A G E N D A
CITY OF DOVER PLANNING COMMISSION
Monday, December 19, 2011 – 7:00 P.M. - City Hall: Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

APPROVAL OF AGENDA
ADOPTION OF MINUTES OF REGULAR MEETING of November 21, 2011

COMMUNICATIONS & REPORTS

1) Report on City Council actions

2) Update on other Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

2) Revised Application:
   a. S-11-02 Revised C.F. Schwartz Building Addition at 1530-1536 North DuPont Highway – Public Hearing and Review of Revisions to the Site Development Plan previously approved for the construction of a 24,444 S.F. building addition and the associated site improvements on a 7.83 +/- acre parcel. The property is zoned RC (Recreational and Commercial Zone) and C-4 (Highway Commercial Zone). The property is located on the west side of North DuPont Highway at the intersection with Rustic Lane. The owner of record is C.F. Schwartz Motor Company. Property Address: 1530-1536 North DuPont Highway. Tax Parcel: ED-05-057.00-01-06.00-000. Council District 4. *Revisions proposed include a Waiver Request to Reduce the Number of Required Bicycle Parking Spaces and a Revised Landscape Plan including Consideration of a Revised Tree Mitigation Plan. The Planning Commission previously approved Application S-11-02 on February 21, 2011 with Final Plan Approval granted September 6, 2011.*

NEW DEVELOPMENT APPLICATIONS

1) S-11-21 Inner City Cultural League/Dover Cultural Center at 39 S. West Street – Public Hearing and Site Plan Review to permit the construction of a 4,085 S.F. building and associated site improvements. The subject site is one parcel of land consisting of 0.5923 acres +/- (25,800 S.F.). The property is situated on the east side of South West Street in the block between West Division Street and Forest Street just east of the railroad corridor. The property is zoned C-2A (Limited Central Commercial Zone). The owner of record is Downtown Dover Partnership. Property Address: 39 South West Street. Tax Parcel: ED-05-076.08-06-02.00-000. Council District 4. *Waivers Requested: Reduction in Parking Requirements; Elimination of Opaque Barrier (Fence Component) and Partial Elimination of Curbing.*

2) C-11-07 North Street Area Improvement Project – Public Hearing and Review for Conditional Use/Site Development Master Plan and Architectural Review Certificate for the North Street Area Improvement project. The project involves three project areas/phases consisting of the following: a parking lot consolidation project on the south side of North Street; streetscape

improvements to the block of North Street between South State Street and South Governors Avenue; and the redevelopment a vacant area in the block between North Street and West Loockerman Street as a plaza with parking lot. The project area consists of multiple parcels of land totaling 4.1635 acres ± of land zoned C-2 (Central Commercial Zone) or RGO (General Residence and Office Zone) and subject to the H (Historic District Zone). The project area is focused on the segment of North Street between South State Street and South Governors Avenue and the area between West Loockerman Street and Bank Lane. The owners of record include Rudolph von Croy c/o Colonial Investment & Management, Delaware State Housing Authority, Collegian Plaza Hospitality Group II LLC, and the City of Dover; the equitable owner (for certain parcels) is the Downtown Dover Partnership. The property addresses include 114, 116, 120, 126 and 128 West Loockerman Street; 100, 104, 106, and 119 West North Street; 309 South Governors Avenue; and 16 and 22-26 The Green. Tax Parcels: ED-05-077.09-04-32.00-000, ED-05-077.09-04-06.00-000, ED-05-077.09-04-31.00-000, ED-05-077.09-04-30.00-000, ED-05-077.09-04-08.00-000, ED-05-077.09-04-09.00-000, ED-05-077.09-04-43.00-000, ED-05-077.09-04-42.00-000, ED-05-077.09-04-51.01-000, ED-05-077.09-04-53.00-000, ED-05-077.09-04-53.01-000, ED-05-077.09-04-07.00-000, ED-05-077.09-04-50.00-000 and ED-05-077.09-04-54.00-000. Council Districts 2 and 4. *Waiver Requested: Partial Elimination of Curbing. Application HI-11-05 is scheduled for review at the Historic District Commission Meeting on December 15, 2011.*

3) MI-11-17 Text Amendment: Revisions to *Zoning Ordinance,* Article 3 Section 2 and Article 6 regarding Conditional Uses in the General Residence Zone – Public Hearing and Review for Recommendation to City Council on a series of Amendments to the *Zoning Ordinance,* Article 3 §2 to permit limited commercial uses accessory to the principal residential use on properties within the General Residence Zone (RG-1 and RG-2) that are located within the City's Historic District Zone and/or listed on the National Register of Historic Places as part of a historic district or as an individual property. It would also require that such accessory uses be subject to Conditional Use approval by the Planning Commission set standards for such accessory uses. Also includes amendments to Article 6 pertaining to the associated parking requirements. Ordinance #2011-29.

NEW BUSINESS

ADJOURN

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

CITY OF DOVER PLANNING COMMISSION
November 21, 2011

The Regular Meeting of the City of Dover Planning Commission was held on Monday November 21, 2011 at 7:00 PM with Chairman Hemmig presiding. Members present were Mr. Hemmig, Mr. Baldwin, Mr. Holt, Mr. Shomo, Mr. Ambruso, Mr. Tolbert, and Mr. Nichols. Mr. Friedman and Colonel Welsh were absent.

Staff members present were Mrs. Melson-Williams, Mrs. Townshend (Arrived at 7:04), Mr. Koenig (Arrived at 7:03), Ms. Cornwell and Ms. Metsch. Also present were Mr. John Paradee, Mr. John Fellows, Mr. Stephen Davies, and Mr. William Weaver.

Mr. Hemmig stated that there is a revised agenda on your desks this evening noting application C-11-06 Kent County 911 Center: Parking Expansion at 911 Public Safety Boulevard (Item #2 under New Development Applications) that will not be heard this evening. The application will be deferred to the Planning Commission Meeting for January.

APPROVAL OF AGENDA

Mr. Nichols moved to approve the agenda as revised, seconded by Mr. Baldwin and the motion was unanimously carried 7-0 with Mr. Friedman and Colonel Welsh absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF OCTOBER 17, 2011

Mr. Shomo moved to approve the regular Planning Commission meeting minutes of October 17, 2011, seconded by Mr. Ambruso and the motion was unanimously carried 7-0 with Mr. Friedman and Colonel Welsh absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the Planning Commission Quarterly Workshop previously scheduled for tomorrow November 22, 2011 at 4:00 PM has been cancelled due to lack of agenda items for that meeting.

Mrs. Melson-Williams stated that there is a reminder of the next regular Planning Commission meeting scheduled for Monday, December 19, 2011 at 7:00 PM to be held in City Council Chambers. Please let Staff know of your attendance for that meeting so that quorum can be confirmed.

Mrs. Melson-Williams further stated that in the packet was a schedule of deadlines and meeting dates for the calendar year 2012. This schedule establishes the application deadline for applications to the Planning Commission for Site Plans, Subdivisions, Conditional Uses, and Rezonings. It then sets forth the other important meetings including involvement with City Council and Development Advisory Committee, as well as the Planning Commission meetings for the calendar year.

Mrs. Melson-Williams provided an update on the regular City Council meeting of October 24, 2011; the Legislative & Finance Administration Committee, the Utility Committee, and the regular City Council meetings of November 14, 2011.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Melson-Williams presented the audience information on policies and procedures for the meeting.

OLD BUSINESS

There was no old business for discussion.

NEW DEVELOPMENT APPLICATIONS

C-11-05 Amended Royal Farms and Bank with Drive-thru at 293 South Saulsbury Road – Public Hearing and Review of an Amended Site Plan to also include the addition of a 4,600 S.F. bank building with drive-thru on the property where previously a Conditional Use Site Plan was approved for the construction of a 5,786 S.F. retail store building, a 1,407 S.F. car wash building, eight doubled-sided gasoline pumps under two canopy structures, and other associated site improvements. The property consists of 3.64 acres+/- and is zoned C-2A (Limited Central Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the northeast corner of Saulsbury Road and West North Street. The owner of record is Roadway Express, Inc. The equitable owner is F&B Properties, LLC. Property Address: 293 S. Saulsbury Road. Tax Parcel: ED-05-076.11-01-43.00-000. Council District 4. *Waivers Requested: Partial Elimination of Upright Curbing and Use of Alternative Materials for Fence Component of Opaque Barrier. The Planning Commission granted conditional approval for Conditional Use Site Plan for the retail store, car wash and gasoline pumps on August 15, 2011.*

Representative: Mr. John Paradee, Prickett, Jones & Elliott; and Mr. John Fellows, Duffield Associates.

Ms. Cornwell provided an overview of the application.

Mr. Paradee stated that for the record, he would note that the application does meet all of the Code requirements and we agree with all of the Development Advisory Comments of record.

Mr. Nichols stated that he is not sure if the final plan has been submitted; however, what was submitted to this Commission looks just like another cookie cutter building. When it comes back to this Commission, it will need to have an A-roof on it or something that has the apparent look of an A-roof. There is no other building in this area that has a flat roof except General Foods. Responding to Mr. Nichols, Mr. Fellows stated that what we have submitted for this evening's review is what we anticipate to be the end user for a bank. We have not secured the actual tenant at this point. When an actual tenant is secured, we will comply with the Corridor Overlay standards. Currently, this is the look the current possible tenant could give.

Also responding to Mr. Nichols, Mr. Paradee stated that this was a pitched roof not a flat roof.

Mr. Fellows stated that it is a flat roof that has a cornice located at the top which will break up the vertical element. Responding to Mr. Fellows, Mr. Nichols stated that they need to be prepared to come back with an A-roof.

Mrs. Townshend stated that Staff's recommendation is to bring it back for review by the Planning Commission if there are significant changes as the architecture is fine tuned. She feels that once they have a tenant, you will have a better sense of what the architecture will be.

Mr. Hemmig questioned that if they approve it this evening in this format, this will not be the final architecture? Responding to Mr. Hemmig, Mr. Paradee stated this is correct and they understand that they will have to come back.

Mr. Holt questioned that they do not have a tenant at this time. Responding to Mr. Holt, Mr. Paradee stated that they do not at this point. They have not inked the deal; however, they are close, just not there yet.

Mr. Tolbert stated that the plan does indicate that this is for the Royal Farms and a bank. Are you sure that you will have a bank at this location? Responding to Mr. Tolbert, Mr. Paradee stated that they are confident that they will have a bank. They are just not confident that they will have any particular bank and expect to have confirmation soon.

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

Mr. Hemmig questioned that this is not necessarily the final footprint or design for the building? Responding to Mr. Hemmig, Mr. Paradee stated that no, what they are trying to do in the Site Plan approval is get the envelope approved. When they have the final design, we will come back to this Commission. What you are approving in terms of the Site Plan is just the envelope at this point.

