A G E N D A
CITY OF DOVER PLANNING COMMISSION
Monday, September 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 August 15, 2011
ADOPTION OF MINUTES OF QUARTERLY WORKSHOP of August 16, 2011

COMMUNICATIONS & REPORTS

1) An Audio/Web Conference entitled "Planning for Solar Energy" will be held on October 12, 2011 from 4:00pm-5:30pm at the Kent County Administrative Building, Room 220. The session is co-sponsored by the Delaware Chapter of the American Planning Organization (APA) and the Kent County Department of Planning Services.

2) Report on City Council actions
    a. Updates from Meetings

3) Update on other Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:

    a) S-09-19 Walker Pavilion at Four Seasons at 101 Mont Blanc Boulevard – Request for an extension of the Planning Commission approval first granted October 19, 2009 for a Site Plan application to permit the construction of a two story 24,657 S.F. building and associated site improvements. The project located on a single parcel of land consisting of 2.615 acres ± is zoned C-PO (Commercial/Professional Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The subject area is located at the southwest corner of Saulsbury Road and Walker Road. The owner of record is Cahne Pavilion of Dover, LLC. Property Address: 101 Mont Blanc Boulevard. Tax Parcel: ED-05-067.19-04-52.00-000. Council District 1. *Previously, a one year extension was granted by the Planning Commission on September 20, 2010 setting the plan expiration date as October 31, 2011. Under the newly adopted provisions of Ordinance #2011-14 unexpired plans shall be eligible for an extension of approval not to exceed 36 months from the initial approval date.*

    b) SB-10-02 Wynsome Oaks Subdivision on White Oak Road – Request for an extension of the Planning Commission approval granted on September 20, 2010 for a Conceptual Subdivision Plan Review to create seventeen parcels from an existing parcel totaling 12.78 acres +/- of land. The property is zoned R-8 (One Family Residence Zone) and SWPOZ (Source Water Protection Overlay Zone). The property is located on the south

side of White Oak Road, southwest of Mourning Dove Lane. The owner of record is TFLD Management, LLC. Tax Parcel: LC-05-068.00-01-18.00-000. Council District 3.

c) S-10-17 Duncan Plaza at 600 Forest Street – Request for an extension of the Planning Commission approval granted on September 20, 2010 for a Site Development Plan and Architectural Review Certification for construction of a four story 32,624 S.F office building with coffee shop and the associated site improvements. The project site is zoned IO (Institutional and Office Zone) and subject to the H (Historic District Zone) and the SWPOZ (Source Water Protection Overlay Zone). The property site is located on the south side of Forest Street just west of the intersection of West Loockerman Street, South Kirkwood Street, and Slaughter Street. The owner of record is 1776 Investments & Holdings (Robert Duncan). Property Address: 600 Forest Street. Tax Parcel: ED-05-076.12-02-44.00-000. (Parcel ED-05-076.12-02-45.00-000 is reputed to be a City of Dover owned parcel). Council District 4.

d) S-10-21 NBR Properties at 850 New Burton Road – Request for an extension of the Planning Commission approval granted on September 20, 2010 for a Site Development Plan to permit the construction of a 20,000 S.F. office building with the associated site improvements on a 1.671 acre parcel. The property is zoned C-1A (Limited Commercial Zone). The property is located southwest of the intersection of New Burton Road/Queen Street and West Street. The owner of record is NBR Properties, LLC. Property Address: 850 New Burton Road. Tax Parcel: ED-05-76.00-01-23.00-000. Council District 2.

2) Review of Revisions to Architectural Review Certifications:
   a) HI-10-08 Bayard Plaza on West Loockerman Street - Update on the selected/required exterior finish materials for the Bayard Plaza project. Previously, the Architectural Review Certification for the project was issued upon recommendation of the Historic District Commission on October 21, 2010 and November 4, 2010 and upon action by the Planning Commission November 15, 2010. The project consists of the construction of a five story 54,998 S.F. mixed use building to include 5,012S.F. of retail space on the first floor, 48 residential apartments, and the associated Site improvements. The project involves demolition of the two existing buildings on the project site including the building known as the Bayard Hotel which the Commission declared on January 21, 2010 as being Demolished by Neglect. The project area consists of one parcel of land totaling 27,675.62 S.F.± of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the southwest corner of West Loockerman Street and South Governors Avenue. The owner of record is the Capital Plaza, LLC. The property addresses are 200-216 West Loockerman Street and 208 South Governors Avenue. Tax Parcel: ED-05-077.09-01-86.00-000. Council District 4. *The Historic District Commission reviewed this revision request on August 18, 2011 and has provided a recommendation.*

   b) S-11-11 Lands of Downtown Dover Partnership at 120 S. Governors Avenue – Report on Recommendation of Side Yard Setback Waiver Request from the Historic District Commission as associated with the Architectural Review Certificate for this Site Development Master Plan. The project proposes construction of a four story 47,042 SF

mixed-use building consisting of a retail component and 27 apartments, a four story 34,896 S.F. apartment building of 24 apartments with ground level parking in the building, and other associated site improvements on the property at 120 South Governors Avenue. The existing 16,783 SF commercial building on the property is proposed for demolition. The application also includes a Minor Subdivision Plan to divide the property into two lots. The property consists of 1.7653 acres ± and is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District zone). The property site spans the block between South Governors Avenue and South New Street located north of, but not adjacent to, West Loockerman Street. The owner of record is Downtown Dover Partnership (formerly the Downtown Dover Development Corporation). Property Address: 120 South Governors Avenue. Tax Parcel: ED05-077.09-01-44.00-000. Council District 4. *Previously, the Planning Commission on August 15, 2011 took action to conditionally approve the Site Development Master Plan and the Architectural Review Certificate for this project. The Historic District Commission reviewed the waiver request at their meeting of August 18, 2011 and has provided a recommendation. (HI-11-04).*

3) Review of Revised Architecture:
   a) S-11-09 State Street Plaza at 1004 S. State Street – Review Revised Architecture associated with a Site Plan for the construction of a 9,942 SF office building and other associated site improvements at 1004 South State Street. The property is 0.7635 acres ± and is zoned C-2A (Limited Central Commercial Zone). The property is located on the west side of South State Street at the intersection with Wyoming Avenue. The owner of record is Gateway South Professional Center, LLC and the equitable owner is ADP Properties, Inc. Property Address: 1004 South State Street. Tax Parcel: ED05-077.17-07-21.00-000. Council District 2. *Previously, the Planning Commission conditionally approved the Site Plan at their meeting on July 18, 2011 and requested revised architecture for the building.*

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

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

****Initial approval of the Conditional Use by the Planning Commission on January 22, 2008. At the January 18, 2011 meeting, the Planning Commission acted to provisionally continue the Conditional Use Permit and required that it be subject to annual review by the Planning Commission.*

NEW DEVELOPMENT APPLICATIONS

1) Z-11-06 Lands of EJB, Inc. at 327 Martin Street: Serenity Place - Public Hearing and Review for Recommendation for a rezoning application consisting of one parcel of land totaling of 0.277 acres ± (11,744 S.F. +/-). The property is currently zoned C-4 (Highway Commercial Zone). The proposed zoning is IO (Institutional/Office Zone). The subject property is located on the east side of Martin Street and southeast of the intersection Court Street and South DuPont Highway (Route 13). The owner of record is EJB, Inc. The lessee is Serenity Place, Inc. Property Address: 327 Martin Street. Tax Parcel: ED05-077.10-01-48.00-000. Council District 2.

2) S-11-16 Governors Avenue Animal Hospital at 1008 South Governors Avenue – Public Hearing and Site Plan Review to permit the construction involving renovations an existing building and a two story building addition resulting in a 7,900 S.F.+/- veterinary hospital building and associated site improvements. The subject site consists of one parcel for a total of 0.8379 acres +/- (36,497 S.F. +/-) of land. The property is situated on the southwest corner of South Governors Avenue and Wyoming Avenue. The property is zoned C-1A (Limited Commercial Zone). The owner of record is Governors Avenue Realty, LLC. Property Address: 1008 South Governors Avenue. Tax Parcel: ED-05-077.17-06-20.00-000. Council District 2. *Waiver Request: Reduction of Arterial Street Buffer, Elimination of the Opaque Barrier element of the Landscape Buffer requirement. A previous application for the property was reviewed as S-09-01 South Governors Avenue Animal Hospital in February 2009; the plan has since expired.*

3) MI-11-09 Text Amendment: Revisions to Article 3 and Article 5 of the Zoning Ordinance regarding Swimming Pools – Public Hearing and Review for Recommendation to City Council on a series of Amendments to the *Zoning Ordinance,* Article 3 §1 – One Family Residence Zones and the addition of a new subsection 1.11 to Article 5 §1 – Supplementary Regulations Applying to Residence Zones. The proposed ordinance revises the regulations regarding swimming pools in residence zones and relocates the regulations into the supplementary regulations section of the Code. Ordinance #2011-21.

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
August 15, 2011

The Regular Meeting of the City of Dover Planning Commission was held on Monday August 15, 2011 at 7:00 PM with Chairman Hemmig presiding. Members present were Mr. Hemmig, Mr. Tolbert, Colonel Welsh, Mr. Baldwin, Mr. Nichols, Mr. Holt, and Mr. Shomo. Mr. Friedman and Mr. Ambruso were absent.

Staff members present were Mrs. Melson-Williams, Mrs. Townshend, Mr. Koenig, Ms. Cornwell and Ms. Metsch. Also present were Mr. Keith Kooker, Mr. Zach Carter, Mr. Conny Malmberg, Mr. Mike Harrington, Sr., Mr. Joseph Sparone, Mr. Gregg Moore, Mr. Garth Jones, Mr. Jonathon Street, Mr. John Paradee, and Mr. John Fellows. Also speaking from the public was Mrs. Paula Kinsey, Mr. Michael Maciarello, Mrs. Teresa Mathis, Mr. Michael Harrington, Sr., Mr. Tanner Polce, Mrs. Nancy Gardner, Mr. Dennis Lynch, Mr. William Goodrich, Mrs. Yvonne Hall, Mr. Ashalom Pellach, Mrs. Susan Yoist, Mr. Bill Johnston, Mr. Bob Herbert, and Mr. John Gardner.

APPROVAL OF AGENDA

Colonel Welsh moved that Item #3 under Old Business: Continuation of the Review of Draft "Policy on Physical Posting Requirements" be moved to the end of the meeting so as to minimize the impact on the public, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

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

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JULY 18, 2011

Mr. Nichols moved to approve the regular Planning Commission meeting minutes of July 18, 2011, seconded by Mr. Baldwin and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Quarterly Workshop is scheduled for Tuesday, August 16, 2011 at 4:00 PM in the City Hall Caucus Room.

Mrs. Townshend further stated that there is a memo provided in your packet from her dated August 5, 2011 titled "Annual Review of the House of Pride Conditional Use Permit." What was determined at your February Commission meeting was that the annual review of the Conditional Use Permit for the House of Pride would be done in August so as not to put us in the difficult position during the cold months. Our Inspections Staff and Fire Marshal Staff have attempted to schedule inspections so that the review could take place this evening; however, they were unsuccessful in scheduling. At this point, those inspections are scheduled for September 7th and 8th. This item will be on the September Planning Commission agenda.

Mrs. Townshend provided an update on the regular City Council meeting of July 25, 2011; and the regular City Council, Legislative & Finance Administration Committee, and the Parks

Recreation and Community Enhancement Committee meetings of August 8, 2011.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

S-09-13 Leander Lakes Apartments at 2161 Forrest Avenue – Request for an extension of the Planning Commission approval first granted on August 17, 2009 of the Site Plan to permit a subdivision to create a parcel of 30 acres from the overall parcel of 42 acres and the subsequent construction of ten (10) apartment buildings totaling 240 units with the associated site improvements. The property is zoned RM-2 (Medium Density Residence Zone). The subject area is located on the south side of Forrest Avenue, west of the land currently under development as the new Dover High School. The owners of record are the Jireh Christian Center, Inc. and Leander Lakes, LLC. Property Address: 2161 Forrest Avenue. Tax Parcels: ED-05-075.00-01-05.00-000 and ED-05-075.00-01-5.01-000. Council District 1. *Previously, a one year extension was granted by the Planning Commission on July 19, 2010 setting the plan expiration date as August 31, 2011.Under the provisions proposed in Ordinance #2011-14 unexpired plans shall be eligible for an extension of approval not to exceed 36 months from the initial approval date.*

Representative: Mr. Keith Kooker, Landmark, JCM.

Mrs. Townshend stated that Staff would note that this is the first extension under the new extension requirements under the Article 10 revisions. This project was initially approved by the Planning Commission in August 2009. A one year extension was granted in August 2010 and under the newly adopted Code language from last week, this project is now eligible for one additional one year extension.

Mrs. Townshend further stated that Staff would note that this is the Leander Lakes property directly adjacent to and west of the Dover High School property which is application #C-10-05 which was reviewed and approved by the Planning Commission in December 2010. The Planning Office has hosted a number of meetings to coordinate the development of Leander Lakes and the new Dover High School site in a way that meets the needs of each property owner and contributes to the orderly development of the larger area. To this end, the Capital School District and Rinnier Development have entered into an agreement regarding the division of responsibility and sharing of costs associated with developing the shared infrastructure that will be shared by both projects.

Mrs. Townshend further stated that Staff would recommend that if an extension is granted on this application, that it be conditioned upon the agreements made between the Capital School District and Rinnier Development as well as the continued coordination with the City of Dover, DelDOT and the Capital School District regarding land planning for the projects.

Mr. Holt questioned how much longer they would need to get started, another year? Responding to Mr. Holt, Mr. Kooker stated that the goal is to move forward at some point next year before the expiration of this extension.

Colonel Welsh moved to approve the extension request for S-09-13 Leander Lakes Apartments at 2161 Forrest Avenue dependent upon the requirements established and set forth by the Planning Staff which is incorporated in the agreements between Rinnier Development, DelDOT, and the Capital School District, seconded by Mr. Nichols and the motion carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

HI-09-01 Dover Public Library – Update and Review of the selected exterior finish materials for the Dover Public Library. Previously, the Architectural Review Certification for the project was issued upon recommendation of the Historic District Commission on June 17, 2009 and action by the Planning Commission March 15, 2010. Construction of a two story library building of 46,000 S.F with the associated parking, walkways, landscaping, and stormwater management facilities is underway. The project area consists of 4.67 acres ± of land zoned I-O (Institutional and Office Zone) and subject to the H (Historic District Zone). The property site is located on the north side of Loockerman Plaza between South State Street and Legislative Avenue. The owner of record is the City of Dover. The property address is 35 Loockerman Plaza. Tax Parcel: ED-05-077.05-04-55.00-000. Council District #2. *The Historic District Commission reviewed this revision request on July 21, 2011 and has provided a recommendation.*

Representative: Mr. Zach Carter, Parks and Recreation Director, City of Dover.

Mrs. Melson-Williams stated that this is an update and review of the exterior finish materials for the library project as associated with the Architectural Review Certification for the project. As part of the on-going design tasks, construction bidding, and other engineering initiatives some of the exterior finish materials for the library project have been slightly revised.

Mrs. Melson-Williams further stated that the applicant submitted a letter that outlined these revisions and it was included in the Commissioner's packet this evening. The letter focuses on three (3) items. First, the library "bookends" which are the end pieces of the library building were initially proposed as stone and are now proposed as a utility size brick which is larger than a normal size brick. The second element is the standing seam metal roof that is the roof of choice for the main section of the library building which was originally proposed to be slate. The third element focuses on the roof monitors which are the chimney-like elements that allow light to come into the library space. Originally, they were shown to be clad with a slate material; however, they were, at the time, considering other materials and have ultimately also selected to stay with the slate shingles.

Mrs. Melson-Williams further stated that the potential revisions to the materials were reviewed at the July 21, 2011 Historic District Commission meeting and they are recommending approval of the changes specifically for the utility size brick for the "bookends," the use of the standing seam metal roof in a grey color for the main roof of the building, and then slate shingles for the light monitors.

Mrs. Melson-Williams further stated that as part of your information on this application, we provided detail on the project history. It was originally reviewed by the Historic District Commission in June 2009 and then appeared before the Planning Commission in March 2010 with regards to its Site Plan and Architectural Review Certification. With any Architectural Review Certificate you are reviewing the proposal in regards to the established *Design Standards*

and Guidelines for the City of Dover Historic District Zone. As part of the packet, there was information on the original recommendation report for the Architectural Review Certification and meeting minutes from the June 2009 Historic District Commission meeting and the Planning Commission meeting in March 2010.

Mr. Carter stated that when they first met with the Historic District Commission one of the things that they talked about was the stone "bookends." There was no other building in the Downtown area that has this stone bookend. Along with looking at the cost difference between the stone and the brick, we went to the larger size brick as we felt this fit in better with the Downtown area and it is a material that is being used in the area.

Colonel Welsh questioned if they were talking about the "bookends?" This is a nice contrast. Responding to Colonel Welsh, Mr. Carter stated that yes, he was.

Mr. Hemmig stated that this application does not require public hearing.

Mr. Hemmig stated as a reminder for the motion maker to include in the motion the Architectural Review Certification and the Historic District Commission recommendations.

Colonel Welsh moved to approve HI-09-01 Dover Public Library update and review of the selected exterior finish as reviewed and approved by the Historic District Commission on July 21, 2011, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

HI-05-03 State Street Commons – Update and Review of Request for use of alternative material for building entrance railings at porches and porticos. Previously, the Architectural Review Certification for the project was issued upon recommendation of the Historic District Commission on March 16, 2006 and action by the Planning Commission on June 20, 2006 for the project known as State Street Commons. Construction commenced on two connected 2 ½ story office buildings of 12,000 S.F. each for a total of 24,000 S.F with a two level parking garage. The existing brick office building at 502 South State Street consisting of 3,222 S.F. will remain. The property consists 35,061 square feet ± of land zoned RG-O (General Residence and Office Zone) and subject to the H (Historic District Zone). The property is located at the southwest corner of South State Street and Water Street. The owner of record is YOZIMA, LLC; request received from Onix-Z, LLC. Tax Parcel: ED-05-077.09-03-70.00-000. Council District #2. *The Historic District Commission reviewed this revision request on July 21, 2011 and has provided a recommendation.*

Representative: Mr. Conny Malmberg, Representing the Applicant.

Mrs. Melson-Williams stated that this is a review for the request of alternative materials for the project known as State Street Commons. This was reviewed by the Historic District Commission at their most recent meeting and their comments have been provided as a result of the July 21, 2011 meeting.

Mrs. Melson-Williams further stated that the request, from the applicant in this case is for the use of an alternative building material for the buildings entrance railings. Specifically, the porches

and porticos on the two segments of the new building that front on South State Street and West Water Street. They are seeking the approval to allow the use of white vinyl PVC railing system that has already been installed by the project developer. The Historic District Commission in their action is recommending that the white vinyl railing system can be replaced with a black metal railing system throughout all the entrance railing locations and that landscaping plantings be designed to be appropriate to the structure and location to those general areas.
Mrs. Melson-Williams further stated with regards to project history, the Historic District Commission first reviewed the project in March 2006 and it then appeared before the Planning Commission in June 2006. At that time, the information regarding the project form was not specific as to what the railing systems were to be constructed of. There was discussion at the Planning Commission meeting at that time in 2006 regarding the use of metal railings for what is a parking garage wall system located on the west and south faces of the project. After the Planning Commission review of the project, it did receive final Site Plan approval in June 2008 and a Building Permit was issued in that same year for construction of what is the building shell. The construction plans that were submitted and approved as part of that Building Permit identified the railing system for these building entrances as a metal stair railing with larger columns of composite material.

Mrs. Melson-Williams further stated the building has not completed construction and a Certificate of Occupancy has not been issued. With this Architectural Review Certification, you look to the *Design Standard and Guidelines of the City of Dover Historic District Zone*. It does not specifically discuss railings or the use of vinyl PVC materials within the district.

Mrs. Melson-Williams further stated that as part of the packet, there was a letter of request, the original recommendation report with regards to the overall project, and the meeting minutes from March 2006 Historic District Commission and the June 2006 Planning Commission meetings. There were photographs by the applicant placed on your desk this evening that provides some examples of black metal railing systems that could be utilized for the project.

Mr. Malmberg stated that he is unsure how this got constructed as it is; however, there was nothing specific about what materials to use and assumes that the developer and builder just built it. It is not like it was built contrary to what was approved on the plan. His client does not care whether it is black or white; however, it will cost $12,000 to change the color. He would like to make clear that the photographs that you see before you are what would be the kind of metal railing that would need to be used to meet the IBC Code that was adopted last year. This is not a historic looking railing and changes the color for $12,000.

Colonel Welsh stated that he understands where the Historic District is coming from; however, by the same token, we are trying to establish historic preservation. Certainly, there was white fencing and railing back in the 1700's when these buildings would have been built. He does not feel that it is that far out of place. Certainly, this does not depict a wrought iron railing like the original would have been.

Mr. Hemmig stated that after seeing pictures of the proposed black railing he feels that the white would look better as the architectural interest. The black railing looks very round and almost prison looking. He feels that the white looks more pleasing.

Mr. Hemmig stated that this application does not require a public hearing.

Mr. Hemmig questioned if the Historic District Commission was aware of this type of railing (referring to the photos of black metal railing)? Responding to Mr. Hemmig, Mrs. Melson-Williams stated that their discussion was a black metal railing system. They did not get into building code compliance issues as to what that would have to look like.
Mr. Hemmig further stated that there are a couple of units that already have black wrought iron on the south end and by the corner. Responding to Mr. Hemmig, Mrs. Melson-Williams stated that the existing building known as the Rectory has a black metal railing for its entrance; however, on the new construction there is none, it is all vinyl product. Staff, in their original recommendation, suggested that you could utilize black on the end units where columns are not involved and retain the white vinyl in the other areas.

Colonel Welsh stated that there is a lot of white trim that exists in those buildings and feels that the white railing would certainly be a nice fit.

Mr. Malmberg stated that it is his client's preference clearly to not have to change over from white to black; however, they do not want to mix up the colors. From an aesthetic look for the building, they would rather spend the money and switch it to all black. They do not like the look of bookending from black to white.

Mr. Nichols questioned if this was approved by the Historic District Commission (referring to the black railing photographs)? Responding to Mr. Nichols, Mr. Malmberg stated that they did not see that. What happened between the time that this project went to the Historic District Commission and tonight is a little research was done on what you can do with black railing. We cannot do wrought iron because it does not meet the 2009 IBC (International Building Code) for ADA purposes.

Mr. Holt stated that with regards to the price of $12,000 to replace this with black iron railing, they are both functional to do the same job as far as safety goes.

Colonel Welsh stated that while he respects the Historic District Commissions opinion, based on the type of railing that is presented to be used in the form of black railing, that perhaps in this case, the white is a more historic looking and would better preserve the historic aspect of the buildings.

Colonel Welsh moved to approve HI-05-03 State Street Commons to continue with the white railings as they exist at the present time, seconded by Mr. Holt and the motion carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

Mr. Nichols stated that if you read their wording, the Historic District Commission states a black metal. It is not definitive on "wrought iron" and it could be anything.

NEW DEVELOPMENT APPLICATIONS

Z-11-05 Lands of Harrington Commercial at 601 Fulton Street – Public Hearing and Review for Recommendation to City Council on a rezoning application consisting of one parcel of land

totaling of 0.486 acres ±. The property is currently zoned M (Manufacturing Zone). The proposed zoning is C-3 (Service Commercial Zone). The subject property is located on the north side of Fulton Street between Ridgely Street and the railroad corridor. The owner of record is Harrington Commercial, LLC. The equitable owner is Michael J. Harrington, Sr. Property Address: 601 Fulton Street. Tax Parcel: ED05-076.08-01-14.00-000. Council District 4.

Representative: Mr. Michael Harrington, Sr., Property Owner.

Mrs. Townshend stated that this property currently houses the Prime Care Medical Transport operation that was reviewed in 2009 by the Planning Commission as a Conditional Use. The east side of the building consists of several garage bays that were not renovated or occupied as part of the Prime Care Medical Transport location at this site.

Mrs. Townshend further described that the zoning surrounding the property. Immediately adjacent there are properties that are zoned IPM (Industrial Park Manufacturing) and M (Manufacturing). Directly adjacent across the railroad track is M (Manufacturing). There are a number of properties within the area that are not contiguous to this property that are zoned C-3 (Service Commercial) some of which have been recently zoned to that classification. The *2008 Comprehensive Plan* shows this area as Industrial and Public Utilities uses. Both the current and the proposed zoning are consistent with this classification.

Mrs. Townshend further stated that the primary difference between the zoning classifications is that the C-3 (Service Commercial) classification functions in many ways as a light industrial zone. The primary difference as it relates with some of the things happening in this area is if you read the M (Manufacturing) zone, all uses and the establishment of any use within the M zone requires Conditional Use approval by the Planning Commission. Where in the Service Commercial zone there are some uses that are permitted by right without a Conditional Use application.

Mrs. Townshend further stated that Staff would recommend in favor of the rezoning. It is consistent with the Comprehensive Plan and is consistent with the zoning and surrounding areas as it is a mix of Manufacturing, Industrial Park Manufacturing, and Service Commercial zoning. Many of the same uses are permitted in the M zone and the C-3 zone. It would be a matter of whether a Conditional Use application would be required to establish a use.

Mr. Harrington stated that presently, the Prime Care Medical Transport is there and we had to go through a Conditional Use in order for them to move in there. They have four (4) garages there that are currently being used for storage; however, he has to apply for a Conditional Use to be able to use them for storage. It is awkward to have to go through this every time we want to rent a garage. It makes sense to approve this as C-3.

Mr. Nichols asked if they were using this as a contractor's yard, is this correct? Responding to Mr. Nichols, Mr. Harrington stated that yes, they are.

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

Mr. Holt moved to forward a recommendation of approval to City Council for Z-11-05 Lands of Harrington Commercial located at 601 Fulton Street to change the zoning from M (Manufacturing Zone) to C-3 (Service Commercial Zone), second by Mr. Tolbert and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

US-11-02 McDonald's USA, LLC: Comprehensive Signage Plan – Public Hearing and Review of a Comprehensive Unified Sign Plan. The plan provides for multiple sign types (pylon, wall, and directional signs) and number of signs for the McDonald's at 1788 North DuPont Highway. The parcel is zoned C-4 (Highway Commercial Zone). The site is located on the west side of North DuPont Highway (Route 13) just south of the Scarborough Road intersection. The owner of record is McDonalds USA, LLC. Property Address: 1788 North DuPont Highway. Tax Parcel: ED05-057.01-02-02.00-000. Council District 4.

Representatives – Mr. Conny Malmberg, representing the Applicant; and Mr. Joseph Sparone, Dynamic Engineering.

Ms. Cornwell stated that this site qualifies for a Unified Sign Plan as there are three (3) businesses located on one parcel of land under common ownership. The site originally came before the Planning Commission in 2000 and at the time, the Sign Plan addressed signage for the then under construction Holiday Inn Express, the existing McDonald's, and a proposed restaurant.

Ms. Cornwell further stated that in 2008 the Plan was updated to address signage for the Sleep Inn Motel. The original application recognized the existing signage for McDonald's that included two (2) existing wall signs, three (3) directional signs, and the existing pylon sign. The applicant is requesting a change in signage that requires review by the Planning Commission. The existing wall signs are proposed to be replaced with five (5) new wall signs located on three (3) sides of the building. Staff has made its recommendation and is requesting an affirmation of the existing pylon and directional signs be a part of this application.

Mr. Sparone stated that McDonald's is proposing five (5) new wall signs on the site as part of the renovation to the existing McDonald's located at 1788 North DuPont Highway. He is sure that many of you are aware of the recent McDonald's that was just rebuilt at 879 North DuPont Highway. This is part of that program where basically it is a nationwide initiative by McDonald's to go through and upgrade its restaurants. The only difference with this McDonalds is that the existing building will remain and we'll just be renovating it. The façade will be upgraded as well as the interior.

Mr. Sparone further stated that as part of that renovation, there are five (5) new wall signs that are proposed. One sign is proposed for the front façade that faces North DuPont Highway that will be approximately fourteen (14) square feet which equates to two (2) percent of the wall area. On the left and right sides of the building, there is a McDonald's identification sign that spells out the word McDonald's and the "M" logo sign. The McDonald's identification sign is 41.4 square feet and is 27.5 inches tall by eighteen (18) feet wide. The "M" logo sign which will be on all three (3) sides of the building is 42 inches tall by 48 inches wide for a total of fourteen (14) square feet. The McDonald's identification sign plus the "M" logo sign is a total of 55.4 square feet on each side of the building which equates to 3.2 percent of the wall area on the left

and right sides of the building. The freestanding sign is proposed to remain as it stands today which includes the identification sign and the three (3) directional signs that are located on the site.

There were no questions raised 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.

Colonel Welsh moved to approve US-11-02 McDonald's USA, LLC: Comprehensive Signage Plan noting that it may exceed the allowable square footage and to maintain the existing pylon and directional signs, seconded by Mr. Tolbert and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

S-11-11 Lands of Downtown Dover Partnership at 120 S. Governors Avenue – Public Hearing and Review of a Site Development Master Plan and Architectural Review Certificate for the construction of a four story 47,042 S.F. mixed-use building consisting of a retail component and 27 apartments, a four story 34,896 S.F. apartment building of 24 apartments with ground level parking in the building, and other associated site improvements on the property at 120 South Governors Avenue. The existing 16,783 SF commercial building on the property is proposed for demolition. The application also includes a Minor Subdivision Plan to divide the property into two lots. The property consists of 1.7653 acres ± and is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District zone). The property site spans the block between South Governors Avenue and South New Street located north of, but not adjacent to, West Loockerman Street. The owner of record is the Downtown Dover Partnership (formerly the Downtown Dover Development Corporation). Property Address: 120 South Governors Avenue. Tax Parcel: ED05-077.09-01-44.00-000. Council District 4. *The Historic District Commission reviewed this application at their meeting on July 21, 2011 (HI-11-04). The Project includes review of an Active Recreation Plan.*

Mrs. Townshend recused herself from this application as she is a member on the Downtown Dover Partnership Board.

Representative: Mr. Gregg Moore, President of Downtown Dover Partnership.

Ms. Cornwell stated that the application is proposing three (3) phases of development. The first phase is for the construction of a mixed-use building located off of South Governors Avenue. The second phase is for demolition of the existing building which is the auto parts supply building and the daycare center. The third phase is for the construction of the apartment building along South New Street.

Ms. Cornwell further stated that the overall development will include fifty-one (51) apartments and 11,800 square feet of new retail space. The site is providing adequate parking, bicycle parking, sidewalk connections into the site, and tree plantings. The site will have two entrances to the site: one off of South Governors Avenue and the other off of South New Street. The two entrances lead into a shared parking lot between the two (2) buildings. The entrance off of South New Street will also provide access to the first floor parking on the South New Street building.

Ms. Cornwell further stated that the Plan provides for one (1) dumpster on site, the Code requires five (5) dumpster pads. Several of the dumpster pads may be reserved and built at a later date if it is determined that they are necessary. The two (2) buildings proposed are both four (4) story buildings. The first building on South Governors Avenue is a retail building with 11,800 square feet on the first floor and then twenty-seven (27) apartments on floors two (2) through four (4). The building is primarily a brick building with stucco and Hardie-board as the other exterior finishes. Windows are provided throughout as are balconies on floors two (2) through four (4). Building #2 on South New Street is also a four (4) story building with the first floor as parking and twenty-four (24) apartments on floors two (2) through four (4).

Ms. Cornwell further stated that as the site is located within the Historic District, the Historic District Commission reviewed the application at their meeting of July 21, 2011. The Historic District Commission made their recommendation regarding the Architectural Review Certificate and that recommendation and report was included with the DAC (Development Advisory Committee) Report.

