNREC and performance standards for the City of Dover, including those associated with odors.

The Delaware Regulations Governing the Control of Air Pollution provide that "No person shall cause or allow the emission of an odorous air contaminant such as to cause a condition of air pollution." 7 *Del. Admin. Code* 1119 § 2. The purpose of this requirement is to control odorous air contaminants which significantly effect Delaware citizens outside the boundaries of the air contaminant source.

DNREC has issued draft air construction permits for the proposed facility's Combined Cycle Combustion Turbine Generating System, ULSD Storage Tank and Process Water Cooling Tower that limit odors in accordance with the above-cited regulatory requirement. (See Reference Binder, Tabs 2-4). GEC does not anticipate that any odors will be emitted beyond the facility's property line so as cause a condition of air pollution.

Following the successful completion of GEC Facility construction, the odor requirements will be included in the Title V Air Operating Permit for the facility.

7. ***Fly ash, dust, fumes, vapors, gases, and other forms of air pollution.*** *No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling, at any point, and/or which does not conform to air pollution regulations of the Delaware Department of Natural Resources and Environmental Control, and, in no event, any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0 3 grain per cu. ft. of the conveying gas resulting from combustion. Standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air.*

REVIEW: The GEC Facility will be designed and operated to comply with all applicable air pollution regulations established by DNREC and performance standards for the City of Dover.

The Delaware Regulations Governing the Control of Air Pollution provide that, except as expressly exempted, no person shall initiate construction, install, alter or initiate operation of any equipment or facility or air contaminant control device which will emit or prevent the emission of an air contaminant prior to receiving approval of an application from DNREC or a completed registration form. 7 *Del Admin. Code* 1102 § 2.1. Air contaminant is broadly defined to include "particulate matter, dust, fumes, gas, mist, smoke, or vapor of any combination thereof, exclusive of uncombined water." 7 *Del. Admin. Code* 1101 § 2.

As part of its air permitting requirements, the Delaware regulations require preconstruction review of stationary sources to determine whether they will impact areas designated as "non-attainment," "attainment" or "unclassifiable" by the U.S. Environmental Protection Agency and be subject to emission limitations represented by Lowest Achievable Emission Rate ("LAER") or Best Available Control Technology ("BACT"). 7 *Del. Admin Code* 1125 § 1. In addition, no stationary source may be constructed unless the applicant can substantiate to the DNREC that the source will comply with any applicable emission limit or New Source Performance Standard or Emission Standard for a Hazardous Air Pollutant.

GEC applied for an air quality construction permit for the GEC Facility on November 1, 2011. The Prevention of Significant Deterioration of Air Quality Permit Application, as submitted by GEC, provides a detailed and comprehensive preconstruction, new source review of potential air pollutants emitted from the proposed facility that are subject to Delaware's Regulations Governing the Control of Air Pollution. The analysis incorporates a detailed technology review of the pollutants that have the potential to be emitted above regulatory thresholds, in order to ensure that BACT and LAER technology is implemented at the facility. As part of GEC's analysis, a comprehensive and conservative ambient air quality dispersion modeling analysis was performed. The results of these extensive modeling analyses demonstrate

that the proposed GEC Facility, by itself or acting in concert with other sources, will not cause or contribute to an exceedance of any applicable ambient air quality standard (AAQS). These AAQSs are designed to: (i) provide public health protection ("primary"), and (ii) provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, materials and buildings ("secondary"). In fact, the worse case, modeled ambient air quality impacts demonstrate that the GEC Facility will not have any adverse impact on air quality, and that such impacts are insignificant.

DNREC has issued draft air construction permits for the proposed facility's Combined Cycle Combustion Turbine Generating System, ULSD Storage Tank and Process Water Cooling Tower that limit air emissions in accordance with the Delaware Regulations Governing the Control of Air Pollution. (See Reference Binder, Tabs 2-4). In the permits, DNREC establishes air emission and operational limitations for the proposed facility which will be measured and monitored by GEC in order to demonstrate compliance with applicable pollutant-specific BACT and LAER emission standards. Furthermore, under the draft air construction permits, air emissions from the GEC Facility will not exceed the City's particulate matter concentration standard for combustion source gases.