Mr. Hemmig further questioned what the dimensions of the building would be without the drive-thru canopy? Responding to Mr. Hemmig, Mr. Fellows stated that it would be 60x75 feet.

Mr. Hemmig stated that it looked pretty square on the Plan and he was concerned with the long side facing the Corridor. Responding to Mr. Hemmig, Mr. Fellows stated that visually from the corridor elevation, you will also have the drive-thru canopy that will make the building appear longer from the street side.

Mr. Hemmig stated that as a reminder, there is a waiver request for an alternative material for the fence component that Staff is recommending approval of the applicant's desire to use a vinyl type of fencing instead of a wood fence. Staff has recommended approval of this alternative material. Responding to Mr. Hemmig, Mr. Paradee stated that a prior condition that was approved should be reconfirmed is regarding curbing and the elimination of some sections to allow for stormwater run-off.

Mr. Fellows stated that the elimination of curbing also included around the building to provide level egress into the Royal Farms building that would be blocked off by bollards all around the building.

Mr. Nichols moved to approve C-11-05 Amended Royal Farms and Bank with Drive-thru located at 293 South Saulsbury Road to include the waiver request for the alternative vinyl material for

the fence, the elimination of some of the curbing for the Royal Farms building for drainage, elimination of curbing around the Royal Farms building and the DAC comments of record, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Friedman and Colonel Welsh absent.

S-11-19 Dover Behavioral Health Systems Building Addition at 725 Horsepond Road – Public Hearing and Site Plan Review to permit the construction of 12,000 S.F. building addition to the existing 47,105 S.F. building and associated site improvements. The subject site consists of one parcel for a total of 14.746 acres +/- of land. The property is situated on the east side of Horsepond Road south of South Little Creek Road. The property is zoned I-O (Institutional and Office Zone) and subject to the AEOZ (Airport Environs Overlay Zone). The owner of record is UHS of Dover, LLC. Property Address: 725 Horsepond Road. Tax Parcel: ED-05-078.00-01-08.00-000. Council District 2. The property was the subject of Board of Adjustment application V-11-02. *Waivers Requested: Reduction of Parking Requirement, Number and Size of Loading Spaces, and Partial Elimination of Sidewalk.*

Representatives: Mr. Stephen Davies, Apex Engineering; and Mr. William Weaver, CEO, Dover Behavioral Health.

Mrs. Townshend stated that this application is subject to the Airport Environs Overlay Zone-APZII which is the Accident Potential Zone II with Noise Zones B & C. The applicant has requested three (3) waivers. One is a reduction of parking, the second is the number and size of a loading space, and the third is partial elimination of sidewalk.

Mrs. Townshend further stated that there have been a number of previous applications for this property in the past. In 1993, the Planning Commission approved the Site Plan to build the psychiatric hospital in this location. In 2006, there was a minor subdivision that created three (3) lots that would include the lot for the hospital and a lot on both sides that is owned by Bayhealth. In September of 2011, the Board of Adjustment granted a variance to permit the addition of 12,000 square feet of building area. The Airport Environs Overlay Zone would have limited that addition to 3,000 square feet.

Mrs. Townshend stated in terms of parking, in review of the Code, the parking would be determined by the number of beds or by building square footage, whichever is more. The building square footage gives you a higher parking count so based on building square footage, 198 parking spaces would be required. With the spaces that would be lost due to the building addition, there are 161 spaces proposed on this site. The applicant has requested a parking waiver, a reduction of 18.7% or thirty-seven (37) spaces to build the 161 parking spaces. They did include in their waiver request an analysis of the actual parking usage on site and Staff believes that parking on site is sufficient.

Mrs. Townshend further stated with regards to loading spaces, there is an area that shows loading spaces along with some signage that indicates fire lanes that will be fixed. There are two (2) full loading spaces shown and they are undersized according to Code; however, they are an existing condition. Staff does not expect that the addition will change anything related to that and they (the applicant) have submitted a waiver in that regard.

Mrs. Townshend further stated in terms of bicycle parking, nine (9) bicycle parking spaces are required. There is a bike rack shown at the southern portion of the building. There are, at this point, no bike racks shown in the area closer to the entrance.

Mrs. Townshend further stated with regards to the Landscape Plan, they submitted a sheet that shows the existing trees on site of 220 trees with three (3) trees being lost for the building addition. This would leave 217 trees. Based on the area calculation, 215 trees would be required so the tree requirement would be met.

Mrs. Townshend further stated with regards to the sidewalk waiver, they show a sidewalk along the frontage on Horsepond Road. On the Plan that they submitted, it stops just shy of the entrance driveway. In the DAC meeting, it was discussed to extend it down to the entrance driveway so that there was no gap. They indicated that there is actually a swale located there and a grade difference that makes it very difficult. What Staff suggested is that if they are going to stop it just shy of that entrance road, that they request a waiver as there is no sidewalk further south. In the DAC discussion Staff determined that even if the Planning Commission grants the sidewalk waiver for this portion of sidewalk, it is possible that DelDOT may require them to construct it anyway.

Mrs. Townshend stated that the other agencies provided their comments.

Mr. Davies stated that with regards to DelDOT, they have asked that we have a painted bicycle lane along the frontage. We would rather not do that because to do that we would have to widen the cart way by four (4) feet and that four (4) feet would cause them to have to move a couple of utility poles that are major. There is no other bike lane up and down Horsepond Road so we would request that we not do this in accordance with DelDOT's comments. We are in agreement with all the other DAC comments of record.

Mr. Holt questioned with regards to the request for the bicycle path, if this is part of the new bicycle movements throughout the City now? This could be a part of their reasoning. Responding to Mr. Holt, Mrs. Townshend stated that the requirement for the bicycle shoulder is more a shoulder improvement not a separated path.

Also responding to Mr. Holt, Mr. Davis stated that this would be a painted lane on the road itself between the travel lane and the deceleration lane.

Mrs. Townshend further stated that this is a standard on all DelDOT roadways of this classification (major collector). The applicant makes a point that there is not a lot of bicycle traffic in this area. The point is he (Mr. Davies) wanted it on the record because it is a part of the DAC comments and if they can work with DelDOT to change that they wanted it noted on the record.

Mr. Baldwin stated that with regards to bicycle lanes, he has found it amazing that at most of the businesses that he visits on his bicycle, there is nowhere for him to place his bike when he gets there. His question would be is there a reason why the bike rack is located in the back of the building? Responding to Mr. Baldwin, Mrs. Townshend stated that the Staff recommendation was that they have a bike rack located in the back of the building where the employee entrance is and that they also add one to the front of the building as well. It was indicated by the applicant during the DAC meeting that this would not be a problem.

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

Mr. Hemmig questioned if there were any DelDOT plans for now or in the future for this roadway? Responding to Mr. Hemmig, Mrs. Townshend stated that she was unaware of any. Mr. Koenig stated that any future plans would be way down on DelDOT's list.

Mr. Tolbert moved to approve S-11-19 Dover Behavioral Health Systems Building Addition located at 725 Horsepond Road to include three waiver requests: the reduction of parking with the necessary recommendations as stated by Planning Staff, the number and size of loading spaces, and the partial elimination of sidewalk, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Mr. Friedman and Colonel Welsh absent.

MI-11-13 Text Amendment: Revisions to *Zoning Ordinance*, Article 3 Section 17 Shopping Center Development – Public Hearing and Review for Recommendation to City Council on a series of Amendments to the *Zoning Ordinance,* Article 3 §17 – Shopping Center Development (SC-1, SC-2, and SC-3) relating to permitted uses within the Neighborhood Shopping Center Zone (SC-1). The proposed ordinance adds Section 17.31 to permit retail and service establishments, to permit gasoline pumps as an accessory use subject to conditional use approval, and to prohibit wholesaling, warehousing, storage, and motor vehicle service, sales, and/or fueling stations. Ordinance #2011-25.

Representative: Brought forward by Staff.

Mrs. Townshend stated that this Ordinance would add the language to the SC-1 Zone that you have in the C-1A Zone and then adopted by reference into the C-2A Zone that allows places like Royal Farms their pumps and retail in general. The SC-1 Zone at this point is more narrowly written to reflect something more similar to the C-1 Zone.

Mrs. Townshend further stated that in preparation of this text amendment it was determined what properties are zoned SC-1 so that we could determine the extent of the proposed change: the former Playtex Plant located at the northwest corner of Route 8 and Route 13, the Hamlet Shopping Center located at the corner of Walker Road and Saulsbury Road, the Dover Downs Shopping Center which is the location of Best Buy, and the Route 8 Plaza which is the location of Talbots. One of the things with the shopping center zones is that the way that they are setup is a minimum acreage. There are a number of things that are comparable in use in terms of what would be the SC-2 zone; however, because the acreage is less, they fall back to SC-1.

Mr. Hemmig stated there are smaller acreages than the SC-1. However, do we have any situations currently where you have a shopping center and you have buildings connected together with one of them having a gas station? All of our gas stations are pretty much standalone such as Wawa and Royal Farms. Responding to Mr. Hemmig, Mrs. Townshend stated that we still have some of the smaller chain gas stations throughout the City that seem to be fewer and far between. There is the Duncan Depot with other retail establishments in the same complex and there are the pumps located at Safeway which is accessory to the grocery store. More and more we are seeing the gas pumps as accessory to the retail operation.

Mr. Hemmig further questioned in these shopping centers, if the parking areas are in common to most of the retail stores. In other words, each individual store does not own a piece of the parking lot. Responding to Mr. Hemmig, Mrs. Townshend stated that typically not. She does know that in Gateway West Shopping Center there are out-parcels so for instance where the Westside Health Center is located and where the liquor store is, these are out parcels so they actually have parcel lines and their own parking. Sometimes, even though there are no lines, there are artificial lines in the Lease Agreements.

Mr. Hemmig further stated that his concern would be if you think of somewhere such as Rodney Village Shopping Center. When you come into the shopping center and come down about four (4) retail stores and then there are some gas pumps then more retail stores, this would be a very weird configuration. He would like to avoid this type of situation. A gas station should be set-off by themselves as opposed to being part of a strip shopping center. Responding to Mr. Hemmig, Mrs. Townshend stated that even though this should be permitted, it should be a Conditional Use. This would give the Commission more ability to work with the site in terms of placement. This came about because there is someone looking at the Playtex site and we got into a discussion of whether they should put a zoning line through the middle to have a C-4 piece or whether it made sense to add this to the zone. Staff felt that you get better planning if you can work within one zone rather than creating a split zone parcel or having them take a parcel off to do that.

Mr. Hemmig further stated that it is going to pretty much be at the Commission's discretion as someone comes forward with a Plan that we feel is a reasonable design and a safe design. Responding to Mr. Hemmig, Mrs. Townshend stated that yes, it would be.