Ms. Cornwell further stated that the Planning Commission shall act upon the Architectural Review Certificate as a part of the application this evening. Also as part of the application is the active recreation area. New residential development located within the Downtown Re-development Target Area requires seventy-five (75) feet of active recreation area provided per dwelling unit. The site provides two (2) separate areas of the active recreation area on the site. The first is located behind the South Governors Avenue building that contains a garden area with a walking path, benches, and a grass area. This area is a little over 2,000 square feet and meets the requirement for the building on South Governors Avenue. The second area is located on the north side of the South New Street building. This area includes picnic tables and a grass area. The gazebo as shown on the plan is not permitted as this would be considered a structure by the Building Code and is located too close to the setbacks on the site. The gazebo will be removed; however, it will be replaced by a picnic and grill area and it does meet the requirement for square footage. The Active Recreation Area was reviewed by the Parks, Recreation, and Community Enhancement Committee at their meeting on July 11, 2011and a recommendation of approval was made including Staff comments.

Ms. Cornwell further stated that there is a waiver request with this application and it is part of the Architectural Review Certificate. The waiver request is for a bulk standard for the side yard of Building #1 on South Governors Avenue. The Code requires that the side yard be either zero or ten (10) feet. The Plan, as shown, is seven (7) feet. This waiver was not included as part of the Architectural Review Certificate presented to the Historic District Commission. The waiver request will be reviewed by the Historic District Commission at their August 18, 2011 meeting. What Staff is recommending is if the Planning Commission wants to approve this, that they conditionally approve the waiver request as a part of the Architectural Review Certificate upon a favorable recommendation by the Historic District Commission.

Mr. Moore stated that they agree with all Staff comments and recommendations. The Plan that you are seeing today is one of the plans that came out of the Charrette. This is the execution by the Downtown Dover Partnership of the first set of plans. The building you are seeing on South Governors Avenue is a part of that presentation. Once they gain approval of this Plan, they will actively market the property for sale to a developer and selling it with the designs that we have to a developer who will execute the construction, oversight, and management of this project. The

Downtown Dover Partnership does not intend to build the buildings; we are simply trying to stimulate Downtown growth.

Mr. Hemmig questioned with regards to the dumpster locations do you have a dumpster location as they are required? Responding to Mr. Hemmig, Mr. Moore stated that they showed one (1) dumpster location for both buildings. Staff agrees that at a minimum there would be two (2), one for each building. Beyond that, we feel that it would be overkill given the size of the buildings and Staff agrees with that. What they have agreed to do is install two (2) to start and they will show on the Plan the location of where the added ones to meet Code would be in case there is a problem. We are slightly over parked so they do have the flexibility to reduce parking to make this work.

Mr. Hemmig further questioned if this included space as part of the Staff's recommendation for recycling? Responding to Mr. Hemmig, Mr. Moore stated that they are a number of spaces over parked and would be able to accommodate for that.

Mr. Tolbert questioned if they could do something with the flat roof on the one building? Responding to Mr. Tolbert, Mr. Moore stated that it was approved this way by the Historic District Commission and they liked this better than they did the pitched roof on the other building.

Mr. Tolbert further stated that we have expressed problems in the past with these flat roofs. Responding to Mr. Tolbert, Mr. Moore stated that they would hope to gain approval of what they are presenting and in that this is a full masonry building with brick detailing, we feel it will be very pleasing on Governors Avenue.

Mr. Hemmig questioned if there were any issues with regards to height restrictions? Responding to Mr. Hemmig, Ms. Cornwell stated that the overall building height for the C-2 zoning district is sixty (60) feet. The proposed building is very close to being sixty (60) feet.

Mr. Nichols questioned if the stores underneath the apartments would be individual stores or one or two large stores? Responding to Mr. Nichols, Mr. Moore stated that they designed them so that they could be a number of individual stores. We could combine them and have a couple larger stores. We will be doing this versatile so that we are able to meet the market at either small or large. Hopefully, the developer would come in bringing tenants with him. We are asking for this to be phased because we are hoping that Kunkel's or the other tenant may be able to come into these other units; and if they need a larger space, it could be created for someone like that.

Mr. Nichols further questions if there would be curtainwalls in-between? Responding to Mr. Nichols, Mr. Moore stated that what they would do is shell the building out with no walls in-between with just doing the storefront so that it could be broken down to allow the decision of where the wall would go based on when we find tenants.

Mr. Nichols further questioned how many elevators there are? Responding to Mr. Nichols, Mr. Moore stated that there are two (2) along with stairwells that are for fire related purposes.

Mr. Baldwin questioned if they planned to demolish the building before you sell the property? Responding to Mr. Baldwin, Mr. Moore stated that no, what they are trying to do is sell the property in total with the building on it and allow the developer the opportunity to work with the current

tenants there and perhaps move them into the space that they have on the first floor. Currently, the Downtown Dover Partnership owns and manages it; however, we do not have the ability or cash flow to build two (2) buildings of this scale.

Mr. Holt stated with regards to the location in this area of Dover, they have had some crime in that area. You plan to place a four (4) foot fence all the way around the property and also some lighting. Will the lighting be adequate enough for nighttime activity? Responding to Mr. Holt, Mr. Moore stated that they would meet the Code for lighting which is 1.5 foot-candles at ground level which would be in all the parking lots and buildings. The fence would separate the more residential area to the north. In terms of the safety issue Downtown, the Downtown Dover Partnership with Police representation on its board is actively trying to obtain as much policing Downtown so that it is as safe as can be. The Downtown Dover Partnership has paid for the cameras that are going up Downtown where the Police can view real time activities in the Downtown area.

Mr. Hemmig opened a public hearing.

Ms. Paula Kinsey – Questioned if the apartment balconies would have restrictions on the use of those balconies? You are worrying about the roof and the brick; however, she has seen a lot of times where apartments are put up and they have clothes hanging off of them and other unsightly things. She thinks you need to think about the use and if there could be restrictions placed on that part.

Mr. Hemmig questioned if there were any City Codes that could keep these balconies from becoming messy and unsightly? Responding to Mr. Hemmig, Ms. Cornwell stated that they would not be able to place indoor furniture out on the balcony; it would have to be outdoor furniture. This is the only restriction that she is aware of. Everything else would have to either be handled through a deed restriction or within the tenant/lease agreement.

Mr. Hemmig questioned if these were going to be apartment rental situations above the retail floor managed by one management company. Who will run these apartments? Responding to Mr. Hemmig, Mr. Moore stated their hope is to sell to a developer who would then be the manager of operations that would oversee the apartments. We, the Downtown Dover Partnership, at a minimum, would enforce the City Code and let the developer choose what those additional regulations or requirements might be under their leases.

Mr. Hemmig further questioned if there might be an opportunity for this lady to speak to the developer once that is established regarding these restrictions? Responding to Mr. Hemmig, Ms. Cornwell stated that she believes that may be possible; however, at that point, we may not have that control over the situation depending on how willing the developer is to meet with Staff. The intent is that the developer would take over the application to get it through the final plan approval process. We could meet with that developer to let them know of any concerns that were raised at the Planning Commission meeting regarding the use of the balconies.

Mr. Hemmig suggested that Mr. Moore also pass along information regarding the use of these balconies. Responding to Mr. Hemmig, Mr. Moore stated that what their plans are is to present the drawings and plans that they have as well as the DAC Report and all of the record of the hearings

that will become a part of their sale agreement so that they are aware of any conditions that were made.

Mr. Hemmig closed the public hearing after seeing no one else wishing to speak.

Mr. Tolbert questioned that the building has to be purchased by a developer, what is the likelihood that what you are presenting to us this evening and is approved that a developer would want to make significant changes? Responding to Mr. Tolbert, Mr. Moore stated that if the developer wants to make changes that are significant enough to affect the appearance of this building, that it will be Staff advising the developer that he has to come back to this Commission to present to you what those ideas are. As part of their sale, the Downtown Dover Partnership would like to see the project built in the form that he is presenting. Part of their discussion and agreement of sale will be trying to have the developer conform with the Plans that have been presented.

Colonel Welsh moved to approve S-11-11 Lands of Downtown Dover Partnership located at 120 S. Governors Avenue to include the Architectural Review Certification and the Active Recreation Plan to include the setback waiver and to conditionally approve the waiver dependent upon the Historic District Commission recommendation and all DAC comments of record, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

S-11-12 Dove View Apartments at 101-405 DoveView Drive – Public Hearing and Review of a Site Plan for the construction of a four story 43,885 SF apartment building and other associated site improvements including the completion of two partially constructed apartment buildings for a total of 144 apartment units. The property is 6.73 acres ± and is zoned RG-5 (General Residence Zone for Mid-Rise Apartments) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the north side of Forrest Avenue (Route 8) just west of the Saulsbury Road intersection. The owner of record is CRM Mid-Atlantic, LLC. Property Addresses: 101-405 DoveView Drive. Tax Parcel: ED05-076.07-01-30.00-000. Council District 1. *The Project includes review of an Active Recreation Plan. A previous application for the property was reviewed as C-06-02 DoveView Senior Apartments: Planned Neighborhood Design – Senior Citizen Housing Option in August 2006.*

Representative – Mr. Garth Jones, Becker Morgan Group, Inc.

Ms. Cornwell stated that this is a development for three (3) apartment buildings. This application was previously reviewed by the Planning Commission in 2006. At that time, the application was for four (4) buildings and was part of a Planned Neighborhood Design: Senior Housing option. The Planning Commission also reviewed this site as part of a Rezoning application in February 2011. The Rezoning request to go from Institutional Office (I/O) and also subject to the Corridor Overlay Zone (COZ-1) to RG-5 (General Residence for Mid-Rise Apartments Zone) and also subject to the Corridor Overlay Zone (COZ-1) was approved by City Council.

Ms. Cornwell further stated that the application began with the construction of two (2) buildings partially constructed back in 2008/2009. The Building Permits and Site Plan have both since expired. The project will then be starting with a new application for this site. The site is providing the required parking, bicycle parking, tree planting requirement, and dumpsters. The site needs to

provide a pedestrian connection to the west to the Modern Maturity Center. The placement of that pedestrian connection shall align with the existing connection that is on the Modern Maturity's site.

Ms. Cornwell further stated that as the application is a residential development an active recreation area is required. The site is required to provide 150 square feet of active recreation per dwelling unit. The application is providing three (3) areas of active recreation area. The first is a walking path with benches and picnic tables around the stormwater management pond. The second is a horseshoe pit with picnic tables in the southwest corner of the site. The third is a shuffle board court, swing set, and picnic tables in the northeast corner of the site.

Ms. Cornwell further stated that the Parks, Recreation, and Community Enhancement Committee reviewed the active recreation area at their July 11, 2011 meeting and made recommendations of approval in accordance with the Staff recommendations. The architecture of the building is proposed to be what is currently existing on one of the buildings which is a mixture of vinyl siding and stone veneer.

Mr. Jones stated that they have no objections to the Staff report comments.

Mr. Baldwin stated that they have gone through this several times, is this going to not be a restricted age project? Responding to Mr. Baldwin, Ms. Cornwell stated that they have rezoned the property so that they would have the ability to open it up to all age groups.

Mr. Nichols questioned regarding the one building that has been open to the weather, will this building have to be condemned? Responding to Mr. Nichols, Mrs. Townshend stated that they have informed the applicant that before any continuation of work on either of the buildings could be authorized, we would need a Structural Engineering Report to validate that the buildings are sound and what corrections need to be made and an Environmental Report that documents the degree, if any, of mold and any remediation that needs to take place. This would need to be done before any authorization of Building Permits for the two (2) partially completed buildings. At this point, we cannot say for sure that the one particular building would be salvaged or not.

Mr. Holt questioned with regards to the trees, he noticed that there was no crepe myrtle on the tree list. At this time of the year, they are beautiful trees that provide a lot of color. Is there a reason for not adding them? Responding to Mr. Holt, Mr. Jones stated that there was no reason why they left off crepe myrtles and can certainly consider putting some in.

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

Mr. Tolbert moved to approve S-11-12 Dove View Apartments located at 101-405 DoveView Drive as presented with the condition that steps are taken to ensure that the building that has been left open all of this time is safe and secure as stated by Staff. Approval of the Active Recreation Plan as presented as well as all the DAC comments of record, seconded by Mr. Shomo and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

S-11-13 Wesley College Master Plan for Streetscape Campus Enhancements – Public Hearing and Review of a Site Development Master Plan for the site planning and streetscape campus

enhancements associated with the abandonment of designated sections of North Bradford Street, Fulton Street, Cecil Street, and several alleys in the Wesley College campus area. The submission includes the Record Plan for vacated right-of-way and a Master Plan consisting of five phases of site improvements including pedestrian amenities, paving, landscaping, and parking lot reconfiguration/construction. This project is located in the area of the Wesley College campus generally located north of Division Street between North Governors Avenue and North State Street. The properties are zoned IO (Institutional and Office Zone) and RGO (General Residence and Office Zone) with a property subject to the H (Historic District Zone). The applicant is Wesley College. Property Addresses: Multiple. Tax Parcels: Multiple. Council Districts 3 and 4. *This project is associated with MI-10-06 Request for Street and Alley Abandonment: Wesley College reviewed by the Planning Commission in April 2010 and as approved by City Council August 9, 2010.*

Representatives – Mr. Gregg Moore, Becker Morgan Group, Inc.; and Mr. Jonathon Street, Becker Morgan Group, Inc.

Mrs. Melson-Williams stated that this application is for the Wesley College Master Plan: Streetscape and Campus Enhancements. A Site Development Master Plan means they identified a series of phases for construction as part of the application process and it appears in front of the Planning Commission as a Master Plan. This Plan focuses on the Wesley College Campus that is located to the north of Division Street and between what is State Street and Governors Avenue up to just north of what is Cecil Street.

Mrs. Melson-Williams further stated that this application is associated with what is a previous application known as MI-10-06 which was a request for street and alley abandonments that Wesley College made back in the spring and summer of 2010. Giving some background on the project, the street and alley request was first reviewed by the Planning Commission in April of 2010 and then moved through the City Council review and hearing process on August 9, 2010. The City Council approved what is known as Resolution #2010-07 that approved the alley and street abandonment for seven (7) specific areas along with a series of conditions. The areas are detailed out in the report to the Planning Commission. There is a series of specific conditions related to the approval of the street abandonments which included items such as requirements for utility easements and public access easement requirements. It also discussed timing of abandonment and the requirement that on-street parking that was displaced by the project would be replaced. (A display depicted the areas in shade that are approved for abandonment.) An area of note is Area #8 which is identified on the Plan that has not been abandoned and was not a part of the original application. It is for a segment of alley that actually exists between North Bradford Street and the North State Street Alley specifically known as the Fulton Street Alley South and is part of an existing parking lot that does not have a defined area that you could discern on the site; however, since it has not been formally abandoned, the process for abandonment must be requested for Area #8 and move through the specific review process.

Mrs. Melson-Williams further stated that the application before you this evening is a Site Development Master Plan that focuses on site planning and campus enhancements for the areas that are associated with the abandoned sections of what are North Bradford Street, Fulton Street, Cecil Street, and several alleys that are also in this specific area. The Plan proposes phases of

construction that will include pedestrian amenities, paving, landscaping improvements, and parking lot reconfiguration and construction.

Mrs. Melson-Williams further stated that there is a Record Plan that would note all the series of easements that are required both of utilities and public access as well as the disbursement of what is the vacated right-of-way from the City of Dover to Wesley College. As noted, the project proposal is a series of five (5) phases. Specifically, it begins with project work in Phases 1-3 on what is the south end of the campus focusing on reconfiguring an existing parking lot, the pedestrian and paving improvements on what is the south side of the DuPont Building, and the construction of a new parking lot behind the series of three (3) buildings that front on North State Street that the college occupies turning into an expansion of what is the existing parking lot at the corner of Fulton Street and the associated alley.

Mrs. Melson-Williams further stated that the later Phases 4 and 5 focus on the northern section of the campus around the Cecil/North Bradford Street area and involve paving, landscaping, and the re-working of parking lots between the two dorm buildings at the end of North Bradford Street.

Mrs. Melson-Williams further stated that specifically with this project, there is the requirement for parking spaces that are displaced by the street vacations that happen along what is Fulton Street and Cecil Street and that those parking spaces be accounted for. They are doing that with the construction of a new parking lot area, the reconfiguration of existing parking, and the reclamation of parking spaces that previously were not in college use; however, in use of the school that exists there on the segment of Bradford Street. Sidewalks are existing throughout the campus and are augmented by the pedestrian walkways and amenities that are proposed with the project. With this proposal, they are also showing a Landscape Plan. There are some existing trees that would be removed in order to accommodate the new pathways and parking lot circulation; however, there are a significant number of existing trees to remain and the additional plantings of trees to line these pedestrian areas and infill other spots along those vacated streets and within the parking lots.

Mrs. Melson-Williams further stated that the DAC comments include the comments from the Planning Office in regards to the Record Plan and the Master Plan submission. A number of them are what are called plan correction items. Specifically, the applicant will be working with City Staff and the City Solicitor in regards to the Record Plan and the associated documents conveying what is the right-of-way that has been approved for vacation or abandonment to Wesley College. There are also some recommendations that the Planning Staff has made as part of our report and one of those is related to the Record Plan. Staff is recommending that there appears to be some opportunities for a parcel consolidation on behalf of the Wesley College campus so that property lines do not cross through buildings and things of that nature.

Mrs. Melson-Williams further stated that specifically with the Plan itself, we are recommending some changes on the remaining public street segment of Cecil Street specifically related to formatting a turn-around at the terminus of that street and realigning what is angled parking on the south side of the street to be in the opposite orientation. The other issue is with a terminus that occurs happens in the North Bradford Street area. With the North Bradford Street becoming a two way circulation pattern a turn-around mechanism will be needed at the end of that public street as well.

Mrs. Melson-Williams further stated that another recommendation of the Planning Staff includes providing bicycle parking opportunities. There is a Code requirement; however, we feel that this is an excellent opportunity to provide bicycle parking throughout the campus in that a number of their changes are going to encourage bicycling and walking throughout the campus. One thing of note related to the parking lot is that the southernmost parcel is within the City of Dover Historic District Zone. Typically, activities within the Historic District Zone require Architectural Review Certification; however, in this case, it is not required because the parking lot is not visible from the public way and in this instance the public way is North State Street.
Mrs. Melson-Williams further stated that with the DAC Report there are agency comments from the City's Department of Public Utilities regarding water, wastewater, stormwater, and electric. Comments included needs for utility easements and utility planning as associated with this project. The City's Fire Marshal has provided comments related to fire protection needs. There are comments from State agencies the first being DelDOT with correspondence in the record regarding what was originally proposed as a requirement for traffic counts at a number of intersections near this project. The applicant submitted a letter stating their case with regards that the site project does not meet the warrants for a Traffic Impact Study as set forth by the DelDOT regulations. The City's Planning Office concurred with that and submitted a letter to that affect to DelDOT as part of the comments. That original request has been removed from the DelDOT concerns on the project. From the Kent Conservation District, which deals with stormwater management for projects, this application will have to provide an Erosion and Settlement Control Plan as the site disturbance exceeds 5,000 square feet. Another agency providing comments is the Dover Kent County MPO. They are encouraged by seeing pedestrian facilities on the Plan. They will also accommodate bicycles and they also note the number of transit sites that are also in the vicinity of the college property.

Mr. Moore stated that they are in conformance with all of the DAC comments as presented. We have submitted to Staff, the turnarounds that Staff asked for and the revised layouts associated with those. The turnarounds are DelDOT approved turnarounds that are a part of their Design Manual.

Mr. Moore further stated that there are a couple of points that he would like to make clear. The first is part of the reason that Wesley College is doing this project is to better define what we will call "the edge" of their campus so that there is a separation between the neighborhoods and the Wesley Campus. We also would like to create a more walking friendly zone within and around the main buildings between Wesley College; however, the big issue is to improve safety. To improve safety, where there are students that used to be going back in forth between buildings and places of residence, this is going to be safer for them to cross a walking path and cross areas where outside traffic is not progressing through. Second, the locations where we have the brick pavers what we will do is provide college campus walking paths through the current existing buildings. We are not proposing any new buildings. We are allowing students to walk through the campus to get from State Street to Governors Avenue. What you are seeing on the map is the connections between Governors Avenue walk all the way through to State Street. We will make these public use right-of-ways and twenty-four feet wide paved and brick areas that will allow the public as well as Wesley College students to walk through this zone just as they are doing today. Third, we have committed that we will replace all of the parking that we displaced along the roadways and have done that in this Plan. We have provided public parking that is located behind the homes on State Street. The parking lot located next to it is also a public parking lot.

Mr. Holt stated with regards to parking, he knows that Wesley College has always had a problem with parking and has had complaints from nearby residents. His suggestion a year or two ago was to eliminate freshman students from being allowed to bring cars to the campus. A lot of larger colleges do it this way. This Plan should eliminate a lot of parking problems. Responding to Mr. Holt, Mr. Moore stated that there is a Campus Community School which is located behind the parking lot which is a new parking lot that they are proposing. However, there is parking on both sides of that building for a total of about 37-40 parking spaces that are currently being used by that Campus Community School. We are proposing our schedule to commence after their departure next year. Wesley College has been working with the school and making them aware that they do need this space. We currently expect this school to depart this building next spring and at that point in time, Wesley College would be using the building for their purposes. The parking that is in that location would then become part of the Wesley College campus. We feel that this will help correct parking problems and this was included in the parking count of the parking spaces that Wesley College students could use. We also think that this will do a great thing in improving the traffic and safety around this campus. Currently, there are a lot of people who pick up students at the Campus Community School who are younger children. We think that all these changes will help enhance safety, improve traffic, and add parking to the area.

Mr. Hemmig opened a public hearing.

Mr. Michael Maciarello – 11 Cecil Street – Stated that he is bordered on the west and north by Wesley College and on the east by the Cecil Street Alley. The submission for public inspection is unfortunately incomplete. Sheet C103 as referenced in Sheet C-101 and C-102 is absent with zero sheets submitted although they are referenced on every page. There is no Traffic Impact Study that was made or submitted according to DelDOT standards Section 2.3.1.1-.5. He takes issue with everyone one of these five points. For example, the first one; the 400 trip requirement that would kick in requiring a Traffic Impact Study. There has been correspondence and the exemption from this requirement has been requested; however, in the Becker Morgan correspondence, it equates a trip with a commuter student. You have to assume that we do not have 400 commuter students on a daily basis so you do not have 400 trips. You have to assume that any commuter student is going to return home. One student equals two trips not one trip and any additional trips such as going out to lunch so there are more than 400 trips. There are equal fallacies among all five points requested in this exception.

Mr. Maciarello further stated that property lines indicated on page C-102 incorrectly show his barn on the northern property line or over the northern property line with Wesley College. He mentioned this in passing and did not formally write it at the Planning Commission meeting of April 19, 2010 and it was not corrected. He mentioned it a month later on May 24, 2010 when it had not been corrected and that was at a Utility Committee meeting and it is still not corrected. We subsequently hired a surveyor as did Becker Morgan Group, Inc. and both groups concur that his barn sits 5 feet 5 inches inside of his property line. He thinks what caused the error is there is inadequate scaling on these plans. If you look on the Plan C-102/C-101 sheets you see the scale is one inch to twenty feet; however, directly below that it states one inch equals thirty feet. They use both systems of scaling and he feels it is impossible for the public to view these Plans. He does not feel that it is too much to ask for the public to have an accurate set of plans.

Mr. Maciarello further stated with regards to parking, the parking counts that are reflected are wrong. This is not what we were promised in every stage of this. At the April 19, 2010 meeting, there were sixty-eight (68) public parking spaces on Cecil Street. Forty-two (42) on the south side and twenty-six (26) on the north side and an additional forty (40) spaces on the section of Bradford Street north of the Dupont Center for a total of 108 parking spaces not ninety-nine (99) as shown on the submission. He verified this today and determined that no one from the City has determined it. He also asked the two surveyor teams that came by and no one checked it. He does not feel that this was malicious; they used a satellite photograph. Seven (7) of the proposed new parking spaces come from the removal of a fire lane on the north side of the DuPont Center which is immediately at the south end of the alley. Currently, that alley is so narrow people drive over the corner of his property to get in. Without the wide loop that they can make, it is going to aggravate the situation immensely. He has to insist that these seven (7) parking spaces created from eliminating the fire lane be relocated somewhere else. Relative to the alley, at every stage it was acknowledge that the Cecil Street alley is going to take more traffic. During the repaving of the alley, it was shifted four (4) inches onto his property that is fifty-six (56) square feet that has been paved. He is taking the brunt of the additional traffic. Additionally, the northeast corner of the property marker is underneath the blacktop which has been removed by the surveyors hired by Becker Morgan Group, Inc.

At this time Mr. Hemmig stated that he would have to cut Mr. Maciarello off as he had well exceeded his three (3) minutes to speak. He will be allowed to return for further comment at the end of the rest of the public wishing to speak.

Mrs. Teresa Mathis – 234 N. Bradford Street – Stated that she lives at the corner of North Bradford and Mary Street and did not receive notification. She did attend the information session held at Wesley College with Becker Morgan Group, Inc. and Dr. Johnston and she is in favor of the Plans designating the edges for the perimeters of Wesley College to better define where the campus ends and where the community begins. Some of the students have quite a difficult time with that particularly on North Bradford Street where the freshman are housed and they do not yet have their adult manners on. There has been some rumor that she has a question on and that is if North Bradford Street is going to be a dead end in both directions or will it be complete thru traffic in both directions? Responding to Mrs. Mathis, Mr. Moore stated that North Bradford Street would be two-way traffic so that you could come in and park. You will not be able to drive through it. You would have to turn around.

Mrs. Mathis further stated that she supports this project and the efforts that are being made by the Becker Morgan Group, Inc. and Dr. Johnston to more clearly define the campus. She is here representing five (5) people who were present in the audience.

Mr. Michael Harrington, Sr. – Stated that he owns fifteen (15) properties surrounding this proposed Plan. He is also in the real estate profession and does not feel that it will affect the value of homes and will only help the value of homes. He feels that this will help the college to recruit more students. His properties are located up and down State Street, Bradford Street, and Governors Avenue. He is here to speak in favor of the application.

Mr. Tanner Polce – President of the Student Government Association of Wesley College – Stated that he would give you a different perspective from a student. It was just a year ago that he

spoke to City Council about this matter and really urged the Council members to pass this. One, the overall mission of the institution is to provide a solid holistic education and safe environment for incoming students through three, four or six years. This Plan absolutely does that. It provides a safe environment enabling us to travel throughout the whole campus without worrying about looking both ways and whether there is a car coming. We are all at the age where yes, we can look both ways and can cross the street and don't need our mommy to hold our hands. Something like this is elemental and truly critical as a basic element in providing a safer environment. The green space addition is also critical. So much so that a motion, towards the end of his last year, came across his table of a $20,000 allocation for the Student Government Association to make to this specific project and the motion passed 27-0 by our student organization. Therefore, he was truly privy to cut a $20,000 check to this specific project. That's how much this project means to the students and yes, he may not live in Dover and the majority of students may not live in Dover; however, he represents more than 1,500 student voices and this project is critical.

Mrs. Nancy Gardner – 213 N. State Street – Stated that she and her husband have lived in the neighborhood for about forty (40) years now and we have been very pleased to see Wesley College grow. We are in fact very pleased to see Wesley College's attempt to meet what is a national movement to make college campuses greener and more walking friendly. We know living across the street from Wesley College that we stand to benefit she hopes in part of this. It has been quite apparent now for the last several years. (Congratulations to Gregg Moore, the newest trustee who will speak to us with many hats.) She is not quite sure what abandoning alleys means. She is not sure what these turnarounds actually mean in terms of traffic. From her perspective, because she can with great care park behind her house, she does park on State Street and she is close enough to Wesley College to know that sometimes six (6) or eight (8) cars park in front of our house in the course of the day as it is a commuter school. We also have a handicap parking space which is not a private parking space; it is open to the public and gets used by the public. There are times when she is very grateful to have Cecil Street open across the way because in the case of a snow emergency we have to be off the street immediately. We are obliged of course to plow out immediately. She can tell you that living between two buildings that rent to students who are also grandfathered and do not provide proper parking, that these are students who are fun to get to know. They are often at a real disadvantage as renters. You are not answering the need for this neighborhood to continue to also be a residential neighborhood. She frankly feels on her end of the block redlined at this point and she does not like that feeling. She is seeing apartment houses with little or no maintenance and her feeling is with Wesley College expansion plans, that they have not heard the last of where Wesley College proposes to go. If this creates a new walking safer opportunity that's fine; however, she is well experienced with traveling over Cecil Street at 2:00 or 3:00 in the morning and finding students outside at that time.

Mr. Dennis Lynch – 411 N. Governors Avenue – Stated that he lives about a block away from Wesley College. He is very interested in the walkway being that his wife is handicapped and in a wheelchair. He passes by Wesley College and is not a student of Wesley College; however, he is a student at Delaware State University. His comment is that he wanted to make sure that the area is ADA accessible because his wife is in a wheelchair and that these areas that are not ADA accessible are because of the fact that they are historic. Responding to Mr. Lynch, Mr. Moore stated that all of their walkways and accesses through to their walkways would be ADA accessible so that students in a wheelchair would be able to have full access throughout the campus.

Mr. William Goodrich – 229 N. Bradford Street – Stated that he has the misfortune to live on North Bradford Street. We have put up with fifty-five (55) foot tractor trailers all summer long and that takes one awful long cul-de-sac to turn around. He does not feel that you have made provisions for this. Wesley College has been working on the two (2) dorms all summer long and it has presented some problems as it takes one large cul-de-sac to handle that. You cannot turn around in the existing street without making a 180 degree turn. You cannot swing a car around it. He does not feel that they have made provisions to handle this type of traffic. Will this take out the large Pecan tree on the corner of the dorm? Responding to Mr. Goodrich, Mrs. Townshend stated that we have a recent submission that would show the turnarounds and there is one tree that may be affected.

Mrs. Melson-Williams stated that with the two current dorms there is angled parking for both. The segment of North Bradford Street currently is a one way traffic pattern. This Plan would convert that back to two-way traffic with parallel parking along the public street segment. Then along the terminus, this is what they call a "Hammerhead" meaning there is space on either side where the road widens out to do the turnaround. It appears that one tree ends up in this pavement area and would have to be removed; it is located on the west side of the street.

Mr. Goodrich further stated that he is not real thrilled with what he is seeing for consideration of traffic for the general public and those of us unfortunate enough to own property. If Wesley College wants to buy the property, he wishes they would try and go ahead and do it. He feels that this is what it will boil down to at some point in time.

Mrs. Yvonne Hall – 228 N. State Street – Stated that they own the State Street Inn and she and her husband are very much in favor of this proposed Plan for Wesley College. We feel that it can only enhance the neighborhood and will also give more parking in front of their home because Wesley College is going to accommodate giving extra parking at the college itself on the campus. She feels that it will be a nice place to walk and a safe place to walk. It is not always safe now in their community and she is very much in favor of this Plan.

Mr. Ashalom Pellach – 9 S. Governors Avenue – Stated that about a year ago he paid $2,000 to make the asphalt as per the City of Dover. He has a receipt for the $2,000 as per Code as you cannot put an egress for a car on grass. He wants to know where he puts his car now on the street. Where does he put his car if it snows? They are pissing in his alley and he is not saying anything to them as they can do whatever they want; however, he needs to put the car there. They do not have the right to take his house from him, only if they buy it. If they do not buy it, this is not right that they take his parking lot. He is also in a wheelchair too; however, he can still walk some. He is only getting older not younger. He has a handicap permit for his car and just wants to know where he puts his car.

Responding to Mr. Pellach, Mr. Koenig stated that his residence is off of the campus area. He has an alley located behind his house and the $2,000 that you are talking about was an improvement to your driveway that you needed to make. The issue in front of your house is that you live on Governors Avenue which is an approved snow route for the City so two (2) hours after snowfall starts, the City of Dover Police Department has the right to go down the road and tell you to move your car. You can move your cars to either side streets, public parking lots, or you can park in the rear off your alley on your property. This is the case for all of these houses on Governors Avenue

and also on State Street. In your particular case, you simply have to move your car from out in front on Governors Avenue to behind your house or one of the side streets. The alley that is being considered to be closed is north of Division Street not the alley that you live off of.