Following the successful completion of GEC Facility construction, the air emission and operational limitations, as well as monitoring, recordkeeping and reporting requirements, will be included in the Title V Air Operating Permit for the facility.

8. Glare. *No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted. This restriction shall not apply to signs otherwise permitted by the provisions of this ordinance.*

REVIEW: Based upon current site plans and contemplated equipment, the GEC Facility will not have any direct or sky-reflected glare issues. The facility will implement a lighting plan which will comply with the City's lighting requirements.

9. Liquid or solid wastes. *No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, except in accord with standards approved by the Delaware Department of Natural Resources and Environmental Control, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements.*

REVIEW: The GEC Facility will be designed and operated to comply with all applicable liquid or solid waste regulations established by DNREC and performance standards for the City of Dover.

Process water discharge: The GEC Facility's water operations will be connected to the City's utilities. Potable water, make-up water for the facility's cooling tower and the service water system will be supplied from the City of Dover water system. The facility's wastewater, including cooling tower blow down, will be discharged to the Kent County sewer system through the City's infrastructure.

Per the City's Source Water Protection Overlay Zone requirements, GEC will not store any chemicals or hazardous materials within the portion of Lot Number 7 that is located within a Tier 2 area of such overlay zone. (See Reference Binder, Tab 5).

Other liquid and solid wastes: GEC anticipates that solid wastes, including any hazardous wastes, from the facility will be routine wastes associated with a commercial operation. GEC does not anticipate that it will be a large-quantity generator of hazardous waste. GEC will dispose of any solid wastes, including hazardous wastes, in accordance with Delaware's Regulations Governing Solid Waste and Regulations Governing Hazardous Waste.