Mr. Hemmig further stated that as long as they have control over the overall design and we feel that the configuration makes sense, it could be located in a shopping center. Even Wawa is separated from the Dover Mart. It creates a separation from where people are walking from parking lots with people running in and out of a gas station. Responding to Mr. Hemmig, Mrs. Townshend stated that typically, for the retailers and the convenience store they would look to do this anyway for their own business purposes; however, it is something that we would be able to work with them on.

Mr. Nichols questioned that on the report it states the Playtex Plant, how about the Wal-Mart building that has just been sold as he understands? Responding to Mr. Nichols, Mrs. Townshend stated that she is not entirely sure that this is what has happened with it; however, she has heard about three (3) different scenarios of what has happened with it and has not been able to confirm any of them.

Mr. Nichols questioned if this would be included as a free standing building such as Playtex? Responding to Mr. Nichols, Mrs. Townshend stated that the Wal-Mart is zoned C-4 Highway Commercial so they would be able to do the gas pumps and convenience store if they wanted to anyway under the current zoning.

Mr. Tolbert questioned what an example would be of an accessory use? Responding to Mr. Tolbert, Mrs. Townshend stated that the accessory use is essentially the Royal Farms with pumps or the Wawa with pumps and Safeway with pumps, it is where you have a retailer who has a

retail establishment and then they have as an accessory to that retail establishment the gas pumps.

Mr. Tolbert further questioned if this Ordinance is recognizing that there may be legitimate uses in any shopping center to put up gas pumps? Responding to Mr. Tolbert, Mrs. Townshend stated yes, in the SC-1 zone subject to Conditional Use approval.

Mr. Tolbert further questioned if we would want to ration these shopping centers with the businesses that start putting up gas pumps? Responding to Mr. Tolbert, Mr. Hemmig stated that he would suspect that if someone like Wawa wanted a building somewhere that was not part of a shopping center, they would come to us stating that they want a retail shopping center with gas pumps. They could get it zoned properly to do so in the SC-1 zone. However, if you are talking about something like the Hamlet Shopping Center where there is retail and they would want to put in gas pumps, this would allow them to do so; however, only conditionally based on this Commission's approval.

Mrs. Townshend stated for the record the SC-1 Zone is at least one (1) acre and the SC-2 Zone is at least fifteen (15) acres. You could have a ten (10) acre site that would not be eligible to be zoned SC-2. This is why Staff looked especially, because it is called Neighborhood Shopping Center, at the locations where the zoning exists to make sure that it would not be creating a problem.

Mr. Hemmig stated not to expand the number of zones; however, did you consider possibly making an SC-1A zone that has eight (8) acres as opposed to making a one (1) acre shopping center? Responding to Mr. Hemmig, Mrs. Townshend stated that it is likely that one (1) acre is very small for a shopping center and typically if someone wants to do the convenience store with gas pumps and they have a site that is zoned SC-1 and the SC-1 Zone does not permit it, they will come in for rezoning. From a practical standpoint, it may not make a huge difference because the areas where these would be would be areas where we would not typically frown upon a different zoning classification. For instance, if you look at where Best Buy is located, it is all C-4 zoning around it. Also, where Talbots is located, there is C-2A and C-3 so there are other adjacent zones that if they could not do it in the SC-1 Zone, they would likely be able to go to something else.

Mr. Hemmig further questioned that if we lose the SC-1 as it is now, what else do we have? Responding to Mr. Hemmig, Mrs. Townshend stated that we are dealing with a somewhat dated *Zoning Ordinance.* At some point, we may need to question what the purpose of the zone is. Staff would like to do this as a larger project; however, it is a very time consuming task.

Mrs. Townshend stated that there was a letter received and will be made a part of the record from Konover Acquisitions, LLC who is the contract purchaser for the Playtex property. They will be on record in favor of the change to the SC-1 Zone.

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

Mr. Ambruso moved to forward to City Council a recommendation of approval of MI-11-13 Text Amendment: Revisions to Zoning Ordinance, Article 3 Section 17 Shopping Center Development establishing Ordinance #2011-25, seconded by Mr. Holt and the motion was carried 6-1 with Mr. Friedman and Colonel Welsh absent and Mr. Hemmig voting against the motion.

MI-11-14 Text Amendment: Revisions to *Zoning Ordinance*, Article 5 Section 1 and Section 7 regarding Corner Lots and Fences – Public Hearing and Review for Recommendation to City Council on a series of Amendments to the *Zoning Ordinance,* Article 5 Section 1 – Supplementary Regulations Applying to Residence Zones and Section 7 Supplementary Regulations Applying to All Non-Residential Zones. The proposed ordinance clarifies the designation of front yards, side yards, and rear yards for corner lots and establishes the maximum fence heights within such yard areas on residential lots and non-residential lots including corner lots and dual frontage lots. Ordinance #2011-26.

Representative: Brought forward by Staff.

Mrs. Townshend utilized a series of graphics in describing the proposed amendments.

Mrs. Townshend stated that based on the definition of a front yard in the *Zoning Ordinance* corner lots have two (2) fronts one along each street frontage. The *Zoning Ordinance* also limits the height of the fence in the front yard. In a residential zone, fences that are located on a corner cannot be any taller than four (4) feet especially if located next to a street. This has been an issue that Staff has struggled with as there have been cases where fences have been put up without permits and we have not been able to resolve them because of this challenge.

Mrs. Townshend further stated that what this amendment would do is allow anyone located on a corner lot for the portion along the side of the house that a taller fence would be permitted. Even though it would technically be the front yard, you could have a six and half (6 ½) foot fence on a residential property and eight (8) foot on a non-residential property. It treats the front yard more like a side yard for the purpose of the fence.

Mrs. Townshend further stated that the other thing that it does in terms of corner lots is it identifies which yard gets treated as the rear yard and which gets treated as the side yard. If you go by the definition there are two front yards, two rear yards, and no side yards. It is not a big deal until you decide to put in a building for placement. What Staff did in this Ordinance is clarify that the yard that is adjacent to the rear of the house would be the rear yard and the yard that is adjacent to the side of the house would be treated as the side yard.

Mrs. Townshend further stated that while Staff was dealing with fence heights and odd lots, there are a number of properties in the City such as those located on Walker Road along the backside of Bicentennial Village and Four Seasons where you have a lot of people who have tall fences. If Staff looks at the Code, it would technically be a front yard and subject to a limit of four (4) feet in height. On lots with dual frontages, what is parallel to the rear of the house, you could have the taller fence. Where the front yard is parallel to the front of the house, it would be limited to four (4) feet.

Mr. Hemmig questioned for clarification the four (4) foot height restriction runs parallel to the front to the edge of the house? Responding to Mr. Hemmig, Mrs. Townshend stated that it is anything in the front yard. If there is something that is parallel to the side lot line once you are in the front yard setback you cannot go above four (4) feet. It is the setback line and not where the house is located.

Mr. Holt stated that he feels this is a good idea because it gives the definition of what is the front and side yard.

Mr. Ambruso questioned why Staff takes the position of only allowing four (4) feet in residential areas? Responding to Mr. Ambruso, Mrs. Townshend stated that this is what the Code is currently. When you get to a certain height in terms of a fence, it creates a walling affect. If you have six (6) foot fences that go all the way to the street line or all the way to the right-of-way line, it creates a wall affect in terms of the neighborhood.

Mr. Ambruso questioned that what if a homeowner wants that and wants the height for privacy? Responding to Mr. Ambruso, Mrs. Townshend stated that a case could be made for that; however, from the Planning Offices perspective, we would not recommend in favor of that. Four (4) feet is what it currently is now and we are not proposing to change that. If the Planning Commission feels strongly, we could bring back something to do that.

Mr. Hemmig stated that greenscape could solve that problem for privacy.

Mr. Holt stated that he felt that greenscape would look better than a fence. When you start getting the wall affect, it is like everyone is in their own little prison being all boxed in.

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

Mr. Tolbert moved to forward to City Council a recommendation of approval of MI-11-14 Text Amendment: Revisions to Zoning Ordinance, Article 5 Section 1 and Section 7 regarding Corner Lots and Fences, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Friedman and Colonel Welsh absent.

MI-11-15 Text Amendment: Revisions to Article 5 of the *Zoning Ordinance* regarding Public Utilities Infrastructure – Public Hearing and Review for Recommendation to City Council on a series of Amendments to the *Zoning Ordinance,* to add Article 5 §21 – Public Utility Infrastructure. The proposed ordinance would permit public utility infrastructure, with some exceptions, in all zoning districts and provides for exemptions from the requirements of Article 4 – Zoning Bulk and Parking Regulations while establishing specific requirements for setbacks, fences, and site development plans. Ordinance #2011-27.

Representative: Brought forward by Staff.

Mrs. Townshend stated that this is an issue that has come up regarding pump stations, water towers, wells, and electric transformers that are not necessarily anticipated in the *Zoning Ordinance.* For instance, a lot of times there are areas set aside for pump stations where if they

were to subdivide they do not meet the minimum lot size so what they have had to do is put them on permanent easements because we cannot allow creation of a lot that does not meet the minimum lot dimensions. There is also the issue where water towers may be in a residential zone that has a thirty-five foot height limit requirement; however, a thirty-five (35) foot water tower is not going to serve much of a purpose.

Mrs. Townshend further stated that what Staff has determined over time is that the *Zoning Ordinance* in terms of the bulk standards does not truly address the utility infrastructure in terms of the needs for height and lot dimensions. If you are fencing in electrical substations and you have a fence height of four (4) feet that would not be sufficient for safety requirements for the substation. What Staff is looking at in doing this is the ability to exempt certain public utility infrastructure from the strict application of the bulk standards of the *Zoning Ordinance.*

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

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

Mr. Nichols moved to forward to City Council a recommendation of approval of MI-11-15 Text Amendment: Revisions to Article 5 of the Zoning Ordinance regarding Public Utilities Infrastructure, seconded by Mr. Tolbert and the motion was unanimously carried 7-0 with Mr. Friedman and Colonel Welsh absent.

Meeting Adjourned at 8:00 PM

Sincerely,

Diane Metsch
Secretary

MEMORANDUM

Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903
Phone: (302) 736-7196 Fax (302) 736-4217

DATE: December 2, 2011

TO: Planning Commission

FROM: Janelle M. Cornwell, AICP
Planner II

SUBJECT: S-11-02 C.F. Schwartz Motor Company at 1530-1536 North DuPont Highway Waiver Requests: Reduction in bicycle parking and further tree mitigation

The application is requesting waiver for the reduction in the number of bicycle parking spaces and further tree mitigation. The Planning Commission previously approved the application on February 22, 2011. The Site Plan was granted Final Approval on September 6, 2011 and the site is currently under construction. The applicant is requesting two additional waivers.