Mrs. Susan Yoist – 11 Cecil Street – Stated that she has many concerns. She was very disappointed that this was approved last year especially since so many people who were for it actually work for Wesley College or have spouses who work for Wesley College including members of the City Council. She lives on Cecil Street on the alley and one of her concerns is this alley. You will have people coming down Cecil Street and hitting this dead-end from State Street onto Cecil Street. In theory turning around, they will shoot up the alley instead and go north and two cars cannot pass in the alley. She does not know what they will do when they have traffic jams in the alley, who do you call? People are already speeding up the alley now. It is going to have a lot of traffic as turning around is going to be hard. Another concern she has is with parking. Her husband counted 108 parking spaces that will disappear on Cecil Street and Fulton Street when you close them. There was talk about a parking garage last year when all this came up and she did not hear that tonight. All she heard tonight was that Wesley College was going to realign the spaces they have and add a few from Campus Community School. Will someone be checking to see if we really get 108 parking spaces back? She is glad that some of this is public; however, it is off in the corner and not the same as all the public parking we have on those two (2) streets now. Her third concern is safety. She understands that students, during the daytime when school is in session, it is good to have the streets closed so that they can cross between the dorms and the buildings; this makes sense. However, she lives here and all summer long at night and weekends those streets will be dark and gloomy with no cars. Cars actually make those streets safe for residents. I walk in the neighborhood and at night and on the weekends. When she walks in the evening, she walks where there are cars on State Street and on Cecil and Fulton Streets because cars make it safe. Look at Wesley College Campus if you walk there now, you wouldn't walk into the campus it is dark and dangerous. It is going to be green; however, it is not going to be resident friendly except during the daytime when school is in session, but what about nighttime, the summer, and weekends? A lot of this is based on if the Campus Community School is going to move; however, do they have a place to move? Are they definitely moving or is this something that is going to be put off and then we will have horrible traffic problems in the mean time?

Responding to Mrs. Yoist, Mr. Hemmig stated that he believes the college owns this property. (Referring to the school property.)

Also responding to Mrs. Yoist, Mrs. Townshend stated that the Campus Community School has been told that they will be leaving.

Mrs. Yoist further stated that when that happens, what do we do with our problems when cars are racing up and down her alley right by her house? Responding to Mrs. Yoist, Mr. Hemmig stated that this would be a City of Dover Police Department enforcement issue and should be reported to them if you are having problems with cars anywhere in the City.

Dr. Bill Johnston – President at Wesley College – Stated that last year in presenting to the Planning Commission, we listened to all the interest and concerns as we also did with the City Council. We feel as though we are coming back with a very strong presentation and Plan that will

assist the community and the broader community in Dover. We feel that it is going to quickly become an asset to our community.

Mr. Bob Herbert – 223 N. Bradford Street – Stated that he is not connected with the College; however, lives as close to the College as you possibly could as he lives right next door to the dorm. His wife and he are very much in favor of this entire concept as it will make the campus safer, the students safer, and will be more attractive. He cannot see any downside to it as it is a well thought out idea. As far as the traffic on the alley, he guesses there will be more traffic; however, you cannot go to fast on this alley. You can go much faster on North Bradford Street where we live; however, after this goes into effect, it will alleviate that problem. As far as a gloomy neighborhood, they lived in Newark near the University of Delaware and he can tell you that Wesley College is lighted better than the University of Delaware is. There is plenty of light on campus.

Mr. John Gardner – 213 N. State Street – Stated that he has been very concerned with the alley that parallels State Street between State and Bradford Streets. As he understands the Plan that was originally put forth by Wesley College, that was going to be more or less restricted and that there would be no traffic whatsoever on Cecil Street and it would be closed. I take it there have been modifications in that and that the Plan now is that there can be traffic east and west on Cecil Street to where you have this turnaround and that this will be beyond the alley is this correct? Responding to Mr. Gardner, Mr. Hemmig stated that this is correct.

Mr. Gardner further stated that he can see problems because of the narrowness of the alley at the same time there is no way of expanding it without taking property away from people who own properties along the alley including Mrs. Yoist and Mr. Maciarello and the owners of the bed and breakfast not to mention everything in-between. We are concerned because of the arbitrary way in which Wesley College made Bradford Street one way and got it through the City without much input from the people in the community. He regularly uses Cecil Street when he is coming from the north to park in front of his house. He comes south on Governors Avenue, goes across on Cecil Street, and then turns north to the front of his house. Many of us feel that Cecil Street and Fulton Street are extremely different. Basically on Fulton Street, everything that you are closing on both sides of it belongs to Wesley College already. Cecil Street is not that way.

Mrs. Paula Kinsey – 224 N. State Street – Stated that she is one of those people who does not have any affiliation with Wesley College. She lives on that famous alley and her garage sits right on it so if it is ever widened, it will be on the other side because she doubts they would want to purchase that big barn. The only question that she has is the amount of parking spaces that we are going to have extra then what they do now. When she bought her property three (3) years ago next to the bed and breakfast, the lawyer told her she owned two (2) parking spaces and that it was in the deed. Lots of times she does not feel too well because she has a new knee and does not feel like going up and down the steps and having to go all the way to the back to the garage to get her car. She is really interested in how many parking spaces because sometimes she has to go out and then she can't find parking when she gets back because she cannot get in and out herself. She is all for public parking on the State Street area near Wesley College and on Cecil Street. It is just that she feels that they need enough parking spaces that homeowners up and down here do not have to put up with people parking in front of our houses all day. As you can see most of the owners in this area are over 50.

Responding to Mrs. Kinsley, Mrs. Townshend stated that with regards to these parking spaces, it is part of the requirement so Staff will be counting and confirming each parking space existing and proposed.

Also responding Mrs. Melson-Williams stated that there are recent changes to the Plan to accommodate the turnarounds and Staff will be recalculating all the parking displaced and then provided as part of the formal Plan review process should this move forward this evening.

Mrs. Kinsely further stated that also regarding the alley she is probably at the wrong place to even suggest this; however, have you ever thought about putting "residential drive only." Responding to Mrs. Kinsley, Mr. Koenig stated that no, they have not.

Mr. Michael Maciarello (Continued Testimony) – Stated that there are several flaws with this Plan and he hopes that his comments were not construed as being opposed to this Plan as we have this situation regardless and he is just determined to make it the best it can be. He went around and placed a chalk mark in every single parking space and he has not even gotten to the south side of the college; it was washed away last night. There are in fact 108 parking spaces on Cecil and Bradford Street that are being displaced and this plan shows 90 spaces. Additionally, the fire line is also a critical turnaround because all of these people who live on the alley who are in favor of it all have appliances delivered, garbage, and recycling services and he does not want that truck driving over his property every single time eroding away the wall. This is an intolerable situation. He would like to move rapidly to the south side because this seems to be the most critical. Have the parking spaces been counted?

Responding to Mr. Maciarello, Mr. Hemmig stated that the parking spaces have been counted as part of the Plan and will be reviewed again as the Plan moves forward. The Planning Staff will ensure that any spaces that were displaced will be added.

Mr. Maciarello further stated that he would like to know if the architect had counted these parking spaces. There is an issue with the south side of the DuPont Center where Bradford Street narrows. There are eleven (11) angled parking spaces and this is some kind of mathematical phenomenon because there is no way that eleven (11) parking spaces can fit in there. They are angled in such a way that if you look on page L-101 parking space 11 is on the grass. This goes back to the scaling issue where there are two sets of scaling being used. Additionally, these are angled in such a way that requires someone to pull into it at a sharply angled parking space then back into one-way traffic into a significantly narrower one-way street to proceed on. He would say that these parking spaces need to be reconfigured, the diagonal turned around that would allow a person to back into the parking space and pull into the flow of traffic as this would be desirable. On the exit to the parking lot which is now off Fulton Street, there is an island stuck in there. There is a visual impairment in the form of those utility poles that cause you to go out into Fulton Street so now they will have to go out to the end of this alley decreasing the turning radius. The turning radius is less than ten (10) feet.

At this point, Mr. Hemmig stated that he would have to conclude his testimony at this time.

Mr. Hemmig stated that his comments were appreciated and most of these will be addressed by Staff as part of the design elements. Responding to Mr. Hemmig, Mr. Maciarello stated that he has

worked with Staff for days now and none of the issues have even been realized. When he directed questions to the Planning Staff they stated "they did not know." Before you approve this I would like the community to see an accurate Plan.

Mrs. Townshend stated that a letter was received dated August 12, 2011 from Colonel F.A. Stratford, Jr. USAF (Retired) and Carol D. Stratford located at 16 N. State Street. The letter is regarding the Preservation of N. State Street private property owners entrance/exit from N. State Street via Fulton to alleyway. She would then cut to the end sheet that starts by discussing the concerns that she raised back in 2010 and states that "A June 25, 2010 discussion with George Chabbot concerning the Site Plan and President Johnston's letter prompted George to contact Becker Morgan Group, Inc. in which they advised that the Site Plan was already under revision and that the alley property owners would now have three (3) entrance/exits: Division Street and alleyway; N. State Street/Fulton Street and alleyway; and N. Bradford Street/Parking lot/alleyway. Review of the current Site Plan appears to confirm the revision. We are delighted with the revisions but request that Dr. Johnston's letter and intent be incorporated into any future Planning Commission decisions and thereby preserve the pre-1885 access."

Mrs. Townshend further stated attached to this is a letter from Dr. Bill Johnston from June 22, 2010 to Carol Stratford indicating that the alley behind the homes at North State Street between Division Street and Fulton Street would not be closed off and that they would have access to enter and exit other than only the use of Division Street.

Mr. Hemmig closed the public hearing after seeing no one else wishing to speak.

Mrs. Townshend stated that she would like to clarify some points. First, at this point, the City Staff has not counted parking spaces on Bradford, Cecil and Fulton Streets. She would commit that she will send a City Staff person out to document the number of on-street parking spaces so that we can essentially ensure that the information provided is correct.

Mrs. Townshend further stated that she would like to provide the Planning Commission and members of the public a clear understanding of how the process goes from tonight when the Planning Commission takes action on this to the commencement of construction. What the Planning Commission sees is preliminary plans. You have the Development Advisory Committee Report that always identifies corrections that will need to be made to the Plans prior to Final Plan approval. There are always conditions and in this case, we know that some of the conditions associated with the alley and street abandonment specifically relate to any displaced parking being made up on the Wesley campus. Between the time that the Planning Commission takes action and the Plan receives final approval any incorrect or incomplete information will need to be corrected and/or completed and Staff will verify that all of the conditions of the alley and street abandonment and the Site Plan approval itself are incorporated into the Final Plan documents.

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

Mr. Hemmig stated that this is a hot button issue among the public and affects many people in different ways. Most of the comments this evening were very positive in favor of it with some concerns expressed. The Plan, as presented, is rather complete and will be a phased Plan. Certain things will not happen until others do such as the Campus Community School has to be relocated

before anything can take place on North Bradford Street. It looks like Wesley College is taking efforts to ensure additional parking spaces are provided for those that are lost on the street. Consolidating parking into a parking lot helps bring students to the campus without spreading them out around the campus.

Colonel Welsh moved to approve S-11-13 Wesley College Master Plan for Streetscape Campus Enhancements and includes the inclusion of any DAC comments and conditions of the previous abandonment by City Council, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

C-11-05 Royal Farms at 293 South Saulsbury Road - Public Hearing and Review of a Conditional Use Site Plan 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). In the C-2A Zone, the establishment of gasoline pumps is an accessory use requiring conditional use approval. 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 Addresses: 293 S. Saulsbury Road. Tax Parcel: ED05-076.11-01-43.00-000. Council District 4. *Waivers Requested: Partial Elimination of Upright Curbing.*

Representatives: Mr. John Paradee, Legal Representation for the Applicant; and Mr. John Fellows, Duffield Associates.

Mrs. Townshend stated that the Plan consists of a 5,786 square foot retail building, a 1,407 square foot carwash building, and eight (8) double sided gasoline pumps under two (2) canopy structures. Because there are gasoline pumps proposed, this comes forward as a Conditional Use Site Plan. In terms of the Plan details, the parking requires a total of twenty-four (24) parking spaces. Thirty (30) parking spaces are required and provided while this exceeds the minimum; it does not exceed the twenty-five (25) percent maximum. Based on the twenty-four (24) parking spaces required, two (2) bicycle spaces are required.

Mrs. Townshend further stated that in terms of the Corridor Overlay Zone, there are a number of items for consideration in the report. The gas pump canopy and associated pumps are considered to be a principle structure for the purposes of measuring the building setback. In that way, the Plan complies with the minimum and maximum front yard requirement. It also includes the parking configuration, the thirty-five (35) foot building height twenty-five (25) percent of the lot consists of open space, and the various requirements of the Corridor Overlay Zone. The Plan as submitted does not comply with one requirement of the Corridor Overlay Zone. Initially the applicant submitted a waiver request in this regard and after the applicant DAC meeting, they have indicated that they will comply with that requirement. That is the landscape buffer of twelve (12) feet around the building between the building and the parking areas. Six (6) feet of this needs to be sidewalk and the remainder landscaped. It will be incorporated into the plan.

Mrs. Townshend further stated with regards to site access, the site will have full access from Saulsbury Road and a right turn in and out from North Street. There is a Traffic Analysis Report that was submitted and reviewed by DelDOT and is part of the application file. The property is

located adjacent south and west to Simon Circle and comes around it. There is a sidewalk connection located in front of a house. What Staff is recommending is that the sidewalk connections continue into the site so that pedestrians do not have to come out to North Street and deal with more potential vehicle conflicts in this location.

Mrs. Townshend stated that based on the discussions we had at the Applicant DAC meeting, the applicant has agreed to pull the carwash building back to provide more direct pedestrian access into the site and a safer crosswalk in this area. (New site layout reflecting this was shown at the meeting.) There is one loading space on the north portion of the parking facility. As shown on a Site Plan map, there is an existing sidewalk located at Simon Circle Development and what Staff is proposing is that the applicant bring a sidewalk connection in at this location and also up from North Street and that they provide a crosswalk so that they can avoid vehicle and pedestrian conflicts especially because this is a right-in access and there will be a lot of vehicles coming in off of North Street.

Mrs. Townshend further stated that in terms of landscaping and tree planting, fifty-three (53) trees are required. The Plan is also required to provide a number of other plantings including the buffer between the residential property and the plantings associated with the Corridor Overlay Zone. Because of the degree of plantings, Staff will be making sure that things do not get double counted in terms of the final Landscape Plan.

Mrs. Townshend further stated that the applicant is proposing to install the opaque barrier component of the buffer. Staff would note that in areas where it comes into what is considered the front yard the fence will have to reduce to four (4) feet in height. Staff has also recommended that the fence stop just short of the sidewalk to the north. The applicant has requested a waiver from the curbing for the purposes of stormwater management. There are areas where initially they did not propose curbing. Staff would request this not be a part of this waiver and that curbing be everywhere except where it would not be needed to necessitate flow to stormwater areas.

Mrs. Townshend stated that the applicant reconfigured some things to separate the pedestrian traffic from vehicle traffic coming in off of North Street. The architecture that went out in the packet was replaced with what is on your desks this evening. Staff talked to the applicant about incorporating more brick into the architecture of the building and that has been incorporated. You will see a number of peaks on the roof line. The canopies will have a pitch to the roof and will not be flat canopies. The architecture of the carwash will be a glass carwash facility.

Mrs. Townshend further stated that other agencies commenting on the Plan have reviewed the Plan and submitted their comments. This is an area where DelDOT reviewed the Plan. The applicant submitted a Traffic Analysis Study and DelDOT concurred with that analysis and submitted a letter indicated that the Traffic Analysis Report would suffice in the place of a Traffic Impact Study.

Mr. Paradee stated that he would like to thank the Planning Staff as we had the opportunity to meet with them on a number of occasions to discuss the application before you. We made a number of revisions and concessions that make the project a much better application. We agree with all the DAC comments and recommendations and will comply with all of the Code requirements.

Colonel Welsh stated that he remembers when the Royal Farms Plan at Routes 13 and 113 came before this Commission and we made some adjustments to the building. Royal Farms complied with those adjustments. He knows that you have "cookie cutter" plans; however, he thinks the Royal Farms building changes had something to do with the roof line. Responding to Colonel Welsh, Mr. Paradee stated that they do have prototype "cookie cutter" plans; however, there are a number of revisions that were made to this Plan that this body has asked for before such as the pitched roof on the canopy and brick at the canopies and at the façade of the building. There are a number of significant deviations from the prototype that we are making here as a concession to the City. It makes this site a lot more attractive and we are sensitive to the fact that this is in an area that may be somewhat of a gateway from the western side.

Colonel Welsh further stated that he sees this on the awnings over the gas pumps; however, it still looks like the building itself is a flat roof with some gables on it. He questioned whether anyone went and looked at the Royal Farms building or recalls what the building looks like in terms of architecture? Responding to Colonel Welsh, Mrs. Melson-Williams stated that the building has a flat roof and may have a pitched element over the entrance.

Colonel Welsh questioned if the applicant would commit to this Commission to take a look at the building to see if there is some way you could incorporate the way the roof line was broken up on the Royal Farms on Route 13. This really is a gateway at the Route 13/113 intersection and Royal Farms was very good in working with us back then. Responding to Colonel Welsh, Mr. Paradee stated that they would be happy to take a look at it. If there is a difference, he would respectively submit to you, that he feels that this Plan goes further than that store did in terms of trying to offer some architectural features that break it up. The site that you are talking about is where the C&P Motors used to be located and it is also a flat roof just like the Wawa building on Court Street. He is sensitive to the Commission's desire to break up the architecture. This site does a much better job of that than the one you are taking about.

Mr. Nichols stated he feels that this is a very good addition to the site as it has been vacant for a few years now. The only thing that he is not happy with is the carwash. You have it jammed in there. You have thirty (30) feet between the rear of the parking on the east side to the side of the carwash. It is almost like you do not have any more room to put it there and you do have more room. You have another section in the back. You either need to move it in the back so that you have more room and more a viable movement of cars that are in there. He has looked at five (5) other stores last week including Smyrna which is a new store. Basically, they all have the flat roof system with an artificial mansard in the front with some of them having an "A" roof in the front and some of the entrances are on an angle. Everything else looks good except the carwash. Responding to Mr. Nichols, Mr. Paradee stated there are some constraints with this site. We did move the carwash back a little to the north from its original location at the request of Staff to free up some of the area.

Mr. Nichols further stated that what he is talking about is the area where is too jammed up, you have to do something to alleviate that situation. Responding to Mr. Nichols, Mr. Paradee stated that he would defer this question to Mr. John Fellows from Duffield Associates.

Mr. Fellows stated that this is a prototypical layout that Royal Farms has developed. They have established the required setbacks and the isolation distance they need for their proper circulation around the store. We have not deviated from that Plan except to move the carwash back. This is a

standard layout that comes from the Royal Farms Corporate Office. There is adequate room to back out and maneuver a car in that thirty-two (32) foot drive aisle.

Mr. Baldwin stated that he is concerned with the close proximity of the turn into Simon Circle and the turn off of North Street and the turnoff into the Royal Farms site. He feels that this is going to be a problem. Responding to Mr. Baldwin, Mrs. Townshend stated that the westernmost access to Simon Circle will be closed as there is only one house that it serves.

Mr. Paradee stated that this was a point that they negotiated with the Delaware State Housing Authority and they agreed that it would provide for safer access.

Mr. Hemmig questioned with regards to the sidewalk access coming across the carwash, do you honestly believe that people are going to walk across that sidewalk and make a forty-five (45) degree turn and then walk up there to make another right hand turn and walk back? They are going to walk right across the grass. Is there any reason you do not make sidewalks straight across in front of the sidewalk? Responding to Mr. Hemmig, Mr. Fellows stated that the sidewalk now goes in front of Simon Circle. The proposed sidewalk would take a slight angle down to the edge of the pavement with a crosswalk there. They could landscape there as he would hate to put the pedestrians out in front of the exit portion of the carwash. He would rather put a physical barrier there in the means of landscaping or some sort of low fence to discouraging people from walking there.

Mr. Paradee stated that he feels that they could find some landscape features that would address this concern.

Mr. Hemmig questioned where the stacking would be for the carwash once it is moved back? Responding to Mr. Hemmig, Mr. Fellows stated that there are two spaces provided for stacking and a couple more that could go in front of the dumpster pad location which line up around the back of the store where there is no parking during peak hours.

Mr. Hemmig further stated that given his disgust with how the Safeway gas station turned out because they made it smaller than what we approved, tractor trailers cannot pull in and have to back in, what is the ingress and egress for tractor trailer deliveries here? Responding to Mr. Hemmig, Mr. Fellows stated that gasoline deliveries take place in the front and are able to make delivery without interrupting the canopy or the gas sales that occur at the canopy. They can make the turn off of Saulsbury Road. What we have done is used AutoCad to show an auto turn where you can run a tractor trailer through our Plan.

Mr. Hemmig stated to not make this any smaller. Responding to Mr. Hemmig, Mr. Fellows stated that they would promise not to.

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

Colonel Welsh questioned, in thinking of the Engineer's response to the question of moving the carwash to the back area of the building and the response was that yes, this is an approved Royal Farms Plan. Is there any reason it cannot be moved back further? His concern is that you are

bordering public housing and you will have children there. Children are going to come to Royal Farms to buy food, candy or sodas. He feels that it is dangerous to have a child coming across an exit so close to the front of a carwash. After coming out of a carwash and being under a fan that is blowing the water off your car and washing it down the windshield, he can see someone coming out of the carwash with poor visibility and the combination of errors of a kid deciding to walk in front of a carwash at the last minute, we then have a fatality on our hands and it is something that could have been prevented.

Responding to Colonel Welsh, Mr. Fellows stated that they talked about two alternatives to this sidewalk connection. One was coming straight across from Simon Circle. The other alternative solution would be to direct pedestrians down to North Street and then back up into the site which would eliminate the crossing movement of going in front of the carwash. Moving the carwash further to the rear of the site is going to limit visibility of the carwash not only for sales but also for security of the carwash and vandalism. Having the carwash forward in the location that we have it now (as depicted on the presentation board at the meeting) is the most appropriate.

Colonel Welsh stated that certainly you would have security cameras and he is sure that they are being monitored by the attendants in the store so he would think security would not be an issue. He would rather see this and have some form of barrier to enforce this sidewalk movement down to North Street so that someone could not cut across there. Responding to Colonel Welsh, Mr. Fellows stated that their original Plan had the fence that would go all the way down that was eight (8) feet tall that we dropped to four (4) feet high within the setback and this would create the barrier that would keep people from crossing there and direct the pedestrian down to North Street and into the property.

Mr. Paradee stated that there is one other constraint to the property and that is the parcel just to the north. This is a parcel that may someday be developed and when this site came through for rezoning, we showed that as another potential pad. Relocating the carwash between the two (2) pad sites would be less than ideal. It may create more traffic issues. Rather than move it back further, we would prefer to eliminate the sidewalk conflict and direct the pedestrian traffic down to North Street and around that way. He feels this would be the fair way to address your concern that he shares.

Colonel Welsh agreed and stated that the only other concern that he has in doing that is what kind of blind turn it would have for people who are then making the right turn in off of North Street into Royal Farms and someone walking across the parking lot at that point? Responding to Colonel Welsh, Mr. Paradee stated that presumably the pedestrian traffic would go around the fence and turn north and walk a considerable distance before they get to the pedestrian crosswalk so hopefully there would be no one walking directly in front of the incoming traffic.

Responding to Colonel Welsh, Mr. Hemmig stated that it does not show on our Plan; however, they are going to put in an additional sidewalk from the eastern point of this right turn going straight up towards the carwash and then connect to the cross access.

Mrs. Townshend stated to clarify you would leave the carwash in that setback position. At the DAC meeting one of the things that was talked about was bringing pedestrians out to North Street and having the right-ins there, having to cross over, and then having people exiting the

carwash there. This would be a whole lot of movement going on there. Moving the carwash back helped part of that because what one of our concerns is if you look at the Plan that is in your packet, people are coming out of the carwash and they will be crossing over where people are turning right-in and you have an "x" pattern going on. By moving the carwash back, that eliminated that concern.

Colonel Welsh stated that he knows that you have talked about agreeing to move the carwash back a little bit. He thought what we had here was where the final position was going to be. You have moved it back to where he was going to recommend that you move it back to. He thinks that your initial Plan is better than bringing people down to North Street and then bringing them back up with the inbound traffic. As you have it currently depicted on the presentation board, this is not the ideal situation; however, it is a little better thought out.

Mr. Hemmig stated that he needs to back-up for just a minute as he forgot to include during the Public Hearing the incorporation of a letter that was on your desks to the City of Dover Planning Commission from Mark Prata, Project Manager, Eden Hill Commercial LLC.

Mrs. Townshend stated that Mr. Prata indicated in his letter that they strongly object to the two (2) entrances shown on the preliminary Site Development Plan. They are concerned about the proximity to the intersection of North Street and Saulsbury Road. The entrance on Saulsbury Road shows a right turn lane into the Royal Farms which seems to interfere with the right turn lane from North Street to Saulsbury Road. They then bring up the fact that in 2010, they (Eden Hill Commercial LLC) were looking at a right-in and it was quickly brought to their attention that they were too close to the intersection for this to happen so they had to relocate their entrances further from the intersection. They believe that a more in-depth study needs to take place. Therefore, if this request is granted that they (Eden Hill Commercial LLC) should be given the same consideration on their entrances. The letter is dated August 9, 2011 and submitted by Mark Prada on behalf of Eden Hill Commercial LLC.

Colonel Welsh stated that there is one element of that letter that is not valid and that is that there is also a concern with traffic within Simon Circle since that exit is going to be closing.

Mr. Hemmig stated that as part of this project, you will be actually constructing more of a right-turn lane is this correct? Responding to Mr. Hemmig, Mr. Paradee stated that this was correct. This is within the Traffic Analysis Report that DelDOT concurred with and incorporated those improvements.

Mrs. Townshend stated that this would also include the deceleration lane in front of Simon Circle. The closure of that western access to Simon Circle and a concrete median in the center of North Street so that you would not have the problem of traffic crossing and making illegal movements.

Mr. Fellows stated that they have been working with DelDOT very closely and this Plan conforms with their long-term plan for the West Dover Connector and all the improvements that are planned for that as well.

Mr. Hemmig further questioned given the blank parcel to the north, where would you imagine the most likely connection between that parcel and this parcel would occur? Responding to Mr. Hemmig, Mr. Fellows stated that they have a stub already in place and there would probably be a connection in the back off of the drive aisle into parking in the rear. This area is part of the Corridor Overlay Zone and therefore the building on the other parcel will be pushed to the front with parking located in the rear.

Colonel Welsh stated that it does not necessarily have to be pushed to the front. There is room for waivers on the Corridor Overlay Zone so you can have a building that is located in the rear of the lot with parking in the front if you can justify it.

Mr. Hemmig stated that the reason he is asking about the connection is because this adds fuel to the concern that Mr. Nichols had regarding the carwash and with stacking. You could have cars stacked out behind the carwash and they will be stacked right across where your feature entrance is going to be. Responding to Mr. Hemmig, Mr. Fellows stated that the stacking for the carwash would occur by the drive aisle where there is a ten (10) foot striped area that would then separate the stacking from that drive aisle. As this gets developed, we could provide for more stacking for more than two (2) cars to satisfy the carwash.

Mr. Hemmig further stated that there were some concerns with regards to curbing around the building. What is your final design for preventing cars from driving into the building? Responding to Mr. Hemmig, Mr. Fellows stated that they have upright curbing around the building except for where we have a handicap ramp accessibility route.

Mr. Nichols stated that you talk about a curb around the building and not to get off the subject; however, we had Wawa change from the elevation to the floor straight out to the hot mix at the sidewalk and place bollards around because the curb is a tripping hazard. The curb is a junk, trash, and water holder and elevation should be from the floor straight out with the slope line and with bollards around to keep cars from going into the building and eliminate the curb from around the building.

Mr. Fellows questioned if they should remove curbing around the entire building? Responding to Mr. Fellows, Mr. Nichols stated on the east and west side. On the north side you could keep the curbing in.

Mrs. Townshend stated that they did have this discussion with the applicant and the Code as written specifies that around the building you are supposed to have an upright six (6) inch curb, sidewalk, and landscaping. She is sure that the applicant would welcome not doing that. Again the Code specifies that this is the way it is to be done. In the case of Wawa, the curbing waiver addressed that. Staff has some concerns because the way the Code reads the curbing waiver is specifically for stormwater. Responding to Mrs. Townshend, Mr. Paradee stated that they would do whatever you prefer. Obviously, they would prefer not to have the curb as we think it could be a tripping hazard and an issue; however, they are prepared to do whatever this body prefers.

Mrs. Townshend stated to get around the Code it states that "the Regulations are adopted in order to promote and protect the public health safety, convenience, and general welfare. Ensure orderly growth and development of the City. The conservation, protection and proper use of the

land and adequate provision for housing, recreation, circulation, utilities, and services, safeguard the City from undue future expenditure for the maintenance of streets and public spaces." It is also specifically mentioned in the Corridor Overlay Zone that the twelve (12) foot landscape area around the building is supposed to be surrounded by six (6) inch upright curbing. Responding to Mrs. Townshend, Mr. Paradee stated that you do have a Wawa located in the Corridor Overlay Zone on Route 8 and he is not sure what they did.

Mrs. Townshend stated that her concern would be putting in a condition of approval that does not meet the Code. If we were challenged at some point in the future, it makes her uneasy.

Mr. Nichols stated that most people pull up to the building and there are six (6) inch bollards and they can walk straight in without jumping over a curb when going into the building. As far as he is concerned, this is not a safety factor; it is a stumbling block. Responding to Mr. Nichols, Mrs. Townshend stated that her concern is not whether or not it is something that has merit; it is whether or not the Code permits it.

Mr. Paradee stated that he would prefer not to do it and feels that is what you would prefer. You could approve it in that fashion and ask City Council to revisit the language of that Code provision to allow the Planning Commission to have the authority to waive that condition in appropriate circumstances and if they will not do that then we will have to put the curbs in.

Mrs. Townshend stated that they could take an amendment back as long as an amendment was adopted prior to the Final Site Plan. Responding to Mrs. Townshend, Mr. Paradee stated that this is one thing that they cannot afford because of contractual reasons to delay the final approval for this project.

Colonel Welsh stated that he would hate to disagree with his distinguished colleague; however, he has always liked the look of curbs. He is sure that Royal Farms just as Wawa does would do a good job of keeping the area clean. He feels that curbs present a cleaner image.

Mr. Koenig stated that part of the years ago debate regarding whether to curb around these buildings or not was the issue of vehicles encroaching on the sidewalk where if they did not put parking bumpers in people would pull all the way up to the edge of the curb and were encroaching over the sidewalk and it became a real ADA access issue. In the intermittent time, Wawa, Royal Farms, Wal-Mart, and Target all these larger national chains have developed the bollards and recessed ingress and egress. The reason for that is the requirement for the upright curb was to protect the pedestrians around the building and keeps cars and vehicles from encroaching into the landscaping and also up against the building. Yes, there is an aesthetic value about it; however, with ADA and a number of other things that are happening in the development world, he thinks the requirement for this vertical differentiation is going by the wayside. Some of these national chains are addressing it better by putting in either these six (6) or eight (8) inch bollards. What people used to put in before was a two (2) or four (4) inch bollard and a large truck would move them. He has not seen the ones from Royal Farms or Wawa get moved by anything at this point. The bollards are probably better constructed than some of the other stuff on site. Part of the reason for the curb was a safety issue to keep from encroaching on the pedestrian path.

Colonel Welsh stated that he would be happy either way. You came with a fairly straight forward Plan this evening.

Mr. Nichols moved to approve C-11-05 Royal Farms located at 293 South Saulsbury Road with all the comments that have been discussed and all the DAC comments of record and the partial elimination of curbing and to include the landscape and sidewalk buffer in the Plan. Also, approval of elimination of curbing and in its place the installation of bollards.

Mr. Hemmig stated that the original waiver for partial elimination of curbing was for stormwater off of the parking lot.

Mr. Nichols stated that they have two (2) handicap parking spaces and if both of those spaces are full and you have a handicap person in a wheelchair, how is this person supposed to get over top of the curb on the side of the building?

Colonel Welsh stated that what they are talking about is the partial elimination of curbing in the rest of the facility around the parking lot for stormwater runoff.

Mr. Hemmig clarified that the recommendation on the motion is to eliminate the curbing around the building to allow for flat egress and use of bollards to protect the building with the partial elimination of curbing where stormwater management begin; there is curbing everywhere else.