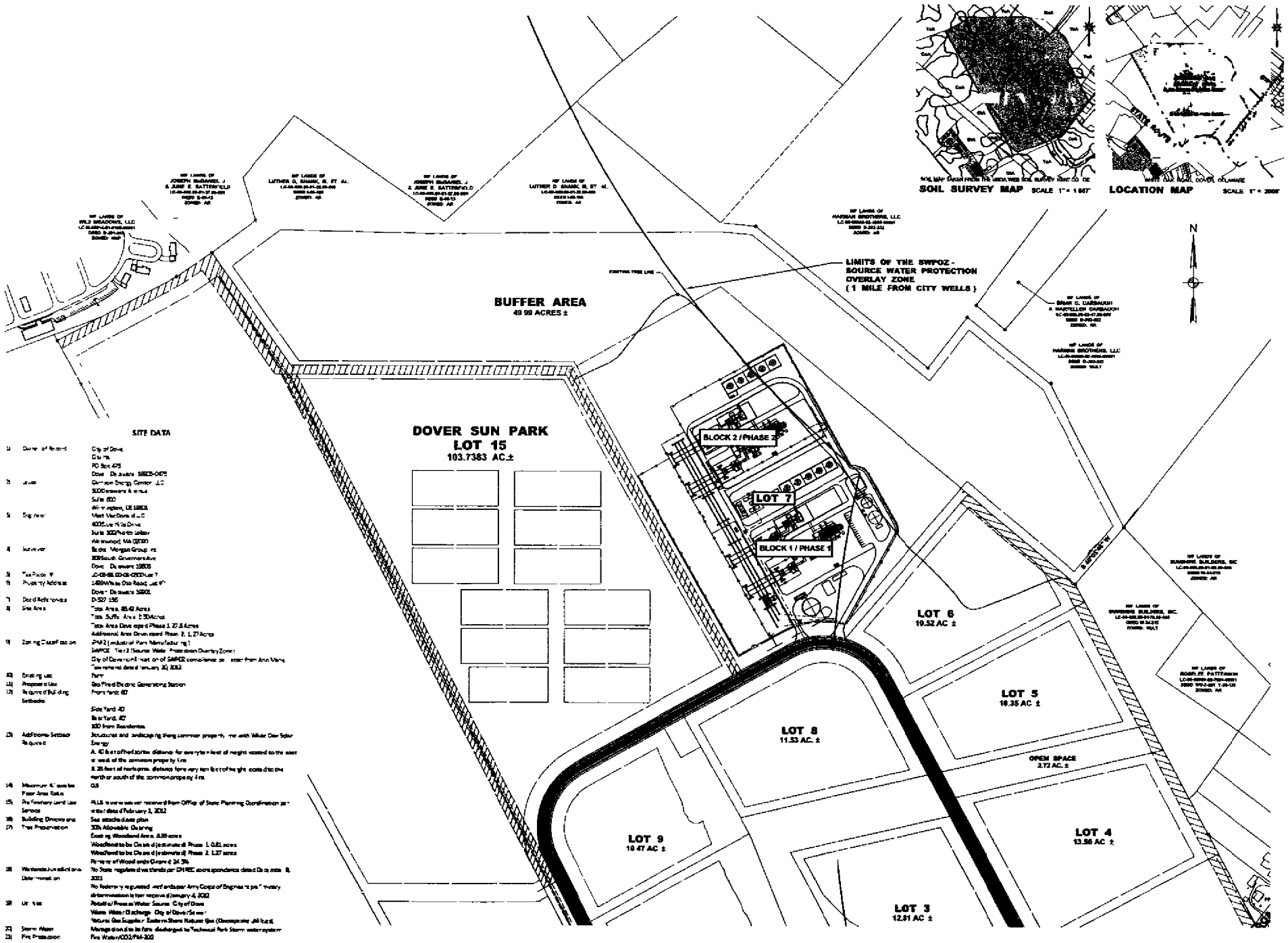
10. Traffic congestion. *When, in the surrounding highway network, operating conditions are at or near the design capacity level beyond which would result in functional failure of the surrounding highway network All speeds are reduced to a low, but relatively uniform value. Freedom to maneuver within the traffic stream is extremely difficult, and it is generally accomplished by forcing a vehicle or pedestrian to "give way" to accommodate such maneuvers Comfort and convenience levels are extremely poor, and driver or pedestrian frustration is generally high. Operations at this level are usually unstable, because small increases in flow or minor perturbations within the traffic stream will cause functional failures beyond acceptable levels (The conditions described in this [sub]section are also used to describe "level of service E" as defined by the highway capacity manual developed by the transportation research board, dated 1985.)*

REVIEW: Based upon current site plans and the development of the Garrison Oak Technical Park, the GEC Facility will not have any traffic congestion issues.

The Delaware Department of Transportation (DELDOT) reviewed GEC's Site Development Master Plan as part of the City's application review, and determined that a traffic impact study was not required for the GEC plant. DELDOT further indicated that:

> Based on the size of the building, the proposed facility will generate an Average Daily Trip Count of 94 trips. As a result, at the locations where Garrison Oak Drive intersects with White Oak Road, a hammer head entrance must be installed to serve the two developed parcels.

This modification will be undertaken as part of the site development, and the City is pursuing approval of its proposal with DELDOT.