Waiver Request: Reduction in Number of Bicycle Parking Spaces
The minimum bicycle parking is one (1) bike space for every twenty (20) parking spaces. Based on the number of 270 proposed parking spaces, fourteen (14) bicycle parking spaces are required. The applicant is requesting a reduction of ten (10) bicycle parking spaces. The plan proposes to provide four (4) bicycle parking spaces. There would be two (2) bicycle racks that would accommodate the four (4) bicycle parking spaces.

Recommendation on Bicycle Parking Waiver Request:

a) Staff recommends approval of the bicycle parking waiver to reduce the requirement to four (4) bicycle parking spaces. The reduction in bicycle parking spaces reflects the use of the site as a car dealership where a significant number of the onsite parking spaces actually serve as car display parking. Staff would recommend one (1) bicycle rack accommodating two (2) bicycle parking spaces each near the two main buildings on the site.

Waiver Request: Consideration of Revision Tree Mitigation Plan (off-site planting)
The site is required to provide 114 trees based on the size of the site. On the Final Plan as approved there were 21 existing trees to remain on the site and thirty-six (36) new trees to be planted on the site. The Planning Commission previously approved off-site tree mitigation of 57 trees that are to be planted along the St. Jones River riparian buffer. The tree mitigation for the 57 trees has been completed.

The applicant is asking the Planning Commission to allow for the new thirty-six (36) trees to be planted off site. The applicant proposes to plant thirty-six (36) Arborvitae trees in the grass area

on the adjoining property of Sheraton's property between the two parking lots to act as a buffer between the parking lots.

Recommendation on Revised Tree Mitigation:

a.) Staff recommends that eight (8) of the originally proposed Willow Oak trees located along Rustic Lane be planted on the C.F. Schwartz property. Staff also recommends approval for further Tree Mitigation to allow for twenty-eight (28) Arborvitae trees to be planted within the grass strip on the Sheraton's property to act as a buffer between the two parking lots. The trees shall meet the sizing requirements of the *Zoning Ordinance*.

City and State Code Requirements:

1) The Site Plan and/or Landscape Plan shall be revised to reflect any changes approved by the Planning Commission. The revised Site Plan shall be signed by the owner and engineer and the Landscape Plan shall be signed by the owner and Certified Nursery Professional or Landscape Architect.
2) The existing cross access between the Sheraton and C.F. Schwartz parking lots shall be maintained.
3) Ensure no trees are planted within ten (10) feet of utilities.
4) Provide a maintenance agreement for the trees proposed to be located on the Sheraton's property if approved.
5) Bicycle parking shall be complied with in accordance to the *Zoning Ordinance* and the approved Final Site Plan unless a waiver is granted by the Planning Commission.
6) Tree planting shall be complied with in accordance to the *Zoning Ordinance* and the approved Final Site Plan unless a waiver is granted by the Planning Commission

Attachments: Waiver Request Letter dated 9-29-11 and photos

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF December 7, 2011

PLANNING COMMISSION MEETING December 19, 2011

Plan Title:	Inner City Cultural League S-11-21
Plan Type:	Site Plan
Applicant:	Inner City Cultural League
Owner:	Downtown Dover Partnership
Project Engineer:	Becker Morgan Group
Location:	East side of South West Street north of Loockerman Street
Address:	39 South West Street
Tax Parcel:	ED-05-076.08-06-02.00-000
Site Area:	0.5923 ac +/- (25,800 S.F.)
Zoning:	C-2A (Limited Central Commercial Zone)
Present Use:	Vacant Land
Proposed Use:	4,085 SF Cultural Center
Sanitary Facilities:	City of Dover
Water Supply:	City of Dover
Waivers Requested:	Elimination of Fence Component of Opaque Barrier Reduction in off-street parking Partial Elimination of Curbing

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: December 7, 2011

CITY OF DOVER PLANNING

APPLICATION: Inner City Cultural League at 39 South West Street

FILE #: S-11-21 REVIEWING AGENCY: City of Dover Planning Office

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

PLAN SUMMARY

This is a Site Plan Review to permit the construction of a 4,085 SF +/- building and site improvements. The property is zoned C-2A (Limited Central Commercial Zone). The owner of record is Downtown Dover Partnership. The lessee is the Inner City Cultural League. The property address is 39 South West Street. The property is located at the east side of South West Street just north of Loockerman Street. Tax Parcel: ED-05-076.08-06-02.00-000.

The proposed use is a cultural center of the Inner City Cultural League. The cultural center is considered a permitted civic institution use within the C-2A (Limited Central Commercial Zone) Zoning District.

Waiver Request: Reduction in off-street parking

The minimum parking requirements for this project is one (1) parking space for every 300 SF of floor area. Based on the proposed 4,085 SF, fourteen (14) parking spaces are required. The site is providing eleven (11) parking spaces. The plan includes two (2) handicap parking spaces located on the site. The site is located within the Downtown Redevelopment Target Area and is eligible for a twenty (20) percent parking waiver due to the availability of mass transit, municipal parking, and existing pedestrian amenities. The applicant is requesting a waiver of twenty-two (22) percent for a reduction of three (3) parking spaces. A written waiver request for the reduction of three (3) required off-street parking spaces has been submitted to the Planning Office for consideration by the Planning Commission.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one (1) for every twenty (20) parking spaces. Based on the number of required parking spaces one (1) bicycle parking space is required. The plan provides one (1) space located near the building entrance of the building.

BUILDING ARCHITECTURE

The proposed building will be a one story metal building. The building will have a brick water table feature along the entire building. The building will have a pitched red metal roof. There is a portico over the main entrance (west elevation). Windows are located along the front and north

side of the building. The south side of the building will also have an entrance. The roof is raised over the center of the building and will provide clerestory windows facing the street.

SITE CONSIDERATIONS

This site (formerly the Capital Scrap yard site) is a remediated Brownfield site. The parcel was remediated with review by DNREC. There is a memorandum of environmental requirements between the property owner and DNREC.

This site had a parcel consolidation plan to create the two lots from a number of smaller parcels. The parcel consolidation plan was recorded on April 17, 2009.

Entrance

The Plan is proposing to utilize the existing entrance to the site from South West Street. The entrance is a shared entrance for with NAPA Auto Parts store and this parcel. A cross access agreement has been recorded to allow for the shared use of this entrance.

Lighting

The location of lighting is indicated on the plan and is located around the building. Lighting should be deflected away from other properties. The design/style of the fixtures should be provided on the Site Detail Plan sheet.

Dumpster

Based on the size and use of the building one (1) dumpster pad is required for every 8,000 SF of floor area. The proposed building will be 4,085 SF requiring one (1) dumpster pad. The plan proposes to reserve a dumpster pad location. The reserved dumpster pad is located at the end of the drive aisle. The applicant has stated that there is no current need for the construction of a dumpster as the use of the building creates little trash and the trash will be maintained within the building. The containers will be taken out of the building for collection and returned to the building once collected. The dumpster enclosure could be made of vinyl fence or painted wood with color matching the proposed building as these would be similar to the architecture of the proposed building. The dumpster enclosure is required to have a gate as the front of the enclosure faces the street. The reservation of a dumpster enclosure is not an eligible waiver request to the Planning Commission. The site requires only one dumpster pad and enclosure and they shall be constructed.

Sidewalk

Sidewalk is required along the street frontage. There is proposed sidewalk along South West Street. The plan proposes providing two sidewalk connections into the site on either side of the building connection to entrance doors.

Waiver Requested: Partial Elimination of Curbing

The parking areas and access drives are required to be curbed (Article 6 §3.6). The plan is proposing curbing throughout most of the site. A portion of curbing is depressed at the terminus of the main drive aisle. This area of depressed curb was granted a waiver from the Planning Commission as part of a Site Plan for the adjacent NAPA property (S-09-28). The depressed curbing has been constructed in accordance with the approved final site plan for the NAPA building. A waiver request is required as a part of this application. A written waiver request for

the partial elimination of curbing has been submitted for consideration by the Planning Commission.

Waiver Requested: Elimination of Opaque Barrier- Fence Component
An opaque barrier is required when a non-residential use abuts a residential use (Article 5 §7.2). For this project, this occurs on the east property line as the site abuts residential uses. An opaque barrier consists of an opaque component at least six (6) feet in height (a wooden fence, masonry wall or earthen berm). The Planning Commission has the ability to waive the requirement for the opaque barrier component. A landscape barrier consisting of either a continuous evergreen planted screen at least six (6) feet in height when planted or a hedge that will grow to be at least six feet is required as a part of the buffering for the parcel abutting a residential use. The landscape portion of the buffer is required to be planted on the residential side of the opaque barrier. The plan provides a landscape buffer of Wintergreen American Arborvitae trees along the east property line of the site. A written waiver request for the elimination of the opaque wooden fence has been submitted for consideration by the Planning Commission.

TREE PLANTING AND LANDSCAPE PLAN
One (1) tree is required for every 3,000 SF of land area. The tree planting requirement is based on the land area. Based on the 25,000 SF of land area nine (9) trees are required. The plan shows nine (9) trees on the plan including one existing tree to remain. The trees include a mixture of Heritage River Birch, Village Green Zelkova, and Tuscarora Crepe Myrtle trees. The trees are located throughout the site.

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

CITY AND STATE CODE REQUIREMENTS:

1) **The fence component of the Opaque Barrier shall be complied with unless a waiver is granted by the Planning Commission. A written waiver request for the elimination of the opaque wooden fence has been submitted for consideration by the Planning Commission.**

2) **Parking shall be complied with unless a waiver is granted by the Planning Commission. A written waiver request for a reduction of three (3) parking spaces has been submitted for consideration by the Planning Commission.**

3) **Curbing shall be complied with unless a waiver is granted by the Planning Commission. A written waiver request for partial elimination of curbing has been submitted for consideration by the Planning Commission.**

4) The Site Data Column on the Cover Sheet will need to be updated prior to Final Approval with the following:
   a) Any changes recommended or approvals including any waivers granted by the Planning Commission.
   b) Remove note #25 as a new curbing waiver request is required for this submission.
   c) Provide any notes required by DNREC regarding the status of the site. There were a number of notes on the Record Plan regarding the use of the former brownfield site.

5) Revise the address to 39 South West Street on all Plan Sheets.

6) Indicate the location of the monitoring well on the site on all Plan Sheets.

7) The site shall comply with the memorandum of environmental requirements between the property owner and DNREC regarding use of the site.

8) Indicate the specific materials to be used to be used in the roof, walls, and water table for the architecture of the building.

9) Indicate if the rear exit doors are required means of egress. If they are required means of egress a sidewalk shall be extended to the parking lot.