Mr. Nichols moved to amend the motion as stated above, seconded by Colonel Welsh and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

MI-11-06 Physical Posting Templates

Mr. Hemmig stated that Staff brought back a revised Template for the Commission to look at.

Mrs. Townshend stated that what Staff has done is a number of things. We reduced the wordiness of the Template. We have added the City seal on the Template. We tried to put all the important information up front and reduce the overall number of words. We placed a contact number for the Planning Office and what you have is the sample Template for the Site Development Plan and then the sample Template for a Rezoning Plan because that is different in that it has both Planning Commission and City Council review.

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

Colonel Welsh moved to approve MI-11-06 Physical Posting Templates as presented, seconded by Mr. Tolbert and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

Meeting Adjourned at 10:21 PM

Sincerely,

Diane Metsch
Secretary

CITY OF DOVER PLANNING COMMISSION
QUARTERLY WORKSHOP
August 16, 2011

The Regular Quarterly Workshop Meeting of the City of Dover Planning Commission was held on Tuesday August 16, 2011 at 4:00 PM with Chairman Hemmig presiding. Members present were Mr. Hemmig, Mr. Tolbert, Mr. Shomo, Mr. Baldwin, Mr. Nichols, and Mr. Holt. Mr. Friedman, Colonel Welsh, and Mr. Ambruso were absent.

Staff members present were Mrs. Townshend, (arriving at 4:06) Ms. Cornwell, Mr. Albert, and Ms. Metsch.

Planning Commission Comments and Concerns

Mr. Holt stated that he noticed on the highway on Route 13 that the last month or so we have had a lot of these cash and carry furniture vendors where they drop the furniture in plastic and leave it there for a while and sell it for cash. Is there a limit on this kind of stuff? Does the City get any reimbursement from these people for doing that as it is taking business away from local furniture dealers? They do not have to worry about rent or anything. Responding to Mr. Holt, Ms. Cornwell stated that normally these vendors are located on private property with permission from that property owner in written format. The City will issue a Business License that is usually good for a week or two. When we have a vendor that shows up and does not obtain a Business License, we will send an Inspector out to remind them to come in and get it or we will request that they leave.

Mr. Holt further stated that another concern that he has is crime that is on the increase everywhere not just in Dover. He is wondering if some of these Plans that we receive should we send some of these Site Plans to the Police Department for them to comment on the area. Everyone comments on the Plans such as the Electric, Water & Sewer Departments. The Plan that was presented last night by the Downtown Development Partnership stated that they would have security cameras. He would like to see more done upfront to deter crime in certain neighborhoods. There are certain areas where we need to be careful about that. You need to ask yourself if you would walk down in that area at night and there are some areas in Dover where he would say no. Responding to Mr. Holt, Ms. Cornwell stated that the Police Department does get a copy of the applications and the DAC Agenda as they are part of the DAC process.

Mr. Holt further stated that the Police Department would make a comment if they felt that the area was particularly hazardous because if you are going to put apartments in an area with older people walking in and out, what type of security is there going to be because older people are prime targets for vandalism and being mugged. What would deter that would be fencing, lighting, and cameras or maybe they would recommend that the area is not safe for that type of use. Responding to Mr. Holt, Ms. Cornwell stated that in the DAC process, Staff takes a look at fencing and lighting.

Mr. Holt further stated with the application last night the fencing was an open fence and a cyclone fence you can see through even though it was four (4) feet; however, anyone would be able to get over a four (4) foot fence. A six (6) foot high fence would be more secure.
Mr. Tolbert stated that there is a lot of crime that takes place right in parking lots and that is more dangerous than anything especially at nighttime.

Mr. Holt stated just so they get an idea of who is going to live in this area and what the activity would be like after dark. This is stuff that maybe we could address or the Police Department who could make a suggestion up front before something does happen it would help keep some of the crime down a little bit.

Mr. Hemmig stated that he is sure that the Police patrol some of the areas where there is higher crime. Fences are okay; however, unless it is going to be completely fenced, gated, and guarded it is not going to do any good. Lighting and cameras are good things to have. Just the fact that an area is getting developed will help improve and reduce crime in that area because there would be more people in the area.

Mr. Nichols questioned if the project for the Bayard Plaza will be all Section 8 housing? Responding to Mr. Nichols, Mrs. Townshend stated that this will be a low income housing tax credit project. The developer would receive tax credits for providing apartments for people between 50 and 60 percent of area medium income

Mr. Hemmig stated that there really is not much that this Commission can do to tell people that they cannot build where they want to because it is crime ridden. Responding to Mr. Hemmig, Mr. Holt stated that you could let the developer know that they need to do more security for the building and the way that the building is situated; type of fencing, lighting, and cameras goes a long way up front.

Mr. Albert stated interestingly enough a lot of times Staff is on the opposite side of what businesses want to do in terms of site planning which is how they describe their safety practices. When we require real windows or faux windows for a building and telling them not to have a blank wall, they are doing that because this is an entry point for activity. When we require extra entrances for site connectivity, they would prefer it to be one entrance in and out because it is something that can be closed off. Developers are interested in having well populated well-built areas where people are involved on a routine basis with routine activities.

Mr. Baldwin questioned on these projects do we have anyone who can follow-up on completion of these projects? An example is the CVS that was constructed on Route 8. They had to disturb some of the park fixtures by taking them down and what was there before they started was a nice dogwood tree with blooms and a monument with Reverend Williams on it and a nice sign. Now that they have completed the project, all they have is the sign, the monument and tree is not there. Responding to Mr. Baldwin, Mrs. Townshend **s**tated that in this case, she believes that they received permission through the City Manager's Office to use the park as a laydown area and they should have restored it. She will check it and if this has not been entirely done. She will make sure what needs to get done to restore the park gets done.

Mr. Baldwin further questioned when the Planning Commission issues specific instructions to a specific project, Code Enforcement does some follow-up; however, do we have anyone that goes through and make sure that those instructions issued by the Planning Commission has been followed? Responding to Mr. Baldwin, Mrs. Townshend stated that for each project that comes before the Planning Commission and goes to construction, prior to issuance of a Certificate of Occupancy the Planner that has been reviewing the Plan will take the Final Site Plan out and count trees, parking spaces, make sure the building footprint is where it is supposed to be, and

the landscaping is where it is supposed to be. If it is not, then Staff will either hold up the Certificate of Occupancy completely or issue a Temporary Certificate of Occupancy depending on how severe the issues are.

Mr. Baldwin further questioned what if the business is up and operating and six (6) months down the road they start violating some of those instructions? Responding to Mr. Baldwin, Mrs. Townshend stated that this would be addressed through Code Enforcement. Typically, Code Enforcement will be out in an area and notice something or we will get a complaint and take a look at the Site Plan. If there is something going on contrary to what is on the Site Plan, we will send Code Enforcement Staff out to follow-up.

Mr. Hemmig stated that the City has a website where you can log complaints that you may see while out.

Mr. Nichols stated with regards to grass, the J&W property in back of the C.F. Schwartz Motor Company is about four (4) feet tall. He is not sure who owns it. The Capital School District New Dover High School Project also has tall grass. Responding to Mr. Nichols, Mrs. Townshend stated that she would send a Code Enforcement Officer out to check.

Mr. Hemmig questioned if anyone knew what was going on with the lot across from Lexington Glenn on East Division Street where they are dumping dirt and it is piling up? Responding to Mr. Hemmig, Mrs. Townshend stated that she has no idea and thinks that this might be out of City limits.

Responding to Mr. Hemmig, Mr. Albert stated that he thought that this was fill dirt for Lexington Glen. The way that it exits the development it looks as if they had driven straight from Lexington Glen, scooped, and went back. They have been working on the townhouses in front of the development recently.

Mrs. Townshend stated that she thought this was fill dirt for Rojan Meadows as they were supposed to start their pump station.

Mr. Nichols questioned with regards to 70 Mifflin Road is this in the City of Dover? Responding to Mr. Nichols, Mrs. Townshend stated that yes it is. It was declared dangerous by City Council last week and if it is not demolished by August 18, 2011 then the City will proceed with demolition.

Mr. Nichols further questioned if it was an insurance problem? Responding to Mr. Nichols, Mrs. Townshend stated that the homeowner did not have insurance.

Mr. Tolbert questioned if the owner would be responsible for demolition? Responding to Mr. Tolbert, Mrs. Townshend stated that the City will demolish it, bill the owner, and place a lien on the property. After the date of August 18th it will probably be another week or so as the City will have to receive bids on the price of demolition.
Mr. Nichols further stated with regards to a sprinkler system and he has talked to the Fire Marshal several times and he agrees that it should go down to 5,000 feet instead of 10,000 feet. If we could agree on it, you could send him a letter with the agreement and present it to City Council. Responding to Mr. Nichols, Mrs. Townshend stated that she thinks that she would have

to be assigned by City Council and she would be very surprised if City Council would seriously entertain that idea.

Mr. Nichols further stated that there are some real estate people who are fighting this idea and the Fire Marshal stated that he would work on it if he could get a letter of agreement. With this 10,000 feet everyone wants to build buildings that are 9,999 feet and he is saying go down to 5,000 feet. Responding to Mr. Nichols, Mrs. Townshend stated that this is something the City Council would have to adopt so it would have to go through the Committee process. The Fire Marshal could certainly ask to have it placed on an agenda and she will talk to him about that; however, she thinks that it would be an uphill battle.

Mr. Hemmig stated that he would bring forth on behalf of Colonel Welsh that he is expressing concern over the amount of paper we receive. There are typically things in here for details for stormwater and landscaping. Are these available in PDF format? Responding to Mr. Hemmig, Mrs. Townshend stated that Staff has begun requesting digital files so she would say that most of them; however, not all are available in PDF format.

Mr. Hemmig stated that he knows that they would be rather large files; however, possibly we could arrange that each of us could give you a flash drive and you could load them on that which could come in the packet.

Responding to Mr. Hemmig, Mrs. Townshend stated that the City could provide the flash drives. The question would be who would want no paper and who would want paper.

Mr. Hemmig stated that he and Colonel Welsh would welcome having the Plans on a flash drive.

Mr. Tolbert stated that his concern would be if we do not have all the paper and an issue comes up, we would not have it to refer to. Responding to Mr. Tolbert, Mrs. Townshend stated that it would not be that you do not have it. It would be that you do not have it on paper. You would have it digitally so you would look at it on your computer then. It maybe great; however, if you're not, it would just depend on how you would want to review things.

Mr. Holt and Mr. Tolbert stated that they did not mind receiving all the paper in the packet.

Mrs. Metsch stated as a reminder as I was looking around the room last night and all of the Commission members were leaning back in their chairs very comfortably. If you are going to speak could you please lean forward and pull the microphone towards you so that the recording is audible.

Update of Zoning Ordinance Article 10

Mrs. Townshend stated that last week City Council adopted the revisions to *Article 10 Zoning Ordinance* which is the significant change in the way that Staff processes applications. There are a number of things that previously went through Administrative Site Plan Review. Those items, if it is just a change of use and no site work, those things will just have a Zoning Review to comply with the zoning requirements. The threshold for being an Administrative Site Plan has increased to 1,500 square feet of disturbance, if it is adjacent to residential. All the other thresholds would remain the same.

Mrs. Townshend further stated that the most significant change is that when you approve a Site Plan or a Conditional Use permit, that approval is good for two (2) years now instead of one (1) year with the opportunity for one (1) additional year extension. Any Site Plan or Conditional Use that was unexpired as of adoption of the Ordinance would be eligible for a second one (1) year extension.

Mrs. Townshend further stated that the public notice changed from ten (10) days prior to the meeting to fifteen (15) days prior to the meeting. You probably remember nights when people stated that they had just received the notice three days ago. Because these letters are certified mail, if you are not home when they deliver, the Post Office will leave a note and you then have to go the Post Office to pick up the certified letter. The most significant change in the public notice is that there will now be a sign on the subject property and that will begin with the September Planning Commission applications. Staff has revised the DAC schedule and is making revisions to the packet materials to implement what will be coming to you in the next month. It will be interesting to see if this makes a difference. We did see last night where at least one speaker did say that they did not get the mailed notice and that they must be just outside of the area. If they routinely go by the subject property, they will now see this sign out there.

Mr. Holt stated that we should also be asking the public when they come up to speak if they saw the sign or if they received a mailed notice. Responding to Mr. Holt, Mrs. Townshend stated that this was something Staff could do.

Mrs. Townshend stated that she thinks that these changes would at some point be incorporated into the Board of Adjustment; however, at this point, it may not be a bad idea to wait and see how things work so that we do not end up with changes that do not work and then we have to change them back again.

DEPARTMENT OF PLANNING AND INSPECTIONS UPDATE

Status of Ordinance Amendments

Mrs. Townshend stated that there is not a lot in the queue You will be seeing swimming pool changes next month which is a re-alignment of the requirements for swimming pools so that they are more consistent with what the Building Code requires. The Article 10 revisions has been the big series of amendments that Staff has been working on. Now that this is done, we will probably be looking to bring forth some more. We are always identifying things that need to be fixed.

Mr. Nichols questioned if a Certificate of Occupancy could be issued on an in-ground swimming pool if there is no fence around it? Responding to Mr. Nichols, Mrs. Townshend stated that if it is an in-ground pool, it needs to have a four (4) foot safety barrier before a Certificate of Occupancy is issued which is a Building Code requirement. The idea is that there will be less in the *Zoning Ordinance* because it will refer it to the Building Code.
Mrs. Townshend further stated that the Ordinance for Solar and Wind was adopted as accessory structures that happened several months ago.

Mrs. Townshend further stated that Staff will be bringing forward the Airport Environs Overlay Zone because we have the updated Alcuz data from the Air Force Base. The noise zones have changed so those changes will need to be made. This would be considered a Comprehensive

Rezoning of sorts to modify this.

Mrs. Townshend further stated that she has been asked by City Council to look again at signage. So it is likely that once she gets direction from City Council on what she will be working on for this coming year, signs will be on that list.

Mrs. Townshend further stated in the Fair Housing Action Plan one of the things that needs to be done is an update the definition of "family" to make it so that it is not restrictive of allowing group homes in one family zones. This is already something that is required by State law so it is essentially aligning our definition with the State law. The definition in the Code is antiquated and needs some clean up. Staff will look at what the definitions are in the Planning literature so that we can have a better more solid definition of "family" that respects the character of the residential zones and does not open them up to all kinds of boarding and all of those things that are not permitted. However, it ends up in a grey area that gets very hard to enforce, but at the same time does not prevent those who are licensed through the State for people with disabilities.

Summary of 2011 Applications

Mrs. Townshend stated that halfway through the year we are about where we were at this time last year. Things seem to be coming back slowly and last night is probably one of the busier agendas that you have had in terms of projects that are real projects and not just little things.

Mr. Holt stated that there is money out there. It is just getting them to shake loose where they feel confident enough in the shape of this economy to shake loose some money.

Implementation of the Dover Transit Center Neighborhood Plan

Mrs. Townshend stated that you saw a piece of this in the application related to 120 S. Governors Avenue last night. It was several months ago when Juanita Worzerech was here to present the Neighborhood Plan to you. This property is owned by the Downtown Dover Partnership. There are a couple of other pieces that are coming along that you will see. The State of Delaware put three million dollars in the Bond Bill for improvements to the North Street Corridor between Federal Street and Governors Avenue. The three million dollars will be disbursed or has been disbursed to the Downtown Dover Partnership and there are three (3) projects included in that. One is the reconfiguration of a series of parking lots that are located on North Street on the south side; it is what is behind the Becker Morgan building and the State Housing Authority. What you have there is seven (7) different properties with five (5) different property owners. When she had to walk to a meeting over to the Housing Authority, she can tell you that you cannot even walk through these parking lots as they are just so segmented that it is an inefficient use of land and not an efficient use of parking either.

Mrs. Townshend further stated that the Downtown Dover Partnership has begun a process where they are meeting with the various property owners to get an agreement together and will likely be bringing forward a Site Plan that shows the consolidation of those parking lots into one parking lot where each of the entities would have permits that align with the number of spaces that they had in the original parking configuration. It would then free up some opportunities for metered parking to serve the Downtown.

Mrs. Townshend further stated that the second part of this is the corridor from South Governors Avenue to Federal Street. We will be doing street improvements: paving the street, burying

utility lines, installing sidewalks, and streetscaping. The third element of this is the Downtown Dover Partnership has entered into a contract for purchase of what was the Collegian site. The Plan there is to essentially develop through the center of the site a community plaza area with long term buildings flanking and looking out onto that plaza area. This is what the Neighborhood Plan called for and at this point, there is now real money available from the State so that the purchase and the land planning on that can begin. For a long time, those of us who have been involved in the Downtown efforts, have said if we could only get the Legislature to give us some money like they gave the waterfront in Wilmington we could start to make some progress and this is surely a good start. Hopefully, you will start to see these projects come in.

Mr. Nichols questioned the old Sears building on North Street is the garage still standing? Responding to Mr. Nichols, Mrs. Townshend stated that this has been demolished several years ago and provides parking now.

Mr. Nichols further questioned that the money that is coming from the State they are saying they will rebuild North Street from State Street to the Railroad, is this correct? Responding to Mr. Nichols, Mrs. Townshend stated that no, that is not correct. It says what this is for and will include. We might be able to get additional money to leverage it. The Bond Bill specifically states Federal Street to Governors Avenue. You will more than likely see some Zoning Text Amendments for Downtown as well.

Mr. Shomo stated that solar panels was mentioned earlier and his son-in-law installed solar panels on their house and last week they received their first electric bill was $7.16 down from about $250.00.

Dover Kent County MPO Bike Study Update

Mrs. Townshend stated that this is a process that is wrapping up. Mr. Albert has been the Staff member that has been working on this. Essentially, what they have done through this study was to identify gaps in the network and identify a system of prioritizing bicycle improvements. As projects come in, the Bike Plan will be something that with the MPO comments they will fall on the Bike Plan in terms of recommendations they will make and it will also probably be a requirement from DelDOT.

Mr. Albert stated that primarily they are trying to shift people's behavior to get them to bike to work and are shooting at the moon to try and change adult behavior. A lot of it is somewhat unfunded work or low funded work. For instance, taking lanes and putting in what they call "shared lanes" as primary focuses in the Plan. These are markings that show that these are also areas where bikes are permitted to go with the extent of that being unrealistic. Most of this should be a low budget cost. The big budget items would be striping and lane widening to allow bike paths.

Educational and Training Opportunities

Mrs. Townshend stated that the new series starts in the fall and she is unsure what that series involves this year. Each of these audio web conferences that the American Planning Association puts on are hosted at the Kent County Administration Building.

IPA Training Series

Mrs. Townshend stated that the IPA Training Series will begin after December at the beginning of the year. She knows that a lot of you have been through the public administration sessions and she is unsure if they are adding anything new.

Mrs. Townshend further stated that one thing with regards to training that will be coming forward sometime towards the end of next year is we are going to be putting together Fair Housing training for the Planning Commission and other Boards and Commissions of City Council as part of the implementation of the Fair Housing Action Plan.

Other Activities and Discussion

Mr. Holt stated that he often goes to Philadelphia and they have the famous river walk that they just expanded again. They have a system of locks where they can raise sections at a time so that you can only go into certain sections at a time. He was thinking that we have the St. Jones River here that we really do not do as much as we could with. Responding to Mr. Holt, Mrs. Townshend stated that there is a lot of interest on the part of the Downtown Dover Partnership on trying to incorporate the river into our Downtown in a better way than we have in the past.

Mr. Holt stated that what they have a big problem with in San Antonio is floods. So they have flood locks that they can drop down in case of a storm and hold off some of the flooding because there are some very elaborate shops along there. Responding to Mr. Holt, Mrs. Townshend stated that we are probably looking at more passive recreation in this area because it is in a flood plain so it is not really buildable from a land perspective. There is a corporate desire to make improvements to the waterway and draw that in as part of the Downtown.

Mr. Holt suggested providing canoe rides with vendors on the side that could sell things in a small way.

Mr. Nichols questioned why the City Manager and the City Council are so against dredging Mirror Lake? He worked on this with the State before he retired to get this mess cleaned up down there. It was dredged back in the early 70's. Responding to Mr. Nichols, Mrs. Townshend stated that this is something that the Silver Lake Commission has talked a lot about in the last few years and her understanding is that they determined that dredging it is not going to fix the problem because the problem is upstream. As long as sediment continues to come downstream, it is just going to continue to collect.

Mr. Albert stated that the other issue is the contaminants at the bottom of it are serious enough that if they dredge it and they release that stuff, it would be enough of an environmental impact downstream. It is not just the cost of dredging; it is the cost of the cleaning when dredging at this point.

Mrs. Townshend stated that even if they were to dredge, disposal of the soil would be very expensive because of the way it needs to be disposed of. There is nowhere in the State that will take it because of the contaminants.

Mr. Holt stated that he had talked to the former City Manager, Tony DePrima and his thought was to develop an island in the middle of the lake with a dike around the island and dump the contaminates in the island, don't take it away leave it there and build a new island planted with

grasses with a bridge going over the island. Responding to Mr. Holt, Mrs. Townshend stated that the Silver Lake Commission has looked at this so she can get information on what their determination was. They determined for a number of reasons that it is not effective or economically feasible.

Mr. Nichols stated that there were a lot of oil spills there and George and Lynch Company put everything in barrels by truck loads of up to 50 to 100 barrels and everything was hauled to New Jersey and that is where it was separated.

Mr. Albert stated that this is wet material and to transport the wet material to New Jersey was prohibitively expensive so they had to have a place to dredge it, take it, and dry it and then reload it to take it out of there. We tried to do a grant application for this and it was beyond reasonable.

Mrs. Townshend questioned if there would be a benefit to have a sign-in sheet when you come in where people could sign in and indicate if they are interested in speaking and for which application so that we are not having people sign in while they are at the podium? We would then bring the sign-in sheet up to the Chairman so that he can call people.

Mr. Hemmig stated that this might work; however, a lot of people probably decide at the last minute. Responding to Mr. Hemmig, Mrs. Townshend stated that you could open it up and say are there any others wishing to speak.

Mr. Albert stated that we tried this during the Comprehensive Plan meetings and the problem for the public is that a lot of people thought that if they did not sign in they could not talk. Responding to Mr. Albert, Mrs. Townshend stated that we could try it. It just seems like we are always waiting on people to sign in while standing at the podium.

Mrs. Townshend questioned if all of you find, where Staff takes the Site Plans and uses markers to identify the building perimeter and colors certain things so that if we do not have something provided by the developer in color, there is something in color up there for you to look at. Does this help you in terms of discussion? (All Commission members agreed that this is a big help to them.)

Mr. Nichols questioned if it would be possible to put the Site Plans up on the screens? Responding to Mr. Nichols, Mrs. Townshend stated that this is something that could be done.

Meeting adjourned at 4:55 PM

Sincerely,

Diane Metsch
Secretary

Requests for Extensions of Planning Commission Approval

Review Process

With the adoption of Ordinance #2011-14 which amended the applications procedures found in *Zoning Ordinance,* Article 10, the following information is provided regarding the review of requests for extensions of Planning Commission approval.

First, the Ordinance allows for any unexpired approval of a Conditional Use Permit, Site Development Plan, or Architectural Review Certificate to be eligible for an extension of its approval. It would be eligible for an extension of approval for up to 36 months from the last day of the month in which the initial approval was granted.

For Requests for Extension, the following is the code excerpt from *Zoning Ordinance,* Article 10 §2.43 Planning Commission Site Plan Review, (I) Expiration of Planning Commission Approval:

(I) Expiration of planning commission approval.

(1) Site development plan approval shall expire on the last day of the 24th month after the date of final or conditional approval of the planning commission if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the planning commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the planning commission.

(2) Request for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such request, the matter shall be considered at the next regularly scheduled meeting of the planning commission.

(3) In considering a request for an extension of approval, the planning commission shall consider, but not be limited to, the following:

(a) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.

(b) Whether the applicant has made substantial progress toward obtaining final approvals.

(c) Whether there have been any significant changes in the surrounding neighborhood.

(d) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.

(4) Requests for extensions shall be submitted in writing to the planning office.

(5) Under no circumstances shall the planning commission grant extensions beyond 36 months from the date of first approval.

Similar language is also included in the *Zoning Ordinance* pertaining to Conditional Use Permits and Architectural Review Certificates. Please note that Planning Commission approvals and extension requests pertaining to Subdivision Plans are governed by the *Land Subdivision Regulations.*

Requests

For each Request for Extension, a summary of activities associated with the application is provided. See also the written request letters for each Request for Extension.

- S-09-19 Walker Pavilion at Four Seasons at 101 Mont Blanc Boulevard
  - Planning Commission approval granted on October 19, 2009
  - Planning Commission grants one year extension on September 20, 2010 (Plan to expire October 31, 2011)
  - Final Site Plan approval granted August 15, 2011
  - Next Step: Eligible to file Building Permit application and request PreConstruction meeting prior commencement of construction

- SB-10-02 Wynsome Oaks Subdivision on White Oak Road: Conceptual Subdivision Plan
  - Planning Commission approval granted on September 20, 2010
  - City Council granted approval of Waiver Request for Length of Dead End Street (Cul-de sac) on October 11, 2010
  - Next Step: Needs to file Preliminary Subdivision Plan application by September 30, 2011

- S-10-17 Duncan Plaza at 600 Forest Street
  - Historic District Commission recommendation on Architectural Review Certificate from meetings June 10 and July 15, 2010
  - Planning Commission approval granted on September 20, 2010 for a Site Development Plan and Architectural Review Certification (Plan to expire September 30, 2011)
  - No Check Print Submissions made to the Planning Office.
  - No documentation of Check Print Submissions to other agencies.

- S-10-21 NBR Properties at 850 New Burton Road
  - Planning Commission approval granted on September 20, 2010 (Plan to expire September 30, 2011)
  - Check Print submissions made to Planning Office and multiple agencies:
    - DelDOT Letter of No Objection to Record issued March 2, 2011
    - Planning Office Check Print #1 Comment Letter on March 15, 2011
    - Public Utilities Review #3 Comment Letter issued March 21, 2011
    - Kent Conservation District re-approved plan on May 4, 2011

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CITY OF DOVER
PLANNING & INSPECTIONS

September 6, 2011

Dawn E. Melson-Williams
City of Dover
Principal Planner
P.O. Box 475
Dover, DE 19903-0475

RE: **WAKLER MEDICAL PAVILION**
TAX PARCEL # ED-05-067.19-04-52.00-000
Dover, Delaware
2005069 07

Dear Mrs Melson-Williams:

It is our understanding that the Final Site Plan approval for the above referenced project is due to expire on October 31, 2011. As you are aware, my client has been attempting to develop the property for the past four (4) years as a medical office building known as Walker Medical Pavilion. However, he has had little to no interest in tenancy over the past four (4) years. As a result, we would like to request a one (1) year extension of the site plan approval. Please accept this letter as our request to be placed on the next available Planning Commission agenda to request an extension

If you have any questions, please do not hesitate to contact me.

Sincerely,

BECKER MORGAN GROUP, INC.

Vladimir Vasko, E.I.T.
Civil Designer

VV/rlh

cc: Todd Bariglio, Bariglio Inc

200506907ba-ltr doc

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Newark, DE 19702
Phone: 302.894.1098
Fax: 302.894.1099

BRANCH OFFICES:
413 E. Market Street
Georgetown, DE 19947
Phone: 302.854.9062
Fax: 302.854.9064

2107 Laurel Bush Road
Suite 205
Bel Air, MD 21015
Phone: 443.512.8360
Fax: 443.512.8686

www.kercherei.com

8 August 2011

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

RE: Request for Preliminary Subdivision Plan Submission Extension
Wynsome Oaks on White Oak Road
SB-10-02C
KEI Project No. 11-0105E

Dear Commissioners:

We are submitting our request for an extension of eight (8) months for the submission of our Preliminary Subdivision Plan for Wynsome Oaks on White Oak Road. We received Planning Commission's approval of our Conceptual Subdivision Plan on Sept. 20, 2010 and have been working on our Preliminary Design per the comments we received from Planning Commission and DAC review. We have also been working diligently with Kent Conservation District and DelDOT to help alleviate some of the flooding problems that currently occur in this area along White Oak Road by decreasing our stormwater runoff contribution to White Oak Road and working to incorporate the drainage of White Oak Road into our proposed stormwater drainage system.

We have met with Kent Conservation District a several times to discuss our proposed stormwater management plans so that we do not adversely affect their proposed plans for correcting the flooding problems. Per KCD's recommendation, we performed soils testing to determine which system would manage our stormwater runoff effectively and not adversely affect our site and adjacent properties We are currently working with KCD and Scott Koenig of the White Oak Road Tax Ditch to create a stormwater easement and conveyance system along our parcel boundary that would help drain the flooded area along White Oak Road to the White Oak Road Tax Ditch.

DelDOT has also expressed concerns regarding the flooding conditions along White Oak Road and the lack of positive drainage flow in the roadside swale. We have met and are working with them to decrease the stormwater discharge from our site to White Oak Road and promote positive flow along White Oak Road in front of our site.

We are planning to schedule a follow up meetings in the near future with KCD and Scott Koenig of the White Oak Road Tax Ditch as we collect more data and move further along in our design of the stormwater management and conveyance system. We will also schedule follow up meetings with the Planning Department, Public Works and DelDOT as we finalize our Preliminary Design.

We respectfully request your consideration of this extension, as we are working to design a subdivision that will be a benefit to all.

Sincerely,

KERCHER ENGINEERING, INC.

Jeffrey C. Williams, P.E.
Project Engineer/Manager

cc: Ted Layton – TLFD Management, LLC
Frank DiMondi – TLFD Management, LLC

Donald G. Grower, PLS
Professional Land Surveying Services
6 Birchfield Drive
Dover, DE 19904

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SEP 08 2011
CITY OF DOVER
PLANNING & INSPECTIONS

September 8, 2011

Ann Marie Townshend, AICP
Planning and Community Development Director
City of Dover
P.O. Box 475
Dover, DE 19903

RE: Request for Extension of Site Plan Approval
Duncan Plaza, 600 Forest Street
S-10-17

Dear Ann Marie:

On behalf of Client/Applicant Robert M. Duncan, request is hereby made to extend the Site Plan approval for the above referenced project for a period of one year.

Due to the complexity of the storm water management of this site, additional time will be necessary to assess site constraints and implications as they relate to the proposed plan. No submission has been presented to the Kent Conservation District for their review at this time, as several different options are still under consideration.

Should you have any questions or concerns about this project, please do not hesitate to contact me at 302-730-4363.

Respectfully yours,

Donald G. Grower

Donald G. Grower, PLS

Cc: Robert M. Duncan
Erin Cooper
Daniel Speakman, PE, McCrone, Inc.

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SEP 7 2011
CITY OF DOVER
PLANNING & INSPECTIONS

Director of Planning, City of Dover

P.O. Box 475

Dover, DE 19903

September 6, 2011

Dear Anne Marie:

I would like to extend my permit on the Duncan Plaza for a year. Unfortunately, there has not been any movement in the real estate market. Hopefully, the future in real estate in Kent County and specifically in Dover will improve. I am anticipating that time. Thank you very much in advance for your consideration and your time.

Sincerely,

Bob Duncan

Bob Duncan

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CITY OF DOVER
PLANNING & INSPECTIONS

August 24, 2011

Dawn Melson-Williams, AICP
City of Dover Planning & Inspections
Principal Planner
P.O. Box 475
Dover, DE 19903-0475

RE: **Extension Request Approval – S-10-21**
NBR PROPERTIES
Dover, Delaware
2007131.00

Dear Dawn:

On behalf of our client, NBR Properties, LLC, we respectfully request a one (1) year extension of approval S-10-21 referenced as NBR Properties. Planning Commission approved this project at their meeting September 20, 2010

At this point the project has not received all necessary agency approvals to obtain a building permit and begin construction.

Please accept this letter as our request to be placed on the next available Planning Commission agenda to request an extension Thank you for your consideration in this matter. Please contact me directly should you need additional information

Sincerely,

BECKER MORGAN GROUP, INC.

Jonathan D. Richard
Civil Designer

JDR/rlh

cc Robert MacLeish, NBR Properties, L.L.C.