SITE DATA

1)	Owner of Record	City of Dover City Hall PO Box 475 Dover, Delaware 19903-0475
2)	Lessee	Garrison Energy Center, LLC 5000 Dearborn Avenue Suite 600 Wilmington, DE 19803
3)	Engineer	West Virginia Division of LLC 4000 Lee Pike Drive Suite 300 North (office) Westwood, MA 02090
4)	Surveyor	Bates, Morgan Group, Inc. 309 South Governors Ave Dover, Delaware 19904
5)	Tax Parcel #	LC-05-168.00-04-09.00-000 Lot 7
6)	Property Address	1480 White Oak Road, Lot #7 Dover, Delaware 19901
7)	Deed Reference	D-307 196
8)	Site Area	Total Area: 85.42 Acres Total Buffer Area ± 30 Acres Total Area Developed Phase 1: 37.5 Acres Additional Area Developed Phase 2: 1.27 Acres
9)	Zoning Classification	IPM-2 (Industrial Park Manufacturing) SWPOZ - Tier 2 (Source Water Protection Overlay Zone) City of Dover confirmed on of SWPOZ compliance as stated from Ann Marie Townsend dated January 30, 2012
10)	Existing use	Farm
11)	Proposed Use	Gas Fired Electric Generating Station
12)	Required Building Setbacks	Front Yard: 40' Side Yard: 40' Rear Yard: 40' 100' from Residential
13)	Additional Setback Required	Structures and landscaping along common property line with White Clay Solar Energy A. 40 feet of fixed zone distance for every one foot of height vested to the east or west of the common property line B. 25 feet of horizontal distance from every one foot of height vested to the north or south of the common property line.
14)	Maximum Floor Area Ratio	0.5
15)	Pre-Preliminary Land Use Service	PLUS review was conducted from Office of State Planning Coordination on the date of February 3, 2012
16)	Building Dimensions	See attached base plan
17)	Tree Preservation	30% Allowable Clearing Existing Woodland Area: 8.89 acres Woodland to be Cleared (estimated) Phase 1: 0.65 acres Woodland to be Cleared (estimated) Phase 2: 1.27 acres Percent of Wooded area Cleared: 24.5%
18)	Wetlands Jurisdictional Determination	No State regulated wetlands per DNREC above correspondence dated Dec 2011 to date. No Preliminary requested - verification Army Corps of Engineers "pre-" history determination letter response January 4, 2012
19)	Utilities	Potable Water Source: City of Dover Waste Water Discharge: City of Dover Sewer Natural Gas Supplier / Existing Share Natural Gas (Chesapeake Utilities)
20)	Storm Water	Storm water will be treated and discharged to Technical Park Storm water system
21)	Fire Protection	Fire Water: 12" PVC-300
22)	Horizontal Datum	Delaware State Plane (NAD83)
23)	Vertical Datum	NAVD88, North American Vertical Datum 1988

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PRELIMINARY SITE DEVELOPMENT MASTER PLAN

Rev	Date	Drawn	Description	Chk'd	App'd

Mott MacDonald
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Suite 300, North Lobby
Westwood, MA 02090
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W www.mottmac.com

Client

CALPINE

GARRISON ENERGY CENTER, LLC

Title

GARRISON ENERGY CENTER
PROJECT
GARRISON OAK TECHNICAL PARK
DOVER, DELAWARE
SITE ARRANGEMENT

PRELIMINARY NOT FOR CONSTRUCTION	Designed	Eng check	
	Drawn	Approved	
	Dwg check	Project Mngr	
REPLACE WITH ENGINEERS STAMP AT CONSTRUCTION AND/OR FABRICATION ISSUE IF REQUIRED BY PROJECT ADMINISTRATION MANUAL	Scale at ARCH D 1" = 200'-0"	Rev	D
	Drawing Number 295766-SA-101		

Zoning Ordinance, Article 5

Section 8. - Performance standards

8.1 *Dangerous and objectionable elements* No land or building in any zone shall be used or occupied in any manner so as to cause any one or more of the following conditions to exist and to be dangerous, injurious, noxious or offensive beyond the boundaries of such premises in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises: Fire, explosive or other hazard, noise, or vibration, smoke, dust, odor or other form of air pollution, heat, cold, dampness or electromagnetic disturbance; glare, liquid or solid refuse or waste, traffic congestion causing roadways or intersections in the surrounding highway network to fall below acceptable levels of comfort and convenience; or other substance, condition or element (referred to hereinafter as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.