10) Provide construction details for the following items but not limited to: barrier free sidewalk, dumpster enclosures, dumpster pad, curbing, traffic control signage, paving section, lighting fixtures, bicycle parking, etc.

11) Provide plan sheets C-901, C-902 and C-903 as mentioned on the Site Utility and Grading Plan Sheet.

12) Remove the label of "reserved" from the dumpster enclosure. The site is required to have only one dumpster enclosure and it shall be constructed.

13) Clarify the use of one note in the General Construction Notes on the Site, Utility and Grading Plan Sheet. Note (G-1) is described; however, there it is not labeled on the plan.

14) Clarify the label T-2 and the placement of the handicap sign near the bike rack on the Site, Utility, and Grading Plan Sheet. The label and placement of the sign are not in proximity to a handicap parking space.

15) Clarify what signs labeled T-6 represents on the Site, Utility and Grading Plan Sheet.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Recommendation on Waivers:
   a) Partial Elimination of Curbing: Staff recommends approval of the waiver request for partial elimination of curbing to allow for stormwater runoff. The depressed curbing was constructed as a part of the site plan to the property to the north.
   b) Reduction in Parking: Staff recommends approval of the twenty-two (22) percent parking reduction waiver as the site is located within the Downtown Redevelopment Target Area with access to mass transit, municipal parking and existing pedestrian amenities. As a condition of the approval of the waiver, Staff recommends the applicant provide five (5) additional bicycle parking spaces to equal one off-street parking space.
   c) Elimination of Fence Component of Opaque Barrier: Staff recommends approval of the elimination of the fence component of the Opaque Barrier as the lots behind the site are

vacant and there are no residential uses directly behind the site. The landscape component will be installed.

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/complex. Indicate the location of the equipment and provide screening (landscaping) around the equipment.

ADVISORY COMMENTS TO THE APPLICANT:

1) In the event, that major changes and revisions to the Site Plan occur in the finalization of the Site Plan contact the Department of Planning and Inspections. Examples include reorientation of building, relocation of site components, 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.

2) 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 and the other commenting agencies. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.

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

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

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

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

7) The applicant shall be aware that Site 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: NOVEMBER 30, 2011

CITY OF DOVER
PUBLIC UTILITIES
DEPARTMENT

APPLICATION: **Inner City Cultural League. Dover Cultural Center**
29 SOUTH WEST STREET

FILE #: **S-11-21**

REVIEWING AGENCY: **City of Dover Public Utilities Department**

CONTACT PERSON: **Steve Enss - Electric**
Sharon Duca, P.E. - Water, Wastewater, Stormwater

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. 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 Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. 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.
3. Please relocate the water meter and water meter pit to be between the proposed curb and the proposed sidewalk.
4. Depict the proper water appurtenances for the proposed one-inch (1") water service to properly connect to the existing eight-inch (8") water service.
5. No trees may be planted within ten feet (10') of water utility infrastructure, revise landscaping plan accordingly.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. Please relocate the sanitary sewer cleanout to be between the proposed curb and the proposed sidewalk.
3. The length must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures, including cleanouts.
4. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.

STORMWATER

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

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. The final site plan must be submitted in a digital format compatible with AutoCAD 2010 (.dwg format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

WATER/ WASTEWATER/ STORMWATER

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. Dover has an existing transformer in the rear of NAPA that can be shared if the correct voltage is selected.

WATER

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

WASTEWATER/STORMWATER

1. None

GENERAL

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE:

CITY OF DOVER FIRE MARSHAL

APPLICATION: Inter City Cultural League - 39 S West Street

FILE #: S-11-21 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Building is under 5,000 Sq. Ft.
2. Any gas fired HVAC equipment must be equipped with emergency cut off switches remotely located.
3. Address numbers of at least 12 inches in height must be placed on the street side of the building visible from the street.
4. Any natural or LP gas bottles, meters, values, regulators, etc., must have impact protection.
5. Full building and fire plan review is required.
6. Building cannot be occupied or construction or renovations started until completion of building and fire plan review.
7. All required means of egress shall have an exit discharge consisting of a non slip surface, and leading to and terminating at a public way.
8. If occupant load is over 75 persons, fire alarm required.

9. If occupants load over 150 persons, sprinklers required.

10. As building is not sprinkler, all portions of the exterior of the first floor shall be within 400 feet of a fire hydrant.

11. Project to be completed per approved Site Plan.

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

ADVISORY COMMENTS TO THE APPLICANT:

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

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

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: December 7, 2011

D E L D O T

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APPLICATION: Inner City Cultural League / Dover Cultural Center at 29 S. West Street

FILE#: C-11-21 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
DEVELOPER APPLICATION MEETING

APPLICATION: *Inner City Cultural Center*

FILE #: S-11-21

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

1. An erosion and sediment control plan shall be required.

2. The site shall be granted a quantity waiver; however stormwater quality must be addressed. The use of filter strips and/or bio retention facilities appears to be the best management practice for the site.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: December, 7 2011

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Inner City Cultural League/Dover Cultural Center at 39 S West Street

FILE #: S-11-21 REVIEWING AGENCY: Dover/Kent County MPO

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

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

City of Dover Planning Commission 12/19/2012

Project Review

S-11-21 Inner City Cultural League/Dover Cultural Center at 39 S West Street

The site is served by transit along West Loockerman Street and West Division Street, each approximately one block away. The site is well served by transit.

The site is located on a street that had sidewalks installed at the adjacent NAPA site recently. Sidewalks are planned for the site as part of the development project. As with all sidewalk recommendations, there should be a sidewalk leading from the frontage walk to the building, typically along the entrance drive. The site will be well served by sidewalks.

West Street is a Local Road with an inner city, restricted speed of 25 mph maximum and relatively little traffic. This stretch of West Street was not cited in the MPO's 2011 Regional Bicycle Plan as needing bike facilities. As mentioned above, the MPO feels the requirements stipulated by the City Code are the standard and should be the minimum for any site. At least some of the uses of the Cultural Center will be to serve youth, expected to be from, but not limited to, the surrounding neighborhoods. The Inner City Cultural League should consider exceeding the requirements of the City Code to serve their younger clients.

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.

WAIVER REQUEST

INNER CITY CULTURAL LEAGUE
CURBING REQUIREMENTS

REQUEST: We request that portions of the required upright concrete curbing along the beginning and end of the proposed parking area to be eliminated.

EXTENT OF THE REQUEST: By code, all permanent parking areas shall be enclosed with upright concrete curbing at least six (6) inches in height. We are requesting a waiver to eliminate a small portion of upright curbing at the beginning of the proposed parking at the existing entrance and at the end of proposed parking near the Dumpster area to allow for stormwater runoff.

BASIS FOR REQUEST: Article 6, section 3.6 (b) of the City of Dover zoning standards states that the Planning Commission may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area.

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MEMORANDUM OF ENVIRONMENTAL REQUIREMENTS

Former Capitol Scrap Yard Site, South West Street, Dover, Delaware
Downtown Dover Partnership, Lot 2
Tax Parcel No(s). ED-05-076.08-06-02.00, ED-05-076.08-06-03.00, ED-05-076.08-06-04.00 (portion of), and ED-05-076.08-06-05.00 (portion of)

The above subject lot (property) was part of a site listed by the State of Delaware as the Capitol Scrap Site (DE-1171) and was certified as a Brownfield Site. Several investigations and interim remedial actions were performed at the site including asbestos abatement and demolition of buildings, clearance of tires and vegetative debris on the surface, removal and disposal of an underground storage tank, removal and disposal of scrap metal, demolition of debris and drums, and contaminated soil removal and disposal.

Starting in September 2007, an interim action, investigation, and remedial action were performed at the site. Following excavation activities, confirmatory samples were collected to document achievement of clean-up goals.

In December 2009, a Certificate of Completion of Remedy (COCR) was issued by the Department of Natural Resources and Environmental Control (DNREC).

The remedial action performed at the site removed known surface contamination. However, during excavation activities, an area of previously unknown petroleum-impacted soil was encountered under the surface of the property. Excavation activities were used to remove some of the petroleum-impacted soil, however, some minor residual contamination remains under the surface of the property.

Since complete removal of known contamination was not performed, the COCR provides requirements and restrictions regarding the property.

As part of the COCR, the following requirements and restrictions were placed on Lot 2 [1]:

1. Future use of the property is limited to non-residential land use.[2]
2. DNREC written approval is required prior to any excavation five (5) feet or greater below existing elevation on the property.[3]
3. A vapor barrier is required to be installed under any future building(s) on the property.[4]
4. DNREC written approval is required for the installation of any wells and use of shallow groundwater on the property.[5]
5. A limited groundwater monitoring program imposed by DNREC for a period of not less than three years, on a semi-annual sampling period, to verify that residual petroleum hydrocarbons do not affect human health, welfare or the environment will be implemented on the property starting at some future date.[6]
6. Requirements contained in the DNREC approved Operations and Maintenance (O&M) Plan will be implemented at the property which documents the groundwater monitoring plan and any future inspection activities that will be required.[7] Site access, installation and removal of groundwater monitoring wells, groundwater sampling activities, and periodic inspections will be required. Unrestricted access to the property must be granted at all times.

Modifications to the property s O&M Plan may be required by DNREC in the future. These modifications may require the implementation of measures which will affect the usage of the property and property activities at some future date.

Non-compliance with the provisions contained in the O&M Plan and the provisions listed in the COCR may result in a potential risk to public health, welfare or the environment. At DNREC s discretion, non-compliance may render the COCR null and void and require additional investigations and/or remedies to be performed at the property.

DNREC has reserved the right to require additional measures to be taken if any new information becomes available that relates to the release of a hazardous substance at the property.

---

1 Lot 2 is known as Operable Unit 2 (OU-2) in the Certificate of Completion of Remedy (COCR) document.

2,3,4 Environmental Covenant, Kent County Recorder of Deeds, July 30, 2009, Instrument Number 2009-153481, Deed Book 5080, Page 338.

5,6 Groundwater Management Zone (GMZ), December 2009 by DNREC s Division of Water Resources and Division of Air and Water Management.

7 Operations and Maintenance (O&M) Plan approved on December 31, 2008 by DNREC

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WAIVER REQUEST

INNER CITY CULTURAL LEAGUE / DOVER CULTURAL CENTER
BUFFERING REQUIREMENTS

REQUEST: We request the following from Planning Commission: Waiver from the required six (6) foot high opaque barrier along the eastern property line as recommended by planning staff.

EXTENT OF THE REQUEST: By code, where adjacent to residential zones, an opaque barrier no less than six (6) feet high may be required to accompany landscape hedge in the buffer area while such hedge is growing to a suitable thickness. We are requesting a waiver to eliminate the opaque barrier (wood fence) for the eastern portion of the site.