200713100cg-ltr doc

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City of Dover

ARCHITECTURAL REVIEW REPORT
Update on Selected/Required Exterior Finish Materials
Recommendation Report of the Dover Historic District Commission
Meeting of August 18, 2011
For Consideration by Dover Planning Commission
Meeting September 19, 2011

Application: Bayard Plaza, HI-10-08 and S-10-30

Location: 208 South Governors Avenue
200-216 W. Loockerman Street (Bayard Hotel)

Current Request for Review:
As part of the ongoing project review to enable the construction of the Bayard Plaza project, some design revisions to the exterior finish materials are proposed as a result of the requirements for Building Code and Fire Code compliance. In the approval for Architectural Review Certification for the Bayard Plaza project, it was noted that any changes to identified exterior materials could require additional review by the Historic District Commission.

During the review of Building Permit #11-656 for the Bayard Plaza building, changes to the exterior finish materials (combustible versus non-combustible exterior wall coverings) were required in order to achieve Code compliance with the type of construction (Type III) proposed for the new building. A series of architectural drawings (Sheet A9 and A10 revision dated 5/12/2011 with Addendum #8 of 6/24/2011) from the Building Permit submission were provided showing revisions to several exterior finish materials. This information is presented for Review and Recommendation on the Architectural Review Certification by the Historic District Commission. See attached documents. As depicted on the elevation drawings, the changes to exterior finish materials focus on the change of wall areas from vinyl siding to fiber-cement siding (such as Hardie-board) with fiber-cement trimwork.

It is noted that the Historic District Commission meeting the applicant presented updated architectural elevations (Sheets A9 and A10 of Addendum #9 dated 8-10-11). These elevations in addition to depicting the change from vinyl siding to fiber cement siding also depicted a proposal to change the areas of Dry-vit to fiber cement siding and the elimination of the window shutters with the addition of trimwork surrounding the windows.

RECOMMENDATION OF THE HISTORIC DISTRICT COMMISSION:
The Historic District Commission reviewed the revised submission pertaining to the selected/required exterior finish materials for the building at their August 18, 2011 meeting. The following members were present: Chairman Dick Scrafford, Mr. Terry Jackson, Mr. Joe McDaniel, and Mr. George Fisher. The revised submission was represented by Mr. Henry Mast, project developer.

Action Taken by Historic District Commission: The motion to recommend approval passed 3-1 of the members present. **The Historic District Commission recommends approval of the changes to the exterior finish materials (as presented at the meeting in drawing Sheets A9 and A10 of Addendum #9 dated 8-10-11). The revisions included changing the vinyl siding to a fiber cement board horizontal siding, changing the areas of Dry-vit to a fiber cement siding, and the removal of the proposed shutters to be replaced with wider trimwork around the window openings.**

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

The following information was considered by the Historic District Commission in making their recommendation including the initial recommendations made by Planning Staff in regards to the revised submission. See also attachments of the previous Recommendation Report for the project and meeting minutes. Discussion at the Historic District Commission meeting also included the presentation of additional areas to be siding (rather than Dry-vit), the siding and trim format, and the elimination of shutters. Also presented were updated architectural elevations and actual samples of the colored fiber cement siding to be used on the building.

Project History:
On October 21, 2010 and November 4, 2010, the Historic District Commission conducted a public hearing, reviewed the application and the project revisions, and then took action to make a recommendation on the Architectural Review Certificate for the Bayard Plaza project. This application consists of the construction a five story 54,998 S.F. mixed use building to include 5,012 S.F. of retail space on the first floor, 48 residential apartments, and the associated site improvements. The project proposes demolition of the existing buildings on the project site including the building known as the Bayard Hotel. The project area consists of one parcel of land totaling 27,675.62 S.F.± of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the southwest corner of West Loockerman Street and South Governors Avenue. The owner of record is the Capital Plaza, LLC. The property addresses are 200-216 West Loockerman Street and 208 South Governors Avenue. Tax Parcel: ED-05-077.09-01-86.00-000.

Architectural Review Certification Review and Action:
Following presentations on the project, the discussion at the Historic District Commission meetings of October 21, 2010 and November 4, 2010 included significant discussion of the design and materials for the new building's exterior. As a result of the meetings, the Historic District Commission recommended approval of the Architectural Review Certificate for the Bayard Plaza project involving demolition of the two existing buildings and the construction of a new building on the site. See the attached copies of the *Architectural Review Certification Recommendation Report* and excerpts of the Meeting Minutes.

On November 15, 2010, after a public hearing and review the Planning Commission granted approval of the Architectural Review Certificate for the Bayard Plaza project following the recommendations of the Historic District Commission. (See attached excerpt of the Meeting

Minutes.) A Demolition Permit #11-579 was issued on May 12, 2011 and following asbestos abatement activities the demolition of the two existing buildings on the site is currently underway. The Final Site Development Plan approval was granted on August 3, 2011 and the issuance of the Building Permit #11-656 for the new building is pending.

Review of DESIGN STANDARDS AND GUIDELINES

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

This revised proposal must be reviewed for conformity with the design criteria guidelines found in Chapter 4: New Construction, Additions, Demolition and Relocation. For the Bayard Plaza building, the applicable review considerations are the design criteria and development guidelines associated with "New Construction" (Chapter 4: pages 4-1 through 4-8). Materials is one of the guidelines for new construction to be considered in the review by the Historic District Commission (and Planning Commission) of the project for Architectural Review Certification. Other guidelines focus of style, scale, elevation of the first floor, floor-to-floor heights, bays, windows and doors, absolute size, massing; orientation, proportions, forms, siting and high density/large scale construction.

STAFF COMMENTS AND RECOMMENDATIONS

The following are Staff comments and recommendations for this submission regarding the revised exterior finish materials for the project and Architectural Review Certification.

1. Staff recommends conditional approval of the revised Architectural Review Certificate pertaining to the finding the use of fiber-cement siding materials selected and as presented on the Plan Sheets A-9 and A-10 dated 6/24/2011 to be compatible with character of the historic district and materials as recommended in the *Design Standards and Guidelines*.

2. The recommendation (and action) on the waiver request will be incorporated into the Architectural Review Certification for this project.

3. Any revisions or changes in the identified materials (on 6/24/2011 drawings sheets) may be subject to further review by the Historic District Commission and Planning Commission. If additional revisions are proposed to the exterior finish materials design

and detailing (i.e. trimwork, shutters, etc.), then additional review for compliance with the *Design Standards and Guidelines* will be necessary.

4. For building construction, the requirements of the building code or fire code must be complied with. Consult with the Chief Building Inspector and Office of the Fire Marshal for these requirements and any necessary addendums to the Building Permit which may be necessary with this revision in materials.

5. In the event, that major changes and revisions to the building design and materials or site plan occur in project construction contact the Department of Planning and Community Development prior to implementation. These changes may require resubmittal for review by the Historic District Commission and Planning Commission.

6. Any Building Permits submitted for review must comply with the approvals granted through the Architectural Review Certification process.

Attachments:

- Plan Sheets A-9 and A-10 revision date May 12, 2011 with Addendum #9 of 8-10-2011 as presented at the HDC meeting to replace the Addendum #8 sheets
- Architectural Review Recommendation Report of HDC meetings of October 21, 2010 and November 4, 2010
- Meeting Minutes excerpt of HDC meeting October 21, 2010
- Meeting Minutes excerpt of HDC meeting November 4, 2010
- Meeting Minutes excerpt of Planning Commission meeting of November 15, 2010

ARCHITECTURAL REVIEW REPORT
Recommendation Report of the Dover Historic District Commission
Meetings of October 21, 2010 and November 4, 2010
Prepared November 5, 2010

Application:	Bayard Plaza
Location:	208 South Governors Avenue 200-216 W. Loockerman Street (Bayard Hotel)
Tax Parcel:	ED-05-077.09-01-86.00-000
Owners:	Capital Plaza, LLC
Present Zoning:	C-2 Central Commercial Zone H- Historic District Overlay Zone
Present Use:	One commercial building, the former hotel building, a 2 story house converted to commercial use, and associated parking lot
Proposed Use:	Multi-use building with first floor retail space and 48 residential apartments
File Number:	HI-10-08

The following information was considered by the Historic District Commission in making their recommendation. It consists of the Revised Architectural Review Staff Report (dated 11/1/2010) in regards to the application HI-10-08. The actions taken on this application by the Historic District Commission are report at the end of this document under the heading "Recommendation of the Historic District Commission."

Project Description:
The Historic District Commission conducted a public hearing and took action to make a Recommendation to the City of Dover Planning Commission in regards to an Architectural Review Certificate for construction of a project known as Bayard Plaza. This application consists of the construction of a five story 54,998 S.F. mixed use building to include 5,012 S.F. of retail space on the first floor, 48 residential apartments, and the associated site improvements. The project proposes demolition of the existing buildings on the project site including the building known as the Bayard Hotel. The project area consists of one parcel of land totaling 27,675.62 S.F.± of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the southwest corner of West Loockerman Street and South Governors Avenue. The owner of record is the Capital Plaza, LLC. The property addresses are

200-216 West Loockerman Street and 208 South Governors Avenue. Tax Parcel: ED-05-077.09-01-86.00-000. Council District 4.

Property Information:

The project site area consisting of one parcel is located within the boundaries of the National Register listed Victorian Dover Historic District. Provided below is the description of each building from the building inventory listing found within the National Register of Historic Places nomination completed for the Victorian Dover Historic District (nomination completed 1977-78).

> K-396.31 200-212 West Loockerman Street (Bayard House) – 1868-1885, large, 3-story, brick hostelry; flat roof, modillion cornice; four commercial businesses on 1st floor level.
>
> K-396.46 214-216 West Loockerman Street – 20th century, 1 story, masonry, double commercial building; 'carrara glass' veneer on façade; flat roof.
>
> K-396.33 206 (208) South Governors Avenue – Late-18th century, 2 story, 2-bay, frame dwelling; gable roof, box cornice; shed roof addition southern end; relocated 1850, originally erected on the Green; rehabilitated for commercial use.

The nomination also notes that 206 (208) South Governors Avenue as a late-eighteenth-century dwelling is representative of the building trends of the time as the architectural details remain on the upper floor even though the first floor has been rehabilitated for commercial use.

A series of historic maps was reviewed by Planning Staff for preliminary information on this block of Loockerman Street. The *1859 A.D. Byles Map of Kent* County (Dover insert) shows Thomas B. Bradford as the owner of property fronting Loockerman Street and J.C. Pennewell* (Levy Court Commissioner) as the owner of the property fronting North Street in the area of the site. The *1868 Beers Map* published by Pomeroy & Beers shows a building at the northeast corner owned by C.C. Schaich, which may be the initial building component of what would become the Bayard Hotel. A building owned by J.C. Pennewell fronts on the North Street side of the lot. By 1885, the *1885 Bird's Eye View of Dover* shows multiple buildings especially in the eastern portion of this block on the south side of Loockerman Street between New Street and Governors Avenue. The drawing appears to depict the Bayard Hotel building in its current form of three stories with frontage across almost half the block along Loockerman Street. The *1887 Map of the Town of Dover* by W.R. Roe depicts the Bayard House, the small building at 208 South Governors Avenue, and the residence of J.C. Pennewell fronting North Street. The series of *Sanborn Fire Insurance Maps* would also be a reference source for information on the series of buildings which occupied this property over time. Additional research using other primary and secondary source documents would provide more information on the history of each building.
*(Some maps utilize the spelling as Pennewill)

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

PROJECT PROPOSAL for Demolition

The demolition component of this project involves the complete demolition of the existing buildings on the property. The existing building known as the Bayard hotel building is divided into multiple tenant spaces and fronts on Loockerman Street. There is also a one story commercial building attached to the west side of the Bayard Hotel that also will be demolished. The second building is the two story frame dwelling building used previously as offices (and now a beauty shop) fronting on South Governors Avenue.

Demolition by Neglect

At its meeting of January 21, 2010, the City of Dover Historic District Commission took action and determined that the Bayard Hotel building is being "Demolished by Neglect" and set forth steps to remedy the situation. (Application HI-09-04) One of the steps required documentation of the property following the typical procedures for recordation of historic properties such as drawings and photographs. To date, no information on the documentation of the building has been received by the Planning Office.

This plan submission (Sheet 1: Historic Review Plan) does not provide information on the stabilization of the property in the event that construction of a new building does not occur immediately after demolition of the existing buildings.

Review of DESIGN STANDARDS AND GUIDELINES for DEMOLITION

The proposal for demolition of the building must be reviewed for conformity with the design criteria guidelines found in Chapter 4: New Construction, Additions, Demolition and Relocation.

Demolition

The *Design Standards and Guidelines* gives guidance to the Historic District Commission by listing specific criteria to be evaluated when considering applications for the demolition of buildings (or portions of buildings) in the historic district. (Chapter 4: pages 4-10 to 4-12) These guidelines are summarized below (see *Design Standards and Guidelines* for the complete text).

1. Determine the financial implications of maintaining a property versus demolition.

2. Regardless of economic issues the relative significance of the individual buildings slated for demolition should be evaluated.

3. In development related applications the City should review the schematic plans for the new structures to weigh the virtues of the new structure versus what exists.

4. Determine the extent of adequate recordation of a property the applicant would be required to complete if demolition were approved.

5. Lots left vacant by demolition should be treated in a manner that is sympathetic to the historic context.

PROJECT PROPOSAL for New Construction as Revised (Site Plan Drawings dated 9/16/2010 and Updated Elevations of October 28, 2010: The applicant has supplied information on the proposed project to be constructed. See plan sheet (previously distributed) and the Revised series of color elevations dated 10/28/2010 of the building. The project components are described below.

The project proposes construction of a five story mixed use building with retail space, 48 apartments, and a surface parking lot. The total square footage of the building is 54,998 S.F. Overall, the project site extends the depth of the block from Loockerman Street to North Street. The building fronts on the corner of West Loockerman Street and South Governors Avenue. The building is a brick and vinyl sided building with a flat roof system. The building height is indicated to be 58 feet 3.75 inches on the elevations with a floor to floor height of 16 feet for the first floor and 9 feet for the subsequent floors. Overall, the massing of the building results in a rectangular shape. On the first floor, the retail spaces are approximately 40 feet deep with a row of parking to the south. This parking area is covered as the upper floors of the building extend further south (approximately 85 foot building depth from Loockerman Street).

For the first floor tenant spaces there are a series of entries along Loockerman Street and there is one entrance from the corner of Loockerman Street and South Governors Avenue. At this street corner the building façade is placed at an angle with a protrusion of about six feet consisting of an arched entry with a series of balconies above. The main entrance to the apartment portion of the building is in the west corner of the rear of the building.

The Loockerman Street elevation is predominantly two types (colors) of vinyl siding on the upper floors with brick on the first floor portion. The first floor of the building is proposed as a series of retail spaces fronting on Loockerman Street each with an individual entrance and an aluminum glass storefront window system. The first floor section is detailed with a Dry-vit signboard area over the retail storefronts. Portions of the upper floors are set back from the first floor façade face. The upper floors include a series of six-over-six windows and balconies with wrought iron railings (clarified as metal/aluminum railings). At the building corner, a Dry-vit (stucco-like) exterior finish in two colors is utilized instead of the vinyl siding. This north elevation and the east and south elevations of the building have had a series of smaller 4-lite windows added on the upper floors.

The west elevation of the building is covered predominately with horizontal vinyl siding in three main areas*. The first floor portion of this wall is a party wall with the adjoining building to the west. There are very large areas of siding on this elevation with only a few windows. *The revised elevations added trimwork on this elevation to further divide the large areas.

The east elevation of the main building along South Governors Avenue follows the pattern established on the Loockerman Street façade of a brick first floor with vinyl above. There is a section of Dry-vit with small windows that corresponds with the location of a stair tower. On this elevation you can observe how the upper floors of the building extend over the parking area. On the first floor there are two large openings, one of which serves as the exit from the parking lot.

On the south elevation of the main building facing North Street, the use of horizontal vinyl siding as the exterior finish material continues on the upper floors after painted masonry is utilized on the first floor rear elevation wall area. There are a series of windows and balcony areas for the apartments. A series of columns also support the building edge in this area.

Site Improvements:
The project also includes site improvements such as a parking lot and landscaping. The parking lot is located on the south side of the building and under a portion of the building. The proposed access to the lot is from North Street; this access allows for two-way travel. There is an exit-only point from the parking lot onto South Governors Avenue. The lot as shown on this plan only provides 45 parking spaces and the project will require consideration of parking waivers and alternative parking locations by the Planning Commission in order to meet the parking requirements for the project.

The project will necessitate improvements to the sidewalks adjacent to the building. Also on the southern portion of the property are several areas that will contain tree plantings.

Review of *DESIGN STANDARDS AND GUIDELINES*

The subject project site is located in the Dover Historic District Zone within the Loockerman historic context. The Loockerman historic context is described on pages 2-7 through 2-8. Location within the Dover Historic District Zone requires proposals for demolition, new construction, additions, and certain renovation or rehabilitation activities to existing buildings to receive an Architectural Review Certificate.

As stated in the *Design Standards and Guidelines for the City of Dover Historic District Zone*, an Architectural Review Certificate will be granted "if it is found that the architectural style, general design, height, bulk and setbacks, arrangement location and materials affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district."

This proposal should be reviewed for conformity with the design criteria and development guidelines found in the *Design Standards and Guidelines* of Chapter 4: New Construction, Additions, Demolition and Relocation.

New Construction
The *Design Standards and Guidelines* for New Construction (Chapter 4: pages 4-1 through 4-8) provide the design criteria and development guidelines. The guidelines specify the following individual considerations for new construction to be considered in the review by the Historic District Commission (and Planning Commission) of the project for Architectural Review Certification:

- Style
- Scale *(building to reflect dominant cornice and roof height of adjacent buildings)*
- Elevation of the First Floor
- Floor-to-Floor heights

- Bays, windows and doors *(size, relationship, spacing of)*
- Absolute Size *(compare overall size of new building)*
- Massing *(relationship of solid-to-void)*
- Orientation *(location of primary façade)*
- Proportions *(comparison of height to width of building and elements)*
- Materials
- Forms *(shape of building and roof to be complementary)*
- Siting *(location of building on lot and in relation to street)*
- High density/ large-scale construction

The proposed project must also be reviewed for compliance with the standards established by the *Zoning Ordinance*. The standards include items such as setbacks from property lines, lot coverage, height, etc. This Proposal for the building will require consideration of a waiver of the bulk requirements of the C-2 Zoning District for the side yard setback. The *City of Dover Zoning Ordinance* authorizes the Historic District Commission to waive certain bulk standards when it is necessary to maintain the character of the Historic District. These waivers are part of the Historic District Commission issuing its recommendation to the Planning Commission for an Architectural Review Certificate. At its meeting of October 21, 2010, the Historic District Commission granted approval of the side yard waiver to allow a side yard setback of one foot for areas were provided.

The waiver was requested by the applicant. The waiver requested for the project is summarized below:

Request	*Bulk Standard*	*Ordinance requirements or limitation*	*Applicant proposal and approved by HDC on 10/21/10*	*Building*
1	Side Yard Setback	None required, but 10 feet minimum if provided	*One (1) foot along the south property line shared with Del-Properties. Building complies with the side yard setback in other locations.*	Building

As part of the Site Plan Review process there may be additional waivers sought by the applicant pertaining to parking, loading spaces, etc. The Planning Commission gives consideration to these types of waivers in accordance with provisions of the *Zoning Ordinance.*

STAFF COMMENTS AND RECOMMENDATIONS FOR DEMOLITION PROVIDED TO THE HISTORIC DISTRICT COMMISSION IN NOVEMBER 1, 2010 REPORT

The following are the Staff comments and recommendations for this application regarding project activities and an Architectural Review Certificate for the proposed demolition of the existing buildings.

1) Staff recommends that documentation/recordation of each building be completed prior any demolition or construction activities to include exterior and interior photographs, measured drawings, history of the building, etc. following accepted practices for documentation of historic buildings. This shall be submitted prior to the demolition permit application. Documentation of the

Bayard Hotel building was one of the recommended steps identified in the determination of Demolition by Neglect by the Historic District Commission.

2) Pertaining to the demolition of the two existing buildings: Staff strongly recommends that a Demolition Permit for the building at 206 (208) South Governors Avenue be at the time of Building Permit issuance and not prior to. For the former Bayard Hotel building, if a Demolition Permit is issued prior to issuance of a Building Permit for the new building, staff recommends that submission of a stabilization plan for the site be submitted with the Demolition Permit application.

3) Staff recommends submission of a stabilization plan for the entire site in the event that the buildings are demolished and there is a significant delay in the commencement of construction activities for the new building.

4) Staff notes that submittal of additional information regarding the stabilization of the site for the adjoining buildings and sidewalk areas due to the presence of building basements and strategy regarding the repairs necessary to walls of adjacent buildings in accordance with the Building and Fire Codes will be required.

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

STAFF COMMENTS AND RECOMMENDATIONS FOR NEW CONSTRUCTION PROVIDED TO THE HISTORIC DISTRICT COMMISSION IN NOVEMBER 1, 2010 REPORT

The following are Staff comments and recommendations for this application regarding project activities and Architectural Review Certification. The following comments and recommendations were updated following Staff's review of the Revised Architectural Elevation submission dated October 28, 2010.

1. Staff reviewed proposed project's compliance with guidelines for "New Construction" within the Historic District. Staff recommends that this application for the Architectural Review Certificate for the Bayard Plaza project be approved subject to the following conditions:
    a. Staff finds that the building's overall massing and form appears to fit the character of the Historic District in its immediate surroundings.
    b. Staff notes that a series of revisions to the building's architecture and exterior finish materials have been made in the 10/28/2010 submission to improve and clarify the detailing and to avoid a 'flat' appearance. See Comment #3 below.
    c. Staff recommends changes to exterior finish treatment on a portion of the first floor on the east elevation along South Governors Avenue to reflect a more pedestrian friendly scale. See Comment #4 below.
    d. Staff also recommends some improvements to the site components of the project. See Comment #5 below.

2. In regards to the waiver requested related to the building side yard setback, Staff previously recommended approval of the one foot side yard setback for this particular section of the building near South Governors Avenue subject to compliance with the code requirements of the Building Code and Fire Code. The Historic District Commission approved the side yard setback waiver on October 21, 2010.
    a. Staff finds that a waiver of this side yard setback requirement to enable building construction activity would not be detrimental to the fit of this building and the architectural character of the Historic District.
    b. Staff notes that the applicant shall be aware of the implications of this reduced setback as it relates to the design of the building elevations under the provisions of the applicable Building Codes and Fire Codes. These code requirements (Building Codes and Fire Codes) cannot be waived by the Historic District Commission.

3. These conditions are recommended by Staff to improve the project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. A number of the recommendations previously issued by Staff were addressed and have been included in the revised architectural elevations received on October 28, 2010; see item b. The following are recommended conditions of approval:
    a. The exterior finish materials should be evaluated to take into consideration the materials identified in the *Guidelines*. The use of vinyl siding is not a recommended practice; however, there are methods to help minimize the impact of vinyl.
        i. Add more detailing elements or increase the dimension of trimwork elements at edges, around openings, and at points of division. *Additional detailing in these areas was added in the Revised Architectural Elevations see comment 3b.*
        ii. The extensive use of vinyl siding could be reduced by changing certain sections to other materials especially on the main street frontages.
        iii. The use of a fiber-cement product may be a better fit for the character of the historic district since is more wood-like in appearance while also providing an increased fire protection rating.

    b. The following listing identifies some of the recommended updates to the original architectural elevations that were implemented in the Revised Architectural Elevations of 10/28/2010.
        i. Additional detailing and changes in element placement or dimension are helping to avoid a very 'flat' look to the building. Details were added at the transitions, corners and edges of material changes in addition to clarification of the building floor plan which has setbacks/indents.
        ii. The corners of first floor and upper floors at key transitions (projections) are aligned so elements appear to have support.
        iii. A wider/heavier cornice detailing was added at the top of the parapet walls.
        iv. The type of column to be used on the balconies now includes more detailing with emphasis on the tripartite form of a base, shaft, and capital.
        v. A small pitched roof in metal caps the uppermost balconies.
        vi. The design of building corner entry element was revised to create a more open and inviting arched element at the street level (first floor). The previous side window-like openings are now fully open to allow pedestrian passage thru.
        vii. The top/roof area of the corner element has greater detailing and a heavier cornice element.
        viii. On the west elevation, a trimwork banding continues to wrap around on this side and a vertical trimwork element was added to the center to divide the large wall areas.
        ix. On the south elevation, the bottom edge was revised to be a larger trimwork element that reads as a base or support element.

    c. Increase of the use of brick on the upper floors along the Loockerman Street and South Governors Avenue sides of the main building. Brick could be the exterior finish for specific segments of the building such as the corner element and the side wrap-around areas.
    d. Check the placement of all columns necessary to support this southern half of the building. Ensure that the specific locations are shown on the Site Plan as they will affect the design of the parking lot and its circulation.
    e. Add brick to the columns and other select areas to improve the aesthetics of this rear elevation that serves as the main entry to the apartment building.
    f. On the west corner of the front elevation continue the brick quoining detail to the full height of the first floor.
    g. Also use the brick quoining detail at both corners of the 'front' elevation of the corner element

4. Staff notes that South Governors Avenue is considered as a building front and the building architecture should take this into account especially in the area of the parking lot exit. The following are recommended conditions:
    a. Continue the brick detailing and other components of the first floor of the building along this elevation including using brick to clad the columns.
    b. The first opening which has the parking beyond it should contain elements to help screen the parking. *A low brick wall was added across the full width of this northern opening.*
        i. Continue the brick detailing established by the first floor as an infill of part of the upper portions of the opening.
        ii. Identify the location of the two openings: a pedestrian way and a window-like opening to let in light and air to the space beyond. These openings could follow the arch with keystone format utilized on the corner entry.
        iii. Add a pedestrian opening and a sidewalk pathway so residents can access the apartment entrance from the street without having to walk in the parking lot.
    c. The second opening which serves as the parking lot exit should be revised to add the brick detailing to the column to help distinguish the corner of the building.
    d. The finish treatment of the header over the openings was revised to a wider trimwork piece.
    e. Add metal building corner protection features at exit opening.

5. The following items are recommended related to the site components:
    a. Identify areas where the sidewalks or portions of the sidewalks will be constructed of brick. The use of brick paving materials for sidewalk construction is a key feature found throughout the Historic District area and along the Loockerman Street streetscape.
    b. The existing streetscape sidewalk improvements should be continued along the building frontage areas of West Loockerman Street and South Governors Avenue making use of the material patterns and fixture types already established in these areas.
    c. All sidewalks shall be accessible including intersections of sidewalks with parking lot entrances and roadways, access from handicapped parking, etc. Improvements to existing sidewalks will be required including appropriate crosswalk markings and traffic control measures.
    d. The light fixtures/poles should continue style of the lighting used Downtown Loockerman Street areas.
    e. Relocate the bike rack from the parking lot area to the space near the building side and entrance to the apartments (just north of the loading space). This will place the bicycle parking under cover.
    f. Evaluate locations of existing bicycle racks along the street frontages of West Loockerman Street and South Governors Avenue for the potential location of additional racks to serve this building.

6. The following items should be clarified regarding the building design.
    a. Submit a copy of the floor plan of the upper floors to assist in understanding of the changes in the elevations (indents, projections, balconies, etc.) and the form of the corner element. The information provided in the site plan is only the building footprint (the first floor plan) and the elevation drawings appear flat. Three dimensional views of the building would also help clarify the specific building form. *The three dimensional view and floor plans were presented by the applicant at the 10/21/2010 Historic District Commission meeting.*
    b. Identify the exposure width and style of the vinyl siding.
    c. The selected brick choices should be compatible to the brick of other existing buildings in the area.
    d. Clarify the type of system proposed for the roof drainage i.e. gutters and downspouts or an internal system.
    e. Identify if the proposed building will have a basement level.

7. The following items are identified for correction in the Data Column on Sheet1:

a. Add H (Historic District Zone) to the zoning for the property
b. Correct the Floor Area Ratio to read as a maximum of 4.0

8. The location of mechanical equipment should be identified. The mechanical equipment should be enclosed with appropriate screening devices such as appropriately scaled walls, landscaping, roof mounting, or other similar treatments to screen it from the public right-of-way.

9. The applicant is advised for future building construction, the separation distances and other requirements of the Building Code or Fire Code must be complied with. Consult with the Chief Building Inspector and Fire Marshal for these requirements. The resolution of these items can impact the site and building design in some cases. If significant design changes result then additional review may be necessary by the Historic District Commission.

10. Staff notes that the proposed access to the site is off of North Street. This entrance is subject to approval by the City of Dover Public Services Department during the Site Plan review process. The site exit onto South Governors Avenue is subject to DelDOT review and approval.

11. Staff notes that the placement of awnings on the building may require approval from the City Manager if the awning encroaches into the right-of-way. (Article 1 Section 98-7c of the Dover Code). Staff also notes that both Loockerman Street and Governors Avenue are state maintained roads.

12. The proposed landscaping (lawn, shrubs, ground cover, etc.) including any tree plantings should be completed with species appropriate to the site conditions and that help to screen the visibility of certain elements of the site.

13. In the event, that major changes and revisions to the project design and materials occur in the finalization of the project contact the Planning Office. These changes may require resubmittal for review by the Historic District Commission.

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

15. The site development plan for this project is also subject to the application and review process for Site Development Plan (Article 10 §2 of the *Zoning Ordinance)* before the Planning Commission. Note: Additional technical items for compliance with the *Zoning Ordinance* and other regulations may be identified during the Site Plan Process. Review comments pertaining specifically to the Site Plan set will be issued at that time.

16. The applicant shall be aware that Demolition Permits for each building are required to proceed with any demolition activities on the property. The permit application must comply with the approvals and conditions granted through the Architectural Review Certification process. Certification of asbestos survey and abatement must be submitted with the Demolition Permit application.

17. The applicant shall be aware that Building Permits are required to proceed with any construction/installation activities on the property. The permit application must comply with the approvals granted through the Architectural Review Certification process and Site Development Plan review.

RECOMMENDATION OF THE HISTORIC DISTRICT COMMISSION:

The Historic District Commission considered the proposal for demolition and new construction and provides the following recommendation to the Planning Commission in regards to the Architectural Review Certification for the project. The specific recommendation involved consideration of the *Design Standards and Guidelines.* For the Bayard Plaza project, the Historic District Commission considered the application HI-10-08 at meetings held on October 21 and November 4, 2010 regarding an Architectural Review Certificate for demolition of the existing buildings and the construction of the new building and other associated site improvements. See Recommendation as follows.

Action Taken by Historic District Commission:
October 21st Meeting: The following members were present for review of this application: Chairman Dick Scrafford, Mr. Chaz Salkin, Mr. Joe McDaniel, Mr. George Fisher, and Mr. Terry Jackson. The application was represented by Henry Mast (owner) and design professionals Doug Liberman, Bill Byler, and Mike Sollazzo at the October 21st meeting. The Commission conducted a public hearing and heard from John Anderson (via email) and Frank Zaback.

The motion to recommend approval of the requested side yard setbacks passed 5-0 of the Commission. The City of Dover *Zoning Ordinance* authorizes the Historic District Commission to waive certain bulk standards when it is necessary to maintain the character of the Historic District. The chart below summarizes the setbacks recommended for Bayard Plaza.

Request	*Bulk Standard*	*Ordinance requirements or limitation*	*Applicant proposal and approved by HDC on 10/21/10*
1	Side Yard Setback	None required, but 10 feet minimum if provided	*One (1) foot along the south property line shared with Del-Properties. Building complies with the side yard setback in other locations.*

In a second motion (passed 5-0), the Commission postponed making a decision on Architectural Review Certificate to allow the applicant incorporate a series of recommended changes from staff comments, to further address the use of vinyl siding, and the Historic District Commission requested submission of revised architectural elevations.

Revised Architectural Elevation were submitted by the applicant on October 28, 2010 in response to the Historic District Commission's review and comments and Public Hearing conducted at the October 21, 2010 meeting of the Commission and the Architectural Review Staff Report issued for the meeting.

November 4th Meeting: The following members were present for review of this application: Chairman Dick Scrafford, Mr. Chaz Salkin, Mr. Joe McDaniel, and Mr. Terry Jackson. The application was represented by Henry Mast (owner) and design professionals Doug Liberman,

Bill Byler, and Mike Sollazzo at the November 4th meeting. The Commission reopened the public hearing upon a motion from the floor and Frank Zaback spoke.