8.2 *Uses requiring performance standards review procedure.* Those uses in the C-3, IPM and M zones and uses accessory thereto, which are specified as being subject to performance standards procedure, are subject to the procedure specified in article 5, section 8 6 in obtaining a site plan approval. The city planner may require other uses, whether existing or proposed and regardless of the particular zoning district, to submit to the performance standards review procedure when there exists reasonable grounds to believe that a proposed use is in violation, or is likely to violate, the performance standards, in which event, the property owner shall comply with [the] performance standards review procedure

8.3 *Enforcement provisions applicable to other uses* Even though compliance with the performance standards procedure in obtaining a site plan approval is not required for some proposed uses, initial and continuing compliance with the performance standards themselves is required of every use, and provisions for enforcement to ensure continued compliance with the performance standards shall be invoked by the city planner against the property owner, tenant, or other responsible party if there are reasonable grounds to believe that performance standards are being violated by a particular activity or use.

8 4 *Nonconforming uses* Certain uses established before the effective date of this ordinance and nonconforming as to performance standards shall be given a reasonable time in which to conform therewith, as provided in article 7, section 1 53

8 5 *Performance standards regulations.* Where the following regulations overlap regulations of the Delaware Department of Natural Resources and Environmental Control or other state or local agencies, the more restrictive regulations shall apply in case of a conflict

8.51 *Fire and explosion hazards* All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point The relevant provisions of the state and local laws and regulations shall also apply

8.52 *Radioactivity or electromagnetic disturbance.* No activities shall be permitted which emit dangerous radioactivity at any point, or electromagnetic disturbance

adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

8.53 *Noise* The maximum sound pressure level radiated by any use or facility (other than transportation facilities) at the property line shall not exceed the values in the designated octave bands given in [the following] table I, after applying the corrections shown in [the following] table II The sound pressure level shall be measured with a sound level meter and associated octave band analyzer conforming to standards prescribed by the American Standards Association (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z243-1944, American Standards Association, Inc , New York, N Y., and American Standard Specification for an Octave Band Filter Set for the Analysis of Noise and Other Sounds, Z24.10-1953, American Standards Association, Inc , New York, N.Y , shall be used).

Table I

Octave Band Range In Cycles per Second	Sound Pressure Level in Decibels re 0.0002 dyne/cm^2
30– 300	60
301–2,400	40
Above 2,400	30

If the noise is not smooth and continuous and is not radiated between the hours of 10:00 p.m and 7·00 a m , one or more of the corrections in table II shall be applied to the decibel levels given in table I

Table II

	Type of Location of Operation or Character of Noise	Correction in Decibels
1.	Daytime operation only	
2.	Noise source operates less than*	
	a. 20 percent of any one-hour period	5
	b. 05 percent [sic] of any one-hour period	10
3.	Noise of impulsive character (hammering, etc.)	-5
4.	Noise of periodic character (hum, screech, etc.)	-5
5.	Property is located in one of the following zones and is not within 500 feet of any residential district*:	
	a. Central commercial C-2 zone	5
	b. Service commercial C-3 zone Manufacturing M zone	10
6.	Property is located in industrial park manufacturing zone IPM	10

*Apply one of these corrections only

8.54 [*Vibration*] No vibration shall be permitted which is discernible without instruments at the property line

8 55 *Smoke* No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro-Ringlemann Chart, published by McGraw-Hill Publishing Company, Inc , and copyrighted 1954 (being a direct facsimile reduction of the standard Ringlemann chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 2 on said chart may be emitted for four minutes in any 30 minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color, but with an apparently equivalent opacity. Any emission shall be in conformance with air pollution regulations of the Delaware Department of Natural Resources and Environmental Control.