BASIS FOR REQUEST:

Article 5, section 7.24 of the City of Dover zoning standards states that the Planning Commission may waive this requirement for the opaque barrier (wood fence, masonry wall, or earthen berm) and require only a durable and continuous evergreen screen in cases where noise is not a concern and the vegetation alone is considered a desirable aesthetic alternative. The proposed landscaping will sufficiently buffer any noises generated by the proposed site. For these reasons, we believe we meet the necessary requirements to waive the opaque barrier.

201109900al-waiver doc

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WAIVER REQUEST

INNER CITY CULTURAL LEAGUE / DOVER CULTURAL CENTER
PARKING REQUIREMENTS

REQUEST: We request that three (3) required parking spaces be waived by the Planning Commission.

EXTENT OF THE REQUEST: By code, parking requires one (1) parking space per 300 s.f. of floor area. By code the site is required to provide 14 spaces. We are requesting a waiver to eliminate three (3) parking spaces.

BASIS FOR REQUEST: Article 6, section 3.9 of the City of Dover Zoning standards states that site plan proposals within the downtown redevelopment target area, as described in appendix C to the Dover Code of Ordinances, may be granted a twenty (20%) percent reduction in the amount of off street parking due to availability of mass transit, municipal parking and existing pedestrian facilities. We are requesting reduction of an additional 2% for a total of 22% due to the following. First, most of the activities for the Inner City Cultural Center will take place after working hours or on weekends. The center is a facility for youth to take part in and practice for various performing arts. Most of the youth will walk to the facility or be dropped off as the majority are not of driving age. Secondly, West Street has significant on-street parking available for use to offset the reduction of on-site parking. The frontage of the property is a 170 feet long which can provide an additional ten (10) spaces in front of the site. Additionally parking is also available on the opposite side of the street.

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City of Dover

DATA SHEET FOR CONDITIONAL USE/SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF December 7, 2011

PLANNING COMMISSION MEETING OF December 19, 2011

Plan Title:	North Street Area Improvement Project, C-11-07
Plan Type:	Conditional Use Site Development Master Plan Architectural Review Certification (HI-11-05)
Project Location:	Segment of North Street between South State Street and South Governors Avenue and the area between West Loockerman Street and Bank Lane
Property Addresses:	114, 116, 120, 126 and 128 West Loockerman Street 100, 104, 106, and 119 West North Street 309 South Governors Avenue 16 and 22-26 The Green
Tax Parcels:	ED-05-077.09-04-32.00-000 ED-05-077.09-04-31.00-000 ED-05-077.09-04-08.00-000 ED-05-077.09-04-43.00-000 ED-05-077.09-04-51.01-000 ED-05-077.09-04-53.01-000 ED-05-077.09-04-50.00-000 ED-05-077.09-04-06.00-000 ED-05-077.09-04-30.00-000 ED-05-077.09-04-09.00-000 ED-05-077.09-04-42.00-000 ED-05-077.09-04-53.00-000 ED-05-077.09-04-07.00-000 ED-05-077.09-04-54.00-000
Owners:	Rudolph von Croy c/o Colonial Investment & Management Delaware State Housing Authority Collegian Plaza Hospitality Group II LLC (Equitable Owner: Downtown Dover Partnership) City of Dover
Present Zoning:	C-2 (Central Commercial Zone) RGO (General Residence and Office Zone) H (Historic District Zone)
Existing Uses: Proposed Uses:	Parking lots, street segment, and vacant lots Consolidated parking lot, street segment, new parking lot and park/plaza area
Site Area:	4.1635 acres (total area of 14 parcels)
Waiver Requested:	Partial Elimination of Curbing

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: December 7, 2011

CITY OF DOVER PLANNING

APPLICATION: North Street Area Improvement Project

FILE #: C-11-07 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:

This application is for Review of a Conditional Use/Site Development Master Plan and Architectural Review Certificate for the North Street Area Improvement project. The project involves three project areas/phases consisting of the following: a parking lot consolidation project on the south side of North Street; streetscape improvements to the block of North Street between South State Street and South Governors Avenue; and the redevelopment a vacant area in the block between North Street and West Loockerman Street as a plaza with parking lot. The project area consists of multiple parcels of land totaling 4.1635 acres ± of land zoned C-2 (Central Commercial Zone) or RGO (General Residence and Office Zone) and subject to the H (Historic District Zone). The project area is focused on the segment of North Street between South State Street and South Governors Avenue and the area between West Loockerman Street and Bank Lane. The owners of record include Rudolph von Croy c/o Colonial Investment & Management, Delaware State Housing Authority, Collegian Plaza Hospitality Group II LLC, and the City of Dover; the equitable owner (for certain parcels) is the Downtown Dover Partnership. The property addresses include 114, 116, 120, 126 and 128 West Loockerman Street; 100, 104, 106, and 119 West North Street; 309 South Governors Avenue; and 16 and 22-26 The Green. Tax Parcels: ED-05-077.09-04-32.00-000, ED-05-077.09-04-06.00-000, ED-05-077.09-04-31.00-000, ED-05-077.09-04-30.00-000, ED-05-077.09-04-08.00-000, ED-05-077.09-04-09.00-000, ED-05-077.09-04-43.00-000, ED-05-077.09-04-42.00-000, ED-05-077.09-04-51.01-000, ED-05-077.09-04-53.00-000, ED-05-077.09-04-53.01-000, ED-05-077.09-04-07.00-000, ED-05-077.09-04-50.00-000 and ED-05-077.09-04-54.00-000. Council Districts 2 and 4. *Waiver Requested: Partial Elimination of Curbing. Application HI-11-05 is scheduled for review at the Historic District Commission Meeting on December 15, 2011.*

This project requires Conditional Use Review, Site Development Master Plan Review, and Architectural Review Certification. A Minor Lot Line Adjustment Plan is recommended to combine certain parcels.

PROJECT PROPOSAL:

The Site Development Master Plan proposes three (3) project areas for the North Street Area Improvement Project. See descriptions below. The overall project strives to follow the design and planning strategies outlined in the *Dover Transit Center Neighborhood Plan and Design Book.* Specifically, the concepts of centralized parking options and streetscape improvements are addressed in this proposed project.

1. Loockerman Way Parking Lot & Plaza: This area consists of the series of vacant lots to the north of West North Street which also extend to front on West Loockerman Street. The subject area includes a parcel owned by the City of Dover which was previously known as Loockerman Way Park providing a mid-block pedestrian way. The new project proposes a new parking lot of thirty-three (33) parking spaces with the balance of the area including a pedestrian way of various hardscape paving treatments (brick, concrete) and landscaping.

2. North Street Streetscape: The segment of West North Street between South State Street and South Governors Avenue is proposed for streetscape improvements. The Plan includes sidewalk upgrades/installation of a brick sidewalk, street lighting, and undergrounding of utilities.

3. North Street Parking Lot Consolidation: This area consists of a series of existing parking lots on the south side of West North Street. The parking lots are held by several private property owners providing parking to designated buildings (offices and residential). The parking lots have multiple access points onto the public streets and are not currently interconnection for access between lots. This new project proposes consolidation/reconfiguration of the parking lots into one large lot with specific points of access to West North Street and Bank Lane. The new parking lot will increase the overall number of parking spaces available in the lots. Tree plantings are also proposed.

HISTORIC DISTRICT COMMISSION - REVIEW

The project site is located within the H (Historic District Zone). For the North Street Area Improvement project, the Historic District Commission will consider the application HI-11-05 on December 15, 2011 regarding an Architectural Review Certificate for the reconfiguration of existing parking lots and construction of a new parking lot and plaza area along with the other associated site improvements. **The Historic District Commission will forward a recommendation on the Architectural Review Certificate to the Planning Commission.**

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

Zoning Review for RGO and C-2

The southern portion of the North Street Parking Lot (south of West North Street) is zoned RGO. Its use as a parking lot is an existing condition and also is recognized as a public use (*Zoning Ordinance*, Article 3 §1.13) and is subject to Site Plan review by the Planning Commission. For

the Loockerman Way Parking Lot (area on the north of West North Street) the zoning is C-2. A parking lot as the principal use on a property zoned C-2 is permitted following Conditional Use approval by the Planning Commission.

CONDITIONAL USE

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 following are sections of the *Zoning Ordinance* which relate to the role of the Commission in reviewing Conditional Use applications:

> Article 10 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.

SITE DEVELOPMENT MASTER PLAN

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

Article 10 §2.44 Site development master plans. Conceptual site development master plans shall be reviewed by the planning commission in accordance with the provisions of subsection 2.43. Conceptual site development master plans shall depict a site development proposal that reflects general compliance with the provisions of the zoning ordinance and shall also reflect the following information on the plan:

(A) Conceptual Master Plan. Conceptual Master Plan shall include the proposed general layout of building, streets, parking, open space, landscape concepts, and stormwater management areas.
   (1) Detailed site construction plans, details, and specifications are not required as part of a site development master plan submission.
   (2) The plan shall illustrate distinct phase boundaries for each proposed construction phase and shall depict proposed construction and site improvements planned for each phase. Bulk quantities and area totals for each construction phase, and for the total site, shall be tabulated in a data column on the plan.
   (3) Each construction phase shall be enumerated in sequential order on the site development master plan according to the order of construction contemplated by the plan. Phases shall be implemented in accordance with the approved site development master plan unless the city planner approves an alternate phasing.
   (4) Each construction phase represented on the master plan shall be planned and designed to function independent of construction and site improvements contemplated in future construction phases in all respects, including but not limited to bulk area provisions of the zoning district in which the site is located, off-street parking requirements, site entrances, emergency access requirements, site utilities, and stormwater management improvements except where the requirements and needs of a later phase are met and remain met by a previous phase of completed construction.
   (5) Any special agreements or conditions of approval relative to the overall development that have been specified by regulatory agencies shall be documented on the site development master plan.

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

PARKING SUMMARY

This project does not involve construction of any buildings, but the parking requirements for each zoning district are provided for reference. Within the C-2 (Central Commercial Zone), there is not an off-street parking requirement for existing buildings and new buildings are required to provide 0.5 spaces per 300 S.F. of building floor area. In the RGO zoning district, the rate is one parking space per 300 S.F. of office building floor area or two per dwelling unit.

The existing North Street parking lots (south parking lots) will be reconfigured from approximately 179 parking spaces to 194 parking spaces. Through specific agreements with the involved property owners, a specific number of spaces will be earmarked for their daily use and the balance managed for public parking (TBD as permit, fee-based, or free). The new Loockerman Way parking lot proposes thirty-three (33) new off-street parking spaces to be managed for public parking (TBD as permit, fee-based, or fee).

Bicycle Parking
The project is required to provide bicycle parking. The bicycle parking calculation is one for every twenty parking spaces. Based on the total of 217 parking spaces, twelve (12) bicycle parking spaces are required (2 spaces in the Loockerman Way lot and 10 in the North Street lot). Currently, the plan does not show the location of bicycle parking spaces.