The Historic District Commission voted to recommend approval of Architectural Review Certificate for the project based on the revised architectural elevations and with incorporation of the meeting's discussion in reference to the Staff Comments and Recommendations (from the Revised Architectural Review Staff Report of 11/1/10) passed 3-1 of those members present. See recommendations below.

RECOMMENDATIONS FOR DEMOLITION

The following are the Historic District Commission's comments and recommendations for this application regarding project activities and an Architectural Review Certificate for the proposed demolition of the existing buildings.

1) Recommends that documentation/recordation of each building be completed prior any demolition or construction activities to include exterior and interior photographs, measured drawings, history of the building, etc. following accepted practices for documentation of historic buildings. This shall be submitted prior to the demolition permit application. Documentation of the Bayard Hotel building was one of the recommended steps previously identified in the determination of Demolition by Neglect by the Historic District Commission. *The applicant noted that this documentation was currently underway by a consultant.*

2) Pertaining to the demolition of the two existing buildings: Recommends that a Demolition Permit for the building at 206 (208) South Governors Avenue be at the time of Building Permit issuance and not prior to. For the former Bayard Hotel building, if a Demolition Permit is issued prior to issuance of a Building Permit for the new building, they recommend that submission of a stabilization plan for the site be submitted with the Demolition Permit application.

3) Recommends submission of a stabilization plan for the entire site in the event that the buildings are demolished and there is a significant delay in the commencement of construction activities for the new building.

4) Notes that submittal of additional information regarding the stabilization of the site for the adjoining buildings and sidewalk areas due to the presence of building basements and strategy regarding the repairs necessary to walls of adjacent buildings in accordance with the Building and Fire Codes will be required.

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

RECOMMENDATIONS FOR NEW CONSTRUCTION

The following are the Historic District Commission's comments and recommendations for this application regarding project activities and Architectural Review Certification in reference to the Revised Architectural Elevations of 10/28/2010 and the meeting discussion.

1) The Commission reviewed proposed project's compliance with guidelines for "New Construction" within the Historic District and recommends that this application for the Architectural Review Certificate for the Bayard Plaza project be approved subject to the following conditions:
    a. The Commission finds that the building's overall massing and form appears to fit the character of the Historic District in its immediate surroundings.
    b. The Commission notes that a series of revisions to the building's architecture and exterior finish materials have been made in the 10/28/2010 submission to improve and clarify the detailing and to avoid a 'flat' appearance. See Comment #3 below.
    c. The Commission recommends changes to exterior finish treatment on a portion of the first floor on the east elevation along South Governors Avenue to reflect a more pedestrian friendly scale and as discussed and 'drawn' at the meeting. See Comment #4 below.
    d. The Commission also recommends some improvements to the site components of the project. See Comment #5 below.

2) The Historic District Commission approved the side yard setback waiver on October 21, 2010. Approved is a one foot side yard setback for a particular section of the building near South Governors Avenue subject to compliance with the code requirements of the Building Code and Fire Code.
    a. Approved that a waiver of this side yard setback requirement to enable building construction activity would not be detrimental to the fit of this building and the architectural character of the Historic District.
    b. The Commission notes that the applicant shall be aware of the implications of this reduced setback as it relates to the design of the building elevations under the provisions of the applicable Building Codes and Fire Codes. These code requirements (Building Codes and Fire Codes) cannot be waived by the Historic District Commission.

3) These conditions are recommended by the Historic District Commission to improve the project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. A number of the recommendations were addressed and were included in the Revised Architectural Elevations received on October 28, 2010; see item b. The following are recommended conditions of approval:
    a. The exterior finish materials were evaluated to take into consideration the materials identified in the *Guidelines*. The use of vinyl siding is not a recommended practice; the Commission was satisfied (by their vote) that the impact of the vinyl siding was reduced through the Revised Architectural Elevations.

i. More detailing elements (windows, shutters, trimwork) and increases in the dimension of trimwork elements at edges, around openings, and at points of division were added in the Revised Architectural Elevations.
ii. The extensive use of vinyl siding was reduced in some areas by changing certain sections to other materials especially on the corner frontage.

b. The following listing identifies some of the recommended updates to the original architectural elevations that were implemented in the Revised Architectural Elevations of 10/28/2010 submitted to the Historic District Commission.
   i. Additional detailing and changes in element placement or dimension are helping to avoid a very 'flat' look to the building. Details were added at the transitions, corners and edges of material changes in addition to clarification of the building floor plan which has setbacks/indents.
   ii. The corners of first floor and upper floors at key transitions (projections) are aligned so elements appear to have support.
   iii. A wider/heavier cornice detailing was added at the top of the parapet walls.
   iv. The type of column to be used on the balconies now includes more detailing with emphasis on the tripartite form of a base, shaft, and capital.
   v. A small pitched roof in metal caps the uppermost balconies.
   vi. The design of building corner entry element was revised to create a more open and inviting arched element at the street level (first floor). The previous side window-like openings are now fully open to allow pedestrian passage thru.
   vii. The top/roof area of the corner element has greater detailing and a heavier cornice element.
   viii. On the west elevation, a trimwork banding continues to wrap around on this side and a vertical trimwork element was added to the center to divide the large wall areas.
   ix. On the south elevation, the bottom edge was revised to be a larger trimwork element that reads as a base or support element.

c. Advised to check the placement of all columns necessary to support the southern half of the building. Ensure that the specific locations are shown on the Site Plan as they will affect the design of the parking lot and its circulation.
d. Recommended to continue the brick quoining detail on the west corner of the front elevation to the full height of the first floor.
e. Recommended to also use the brick quoining detail at both corners of the 'front' elevation of the corner element

4) The Commission notes that South Governors Avenue is considered as a building front and the building architecture should take this into account especially in the area of the parking lot exit. The following are recommended conditions as discussed at the meeting:
   a. Continue the brick detailing and other components of the first floor of the building along this elevation including using brick to clad the columns.

b. The first opening which has the parking beyond it should contain elements to help screen the parking and allow for pedestrian sidewalk access.
    i. Continue the brick detailing established by the first floor as an infill of part of the upper portions of the opening in addition to the low brick wall.
    ii. Add two openings: a pedestrian way and a window-like opening to let in light and air to the space beyond. These openings could follow the arch with keystone format utilized on the corner entry. (Follow example drawn by staff at meeting.)
    iii. A pedestrian opening and a sidewalk pathway will enable residents to access the apartment entrance from the street without having to walk in the parking lot drive aisle.
c. The second opening which serves as the parking lot exit is to be revised to add the brick detailing to the column to help distinguish the corner of the building.
d. The finish treatment of the header over the openings was revised to a wider trimwork piece and may also incorporate brick.
e. Add metal building corner protection features at exit opening.

5) The following items are recommended related to the site components:
    a. Identify areas where the sidewalks or portions of the sidewalks will be constructed of brick. The use of brick paving materials for sidewalk construction is a key feature found throughout the Historic District area and along the Loockerman Street streetscape.
    b. Continue the existing streetscape sidewalk improvements along the building frontage areas of West Loockerman Street and South Governors Avenue making use of the material patterns and fixture types already established in these areas.
    c. All sidewalks shall be accessible including intersections of sidewalks with parking lot entrances and roadways, access from handicapped parking, etc. Improvements to existing sidewalks will be required including appropriate crosswalk markings and traffic control measures.
    d. Continue the light fixtures/poles style of the lighting used Downtown Loockerman Street areas.
    e. Relocate the bike rack from the parking lot area to the space near the building side and entrance to the apartments (just north of the loading space). This will place the bicycle parking under cover.
    f. Evaluate locations of existing bicycle racks along the street frontages of West Loockerman Street and South Governors Avenue for the potential location of additional racks to serve this building.

6) The following items were clarified regarding the building design.
    a. A copy of the floor plan of the upper floors presented at the meeting assisted in understanding of the changes in the elevations (indents, projections, balconies, etc.) and the form of the corner element. The three dimensional view and floor plans were also presented by the applicant to clarify the specific building form.
    b. The exposure width will be five inches in the clapboard style of the vinyl siding.

c. The selected brick choices should be compatible to the brick of other existing buildings in the area. The Commission preferred the "redder" of the two brick (oversized brick) samples presented at the meeting.
d. The roof drainage i.e. gutters and downspouts will consist of a sloping roof to the south where a system of downspouts will extend down the south elevation painted to match the siding.
e. The proposed building will not have a basement level; only the elevator pit will be underground. Since the existing building has a partial basement then fill will be necessary.

7) The following items are identified for correction in the Data Column on Sheet1:
   a. Add H (Historic District Zone) to the zoning for the property
   b. Correct the Floor Area Ratio to read as a maximum of 4.0

8) The location of mechanical equipment was identified as being roof mounted. The mechanical equipment should be enclosed with appropriate screening devices such as appropriately scaled walls, landscaping, roof mounting, or other similar treatments to screen it from the public right-of-way.

9) The applicant is advised for future building construction, the separation distances and other requirements of the Building Code or Fire Code must be complied with. Consult with the Chief Building Inspector and Fire Marshal for these requirements. The resolution of these items can impact the site and building design in some cases. If significant design changes result then additional review may be necessary by the Historic District Commission.

10) It is noted that the proposed access to the site is off of North Street. This entrance is subject to approval by the City of Dover Public Services Department during the Site Plan review process. The site exit onto South Governors Avenue is subject to DelDOT review and approval.

11) It is noted that the placement of awnings on the building may require approval from the City Manager if the awning encroaches into the right-of-way. (Article 1 Section 98-7c of the Dover Code). No awnings are proposed at this time; however, if tenants wish to implement awnings then it may be addressed at that time.

12) The proposed landscaping (lawn, shrubs, ground cover, etc.) including any tree plantings should be completed with species appropriate to the site conditions and that help to screen the visibility of certain elements of the site.

13) In the event, that major changes and revisions to the project design and materials occur in the finalization of the project contact the Planning Office. These changes may require resubmittal for review by the Historic District Commission.

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

15) The site development plan for this project is also subject to the application and review process for Site Development Plan (Article 10 §2 of the *Zoning Ordinance)* before the Planning Commission. Note: Additional technical items for compliance with the *Zoning Ordinance* and other regulations may be identified during the Site Plan Process. Review comments pertaining specifically to the Site Plan set will be issued at that time.

16) The applicant shall be aware that Demolition Permits for each building are required to proceed with any demolition activities on the property. The permit application must comply with the approvals and conditions granted through the Architectural Review Certification process. Certification of asbestos survey and abatement must be submitted with the Demolition Permit application.

17) The applicant shall be aware that Building Permits are required to proceed with any construction/installation activities on the property. The permit application must comply with the approvals granted through the Architectural Review Certification process and Site Development Plan review.

HI-10-08 and S-10-30 Bayard Plaza on West Loockerman Street

As related to Applications HI-10-08 and S-10-30, a series of excerpts from the meeting minutes of the Historic District Commission and Planning Commission are attached.

- Excerpt of Meeting Minutes from October 21, 2010 Historic District Commission meeting, Pages 4-9
- Excerpt of Meeting Minutes from November 4, 2010 Historic District Commission meeting, Pages 1-7
- Excerpt of Meeting Minutes from November 15, 2010 Planning Commission meeting, Pages 6-9

Mr. Jackson stated that the original material was probably a wood clapboard siding that had been painted enough times to where you probably could not see the wood grain through it so he would be careful about the wood grain as it does not add anything in his estimation.

Mr. McDaniel moved to approve HI-10-10 Building Permit #10-1672 for New Jerusalem Baptist Church located at 25 Slaughter Street with Staff recommendations of Items 1-3 for horizontal siding and to consider the gutters and downspouts, seconded by Mr. Fisher and the motion was carried 5-0.

Application for Architectural Review Certification:

HI-10-08 Bayard Plaza on West Loockerman Street - Public Hearing and Recommendation to the City of Dover Planning Commission on the Architectural Review Certificate for the Bayard Plaza project. This application consists of the construction of a five story 54,998 S.F. mixed use building to include 5,012S.F. of retail space on the first floor, 48 residential apartments, and the associated Site improvements. The project proposes demolition of the two existing buildings on the project site including the building known as the Bayard Hotel which the Commission declared on January 21, 2010 as being Demolished by Neglect. The project area consists of one parcel of land totaling 27,675.62 S.F.± of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the southwest corner of West Loockerman Street and South Governors Avenue. The owner of record is the Capital Plaza, LLC. The property addresses are 200-216 West Loockerman Street and 208 South Governors Avenue. Tax Parcel: ED-05-077.09-01-86.00-000. Council District 4.

Representatives: Mr. Doug Liberman, Larson Engineering; Mr. Henry Mast, Bay Developers; Mr. Bill Byler, Wm. Byler Architects; and Mr. Michael Sollazzo, Architect associated with the project.

Mrs. Melson-Williams provided an overview for the application which consists of two components. The first component is demolition of the existing buildings on the property which would be the Bayard Hotel property, the three story section and the one story section on the west end and then a separate detached building that is referred to as 208 S. Governors Avenue which is a small two story structure originally constructed as a residence building; however, over the years has been several different commercial items. The second component is a proposal for construction of a new building at this location and associated site improvements. The building itself would be located at the corner of Loockerman Street and Governors Avenue and the parking for the site would take access off of North Street and moves up under the rear portion of the building on the first floor. The building would be five (5) stories as a mixed use building. It includes retail space on the first floor and then forty-eight (48) apartments located on the upper floors of the building.

Mr. Liberman stated that the first thing that he would like to address is the waiver request. What we are looking for is a waiver for the side yard setback. He would like to point out on the drawings that they brought for display, along the southern property line, we have a side yard setback for existing building and we are on the property line on the other side with the parcel not totally square. Along the back of the property line we are one (1) foot off of the property line. There is an existing sidewalk.

Mr. Scrafford questioned whose property is the sidewalk located on? Responding to Mr. Scrafford, Mr. Liberman stated that the sidewalk is located on Del Properties.

Mr. Byler stated that the first floor would have columns and from the second floor up there would be walls. The adjacent building sits off of the property line to south approximately four (4) feet so there would be approximately a five (5) foot separation and starts at the second floor level.

Mr. Jackson stated as a general comment, some of the big flat surfaces if they could be broken up, it also may help with the horizontal joints in the vinyl.

Mr. Scrafford stated that in the demolition area, in the Staff report, there was a concern with regard to how fast things occur. What this Commission has tried to do in the past is have the Building Permit and Demolition Permits come in simultaneous. If this is not to occur, there are procedures in here that you would have to go through in order to ensure that the site is stabilized and that progress would be forthcoming at some later date. Responding to Mr. Scrafford, Mr. Byler stated that because of the need to do sub-soil testing, borings and things of that nature, we will submit some type of stabilization plan that enables them to proceed in stages.

Mr. Byler stated with regards to comments located on Page 7, Staff comments and recommendations for new construction; there are several items that we would like to clarify to the Commission. The elevation views that we had submitted to you for review do appear to give a flat presentation of the exterior of the building. We have brought in a rendering that is pretty close to what we are proposing for the elevation views that gives you a better view of how we treated the exterior of the building in attempting moving things in and out a bit to avoid the flat look of the building. There is a series of balconies, with one for each unit, as the building goes up from the second floor up to the fifth floor. At the streetscape level, we are proposing approximately a sixteen foot tall brick veneer to go up to the second level. We do have floor plans available for you to look at that gives you a better feel for how that moves in and out. They are aware that there are some building and fire code related items that they will need to address.

Mr. Byler further stated with regards to a comment located on Page 8, there is a Staff comments that the use of vinyl siding is not a recommend practice; however, there are methods to help minimize the impact of vinyl. We would like to discuss this with the Commission to see how we can best do that to allow them (the applicant) to use vinyl here on a lot of the exterior on the upper floors of this building.

Mr. Byler further stated that one of the things that they would propose doing is where they have the balconies that come out on the north and south elevations they would propose installing a shed roof type of structure to come over top of the second floor when the second floor comes out to the limit of the building lot. This part of the building sits back six (6) to seven (7) feet so between the balconies under the windowsills, they would add a sloping roof there and also cap the balconies with the same type of design up on the top of the decks to add a little bit of feature to the building exterior. We may be able to add some of that on the Loockerman Street side as well. The difficulty with that is that this is an angled street and we are attempting to work with a ninety (90) degree wall in the background so that makes it hard to do; however, we are going to approach it and try to do that.

Mr. Byler further stated that one of the recommendations was to carry that feature across the west face of the building wall which we would be able to do very easily. We have attempted to break this up some with different colors. Another thing that has been proposed would be along the second floor edge that overhangs on the back side to add some trim and other things that can also be done easily. One of the recommendations was to wrap the windows with some trim and we would be looking at doing some of that as well.

Mr. Sollazzo stated that on Page 8 of the Staff report Item b, it discusses the increase of brick on the upper floors. From a cost standpoint and a weight standpoint which would carry into all of the structure, we would like to propose using dry-vit in lieu of brick. The dry-vit could have the appearance of brick that would be for the second floor and above where pedestrians would not be able to see it as well.

Mr. Salkin questioned if they could help him understand the color and shading of which materials are which. For example he is looking at the south elevation, what is the finish of the wall at the back end of the parking area? Responding to Mr. Salkin, Mr. Byler stated that this is not represented correctly. This is the back wall of the retail that is tucked underneath the building approximately thirty (30) feet or so. They are proposing that this wall be a masonry wall. On the back south side from the second floor up would all be vinyl siding. The color variation is the color variation in the vinyl.

Mr. Scrafford questioned with regards to the Governors Avenue side of the building, it (the 3D Rendering) differs significantly from what you originally presented. On the east elevation you have almost a flat wall. There are two (2) entrances under the supported section that looks like they have glass in them is this correct? Responding to Mr. Scrafford, Mr. Byler stated that no, that is not correct. This (The 3D Rendering) was prepared early on in the design process of the building prior to some of these other recommendations. One of the things that we are proposing to do is to extend a wall because just beyond that is parking and the exit onto the street is near this opening. We then could allow for pedestrian access in this area as well. One of the things not mentioned that we could do is add some windows to the stair tower to open it up a little bit.

Mr. Salkin stated that it would be helpful if we could get a more detailed explanation back to the discussion earlier where Staff recommended increasing the use of brick. The comment was made to use dry-vit that looks like brick as an alternative. Can we talk about where, if you were to replace vinyl with the dry-vit, that would be and how much would remain vinyl? Responding to Mr. Salkin, Mr. Byler stated that what they would propose would be two columns be made with

dry-vit that would not be imitation brick so much as the color would match the brick with the dry-vit and is the only place that we would use dry-vit.

Mrs. Melson-Williams stated that Staff looked at the next wing pieces too as considering all of that the corner. It chops off the corner then has wings, which is the start of the walls. The first floor is a blank brick wall.

Mr. Jackson stated that he thinks that it is important to keep the brick on the first floor. Responding to Mr. Jackson, Mr. Byler stated that this would all be brick.

Mr. Byler went over the street level plan that was on display. You will see that the Loockerman Street side of the building angles so we tried to divide this up into potential retail suites. Up above the street level, the second floor deck slopes with the angle of the front of the building. The second floor decks are larger than what you will see from the third floor up. What we are proposing to do to break some of this up is to punctuate some areas with a sloping roof.

Mr. Mast questioned if it would work for the Commission; what would you rather see a metal roof or the railing?

Mr. Liberman stated that what we have talked about is this being a concern if they were to do a metal style roof and how they could build it with the zig zag in the roof that they have in the building. The railing would be much easier to construct and would tie everything together and then provide the shed roof only on the higher floors. It would provide more variation throughout the entire building.

Mr. Jackson and Mr. Scrafford agreed that they liked the railing above the retail level.

Mr. Salkin questioned if they could address item 3a-iii on Page 8 regarding the use of fiber cement material and staff's recommendation? Responding to Mr. Salkin, Mr. Mast stated that fiber cement siding gets broken easily if hit with something hard it breaks.

Mr. Salkin further stated that you have a lot of area that is not accessible by the public so brittleness in the product would not be a factor. Responding to Mr. Salkin, Mr. Mast stated that it then becomes a cost factor.

Mr. Salkin further questioned that if vinyl siding were not an option, from your perspective, what would be the most desirable alternative? Responding to Mr. Salkin, Mr. Mast stated that he was not sure that they had one.

Mr. Byler stated that one of the things that he has discovered in the use of Hardi-plank or fiber cement is the ability for the siding to gap where it is put together over time. Exposing the building to elements that you really do not want to expose it to is one of the elements that they looked at when looking at these two products and applying them on this building. It becomes a really big maintenance issue in that we have a lot of wall space. We would prefer to use vinyl because of the ease of installation, cost, and maintenance issues. We are proposing to use a clapboard style siding with a five (5) inch exposure siding. There are a number of colors to choose from.

Mr. Jackson questioned if they could bring back some of the suggested alternative such as increased vertical trim work to break this up? Responding to Mr. Jackson, Mr. Byler stated that with all of the recommendations in the Staff report he feels that this is something that they should do.

Mr. Jackson questioned what their timeline is to start construction? Responding to Mr. Jackson, Mr. Mast stated that he hopes to put a shovel in the ground by at least February/March; however, needs to demolish the building long before that.

Mr. Salkin stated that he feels that they should look at alternative materials other than vinyl wherever possible. From his point of view, that will only enhance your project and its approval.

Mr. Scrafford opened a public hearing.

Mrs. Townshend stated that Staff received an email from a Mr. John Anderson, address unknown, who identifies himself as a concerned native. He is essentially in favor of the investment Downtown that Mr. Mast is making; however, is concerned about the appearance of vinyl and that the vinyl will present a tacky appearance. He stated that "he would like to make it clear that he is for this building and the redevelopment of all abandoned and run down properties Downtown." "Vinyl on a building that big would look ridiculous it is not a two story house."

Mr. Frank Zaback – 218, 200 & 220 W. Loockerman Street - Stated that he is the property owner next to this building. His comments are simple; he would like to support Staff's recommendations regarding the vinyl siding. Having said this, he realizes that there is a presence of vinyl siding up and down the street where vinyl siding is already present in the Historic District. He is here as a representative of the community as well as himself to voice strong opposition to the use of vinyl siding. He feels it is a great investment and is very supportive of the project and does not want to be an impediment to it; however, he has sat silent for a very long time and this building will be next door to him. He will stick with his statement regarding the vinyl siding.

Mr. Scrafford closed the public hearing after seeing no one else wishing to speak.

Mr. Jackson questioned if it was possible, from the Staff's point of view, to approve the overall concept of this project as it has been shown here and deal with the details that the applicant would bring back to us showing how he would break up some of the larger flat areas of the building at a later date? His purpose in doing that is to give the applicant some assurance because what is happening for this property is a valuable thing for the street and for Dover. We differ on a few of the details for the project and he does not want that holding the project up.

Mr. Salkin stated that Staff has offered some clear suggestions and the applicant has indicated that they are generally agreeable to all of those. There are some questions regarding the siding given that we may not be able to determine our own opinions about the final design regarding siding until we see how the final design tempers that. We have all been speaking and regarding the project in good faith. We, as a Commission, do not have any reason to over extend ourselves and to recluse any options. He believes that they should act on the variances regarding the setbacks that confirms the footprint. We have offered our opinions regarding design features and are clear on demolition. He would be uncomfortable making a decision in advance without having all the

information that we should have. We may be misrepresenting our support if it turns out that what we get back is not what we thought we were going to get.

Mr. Salkin stated that perhaps we could offer, for consensus for the record, that their response to the Staff recommendations has been positive and we encourage them to come back with the details and make a decision in short order.

Mr. Liberman questioned Staff on how this delay would affect their time schedule for moving forward with the project? Responding to Mr. Liberman, Mrs. Townshend stated that the issue is that the Historic District Commission has to make some recommendations to the Planning Commission with regards to the Architectural Review Certification. This application cannot go forward to the Planning Commission until this Commission has made those recommendations. They are in the queue for the November 15, 2010 Planning Commission meeting, which if there is no decision coming out of this meeting, they would be bumped a month. Another option would be that the Historic District Commission hold a special meeting to come back and review changes; however, it would have to be within a two (2) week window. The Planning Commission Packet would go out on November 5, 2010.

Mr. Salkin stated that he fails to understand why it is our responsibility as a Commission that meets monthly to schedule a special meeting in the absence of a crisis. He appreciates what you are up against, he works on development projects too and sympathizes if on your side of the table; however, we meet monthly and make decisions and this project could have been brought to us last month and we could be reviewing it again this month. He is just not sure why they should be setting up special meetings.

In response to Mr. Salkin, all other Commission members did not have a problem with scheduling a special meeting. Mr. Scrafford stated that his job is to represent the public in support of what these people are trying to do and not to have meetings on specific months and dates.

Mr. Jackson moved to postpone Application HI-10-08 Bayard Plaza on West Loockerman Street until we get some details from the applicant on how to treat the wide expanses of the wall and to incorporate Staff's comments, seconded by Mr. McDaniel and the motion was unanimously carried 5-0.

Mr. Fisher moved to approve Staff's recommendation of a waiver for a one foot setback (side yard setback), seconded by Mr. Jackson and the motion was unanimously carried 5-0.

It was agree upon by all Commission members that the special meeting date would be scheduled for Thursday, November 4, 2010 at 3:00 PM.

ONGOING PROJECTS

Discussion of the Project to Evaluate and Update the "*Design Standards and Guidelines for the City of Dover Historic District Zone*"

Mrs. Melson-Williams stated that you made it through the first markup of the document. The next steps that Staff will be taking is creating a table of contents outline of what the new document would consist of to be able to show you what the old table of contents looked like and what the new

CITY OF DOVER
HISTORIC DISTRICT COMMISSION
NOVEMBER 4, 2010

A Special Meeting of the City of Dover Historic District Commission was held on Thursday, November 4, 2010 at 3:00 PM with Chairman Scrafford presiding. Members present were: Mr. Scrafford, Mr. McDaniel, Mr. Salkin, and Mr. Jackson (Arriving at 3:17 PM). Mr. Fisher was absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Ms. Cornwell, and Ms. Metsch. Also present was Mr. Bill Byler and Mr. Henry Mast (Arriving at 3:33 PM). Speaking from the public was Mr. Frank Zaback.

APPROVAL OF AGENDA

Mr. Salkin moved for approval of the agenda as submitted, seconded by Mr. McDaniel and the motion was unanimously carried 5-0.

OLD BUSINESS

HI-10-08 Bayard Plaza on West Loockerman Street – Continuation of Review and Recommendation to the City of Dover Planning Commission on the Architectural Review Certificate for the Bayard Plaza project. This application consists of the construction of a five story 54,998 S.F. mixed use building to include 5,012 S.F. of retail space on the first floor, 48 residential apartments, and the associated Site improvements. The project proposes demolition of the two existing buildings on the project site including the building known as the Bayard Hotel which the Commission declared on January 21, 2010 as being Demolished by Neglect. The project area consists of one parcel of land totaling 27,675.62 S.F.± of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the southwest corner of West Loockerman Street and South Governors Avenue. The owner of record is the Capital Plaza, LLC. The property addresses are 200-216 West Loockerman Street and 208 South Governors Avenue. Tax Parcel: ED-05-077.09-01-86.00-000. Council District 4. *The Historic District Commission began review of this application and conducted a Public Hearing on October 21, 2010. The Commission postponed the application seeking resubmission of revised project information.*

Representative: Mr. Bill Byler, Wm. Byler Architects.

Mrs. Melson-Williams provided an overview of the architectural revisions for the application. (As outlined in the Revised Architectural Review Staff Report dated 11/1/2010).

Mr. Salkin questioned if someone could explain the proposed materials for all these changes for anything that is new? Responding to Mr. Salkin, Mr. Byler stated that they are proposing to use on the heavier corners, banding, and trim work a composition board that is a maintenance free type of material. The window treatments across the top of the windows will also be this same type of material as well. The shutters would be vinyl shutters.

Mr. Scrafford stated in the Staff Report under Item #4, these are the remaining things that are still being recommended as some new and some remaining? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that yes with comment #4 focusing on the South Governors Avenue

frontage and is dealing with how you deal with those openings on the first floor.

Mr. Scrafford questioned if the applicant had any comments concerning the Staff Report recommendations listed under Item #4?

Responding to Mr. Scrafford, Mr. Byler stated that they went through these and made some comments. With regards to 4(b)(i) they will be able to continue the brick detailing established by the first floor as an infill of part of the upper portions of the opening. It is their understanding for this to mean where they are showing the heavy wide horizontal band and that we continue some type of brick across the upper part of that opening. Mrs. Melson-Williams confirmed that this was the intention.

Mr. Byler further stated that they will have to work on pedestrian access from Governors Avenue to this area of the building to provide some type of opening for that.

Mr. Scrafford stated that they want to locate two openings: a pedestrian way and a window like opening. These openings should follow the arch with a keystone format. Where are they to be located at? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that currently, all that they have done is show a brick wall. What these comments get to is more of an arch for a person to pass through with brick either all the way around it or partially around it. (Staff did a quick drawing to show this part of the building.)

Mr. Byler stated that one of the things that they would propose to do is move the pedestrian opening to the other side against the stair tower because that is where we want to be able to provide a connecting sidewalk to the other sidewalk area just beyond the other end of the stair tower.

Mr. Byler further stated that the second opening, which serves as the parking lot exit, should be revised to add the brick detailing to the column. We can make this entire column brick all the way up. It will be a steel column protected in concrete and we will add brick all the way up and across the top except for the driveway.

Mr. Salkin questioned if all of the items listed under #5 of the Staff Report that were agreed upon at the last meeting, where do we stand on each of those? Responding to Mr. Salkin, Mr. Byler stated that in the DAC comments some of the sidewalk issues were addressed. As he understands it, the sidewalk along Governors Avenue will be brick pavers.

Mr. Salkin further questioned that all of 5(a) thru (f) appear to be in the form of recommendations and he would like to know if we have a drawing that shows how that is being done or that you at least agree that you are going to do it so that we do not have to talk about it. Responding to Mr. Salkin, Mr. Byler stated that they would agree to all of 5(a) thru (f).

Mrs. Melson-Williams stated with regards to Item #6 in the Staff Report, the first thing listed is the floor plan to help you understand the changes. The other items listed are with regards to material questions.

Mr. Byler stated that exposure with the style of the vinyl siding is a clapboard siding that is a five (5) inch exposure. Mr. Mast was to bring the brick siding sample and must have had something

come up where he could not attend this meeting.

Mr. Jackson questioned whether the brick is brown or red? Responding to Mr. Jackson, Mr. Byler stated that it is more of a brown color. (At this time Mr. Mast arrived with the brick samples.)

Mr. Jackson further stated that he would prefer the red color over the brown color of brick.

Mr. Scrafford stated with regards to drainage, gutters, and downspouts as recommended in the Staff Report under Item #6(d), do you have any comments? Responding to Mr. Scrafford, Mr. Byler stated with regards to the Staff Report Item #6(d) they are draining everything to the south side of the building on the parking side and it will come down the gutters located outside of the brick. The roof will slope from the Loockerman Street side to the back of the building to the south elevation and will come down in front of the pillars.

Mr. Townshend questioned that there will be no roof drains on either the Loockerman Street or Governors Avenue frontages.

Mr. Salkin questioned if the downspouts could be something other than white such as the same color as the siding to match? Responding to Mr. Salkin, Mr. Byler stated that they could match the siding color with the paint for the downspouts.

Mr. Salkin further questioned that they noted there would be downspouts at each of the four (4) columns and he is curious as to how water is collected to get to the most eastern column? Will it be collected along side of the building or the roof and down? Responding to Mr. Salkin, Mr. Mast stated that it would still come down in the same place between the buildings.

Mr. Byler stated that there is a retention system located on the lot that it will go to then it goes down North Street underground through two catch basins. They will try to place these underneath the sidewalk first; however, it has to go all the way down to South Governors to tie into the storm sewer system.

Mr. Scrafford questioned if there was anything in the remaining items in the Staff Report that could not be dealt with easily? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that a number of the items are advisory comments related to path forward, process wise, and mechanical equipment–roof mounted equipment.

Mr. Salkin questioned if Item #11 in the Staff Report could be addressed and if it would be an issue. Are you contemplating these awnings? Responding to Mr. Salkin, Mr. Byler stated that there are no awnings proposed for the building that he is aware of.