8 56 *Odors.* No emission shall be permitted of odorous gases or other offensive odorous matter in such quantities as to be readily detectable when diluted in the ratio of one volume of odorous air emitted to four volumes of clean air. Any process which may involve the creation or emission of any offensive odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail There is hereby established as a guide in determining such quantities of offensive odors Table III, Odor Thresholds, in chapter 5, "Air Pollution Abatement Manual," copyright 1951 by Manufacturing Chemists' Association, Inc., Washington D C , and said manual and/or table as subsequently amended

8 57 *Fly ash, dust, fumes, vapors, gases, and other forms of air pollution.* No emission shall be permitted which can cause any damage to health, to animals, vegetation, or other forms of property, or which can cause any excessive soiling, at any point, and/or which does not conform to air pollution regulations of the Delaware Department of Natural Resources and Environmental Control, and, in no event, any emission, from any chimney or otherwise, of any solid or liquid particles in concentrations exceeding 0.3 grain per cu. ft. of the conveying gas resulting from combustion Standard corrections shall be applied to a stack temperature of 500 degrees Fahrenheit and 50 percent excess air

8 58 [*Glare.*] No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall be permitted. This restriction shall not apply to signs otherwise permitted by the provisions of this ordinance

8 59 *Liquid or solid wastes* No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, except in accord with standards approved by the Delaware Department of Natural Resources and Environmental Control, of any materials of such nature or temperature as can contaminate any water supply or otherwise cause the emission of dangerous or offensive elements

8 60 *Traffic congestion.* When, in the surrounding highway network, operating conditions are at or near the design capacity level beyond which would result in functional failure of the surrounding highway network All speeds are reduced to a low, but relatively uniform value Freedom to maneuver within the traffic stream is extremely difficult, and it is generally accomplished by forcing a vehicle or pedestrian to "give way" to accommodate such maneuvers. Comfort and convenience levels are extremely poor, and driver or pedestrian frustration is generally high Operations at this level are usually unstable, because small increases in flow or minor perturbations within the traffic stream will cause functional failures beyond acceptable levels (The conditions described in this [sub]section are also used to describe "level of service E" as defined by the highway capacity manual developed by the transportation research board, dated 1985)

8 6 *Performance standard procedure.*

8.61 *Application* An application for a site plan approval shall be accompanied with a performance standard review application when a use or occupancy is required, and shall be referred by the building inspector to the planning commission. The applicant shall also submit, in an amount equal to the required number of site plan submissions, a plan of the proposed construction or development, including a description of the proposed machinery, operations, and products, and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectional elements referred to in article 5, section 8.1, in accordance with rules prescribed by the planning commission specifying the type of information required in such plans and specifications, and an affidavit by the applicant acknowledging his understanding of the applicable performance standards and agreement to conform with same at all times

No applicant will be required to reveal any secret processes, and any information

submitted will be treated as confidential if requested The fee for such application shall include the cost of the special reports required to process it, described below.

8 62 *Report by expert consultants.* The planning commission, if there is any reasonable doubt as to the likelihood of conformance, shall refer the application for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified herein. Such consultant or consultants shall make such report within 30 days after his or their receipt of such application A copy of such report shall be promptly furnished to the applicant

8.63 *Decision of the planning commission* At the next regular meeting of the planning commission, but in no event more than 30 days after the board has received the aforesaid report, or within such further period as agreed to by the applicant, the board shall decide whether the proposed use will conform to the applicable performance standards and, on such basis, shall authorize or refuse to authorize the issuance of a building permit or certificate of occupancy, or require a modification of the proposed plan of construction. Such decision of the commission shall be in the form of a written report. Any building permit or certificate of occupancy so authorized and issued shall be conditioned on, among other things

(i) The applicant's completed buildings and installations in operation conforming to the applicable performance standards, and

(ii) The applicant's paying the fees for services of the expert consultant or consultants deemed reasonable and necessary by the planning commission for advice as to whether or not the applicant's completed buildings and installations will, in operation, conform to the applicable performance standards.