Waiver Requested: Partial Elimination of Curbing
Article 6 §3.6(b) requires upright curbing for all parking areas. There are portions of the existing south parking lot that do not currently and will not incorporate curbing following the reconfiguration. All areas within the Loockerman Way Parking Lot are shown with upright curbing. A written waiver request for the elimination of curbing in these areas was submitted to the Planning Office for consideration by the Planning Commission citing the reasons of existing conditions and the management of rainwater runoff. See attached waiver request.

SITE CONSIDERATIONS

Entrances
The points of ingress and egress for the parking lots access West North Street which is a City maintained street segment. The North Street Parking Lot also has an entry/exit entrance onto Bank Lane which is also a City Street.

Dumpsters
A Dumpster enclosure will be relocated as part of the parking lot reconfiguration on the south side of North Street. Two units are required by Code for the office building at 309 S. Governors Avenue. The dumpster enclosure detail will need to clarify the capacity of the Dumpster Enclosure and indicate that the proposed materials will match the existing building.

Sidewalks
The project site areas have existing sidewalks along the most of street frontages; however, some of these sidewalks will be improved to consist of brick paving. The plan does not appear to detail the handicapped accessible ramps at the points of intersection of the entrances/exits. The applicant will be required to reconstruct the sidewalk and curb where site improvements/entrance changes are proposed. The applicant is proposing to use brick sidewalk along both sides of West North Street.

Lighting
Lighting is provided on the plan. A detail identifying the type of lighting that will be used needs to be shown on the plan. Lighting located along the street shall be consistent with the existing fixtures used in the Downtown area.

Opaque Barrier Requirement
The *Zoning Ordinance* requires an opaque barrier between a residential use and a non-residential use (Article 5 Section 7.2). The buffering required is a 6 feet high opaque barrier (fence, wall or berm) and a landscape screening component. This provision applies to the portion on the south side of West North Street where the non-residential use of the parking lot will be adjacent to the residential use of the dwelling at 124 West North Street. The dwelling has an existing stockade

fence of five feet on the residential property with limited landscaping space on either side of the fence before the existing building or the pavement on the parking lot property. Staff considers the existing conditions a legal non-conforming and as such may continue in its present form. It is noted that the existing fence complies with the intent of screening between the uses.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan presents a concept for tree planting locations for the area in and around the parking lots and within the plaza area. This project proposes to retain a number of existing trees on the site and to add additional tree plantings within several landscaped areas. The trees are proposed along the street frontage, at the perimeter of the properties, and within the parking lot islands. Based on the total property area of 181,362 S.F., a total of sixty-one (61) trees are required. The plan proposes retaining 16 trees and the planting of forty-four (44) new trees to meet the requirement; one additional tree is required.

The *Zoning Ordinance* requires parking lots to be screened when located across the street from residential uses. This screening requirement occurs for the Loockerman Way Parking Lot as it is across from several residential dwellings on the south side of West North Street.

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

THE 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) **One of the parcels proposed for redevelopment is owned by the City of Dover. There is a specific process to determine if it is excess property and the disposal thereof. The applicant should contact the City Manager regarding this matter. If the City owned parcel remains part of the project, then specific approvals for its development may require City Council action.**

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

3) The data column needs to be updated prior to Final Approval. Some of the items which need revising are as follows:
   a) Write out full names of parcel owners in Item #3.
   b) Add the number of bicycle parking spaces provided.
   c) Update the parking counts listed giving totals by parking lot area.
   d) Indicate the zoning H (Historic District Zone) under the zoning for the site.

e) Add a note to the Plan to provide information on any waivers granted by the Planning Commission.
f) Add a note to the plan indicating the date and actions of the Historic District Commission review of the application.
g) Separate the two project areas when presenting information and when calculating the impervious surface coverage.
    i) Also provide an impervious surface coverage calculation for Parcel 50.00 as it is zoned RG-O with an office building on it and has a maximum coverage limitation of 85%.
h) Complete monumentation information in Item #17.
i) Any changes recommended by the Planning Commission.

4) Sheet C-001: Check zoning boundary line as the zoning changes to C-2A in the area of 317 S. Governors Avenue; revise label on all plan sheets. Also the type of line designating the boundary is difficult to see in areas.

5) All utilities not in use must be abandoned in accordance with the City of Dover requirements. Also the design and location of site improvements may be impacted by remaining utilities such as the requirement to offset tree plantings from underground utilities.

6) Sheet C-101: There are several stray handicapped parking labels and the parking lot striping appears to be missing on one lot.

7) Sheet C-202: Staff notes that a revised/updated plan sheet was submitted on 11/30/2011 to replace this plan sheet in the original submission.

8) Bicycle parking must be provided as associated with each of the parking lot areas.

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

10) West North Street and Bank Lane are City maintained roads; therefore, work within the right-of-way is subject to City of Dover Department of Public Services – Public Works Division requirements. This includes construction of the parking lot entrances.

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

12) Ensure handicapped access is met at all sidewalk intersections at the entrances/exits and sidewalks internal to the site.
    a) For the Loockerman Way Parking Lot (north parking lot with the plaza), relocate the handicapped accessible parking spaces to allow creation of accessible routes that directly access the plaza sidewalk systems and /or the street frontage sidewalks.
    b) For the North Street Parking Lot (southern parking lot consolidation), the location of handicapped assessable spaces should accommodate the businesses whose employees and visitors utilizes the parking as well as placing several near the North Street frontage for general use.

c) Clarify access to the sidewalk segment from handicapped parking spaces.

13) Provide construction details for the following but not limited to: sidewalks ensuring accessibility, curbing, dumpster enclosure ensuring architecture matches the building materials, paving, lighting, bicycle racks, traffic control signage and striping, etc.
   a) Clarify the Dumpster capacity for the relocation Dumpster enclosure.

14) The following information must be provided in future submission as related to Tree Preservation and Planting Plan.
   a) Add one tree to meet the tree planting requirements.
   b) The plan requirements as listed in *Zoning Ordinance*, Article 5 §16.8.
   c) Ensure that tree planting locations do not conflict with existing or proposed utilities.
      i) Currently a tree is shown within a sidewalk.
   d) The selection of trees should incorporate trees well suited to urban areas.
   e) Several areas of the parking lots are located across the street from residential uses and as such a thick hedge screening is required (*Zoning Ordinance*, Article 5 §7.23).

15) The Historic District Commission is to provide a recommendation in regards to the Architectural Review Certificate for this project. They are scheduled to meet on December 15, 2011 to consider the application.

16) The streetscape and roadway improvements for the North Street segment between South State Street and South Governors Avenue must be reviewed and approved by the appropriate City Department such as Public Works (Streets), Public Utilities, and Planning Office.

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

1) Staff recommends approval of the Conditional Use to permit the development of the Loockerman Way Parking Lot in the area between North Street and West Loockerman Street as a parking lot with landscaped plaza area. This will provide an opportunity for off-street parking within an area of mixed-uses.

2) Staff recommends that a Record Plan (Minor Lot Line Adjustment Plan) be prepared for parcel consolidation of those parcels held in the same ownership which make up the plaza with parking lot portion of the project. The Record Plan would also be required to document any required utility easements, cross access easements, etc.

3) The Historic District Commission at their meeting of 12/15/2011 will take action to provide a Recommendation regarding the Architectural Review Certification (ARC) for the project including a series of comments. These comments/recommendations may be adopted by reference to the Architectural Review Recommendation Report when taking action on the Architectural Review Certification.
   a. Planning Staff as part of the ARC application review process will prepare a series of recommendations and review comments in regards to the Architectural Review Certification and compliance with the *Design Standards and Guidelines*.

4) Waiver Request: The following is the Staff recommendation regarding the waiver request.
    a. Partial Elimination of Curbing: Staff recommends approval of the request to eliminate the curbing for specific areas of the parking lot. It appears that the elimination of curbing will allow existing drainage patterns to continue for certain areas of the site.

5) Staff recommends the following changes to the designed layout of the North Street Parking Lot:
    a. Reverse the angled parking section in the eastern portion of the parking lot to allow the drive aisle direction of travel to head east toward the east parking lot exit onto North Street. As currently presented the access to these spaces conflicts with an exit only circulation aisle.
    b. Evaluate parking lot to reduce the amount of paving and increase the amount of landscape green space available throughout. This may accomplished with reduction in drive aisle widths, larger and/or additional median islands, etc.
    c. Indicate the location of any proposed fencing on the Delaware State Housing Authority property to limit and/or direct pedestrian access to the rear of these office buildings. A black ornamental metal fence, three to four feet in height is suggested.

6) Staff recommends that the acorn style light fixtures continue to be utilized for the site lighting internal to the two parking lot areas. This could include single fixture poles or poles with two light fixtures. Any existing large (silver colored) metal light fixtures should not be reused as they do not fit the character of the historic district.

7) Staff recommends the installation of a hitching rail to accommodate horse and buggy parking at a place within these parking lot areas.

8) Staff recommends the installation of several benches or other types of seating options within the Loockerman Way plaza areas and the installation of several trash cans on plaza site. These would be small trash cans and recycling cans (street furniture size) similar to those found along Loockerman Street and with provisions made for maintenance (trash collection).

ADVISORY COMMENTS TO THE APPLICANT:

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

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

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

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

5) Following Planning Commission approval of the Conditional Use/Site Development Master Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. These revisions are to be depicted as part of the Administrative Site Plan submissions which are required to progress to construction. The Site Plan of each construction phase/project area must be submitted for Administrative Site Plan Review by the Planning Office and other agencies. Article 10 §2.44 (D) sets forth the construction timing in relation to approvals.

Article 10 §2.44

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

6) Construction and demolition will have an effect on the adjacent property owners, parking availability and nearby streets. Any work requiring the closing or rerouting of employees, customers, owners or visitors to the adjacent properties and streets shall be coordinated with the Planning Office and other City Staff as to offer the least amount of inconvenience. This shall include a street closure/construction activity plan addressing site protection, fencing, parking options, etc.

7) A copy of any Agreements associated with the North Street Parking Lot and its management must be submitted to the Planning Office to be made part of this application file.

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

9) The project developer will need to coordinate with the appropriate City Departments or private owners regarding the removal of any signage (i.e. permit parking signage, etc.) installed within parking lots managed by the Downtown Dover Partnership – Parking Committee or as installed by other parking lot owners.

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

11) The applicant shall be aware that Site Development Master Plan approval does not represent a Building Permit and associated construction activity permits. A Building Permit will be utilized as a tracking mechanism for Site Plan compliance. A separate application process is

required for issuance of a Building Permit from the City of Dover. The Building Permit submission must comply with the conditions of approval of the Architectural Review Certification.