Mr. Scrafford stated that the only issue that he sees is the recordation and with that comes a notice that states immediately a plan for, in the event that the building does not occur in a reasonable time after demolition, a plan for stabilization of the site. This is a hard issue to deal with as you have a year to build. If you demolish it and it takes a year before you start building before you decide if you are or are not going to build, then it is another x number of months before we get a plan so we are looking at another two years before the site is stabilized. Are you fairly committed that you will build shortly after demolition? Responding to Mr. Scrafford, Mr. Mast stated that yes as

ninety-five (95) percent of the money has already been raised to make this happen. He has to be turning dirt by June 1, 2011. Their plan is to start rolling along with the new plans by either January or February.

Mr. Scrafford questioned if they would need anything on the Site Stabilization Concept Plan or a letter stating they will level the site and make it look pretty? Responding to Mr. Scrafford, Mrs. Townshend stated that if there is a certain condition that you want in place for a lag in time of demolition and construction or that it be suitably landscaped, we can ensure that landscaping is put in place. The lot will have to be stabilized.

Mrs. Townshend stated in the submission for the Planning Commission packet we have a Demolition Plan that shows that once the buildings are demolished, that there would be a vinyl perimeter fence that would be placed and be attractive along Loockerman Street and Governors Avenue so that you would not have those same types of issues we have had at the Collegian site.

Mr. Mast stated that they would be placing a construction fence up that will go out as far as we can push it up to the roadway. The sidewalk will be closed during construction because the building is full of glass.

Mr. McDaniel stated with regards to 5(a) the brick pavers, there are some awful looking ones around Dover now. You would not have any examples of those as I am sure you have not thought that far ahead? Responding to Mr. McDaniel, Mr. Mast stated that it is his understanding that they are just going to match what is already there. The whole front has brick pavers.
Mrs. Melson-Williams stated that this was part of the Loockerman Streetscape project that was done several years ago.

Mr. Salkin questioned Staff with regards to 3(e) in the Staff Report, has this been addressed or is it still open for discussion? Responding to Mr. Salkin, Mrs. Melson-Williams stated that we have not talked about 3(e) other than we did talk about brick in more places along the Governors Avenue façade where those two openings are.

Mr. Salkin stated that what he would like to get at before we get to any decision is to make sure we are all clear on which of these items that you have recommended have either been accepted or have not been accepted and why. We have done this for Items #4 and #5; however, have not done it for Item #3.

Mrs. Melson-Williams stated that you may want to look at Item #3(c) to see if you are satisfied with what has been presented.

Mr. Byler questioned what Staff meant by brick on the upper floors? Responding to Mr. Byler, Mrs. Melson-Williams stated that this was the discussion that was started last week about could the corner be more brick than just the first floor or could brick appear other places on the building. Your presentation gave some indication that brick on those upper areas had construction weight issues.

Responding to Mrs. Melson-Williams, Mr. Byler stated that they replaced the brick with Dry-vit columns.

Mr. Mast stated that when you get into bricking places likes this, we are adding substantial cost. Responding to Mr. Mast, Mr. Salkin stated that he understood that; however, at the last meeting we and Staff recommended increased brick and increased Dry-vit as an alternative to vinyl siding. He wants to be clear on what they are presenting. The increased brick, other than a little bit on the first floor level, is all in the corner. The increased Dry-vit is one column and no reduction of vinyl siding and the addition of dozen of vinyl shutters.

Mr. Byler stated that they did add the Dry-vit columns along the corner elevation and the partial northeast elevation where we had another material previously. Responding to Mr. Byler, Mr. Salkin stated that they have been responsive to the recommendations on the corner. Outside of that corner, we have gotten one more column of Dry-vit, no reduction of vinyl, and more vinyl material in the form of shutters, is this accurate? Responding to Mr. Byler, Mr. Mast stated that they have also added a lot of glass.

Mr. Byler further stated that one of the things that they would address regarding the massing is they added the metal roof canopies at the top of the deck. Responding to Mr. Byler, Mr. Salkin stated that he sees the changes in the massing and appreciates the changes.

Mr. Salkin stated one other question regarding materials, the columns on the porticos or the balconies, what is the material of those the architectural features that were added? Responding to Mr. Salkin, Mr. Byler stated that they are aluminum/steel columns wrapped with vinyl around them.

Mr. Jackson stated that the aluminum "visual" column is totally separate than the steel support columns, it does not touch the support column.

Mrs. Melson-Williams stated that staff would ask the applicant if there has been progress made for recordation to document and record the Bayard property. Responding to Mrs. Melson-Williams, Mr. Mast stated that the company of 1:16 Technologies have been in there this week and will be back again on Monday and Tuesday. Over the next two to three weeks this company should be completed with their findings and at some time in the near future, bring forward to this Commission what was found.

Mr. McDaniel questioned where those findings would go? Responding to Mr. McDaniel, Mrs. Melson-Williams stated that Staff would keep a record of the documentation here and would probably also forward information to the State Historic Preservation Office so that the cultural resource survey files could be updated to include that information so that others could have access to it for research purposes.

Mrs. Melson-Williams stated that a public hearing would not be required as the public hearing was held at last month's meeting and closed at that hearing. There is no public comment unless you would make a motion to open for public comment.

Mr. Salkin moved to open a public hearing, seconded by Mr. McDaniel and the motion carried 4-0 with Mr. Fisher absent.

Mr. Frank Zaback – Property Owner of 218, 220, 222 & 224 W. Loockerman Street – Stated that he would reiterate what he has stated before in that if you approve this project, are we doing it for the right reasons as he has noticed a lot of expeditious work on this project. Staff and members of the Commission have mentioned regarding the quantity of vinyl on the building; however, he will reiterate what he stated at the last meeting and having said that, this quote unquote Historic District Commission has allowed vinyl siding up and down Loockerman Street before and he is sad to see it. He will leave his comments limited at this and state that he is disappointed to see so much vinyl siding on the building.

Mr. Scrafford closed the public hearing after seeing no one else wishing to speak.

Mr. McDaniel moved to approve HI-10-08 Bayard Plaza located on West Loockerman Street with the various comments from this meeting to be included both from Staff and the applicant and that they will be incorporated into the final designs, seconded by Mr. Jackson and following discussion the motion was carried 3-1 with Mr. Salkin opposed.

Mr. Salkin questioned if Staff was clear on what they were voting on? He feels that all of the discussion today has been very clear about what was asked and what the response is and he accepts all of this. Does Staff have what they need or do we need to state our motion to clarify any points? Responding to Mr. Salkin, Mrs. Melson-Williams stated that it would be helpful if you at least reference the conversation today and if you want to make reference to any of the numbering in the Staff Report and any that you would wish to exclude or add that would be a path forward.

Mr. Salkin further stated that he feels that the applicant has responded to a lot of questions and concerns that we had and that the general appearance of the building has improved. He would go back to Item #3(a) which could be clearer in our Guidelines "the use of vinyl siding is not a recommend practice." He feels that it is wrong for us to continue to allow it and except in unusual circumstances, he feels that it is wrong to have this much. In spite of all the good efforts of the applicants, which have been the most responsive applicants we have had before us in the time he has been on the Commission, he feels that they have not been adequately responsive on the issue of vinyl siding and now related vinyl materials which are even more extensive than what we saw at last month's meeting. For this reason, although he appreciates the good work, he cannot support this project.

Mr. Jackson stated that it would seem as though we are pushing every project that we do Downtown up the hill past all of the recommendations and the Guidelines as if the Guidelines mean nothing. He would suggest that we either change the Guidelines or that we recognize that with the onset of the Guidelines, unless they provide the money to do other than vinyl siding, that we either recognize that or change them so that we are not acting counter to the recommendations all of the time.

Mr. Scrafford stated that he is an advocate of altering the Loockerman Street criteria and that is what we are in the process of doing. He drives from the Duncan Center to City Hall and he can count at least a dozen buildings that have some form of vinyl or aluminum siding on them. There are two on the corner of Governors Avenue across the street from each other that have vinyl from the sidewalk to the roof. He finds it unsupportable when he can see it everywhere. His position would be the same to get vinyl siding out of the Guidelines because it is a building material that he

feels is getting ready to overwhelm us as long as we continue to approve it. It stands in the way of what we need to do on Loockerman Street at this particular point in time.

Mr. Salkin stated that this would support the frustration that he has had for a long time and I guess I have just had a different view which is, just because we have compromised in the past and because this particular applicant and others say it costs too much, is not a reason for us to give up. He feels that they need to have clearer and higher standards and anyone that comes before us should know well in advance what we mean and plan their projects accordingly. He knows enough about construction and business to know that this project could be built with better quality building materials. He understands that it would be an increased cost and that it would somehow need to be reflected in the rent or the profit of the builder. We as a Commission should be clear and firm and have applicants coming before us who understand well in advance.

Mrs. Melson-Williams stated that you have just made a recommendation of the Architectural Review Certification. Staff will put together some type of report that reflects the action that was just taken. This will be forwarded to the Planning Commission along with their (the applicants) updated revised architecture.

OTHER BUSINESS

Mrs. Melson-Williams stated that she received an announcement from the Delaware Preservation Fund which is affiliated with Preservation Delaware. They are accepting small grant applications for certain projects that qualify. If you know of someone who may be of benefit to making an application for this please pass this information on.

Mr. Jackson questioned if there were any other programs available for Downtown? Mrs. Melson-Williams stated that the Downtown Dover Partnership has a Façade Improvement Grant Program that has monies available that has a matching type scenario. The property at 408 S. State Street that came before you for approval of replacing a metal roof with wood has made application to that Façade Grant Program and they will be placing wood on the front face of the building.

Mrs. Townshend stated that money sought from that program would not address getting this project from vinyl as there is not enough funding in that program for that type of request.

Mrs. Melson-Williams further stated that funding wise there are tax credit programs through the City, County, and State for preservation; however, not so much for new construction in the district.

Mrs. Townshend stated that the incentives that are available are valuable such as impact fee waivers, building permit fee waivers, and tax abatement; however, they get figured in when they are doing the math to see if the project will work.

Mr. Scrafford stated that it becomes tiresome waiving everything in order to get something built and he feels that this is what we are trying to address.

Mr. Salkin stated that we have to stop making compromises just so that we can get things built on Loockerman Street; for the whole community that is a cop out. We should be able to get Loockerman Street redeveloped by good people like these folks with higher standards and expectations they could add $50,000 to the cost of materials and still make a lot of money on it.

or will you sell the property? Responding to Mr. Nichols, Mr. Shank stated that no, he is not a builder so he plans on selling four (4) lots to build four (4) homes.

Mr. Nichols further stated that personally, he thinks that you are trying to put ten (10) pounds of dirt in a two (2) pound bag because Lot four is going to be practically impossible for anyone to place a garage, porch, or any other thing that they may need to put on there. If you had only three (3) lots, it would look a lot better. You would have a lot with a more saleable piece of ground. Responding to Mr. Nichols, Mr. Shank stated that he would let the market determine this. We were authorized seven (7) lots and we are down to four (4) lots and so far we have received all approvals. The neighbors love us as we have compromised and if the market dictates that they do not want an illegitimate lot right next to them then he will own that lot in perpetuity.

Mr. Nichols further questioned if Mr. Shank would clear the property. Responding to Mr. Nichols, Mr. Shank stated that the builder would do that. They have gone to great extent to identify all of the trees out there that they would love to preserve; however, some of them where the houses will be located at will not be.

Mr. Ambruso stated that he would have to agree with Mr. Shank. It is not the purpose of/nor the intent of this body to be concerned about proposed people in the future going to possibly purchase property. Our function here is to see to it that the request is within the guidelines that are setup.

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

Mr. Ambruso moved to approve SB-10-03 Lands of Mor-Kath-Ric, LLC located at 217 & 223 McKee Road for creation of individual lots for construction of single family homes, seconded by Mr. Tolbert and motion was carried 4-1 with Mr. Nichols opposed and Colonel Welsh, Mr. Holt, Mr. Baldwin and Mr. Friedman absent.

S-10-30 Bayard Plaza at 200-216 West Loockerman Street and 208 South Governors Avenue - Public Hearing and Review of Site Development Plan and Architectural Review Certification to permit the construction of a 54,998 S.F., five story, multi-use building with 5,012 S.F. of retail space and 48 residential apartments and the associated site improvements on a 0.635+/- acre parcel. The project proposes demolition of the existing building on the site. The property is zoned C-2 (Central Commercial Zone) and H (Historic District). The property is located at the southwest corner of the intersection of West Loockerman Street and South Governors Avenue. The owner of record is Capitol Plaza, LLC. Property Addresses: 200-216 West Loockerman Street and 208 S Governors Avenue. Tax Parcel: ED-05-77.09-01-86.00-000. Council District 4. *Waivers Requested: Reduction of Parking Requirements for Residential Units and New Construction. (Associated applications: V-10-15 and HI-10-08).*

Representatives: Mr. Conny Malmberg; and Mr. Doug Liberman, Larson Engineering; Mr. Henry Mast, Principle Owner; and Mr. Bill Byler, Wm. Byler Architects.

Ms. Cornwell provided and overview of the application and the parking waiver requested and also noting the recommendation on the Architectural Review Certificate.

Mr. Liberman stated that they have been through the Board of Adjustment, Architectural Review Certification with the Historic District Commission, and the Active Recreation Committee and have gained all of their approvals up to date. They are seeking final Planning Commission approval and moving on with all the other agencies approvals.

Mr. Liberman stated with regards to the requested waiver requests: the first one would be a side yard setback waiver. The zoning requirements call for a zero or ten (10) foot side yard setback along the southern property line for the building just off of Governors Avenue. We are maintaining a one (1) foot setback property line. The setback was approved by the Historic District Commission. What we have is a sidewalk along the building adjacent to the site so the one (1) foot is for constructability along there as there is no building to go fully all the way up against along that property line. With none of the property lines being perpendicular throughout the site, the building is a very odd shape. This applies for the second floor up as they have columns in the bottom area and the first floor area is open.

Mr. Liberman further stated that the second waiver request they are asking for is a parking waiver. We show forty-two (42) parking spaces on the site and are required fifty-seven (57). Per Staff recommendation, they want the project to have eight annual parking permits in the Governors Avenue or Bradford Street parking lot to replace the parking that we are short. The developer is amenable to doing that so this is what we are proposing to do to address the parking shortage that we have on the site. One thing that Staff commented on was the two (2) additional handicap parking spaces. Currently, we have four (4) handicap parking spaces. There are four (4) units within the building that are handicap accessible units. The four (4) parking spaces are in excess of what we would normally provide for the number of parking spaces that we have on site; however we have the ability to add the two (2) additional handicap spaces.

Mr. Liberman further stated that one thing that Staff mentioned was regarding the dumpster. They will have a dumpster enclosure with the trash compactor in the dumpster enclosure. The trash compactor will be large enough to satisfy the number of residential and commercial units that they will have on site. They are in agreement with all of the DAC comments of record.

Mr. Tolbert questioned with regards to parking, the request to reduce the parking spaces is predicated on availability of additional parking spaces in the area. How near are those parking spaces to the site? He is asking this because you may have people in the apartments that would have to walk a distance to those parking spaces which could be a problem. Responding to Mr. Tolbert, Ms. Cornwell stated that the Bradford Street lot is next to the Dover Fire Department and the Governors Avenue lot is where Kunkels and the daycare center are located. If you go to the closest parking space in either, you are at 250 or 300 feet from the building. The farthest parking spot on the site that is along North Street is 250 feet from the entrance of the building. Staff believes that it is equivalent to those two lots as to what is on site as in distance.

Mr. Tolbert further stated that one other concern is that the roof is a flat roof. Can something be done with this roof? There is no design to it and it is in the Historic District. Responding to Mr. Tolbert, Mr. Liberman stated that what they have tried to do is a treatment to the parapet up top to

try and address that. With the building being five stories, if you are on Governors Avenue, North Street, or Loockerman Street, you will not see much of a roof. On the rendering there are metal roofs over the balconies as it goes up. While it is not a peaked roof, it is metal and it provides a difference with materials to help break up the building.

Mr. Nichols stated that it will be a nice addition when it is finished. The Architectural Review Board were not quite satisfied with all of the vinyl siding that was on there; however, you have made some concessions to change some of the railings, shutters, and various other things to take care of it. How much difference in cost is there between Dry-vit and the siding? Responding to Mr. Nichols, Mr. Mast stated that Dry-vit is about four times the cost of vinyl siding plus it is a maintenance issue as well.

Mr. Nichols further stated that Dry-vit siding would last four times longer. Responding to Mr. Nichols, Mr. Mast stated that he would disagree with this. We have Dry-vit buildings that have started to buckle if they get to much heat built up inside of them.

Mr. Nichols further stated that vinyl siding color goes out of it and it takes a lot more maintenance for it. Responding to Mr. Nichols, Mr. Mast stated that everyone has their own opinion; however, he would disagree with it. With the technology that they have today, vinyl siding does a pretty good job.

Mr. Nichols further questioned if the air conditioning units would be located on the roof or on the ground? Responding to Mr. Nichols, Mr. Mast stated that they would be located on the roof behind the small parapet wall and will be setback so that you cannot see them.

Mr. Ambruso questioned if the applicant could tell him about the proposed tenants that you are trying to seek that would be housed there on the first floor? Responding to Mr. Ambruso, Mr. Liberman stated that the first floor would be 5,000 square feet of retail and will be divided depending on the market. Based on the architectural, we have shown four (4) storefronts. The remaining portion of the first floor would be associated with the apartments with a community room, office and a set of bathrooms.

Mr. Ambruso further questioned what would be the proposed tenants for the floors above and what proposed dollar market range? Responding to Mr. Ambruso, Mr. Mast stated that it will be working class folks and the rentals are between $500 and $650 with a $700 maximum.

Mr. Ambruso further questioned in their calculation for financing, did you consider Section 8 at any time? Responding to Mr. Ambruso, Mr. Mast stated as a landlord he most certainly would not be willing to discriminate against them.

Mr. Hemmig stated that we cannot consider what rents will be charged or who they are going to rent the units to. This is not something in our pervue of review.

Mr. Ambruso further stated that he does not want to overstep his bounds; however, he is trying to look at this as to where we are going with this corner as it has been such a blight for so many years. He just does not want to see a quick cure with everyone applauding when in reality it is not the right thing at this time.

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

Mr. Tolbert moved to approve S-10-30 Bayard Plaza located at 200-216 West Loockerman Street and 208 South Governors Avenue to include the waiver request for a side yard setback as associated with the Architectural Review Certification and a waiver request for the reduction in parking spaces. The approval is to also include the consideration of approval for the Architectural Review Certification HI-10-08 as recommended by the Historic District Commission and to include the Active Open Recreation area which includes a picnic area and multi-purpose room, seconded by Mr. Nichols and the motion was unanimously carried 5-0 with Colonel Welsh, Mr. Holt, Mr. Baldwin and Mr. Friedman absent.

Mr. Hemmig questioned if the two letters that were received should be included? Responding to Mr. Hemmig, Mrs. Townshend stated that Ms. Cornwell acknowledged in her briefing the issue of the parking waiver as reviewed by the Parking Committee. The letter from Mr. Rodriguez (City Solicitor) is essentially to clarify where there was some concern regarding the Board of Adjustment waiving a portion of the Active Recreation requirement. She asked Mr. Rodriguez to provide something in writing so that it would be clear for the record what the role of the Board of Adjustment was in this.

MI-10-14 Eden Hill Farm TND Residential District: Townhouse Styles for Phase 2 and Pattern Book Revisions for Duplex Units – Review of Request to continue the townhouse architectural styles of Phase 1 into Phase 2 and Review of Revisions to the Pattern Book guidelines for Duplex units within the subdivision of the Eden Hill Farm TND Residential District. This request proposes a front-loaded garage unit for the duplex lots. The property is zoned TND (Traditional Neighborhood Design Zone). The owner of record is Hill Farm Associates, LLC. Property Address: southwest of intersection West North Street and Saulsbury Road. Tax Parcel: portions of the overall parcel ED-05-076.00-01-13.00-000. Council District 2.

Representatives: Mr. Mark Prata; Mrs. Katie Burke, Sales Manager for Ryan Homes; and Mrs. Laura Swiski, Northpoint Engineering.

Mrs. Melson-Williams provided an overview with revisions for the application. The applicants bring to you tonight two (2) requests pertaining to the Residential District. The first request is in regards to the townhouse architectural styles and patterns that were first allowed in Phase I. The applicant is requesting that they be continued into Phase II of the development. The second request is for several revisions to the Pattern Book which describes the Guidelines for duplex units and the garage placement associated with those duplex units.

Mr. Prata stated that he would like to apologize that Mr. Leonard Iacona could not be here personally this evening. He is actually meeting with bankers all day today and tomorrow to give all of you an idea of a sign of the times. The reason that these changes are being requested is basically to meet the real estate pricing that is out there currently. The numbers are just not there for people to be able to go out and obtain mortgages. We have been very lucky with the product that Ryan Homes are currently building out there although it is not setting the world on fire; however, we are moving along with the project slowly but surely. We are trying to stay a step ahead of the bank and keep the project moving in a forward direction. It costs us more money in the long run to develop smaller lots; however, it is

City of Dover

ARCHITECTURAL REVIEW REPORT
Request for Waiver – Side Yard Setback
Recommendation from the Dover Historic District Commission
Meeting of August 18, 2011
For Consideration by the Planning Commission
Meeting of September 19, 2011

Application:	Acme Site Redevelopment Master Plan, Lands of Downtown Dover Partnership at 120 South Governors Avenue, HI-11-04 and S-11-11
Location:	120 South Governors Avenue West side of South Governors Avenue over to South New Street, north of West Loockerman Street
Tax Parcel:	ED-05-077.09-01-44.00-000
Present Zoning:	C-2 - Central Commercial District Zone H - Historic District Zone

Current Request for Review

The ongoing review process for the redevelopment of the property at 120 South Governors Avenue included the filing a Site Development Master Plan application for review by the Planning Commission. As part of review process, the Planning Staff reviews the proposed project submission for compliance with the bulk standards established by the *Zoning Ordinance*. The standards include items such as setbacks from property lines, floor area ratio, height, number of stories, etc. During this plan review process, Staff discovered that the proposed placement of Building #1 (the Retail/Apartment Building fronting on South Governors Avenue) does not conform to the side yard setback requirement of the C-2 Zoning District and requires action on a waiver as a part of the Architectural Review Certificate. (Note: The previous plan graphics reviewed with HI-11-04 did not include this level of detail as to determine the actual setbacks.)

The *City of Dover Zoning Ordinance,* Article 3 §21.2 authorizes the Historic District Commission to waive certain bulk standards when issuing its recommendation to the Planning Commission for an Architectural Review Certificate. A written waiver request for the encroachment into the side yard setback for the Governors Avenue Retail/Apartment Building #1 was submitted for consideration. See attached waiver request. The waiver was not reviewed by the Historic District Commission for the project at their July 2011 meeting during review of this project. With the initial application to the Historic District Commission, the applicant did not seek any waivers of the bulk standards. The side yard setback issue was discovered during the Site Development Plan review process prior to the application's (S-11-11) consideration by the Planning Commission in August 2011.

RECOMMENDATION OF THE HISTORIC DISTRICT COMMISSION:

The Historic District Commission reviewed the waiver request for the side yard setback at their August 18, 2011 meeting. The following members were present: Chairman Dick Scrafford, Mr. Terry Jackson, and Mr. George Fisher. (Commission member Mr. Joe McDaniel was present at the meeting; however, he was recused from participating the waiver request review as he is a Board Member of the Downtown Dover Partnership, the property owner). The waiver request was represented by Mr. Michael Henry of the Becker Morgan Group, the project engineering firm.

Action Taken by Historic District Commission: The motion to recommend approval passed 3-0 of the members present (with one member recused). **The Historic District Commission recommends approval of the side yard setback waiver request to allow for a side yard setback of seven feet. This setback is for Building #1, which fronts on South Governors Avenue, as located adjacent to the southern property line of the project site.**

This Recommendation is forwarded to the Planning Commission to document the Historic District Commission's action on the side yard wetback waiver request. Previously on August 15, 2011, the Planning Commission granted conditional approval of the Architectural Review Certificate for the project subject to a favorable recommendation from the Historic District Commission in regards to the waiver request. This confirms the recommendation of the Historic District Commission and allows the final action on the project's Architectural Review Certification.

The following information was considered by the Historic District Commission in making their recommendation including the initial recommendations made by Planning Staff in regards to the waiver request. Discussion at the Historic District Commission meeting also included explanation of the reasons for the waiver request based on proposed site improvements.

Project History and Architectural Review Certification Review Actions:

On July 21, 2011, the Historic District Commission conducted a public hearing and took action to make a recommendation on the Architectural Review Certificate for the Acme Site Redevelopment Master Plan to the City of Dover Planning Commission for an Architectural Review Certificate for the Acme Site Redevelopment Master Plan project. A copy of the *Architectural Review Recommendation Report* containing the Historic District Commission's recommendation as forwarded to the Planning Commission was provided. The original application was scheduled for review at the August 15, 2011 Planning Commission meeting.

The application consists of a phased project that is to include a retail/apartment building and second apartment building with the demolition of the existing mid-to-late twentieth century commercial building. The project also includes the associated parking, streetscape improvements, landscaping, and stormwater management facilities. The project area consists of one parcel of land totaling 1.7653 acres ± and zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property site spans the block between South Governors Avenue and South New Street located north of, but not adjacent to, West Loockerman Street. The owner of record is the Downtown Dover Partnership. The property address is 120 South Governors Avenue. Tax Parcel: ED-05-077.09-01-44.00-000.

Review of DESIGN STANDARDS AND GUIDELINES

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

This proposal must be reviewed for conformity with the design criteria guidelines found in Chapter 4: New Construction, Additions, Demolition and Relocation. For the demolition of the existing mid-late twentieth century building on the site, the review considerations are those associated with "Demolition." For the new retail/ apartment building and the apartment building, the applicable review considerations are those associated with "New Construction" (Chapter 4: pages 4-1 through 4-8). One of the design criteria to be considered is "Siting" which deals with the location of the building on the lot and its relationship to the street.

As noted, the proposed project must also be reviewed for compliance with the standards established by the *Zoning Ordinance*. The *City of Dover Zoning Ordinance* authorizes the Historic District Commission to waive certain bulk standards when issuing its recommendation to the Planning Commission for an Architectural Review Certificate if necessary to achieve architectural compatibility in the Historic District. As proposed the placement of Building #1 requires consideration of a waiver of the bulk standards for the side yard setback requirement.

Waiver Request	**Bulk Standard in C-2**	**Ordinance requirements**	**As shown on the plan (Requested)**
	Side Yard setback	**None required, but 10 feet minimum if provided.**	**For Building #1 a setback of 7 feet from the southern property line shared with Lands of Morgan, LLC. The Building complies with the other side yard setbacks.**

STAFF COMMENTS AND RECOMMENDATIONS

The following are Staff comments and recommendations for this waiver request (Side Yard Setback) for the project.

1. Staff recommends approval of the waiver request pertaining to side yard setback that would allow it be reduced to seven (7) feet along the south property for the construction of the Retail/Apartment Building #1 and finding that the reduction of the side yard setback (to seven feet) to enable building egress and utility placement would not be detrimental to the fit of this building to the character of the surrounding neighborhood.

2. The recommendation (and action) on the waiver request will be incorporated into the Architectural Review Certification for the project.

3. It is noted that this is the only waiver request at this time for the project. If subdivision of the property is to occur, then the compliance of Subdivision Plan with the bulk standards i.e. lot requirements, setbacks, floor area ration, etc. must be confirmed.

4. The applicant shall be aware of the implications of this reduced setback as it relates to building and building elevation design under the provisions of the applicable building codes and fire codes. For building construction, the requirements of the building code or fire code must be complied with. Consult with the Chief Building Inspector and Office of the Fire Marshal for these requirements. The resolution of these items can impact the site design or building exterior finishes or design in some instances.

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

6. The applicant shall be aware that Building Permits and Demolition Permits are required to proceed with any demolition or construction activities on the property. The permit applications must comply with the approvals granted through the Architectural Review Certification process.

MEMORANDUM

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

DATE: September 9, 2011

TO: Planning Commission

FROM: Planning Office

SUBJECT: Revised Architecture for S-11-09 State Street Plaza at 1004 South State St.

The Planning Commission at its July 18, 2011 meeting granted conditional approval of the Site Plan for a proposed office building at 1004 South State Street known as State Street Plaza. As a part of the motion the Planning Commission required changes in the architecture of the building. Attached are the revised architecture elevations reflecting a pitched roof and a more "residential" appearance to the building.

The building will be a brick building with a hipped roof of architectural roof shingles (asphalt). The front elevation along Wyoming Avenue will have a brick watertable feature with precast detail as the foundation of the building. There will be three storefront entrances along this side. The storefront areas consist of double doors surrounded by window and transom windows. The windows are 15 lite windows topped with a 6 lite transom window. The middle storefront will have four brick engaged columns separated by windows. There are dormers located at either end on this side of the building. The South State Street side of the building is brick with the watertable feature along with a dormer centered in the side of the building. Windows and a service door are also located on this side of the building. The rear (south) side of the building is a split faced block with dormers located on the roof. The west side of the building mirrors the South State Street side of the building with a series of windows. All of the windows have key stone arch's over them providing relief.

ANNUAL REVIEW OF CONDITIONAL USE PERMIT
PLANNING COMMISSION MEETING
September 19, 2011

Plan Title:	House of Pride Inc. C-08-01
Plan Type:	Conditional Use
Property Locations:	North New Street and South New Street between Loockerman Street and Fulton Street
Property Addresses:	20 North New Street; 29, 37, 38, 55-57, 105 and 110 South New Street
Tax Parcels:	ED-05-076.08-05-20.00-000 ED-05-077.05-03-10.00-000 ED-05-077.05-03-08.00-000 ED-05-076.08-05-84.00-000 ED-05-077.05-03-02.00-000 ED-05-077.09-01-37.00-000 ED-05-077.09-01-31.00-000
Owner:	House of Pride 110 South New Street Dover, DE 19904
Present Use:	Philanthropic Use as Residential Recovery Center and Transitional Housing
Zoning Classification:	RG-1 (General Residence Zone) C-2 (Central Commercial Zone) (property at 105 South New St.)

PROJECT BACKGROUND

Conditional Use Approvals Granted by Planning Commission:

The Planning Commission granted conditional approval of the Conditional Use (C-08-01) on January 22, 2008 in accordance to the DAC Report dated January 11, 2008. In addition, the Planning Commission made the following conditions on this Conditional Use:

1. All Building and Life Safety Code requirements must be met for all occupancies and must be complied with for the properties.
2. All code violations from the January 2, 3, and 4, 2008 Annual Housing Inspections shall be complied with.
3. The condition that no more than five (5) people may live in each unit at any given time.

The Conditional Use was set to expire on July 31, 2008. At the July 2008 Planning Commission meeting, the Planning Commission moved to extend the item one month to the August 18, 2008 Planning Commission meeting.

At the August 18, 2008 meeting the Planning Commission postponed the 6-month review of the Conditional Use application to allow for further information to be obtained and to address the Code classification concerns of the Office of the Fire Marshal and Building Inspections/Code Enforcement Divisions.

The 6-month review was completed at its meeting of December 15, 2008, the City of Dover Planning Commission moved to grant conditional approval of the Conditional Use for the House of Pride located at the above listed properties on North and South New Street in accordance with the conditions of approval outlined in the agency comments of the Development Advisory Committee (D.A.C.) Report dated January 10, 2008, the six month review report dated August 18, 2008, and in accordance with the conditions as noted below.

In addition, the Planning Commission included the following conditions as a part of its approval:

1. The requirements stated in the letter from the City of Dover Fire Marshal dated October 27, 2008 shall be complied with.
2. Hardwired smoke detectors shall be installed in all units no later than March 1, 2009. Following installation, the Fire Marshal's Office must inspect the units to ensure proper placement.
3. The City of Dover conduct annual housing inspections of all units included within this Conditional Use application. These inspections will occur each year, and continuation of the Conditional Use shall be contingent on successful completion of the inspections.
4. The condition that no more than five (5) people may live in each unit at any given time.
5. No signs shall be permitted to be erected on the premises of the properties associated with this application.