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: NOVEMBER 30, 2011

APPLICATION: **NORTH STREET AREA IMPROVEMENT PROJECT**

FILE #: **C-11-07**

REVIEWING AGENCY: **City of Dover Public Utilities Department**

CONTACT PERSON: **Steve Enss - Electric**
Sharon Duca, P.E. - Water, Wastewater, Stormwater

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Owner is responsible for site and/or street lighting.
2. Meter locations will be determined by City of Dover Engineering Department.
3. Load sheets and AutoCAD compatible DXF or DWG diskettes of site plans, including driveways, are required prior to receiving approved electrical construction drawings.
4. 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.
5. 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.
6. 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.
7. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
8. 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 Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. 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 Public Utilities Department specifications and requirements. Per DelDOT requirements any line greater than four-inch (4") shall be abandoned with approved flowable fill.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.

WASTEWATER

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

2. 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 Public Utilities Department specifications and requirements. Per DelDOT requirements any line greater than four-inch (4") shall be abandoned with approved flowable fill.
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.

STORMWATER

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

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. The final site plan must be submitted in a digital format compatible with AutoCAD 2010 (.dwg format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. Owner must give the City of Dover Electric Department three (3) months notice prior to construction. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is now available on the website at the following link: http://www.cityofdover.com/departments/electric/documents/.
2. In 1999/2000 the electric lines were relocated underground. As part of this project new sidewalks and lighting were also installed. As such, the existing lighting is in perfect working condition and meets City of Dover specifications.
3. Many of the existing electric utilities are not captured on the plans and will require extensive work to relocate.
4. Existing Home Land Security cameras will require attention if the lighting is changed.
5. Verizon, Comcast and Cavalier communication exist on the overhead pole line and will require extensive work and roadway shutdowns if the pole line is to be removed. Verizon owns the pole line and has a Franchise for that pole line.

WATER/ WASTEWATER/ STORMWATER

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC/WATER/WASTEWATER/STORMWATER

1. Contact Verizon, Comcast and Cavalier to have the pole line removed.

GENERAL

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: December 7, 2011

D E L D O T

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APPLICATION: North Street Area Improvement Project
FILE#: C-11-07 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. DelDOT has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

- The Department recommends of installing ADA compliant curb ramps along the frontage road and throughout the project.
- With an ADT of 9346 trips, the Department strongly discourages the two mid-block crossings which are noted on the plans.

ADVISORY COMMENTS TO THE APPLICANT:

- No work can occur within the right-of-way of Loockerman Street without the proper permits.
- Per the Kent County Functional Classification Map, North Street is classified as a major collector roadway, and the right-of-way has been turn-over to 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.

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
DEVELOPER APPLICATION MEETING

APPLICATION: *North Street Area Improvements Project*

FILE #: C-11-07

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

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

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

1. *The requirements is based on the disturbed acreage for the site; the disturbed acreage appears to not been provided on the site plan submittal. Once provided a determination on stormwater management requirements can be provided.*

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: December, 7 2011

Dover/Kent County Metropolitan Planning Organization

APPLICATION: NORTH STREET AREA IMPROVEMENT PROJECT

FILE #: C-11-07 REVIEWING AGENCY: Dover/Kent County MPO

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

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

City of Dover Planning Commission 12/19/2011
Project Review
C-11-07 North Street Area Improvement Project

DISCLOSURE: The improvements proposed in this plan are related to a Neighborhood Plan and Design Book for the neighborhood initiated and substantially funded by the Dover/Kent County MPO. The author was the project manager of the Plan and the MPO endorses the improvements recommended by the document. As a Certified Planner, I am required to disclose relationships with a project or the principals involved.

RECOMMENDATIONS: The length of North Street that is the subject of the proposal is between South State Street and S. Governors Ave, both active transit routes. There are also transit routes on Loockerman and Water Streets. The area is well served.

A portion of the overall project, though not requiring Planning Commission review, is to improve the sidewalks in the area. Upon completion the length of the subject area will be served by sidewalks and will include a hard-surface connection to Loockerman Street.

This length of North Street has inner city speed limits and serves over 5000 vehicles per day. The Schwartz Center Building is adjacent to the property line on the north, as is the building to the south. The area has limited right-of-way to accommodate any dedicated bicycle lanes. There seems to be limited opportunity to provide bicycle facilities for riders traveling the area. The amount and location of parking to be made available, though, will require bicycle racks be provided. Such facilities should be located on the final plans for both the combined lots to the south and the small area provided on the north side of North Street.

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.

WAIVER REQUEST

NORTH STREET IMPROVEMENTS,
NORTH STREET CONSOLODATED PARKING LOT

CURBING REQUIREMENTS

REQUEST: We request that portions of the required upright concrete curbing along the outer edges of the parking area be waived by the Planning Commission.

EXTENT OF THE REQUEST: By code, all permanent parking areas shall be enclosed with upright concrete curbing at least six (6) inches in height. We are requesting a waiver to eliminate portions of upright curbing to allow for the runoff to sheet flow from existing paved areas and continue its current drainage pattern into pervious grassed and landscaped area. Portions of the parking lot currently do not contain curbing. These areas discharge into grassed and landscaped areas within and adjacent to the existing site. Providing the required curbing in these areas would only concentrate the runoff directly to the adjacent streets without providing the benefit of pervious surfaces for runoff reduction. We recommend not altering existing drainage patterns as to upset the current balance of the existing drainage system within the City's Streets.

BASIS FOR REQUEST:

1. Article 6, section 3.6 (b) of the City of Dover zoning standards states that the Planning Commission may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. We are proposing that the parking areas be allowed to sheet flow stormwater run-off to the off of the existing / proposed parking areas and not impede the runoffs ability to sheet flow into the existing pervious and landscaped areas.

PETITION TO AMEND ZONING ORDINANCE

Report to the
Dover Planning Commission
December 19, 2011

Proposed Change:	Amendment to *Zoning Ordinance*, Article 3 – District Regulations, Section 2 – General Residence Zones (RG-1 and RG-2) and Appendix B – Zoning, Article 6 – Off Street Parking, Driveways and Loading Facilities
Summary of Amendment:	The proposed ordinance was sponsored by Councilman David Bonar, Councilman Sean Lynn, and Councilwoman Sophia Russell. The proposed ordinance would amend General Residence Zones (RG-1 and RG-2) to allow antique shops, art galleries, gift and card shops, book stores, specialty hobby stores, and restaurants with no alcoholic beverages as accessory uses to the principal residential use, for properties located within the City's Historic District Zone and/or any Historic District or property listed on the National Register of Historic Places. These uses would be subject to Conditional Use approval by the Planning Commission. It would also amend the Off-Street Parking requirements of Article 6 to indicate that off-street parking requirements specified within the District Regulations would prevail when different than specified in Article 6. The ordinance came about as a result of a homeowner on North State Street wanting to open a "tea house" as an accessory use at her residence. While this may be a compatible use in the downtown historic area, the *Zoning Ordinance* does not permit such uses. Staff drafted the proposed ordinance to make it similar to how these uses are treated in the RGO (General Residence and Office District).
Ordinance Number:	2011-29
File Number:	MI-11-17

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: NOVEMBER 30, 2011

APPLICATION: **TEXT AMENDMENTS: REVISIONS TO ZONING ORDINANCE, ARTICLE 3 SECTION 2 & ARTICLE 6 RE: CONDITIONAL USES IN GENERAL RESIDENCE ZONE**

FILE #: **MI-11-17**

REVIEWING AGENCY: **City of Dover Public Utilities Department**

CONTACT PERSON: **Steve Enss - Electric**
Sharon Duca, P.E. - Water, Wastewater, Stormwater

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC / WATER / WASTEWATER

1. Our office has no objections to the proposed amendments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC / WATER / WASTEWATER

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER

1. None.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: December 7, 2011

D E L D O T

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APPLICATION: Revisions to Zoning Ordinance, Article 3 Section 2 and Article 6 regarding Conditional Uses in the General Residence Zone

FILE#: MI-11-17 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.

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2011-29

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Appendix B - Zoning, Article 3 - District Regulations, Section 2 - General Residence Zones (RG-1 and RG-2), Subsection 2.4 - Conditional Uses be amended by inserting a new subsection (d) as follows:

(d) In order to stimulate limited commercial activity in the RG-1 and RG-2 zones within the city's historic district zone and/or where a historic district property or a property listed on the National Register of Historic Places exists, and to make this area of historic Dover more attractive to tourists and residents, antique shops, art galleries, gift and card shops, book stores, specialty hobby stores, and restaurants with no alcoholic beverages may be permitted as accessory uses incidental to the principal residence, subject to the conditional use approval of the planning commission in accordance with Article 10 - Planning Commission, Section 1 - Approval of conditional uses and subject to the following :

i. Total floor area of any non-residential accessory use shall not exceed 2,000 square feet.

ii. A minimum of two (2) off-street parking spaces shall be required to serve the residence and the accessory use.

iii. Signage for the accessory use is limited to one (1) sign not to exceed six (6) square feet in area. Signs may be illuminated, provided that internally illuminated signs shall be prohibited.

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 6 - Off-Street Parking, Driveways and Loading Facilities, Section 3 - Required Off-Street Parking Spaces, Subsection 3.1 - Schedule of Requirements be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in bold, red, strikeout, as follows:

3.1 *Schedule of requirements.* Accessory off-street parking spaces, open or enclosed, shall be provided for any lot as specified in article 4, zoning bulk and parking regulations or as specified below for each use in any zone, whichever is greater***. ~~, except for existing buildings within the C-2 zoning district, where article 4, section 4.14, zoning bulk and parking regulations governing the C-2 zoning district shall prevail.~~***

(a) Exceptions.

i. Where Article 3 - District Regulations, specifies a minimum parking requirement, this parking requirement shall prevail.

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ii. For existing buildings within the C-2 zoning district, the requirements of article 4, section 4.14 - [C-1, C-1A, C-2, C-2A zoned], bulk and parking regulations governing the C-2 zoning district shall prevail.

ADOPTED: *

SYNOPSIS

The proposed ordinance would permit limited commercial uses accessory to the principal residential use on properties within the General Residence Zone (RG-1 and RG-2) that are located within the City's Historic District Zone and/or listed on the National Register of Historic Places as part of a historic district or as an individual property. It would also require that such accessory uses be subject to Conditional Use approval by the Planning Commission set standards for such accessory uses.

(SPONSORS: BONAR, RUSSELL, AND LYNN)

Actions History

November 28, 2011 - Scheduled for First Reading by Council
November 14, 2011 - Considered by Legislative, Finance, and Administration Committee

S:\ORDINANCES\2011\Draft\Ordinance 2011-29 - Append B, Art 3, Sec 2, Sub 2.4 - Tea House-FIRST RDG.wpd

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