At its meeting of January 18, 2011, the City of Dover Planning Commission moved to provisionally continue the Conditional Use Permit (C-08-01) for a philanthropic use and a social service agency for the above-stated properties (Seven properties located at 20 North New Street; and 29, 37, 38, 55-57, 105 and 110 South New Street.) owned by the House of Pride, subject to the following requirements:

- Property at 35 North New Street is not included in this action.
- The Conditional Use Permit has been revoked for 16 North New Street and 102 South New Street, effective immediately (which means that neither property shall be used for the recovery program or transitional housing). Both houses are currently unoccupied**.**
- On the 30th day (February 18, 2011), if full compliance is not made, the Conditional Use Permit shall be administratively revoked by staff. (Staff notes properties were in compliance in February 2011.)
- The Conditional Use Permit shall be subject to Annual Review by the Planning Commission.
- Each property shall be considered independent of the others. (By February 18, 2011, if any property has not achieved full compliance, the Conditional Use Permit shall be revoked for those properties; however for any property that has achieved full compliance,

the Conditional Use Permit shall remain in place.)

At the Planning Commission meeting on February 22, 2011, Staff recommended that the Annual Review of the Conditional Use Permit C-08-01 by the Commission take place in August of each year, to avoid considering the issue during winter months, when potential non-compliance with the conditions of the Conditional Use Permit could result in displacement of residents during extreme weather conditions.

During July 2011, the Fire Marshal's Office and Code Enforcement Division made attempts to contact House of Pride to schedule inspections so that the results of these inspections could be reported to the Planning Commission in August as part of the Annual Review. The Fire Marshal's Office and Code Enforcement Division received a lack of response to phone calls and visits to the property to schedule these inspections. On August 5, 2011, the Fire Marshal's Office issued a notice of violation for failure to schedule the necessary inspections.

Due to the challenges staff had in scheduling inspections to assess the status of the properties, staff alerted the Planning Commission at their August 15, 2011 meeting of the intent to defer the Annual Review of the Conditional Use Permit to the Planning Commission meeting on September 19, 2011. This will allow for time to complete the inspections or to provide notice of potential revocation if inspections are not scheduled.

Annual Review of Conditional Use Permit

The Planning Commission is to complete an Annual Review of the Conditional Use Permit for the House of Pride properties as a philanthropic use and social service agency including a residential recovery program and transitional housing. The project is located on seven (7) properties on North New Street and South New Street. It is a multi-use philanthropic use relating to substance abuse prevention, intervention, treatment, education, and aftercare. The buildings include an office, recovery houses, and transitional houses. In preparation for this Annual Review, a series of inspections were conducted. Information on the inspections of the seven properties is provided below.

Summary of September 2011 Inspections

The Code Enforcement Division and Fire Marshal's Office performed inspections of House of Pride properties on September 7th and 8th, 2011. The inspections revealed a number of code violations that must be corrected, although less serious in nature than those previously brought forward to the Planning Commission. Fire Code violations that were noted are consistent with those noted on previous inspections, including smoke detector issues and inadequate maintenance of self-closing devices on interior doors. There are a number of broken window panes and other cosmetic violations noted by the Code Enforcement Officer.

The most significant of the violations identified is the condition of 105 South New Street, where a significant roof leak was identified and associated water damage. The second floor cannot be occupied until the leak and associated damage have been repaired.

The Fire Marshal's Office also included documentation of violations related to "preventable responses" for fire alarms at 110 South New Street. Fines have been issued by the Fire Marshal's Office for these violations, along with requirements to prevent future violations. Fines issued have been paid by House of Pride.

Recommendations on Conditional Use Permit

While violations were identified by the Code Enforcement Division and Fire Marshal's Office, the violations were less significant in nature than those identified on previous inspections. It appears that many of the corrections made previously have been maintained.

Staff recommends the following in regards to Conditional Use Permit, C-08-01 House of Pride at the seven identified properties on North New Street and South New Street:

- To provisionally continue the Conditional Use Permit as authorized by the Planning Commission in January 2011 with the condition of compliance for the identified violations by the October 7, 2011 deadline.
- If compliance is not made by October 7, 2011, then the City Planner will begin proceedings under the provisions of *Zoning Ordinance,* Article 10 §1.43 Revocation of conditional use permit.
- That this Conditional Use Permit remain on a schedule of Annual Reviews with the next Annual Review by the Planning Commission to occur in July 2012.

Attachments:

- Code Enforcement Reports 9-7-11 and 9-8-11
- Fire Marshal Inspection Report 9-9-11

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone. (302) 736-4457
Fax: (302) 736-4217

September 9, 2011

HOUSE OF PRIDE INC
105 S NEW ST
DOVER DE 19904

RE: Property address: 20 N NEW ST
Tax Parcel Number: ED-05-076.08-05-200 000-000
Case Number: 11-00002772

Dear Sir/Madam:

On September 08, 2011, the City of Dover, Department of Inspections conducted an inspection at 20 N NEW ST.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by October 07, 2011, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-4457.

Sincerely,

RC

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 11-00002772
PROPERTY ADDRESS 20 N NEW ST

VIOLATION: 221 QUANTITY: 1
DESCRIPTION: 221 REPAIR FLOOR COVERING DATE: 9/08/11
LOCATION: KITCHEN

NARRATIVE :
Replace the kitchen floor, replace any deteriorated floor underneath.

ORDINANCE DESCRIPTION :
SECTION PM 305.1/305.4 INTERIOR SURFACES

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE FLOOR COVERING

VIOLATION: 714 QUANTITY: 1
DESCRIPTION: 714 TRIM BRANCHES FROM BLDG DATE: 9/08/11
LOCATION: EXTERIOR

NARRATIVE :
Cut back all tree branches away from the dwelling and roof line.

ORDINANCE DESCRIPTION :
SECTION PM 304.1 EXTERIOR STRUCTURE/GENERAL REQUIREMENTS

CORRECTIVE ACTION REQUIRED :
TRIM TREE BRANCHES OR BUSHES AWAY FROM BUILDING

VIOLATION: 220 QUANTITY: 1
DESCRIPTION: 220 REPLACE DAMAGED CARPETING DATE: 9/08/11
LOCATION: STAIRS

NARRATIVE :
Repair the carpet at the top of the stairs; the carpet has come loose from the riser.

ORDINANCE DESCRIPTION :
SECTION PM 305.1/305.4 INTERIOR GENERAL MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPLACE OR REMOVE DAMAGED, DETERIORATED OR CLEAN UNSANITARY CARPETING

VIOLATION: 378 QUANTITY: 1
DESCRIPTION: 378 REPLC BROKEN WINDOW PANES DATE: 9/08/11
LOCATION: REAR BEDROOM

NARRATIVE :
Replace the broken window panes in the two windows located in the upstairs rear bedroom.

ORDINANCE DESCRIPTION : CONTINUED

CASE NUMBER 11-00002772
PROPERTY ADDRESS 20 N NEW ST

ORDINANCE DESCRIPTION :
SECTION PM 304.13

CORRECTIVE ACTION REQUIRED :
REPLACE CRACKED OR BROKEN WINDOW PANE(S)

VIOLATION: 362 QUANTITY: 1
DESCRIPTION: 362 REPAIR/REPLACE DOOR DATE: 9/08/11
LOCATION: REAR BEDROOM

NARRATIVE :
Adjust the rear bedroom door so that it operates properly.

ORDINANCE DESCRIPTION :
SECTION PM 304.15/305.6 BUILDING/EQUIPMENT/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DOOR

VIOLATION: 362 QUANTITY: 1
DESCRIPTION: 362 REPAIR/REPLACE DOOR DATE: 9/08/11
LOCATION: FRONT BEDROOM

NARRATIVE :
Adjust the front bedroom door so that it operates properly.

ORDINANCE DESCRIPTION :
SECTION PM 304.15/305.6 BUILDING/EQUIPMENT/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DOOR

VIOLATION: 607 QUANTITY: 1
DESCRIPTION: 607 REPAIR LIGHT FIXTURE DATE: 9/08/11
LOCATION: BATHROOM

NARRATIVE :
Install a globe/shade on the upstairs bathroom ceiling light fixture.

ORDINANCE DESCRIPTION :
SECTION PM 604.3/605.1 ELECTRICAL EQUIPMENT/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE FAULTY LIGHT FIXTURE

VIOLATION: 413 QUANTITY: 1
DESCRIPTION: 413 REPLACE TOILET SEAT DATE: 9/08/11
LOCATION: BATHROOM

NARRATIVE :

CASE NUMBER 11-00002772
PROPERTY ADDRESS 20 N NEW ST

NARRATIVE :
Replace the cracked toilet seat in the upstairs bathroom.

ORDINANCE DESCRIPTION :
SECTION PM 504.1 PLUMBING/FIXTURES/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
INSTALL OR REPLACE TOILET SEAT

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-4457
Fax: (302) 736-4217

September 8, 2011

HOUSE OF PRIDE INC
105 S NEW ST
DOVER DE 19904

RE: Property address: 29 S NEW ST A
Tax Parcel Number: ED-05-077.05-03-100.000-000
Case Number: 11-00002758

Dear Sir/Madam:

On September 08, 2011, the City of Dover, Department of Inspections conducted an inspection at 29 S NEW ST B.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by October 07, 2011, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-4457.

Sincerely,

RC

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 11-00002758
PROPERTY ADDRESS 29 S NEW ST B

VIOLATION: 230 QUANTITY: 1
DESCRIPTION: 230 REPAIR WALL PLASTER DATE: 9/08/11
LOCATION: ROOM #2

NARRATIVE :
Repair the wall plaster under and around the rear window of Room #2, bring to a finished condition and paint same.

ORDINANCE DESCRIPTION :
SECTION PM 305.3 INTERIOR WALLS

CORRECTIVE ACTION REQUIRED :
REPAIR WALL PLASTER AND OR DRYWALL

VIOLATION: 225 QUANTITY: 1
DESCRIPTION: 225 PAINT DOORS AND/OR WINDOWS DATE: 9/08/11
LOCATION: ROOM #2

NARRATIVE :
Paint the rear window located in Room #2, this is to include frame, trim work and window well.

ORDINANCE DESCRIPTION :
SECTION PM 305.3 INTERIOR SURFACES

CORRECTIVE ACTION REQUIRED :
PAINT DOORS AND/OR WINDOWS

VIOLATION: 375 QUANTITY: 1
DESCRIPTION: 375 MAKE WINDOW OPERABLE DATE: 9/08/11
LOCATION: ROOM #2

NARRATIVE :
Make the rear window operational.

ORDINANCE DESCRIPTION :
SECTION PM 304.13.2 BUILDING/EQUIPMENT

CORRECTIVE ACTION REQUIRED :
EVERY WINDOW, OTHER THAN A FIXED WINDOW, SHALL BE EASILY OPENABLE AND CAPABLE OF BEING HELD IN POSITION BY WINDOW HARDWARE.

VIOLATION: 606 QUANTITY: 1
DESCRIPTION: 606 OUTLET/SWITCH COVER PLATES DATE: 9/08/11
LOCATION: BASEMENT

NARRATIVE :
Install a switch plate cover on the basement light switch.

ORDINANCE DESCRIPTION :

CASE NUMBER 11-00002758
PROPERTY ADDRESS 29 S NEW ST B

ORDINANCE DESCRIPTION :
SECTION PM 604.3/605.1 ELECTRICAL EQUIPMENT/HAZARDS

CORRECTIVE ACTION REQUIRED :
INSTALL/REPLACE ELECTRIC OUTLET AND/OR SWITCH COVER PLATE(S)

VIOLATION: 009 QUANTITY: 1
DESCRIPTION: 009 INSTALL SMOKE DETECTOR(S) DATE: 9/08/11
LOCATION: BASEMENT

NARRATIVE :
Repair or replace the smoke detector located in the basement.

ORDINANCE DESCRIPTION :
SECTION PM 704.2 SMOKE ALARMS

CORRECTIVE ACTION REQUIRED :
INSTALL WORKING SMOKE DETECTOR(S) AT REQUIRED LOCATION(S)

VIOLATION: 700 QUANTITY: 1
DESCRIPTION: 700 CLEAN INTERIOR THROUGHOUT DATE: 9/08/11
LOCATION: BASEMENT

NARRATIVE :
Clean the junk and debris from the basement, provide a three foot clearance around all mechanical equipment and electrical panels.

ORDINANCE DESCRIPTION :
SECTION PM 305.1 GENERAL REQUIREMENTS/SANITATION

CORRECTIVE ACTION REQUIRED :
CLEAN INTERIOR THROUGHOUT

VIOLATION: 607 QUANTITY: 1
DESCRIPTION: 607 REPAIR LIGHT FIXTURE DATE: 9/08/11
LOCATION: ROOM #4

NARRATIVE :
Install globe/shades on the ceiling light fixtures located in Room #4.

ORDINANCE DESCRIPTION :
SECTION PM 604.3/605.1 ELECTRICAL EQUIPMENT/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE FAULTY LIGHT FIXTURE

VIOLATION: 377 QUANTITY: 1
DESCRIPTION: 377 REPAIR WINDOW SCREENS DATE: 9/08/11
LOCATION: BATHROOM

NARRATIVE : CONTINUED

CASE NUMBER 11-00002758
PROPERTY ADDRESS 29 S NEW ST B

NARRATIVE :
Repair the bathroom window screen.

ORDINANCE DESCRIPTION :
SECTION PM 304.14 BUILDING/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR WINDOW SCREENS

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-4457
Fax: (302) 736-4217

September 8, 2011

HOUSE OF PRIDE INC
105 S NEW ST
DOVER DE 19904

RE: Property address: 29 S NEW ST B
Tax Parcel Number: ED-05-077.05-03-100.000-000
Case Number: 11-00002757

Dear Sir/Madam:

On September 08, 2011, the City of Dover, Department of Inspections conducted an inspection at 29 S NEW ST B.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by October 07, 2011, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-4457.

Sincerely,

RC

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 11-00002757
PROPERTY ADDRESS 29 S NEW ST B

VIOLATION: 742 QUANTITY: 1
DESCRIPTION: 742 PROVIDE WINDOW OR FAN DATE: 9/08/11
LOCATION: BATHROOM

NARRATIVE :
Install a window or exhaust fan for proper ventilation.

ORDINANCE DESCRIPTION :
SECTION PM 403.2 GENERAL REQUIREMENTS/VENTILATION

CORRECTIVE ACTION REQUIRED :
PROVIDE WINDOW OR FAN FOR PROPER VENTILATION

VIOLATION: 376 QUANTITY: 1
DESCRIPTION: 376 INSTALL WINDOW SCREENS DATE: 9/08/11
LOCATION: WINDOWS

NARRATIVE :
Install a window screen in the front bedroom south window.

ORDINANCE DESCRIPTION :
SECTION PM 304.14 BUILDING/REQUIRED EQUIPMENT

CORRECTIVE ACTION REQUIRED :
INSTALL WINDOW SCREENS

VIOLATION: 378 QUANTITY: 1
DESCRIPTION: 378 REPLC BROKEN WINDOW PANES DATE: 9/08/11
LOCATION: FRONT BEDROOM

NARRATIVE :
Replace the broken window pane in the front bedroom front window.

ORDINANCE DESCRIPTION :
SECTION PM 304.13

CORRECTIVE ACTION REQUIRED :
REPLACE CRACKED OR BROKEN WINDOW PANE(S)

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone (302) 736-4457
Fax (302) 736-4217

September 8, 2011

HOUSE OF PRIDE INC
105 S NEW ST
DOVER DE 19904

RE: Property address: 37 S NEW ST
Tax Parcel Number: ED-05-077.05-03-080.000-000
Case Number: 11-00002753

Dear Sir/Madam:

On September 07, 2011, the City of Dover, Department of Inspections conducted an inspection at 37 S NEW ST.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by October 07, 2011, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-4457.

Sincerely,

RC

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 11-00002753
PROPERTY ADDRESS 37 S NEW ST

VIOLATION: 362 QUANTITY: 1
DESCRIPTION: 362 REPAIR/REPLACE DOOR DATE: 9/07/11
LOCATION: REAR DOOR

NARRATIVE :
Repair the rear door so that the door operates and closes properly.

ORDINANCE DESCRIPTION :
SECTION PM 304.15/305.6 BUILDING/EQUIPMENT/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DOOR

VIOLATION: 249 QUANTITY: 1
DESCRIPTION: 249 REPAIR LEAKING ROOF DATE: 9/07/11
LOCATION: REAR BEDROOM

NARRATIVE :
Repair the leaking roof above the rear bedroom.

ORDINANCE DESCRIPTION :
SECTION PM 304.7 ROOFS

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE LEAKING ROOF

VIOLATION: 231 QUANTITY: 1
DESCRIPTION: 231 REPAIR CEILING PLASTER DATE: 9/07/11
LOCATION: REAR BEDROOM

NARRATIVE :
After the roof leak has been repaired make repairs to the bedroom ceiling, bring to a finished condition and then paint.

ORDINANCE DESCRIPTION :
SECTION PM 305.3 INTERIOR CEILINGS

CORRECTIVE ACTION REQUIRED :
REPAIR CEILING PLASTER AND OR DRYWALL

VIOLATION: 410 QUANTITY: 1
DESCRIPTION: 410 REPAIR LEAKING PIPES DATE: 9/07/11
LOCATION: 1ST FLOOR BATH

NARRATIVE :
The is a leaking pipe above the first floor bathroom ceiling which is causing damage. Repair the leak.

ORDINANCE DESCRIPTION :

CASE NUMBER 11-00002753
PROPERTY ADDRESS 37 S NEW ST

ORDINANCE DESCRIPTION :
SECTION PM 505.3 PLUMBING/WATER SUPPLY/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE LEAKING PIPES

VIOLATION: 231 QUANTITY: 1
DESCRIPTION: 231 REPAIR CEILING PLASTER DATE: 9/07/11
LOCATION: 1ST FLOOR BATH

NARRATIVE :
After the leak has been repaired then repair the ceiling, bring to a finished condition and paint.

ORDINANCE DESCRIPTION :
SECTION PM 305.3 INTERIOR CEILINGS

CORRECTIVE ACTION REQUIRED :
REPAIR CEILING PLASTER AND OR DRYWALL

VIOLATION: 238 QUANTITY: 1
DESCRIPTION: 238 CAULK BATHTUB OR SHOWER DATE: 9/07/11
LOCATION: 1ST FLOOR BATH

NARRATIVE :
Caulk around the bottom of the shower enclosure to make water tight.

ORDINANCE DESCRIPTION :
SECTION PM 504.1 PLUMBING GENERAL

CORRECTIVE ACTION REQUIRED :
CAULK AROUND BATHTUB OR SHOWER

VIOLATION: 717 QUANTITY: 1
DESCRIPTION: 717 RMV JUNK AND DEBRIS DATE: 9/07/11
LOCATION: REAR YARD

NARRATIVE :
Remove and properly dispose of all trash, litter and debris fromm the exterior areas to include the pile of contruction debris located behind the dwelling.

ORDINANCE DESCRIPTION :
SECTION PM 302.1 GENERAL REQUIREMENTS/SANITATION

CORRECTIVE ACTION REQUIRED :
REMOVE GARBAGE, TRASH AND/OR JUNK AND DEBRIS FROM EXTERIOR PROPERTY AREAS

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone (302) 736-4457
Fax (302) 736-4217

September 9, 2011

HOUSE OF PRIDE INC
105 S NEW ST
DOVER DE 19904

RE: Property address: 38 S NEW ST
Tax Parcel Number: ED-05-076.08-05-840.000-000
Case Number: 11-00002760

Dear Sir/Madam:

On September 08, 2011, the City of Dover, Department of Inspections conducted an inspection at 38 S NEW ST.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by October 07, 2011, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-4457.

Sincerely,

RC

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 11-00002760
PROPERTY ADDRESS 38 S NEW ST

VIOLATION: 715 QUANTITY: 1
DESCRIPTION: 715 RMV HIGH GRASS/OVERGROWTHS DATE: 9/08/11
LOCATION: REAR

NARRATIVE :
Remove all the overgrowth from the rear of the property, keeping this area cut should be routine maintenance. Also remove the poison ivy growing around the rear door.

ORDINANCE DESCRIPTION :
SECTION PM 302.4 and DCO 114-32 GENERAL REQUIREMENTS

CORRECTIVE ACTION REQUIRED :
REMOVE HIGH GRASS, WEEDS AND/OR NOXIOUS WEEDS FROM EXTERIOR PROPERTY AREAS

VIOLATION: 724 QUANTITY: 1
DESCRIPTION: 724 REMOVE ABD/UNREG VEHICLE DATE: 9/08/11
LOCATION: REAR YARD

NARRATIVE :
Remove or properly register the Lincoln Continental, no tags visible, located in the rear yard.

ORDINANCE DESCRIPTION :
SECTION DCO 106-130(b) ABANDONED/UNREGISTERED VEHICLES

CORRECTIVE ACTION REQUIRED :
REMOVE OR PROPERLY REGISTER VEHICLE

VIOLATION: 110 QUANTITY: 1
DESCRIPTION: 110 REPAIR FOUNDATION WALL DATE: 9/08/11
LOCATION: BASEMENT

NARRATIVE :
Repair the basement foundation wall. All cracks and opening shall be maintained.
304.5 Foundation walls. All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

ORDINANCE DESCRIPTION :
SECTION PM 304.5 BUILDING/STRUCTURAL

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DAMAGED OR DETERIORATED FOUNDATION WALL

VIOLATION: 410 QUANTITY: 1
DESCRIPTION: 410 REPAIR LEAKING PIPES DATE: 9/08/11
LOCATION: BASEMENT

NARRATIVE : CONTINUED

CASE NUMBER 11-00002760
PROPERTY ADDRESS 38 S NEW ST

NARRATIVE :
Repair the leaking water pipes inside the basement area, this would include the water lines that appear to be going to the first floor apartment kitchen sink.

ORDINANCE DESCRIPTION :
SECTION PM 505.3 PLUMBING/WATER SUPPLY/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE LEAKING PIPES

VIOLATION: 700 QUANTITY: 1
DESCRIPTION: 700 CLEAN INTERIOR THROUGHOUT DATE: 9/08/11
LOCATION: BASEMENT

NARRATIVE :
Clean the basement area to provide proper access and clearance around the mechanical equipment and electrical panels.

ORDINANCE DESCRIPTION :
SECTION PM 305.1 GENERAL REQUIREMENTS/SANITATION

CORRECTIVE ACTION REQUIRED :
CLEAN INTERIOR THROUGHOUT

VIOLATION: 227 QUANTITY: 1
DESCRIPTION: 227 PREPARE & PAINT EXTERIOR DATE: 9/08/11
LOCATION: REAR DOOR

NARRATIVE :
Paint the wood trim around the rear door.

ORDINANCE DESCRIPTION :
SECTION PM 304.2 EXTERIOR SURFACES

CORRECTIVE ACTION REQUIRED :
PREPARE & PAINT ANY & ALL PAINTABLE EXTERIOR SURFACES

VIOLATION: 367 QUANTITY: 1
DESCRIPTION: 367 REPAIR SCREEN DOOR DATE: 9/08/11
LOCATION: REAR DOOR

NARRATIVE :
Repair the screen in the rear screen door.

ORDINANCE DESCRIPTION :
SECTION PM 304.15 BUILDING/REQUIRED EQUIPMENT

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE SCREEN DOOR(S)

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone (302) 736-4457
Fax (302) 736-4217

September 9, 2011

HOUSE OF PRIDE INC
105 S NEW ST
DOVER DE 19904

RE: Property address: 38 S NEW ST 1
Tax Parcel Number: ED-05-076.08-05-840.000-000
Case Number: 11-00002762

Dear Sir/Madam:

On September 08, 2011, the City of Dover, Department of Inspections conducted an inspection at 38 S NEW ST 1.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by October 07, 2011, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-4457.

Sincerely,

RC

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 11-00002762
PROPERTY ADDRESS 38 S NEW ST 1

VIOLATION: 398 QUANTITY: 1
DESCRIPTION: 398 REPAIR/REPLACE KIT CABINET DATE: 9/08/11
LOCATION: KITCHEN

NARRATIVE :
Repair the kitchen cabinet drawer, it is missing the face.

ORDINANCE DESCRIPTION :
SECTION PM 305.1 BUILDING EQUIPMENT/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DEFECTIVE KITCHEN CABINET(S)

VIOLATION: 220 QUANTITY: 1
DESCRIPTION: 220 REPLACE DAMAGED CARPETING DATE: 9/08/11
LOCATION: HALL/BEDROOM

NARRATIVE :
The carpets located in the hall and the front bedroom need to be professionally cleaned or replaced. If they are cleaned a copy of the invoice is to be provided to this office.

ORDINANCE DESCRIPTION :
SECTION PM 305.1/305.4 INTERIOR GENERAL MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPLACE OR REMOVE DAMAGED, DETERIORATED OR CLEAN UNSANITARY CARPETING

VIOLATION: 602 QUANTITY: 1
DESCRIPTION: 602 INSTALL GFCI OUTLET(S) DATE: 9/08/11
LOCATION: BATHROOM

NARRATIVE :
Install a GFCI type outlet in the bathroom.

ORDINANCE DESCRIPTION :
SECTION PM 605.2 RECEPTACLES

CORRECTIVE ACTION REQUIRED :
INSTALL GROUND FAULT INTERUPTER OUTLET(S) IN BATHROOM(S) AND KITCHEN COUNTERTOP AREAS

VIOLATION: 009 QUANTITY: 1
DESCRIPTION: 009 INSTALL SMOKE DETECTOR(S) DATE: 9/08/11
LOCATION: LIVING ROOM

NARRATIVE :
Repair/replace the smoke detector in the living room area.

ORDINANCE DESCRIPTION : CONTINUED

CASE NUMBER 11-00002762
PROPERTY ADDRESS 38 S NEW ST 1

ORDINANCE DESCRIPTION :
SECTION PM 704.2 SMOKE ALARMS

CORRECTIVE ACTION REQUIRED :
INSTALL WORKING SMOKE DETECTOR(S) AT REQUIRED LOCATION(S)

VIOLATION: 700 QUANTITY: 1
DESCRIPTION: 700 CLEAN INTERIOR THROUGHOUT DATE: 9/08/11
LOCATION: INTERIOR

NARRATIVE :
Clean the interior of the dwelling, the kitchen has cooking grease on the floor, cabinets and ceiling.

ORDINANCE DESCRIPTION :
SECTION PM 305.1 GENERAL REQUIREMENTS/SANITATION

CORRECTIVE ACTION REQUIRED :
CLEAN INTERIOR THROUGHOUT

VIOLATION: 378 QUANTITY: 1
DESCRIPTION: 378 REPLC BROKEN WINDOW PANES DATE: 9/08/11
LOCATION: FRONT BEDROOM

NARRATIVE :
Replace the broken window pane located in the south window of the front bedroom.

ORDINANCE DESCRIPTION :
SECTION PM 304.13

CORRECTIVE ACTION REQUIRED :
REPLACE CRACKED OR BROKEN WINDOW PANE(S)

VIOLATION: 250 QUANTITY: 1
DESCRIPTION: 250 REPAIR/REPLACE WOODWORK DATE: 9/08/11
LOCATION: MIDDLE BEDROOM

NARRATIVE :
Replace the water damaged wood around the window and the trim underneath the window air conditioner located in the middle bedroom.

ORDINANCE DESCRIPTION :
SECTION PM 304.6/305.3 EXTERIOR/INTERIOR SURFACES/MAINT.

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DAMAGED AND/OR DETERIORATED WOODWORK

VIOLATION: 921 QUANTITY: 1
DESCRIPTION: 921 EXTENSION CORD, ADAPTORS DATE: 9/08/11
LOCATION: INTERIOR

NARRATIVE : CONTINUED

CASE NUMBER 11-00002762
PROPERTY ADDRESS 38 S NEW ST 1

NARRATIVE :
Limit the use of extension cords and adapters, circuits maybe overloaded. Provide additional outlets and circuits.

ORDINANCE DESCRIPTION :
BOCA F-310.5 EXTENSION CORD DAMAGED AND OR USED IMPROPERLY

CORRECTIVE ACTION REQUIRED :
Replace,or discontinue improper use of extension cord as required by inspecting official.

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-4457
Fax (302) 736-4217

September 9, 2011

HOUSE OF PRIDE INC
105 S NEW ST
DOVER DE 19904

RE: Property address: 38 S NEW ST 2
Tax Parcel Number: ED-05-076.08-05-840.000-000
Case Number: 11-00002761

Dear Sir/Madam:

On September 08, 2011, the City of Dover, Department of Inspections conducted an inspection at 38 S NEW ST 2.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by October 07, 2011, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-4457.

Sincerely,

RC

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 11-00002761
PROPERTY ADDRESS 38 S NEW ST 2

VIOLATION: 230 QUANTITY: 1
DESCRIPTION: 230 REPAIR WALL PLASTER DATE: 9/08/11
LOCATION: STAIRWAY

NARRATIVE :
Repair the wall plaster in the stairway to include around the front door, bring to a finished condition and then paint.

ORDINANCE DESCRIPTION :
SECTION PM 305.3 INTERIOR WALLS

CORRECTIVE ACTION REQUIRED :
REPAIR WALL PLASTER AND OR DRYWALL

VIOLATION: 607 QUANTITY: 1
DESCRIPTION: 607 REPAIR LIGHT FIXTURE DATE: 9/08/11
LOCATION: BATHROOM

NARRATIVE :
Install a cover on the bathroom ceiling light fixture.

ORDINANCE DESCRIPTION :
SECTION PM 604.3/605.1 ELECTRICAL EQUIPMENT/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE FAULTY LIGHT FIXTURE

VIOLATION: 417 QUANTITY: 1
DESCRIPTION: 417 REPAIR WATER SUPPLY LINE DATE: 9/08/11
LOCATION: KITCHEN

NARRATIVE :
Repair the leaking water supply line under the kitchen sink.

ORDINANCE DESCRIPTION :
REPAIR WATER SUPPLY LINE AND OR VALVE

CORRECTIVE ACTION REQUIRED :
IPMC 505.3 REPAIR WATER SUPPLY LINE AND OR VALVE

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-4457
Fax: (302) 736-4217

September 8, 2011

HOUSE OF PRIDE INC
105 S NEW ST
DOVER DE 19904

RE: Property address: 57 S NEW ST
Tax Parcel Number: ED-05-077.05-03-020.000-000
Case Number: 11-00002754

Dear Sir/Madam:

On September 08, 2011, the City of Dover, Department of Inspections conducted an inspection at 57 S NEW ST.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by October 07, 2011, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-4457.

Sincerely,

RC

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 11-00002754
PROPERTY ADDRESS 57 S NEW ST

VIOLATION: 777 QUANTITY: 1
DESCRIPTION: 777 DISPLAY ADDRESS NUMBERS DATE: 9/08/11
LOCATION: FRONT

NARRATIVE :
Paint the numbers so they contrast with the background.

ORDINANCE DESCRIPTION :
SECTION PM 304.3 and DCO SECTION 98-284 GENERAL SAFETY

CORRECTIVE ACTION REQUIRED :
RESIDENTIAL: PROPERLY DISPLAY ADDRESS NUMBERS ON FRONT OF STRUCTURE OR APARTMENT DOOR.THESE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND AND THE NUMBERS SHALL BE A MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE WIDTH OF .5 INCHES.

COMMERCIAL, INDUSTRIAL AND OFFICE BLDG: NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND AND THE NUMBERS SHALL BE A MINIMUM OF 12 INCHES IN HEIGHT.

VIOLATION: 377 QUANTITY: 1
DESCRIPTION: 377 REPAIR WINDOW SCREENS DATE: 9/08/11
LOCATION: KITCHEN

NARRATIVE :
Repair the east kitchen window screen.

ORDINANCE DESCRIPTION :
SECTION PM 304.14 BUILDING/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR WINDOW SCREENS

VIOLATION: 410 QUANTITY: 1
DESCRIPTION: 410 REPAIR LEAKING PIPES DATE: 9/08/11
LOCATION: KITCHEN

NARRATIVE :
Repair the leaking water supply under the kitchen sink, the leak may be from the line to the sprayer handle.

ORDINANCE DESCRIPTION :
SECTION PM 505.3 PLUMBING/WATER SUPPLY/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE LEAKING PIPES

VIOLATION: 261 QUANTITY: 1
DESCRIPTION: 261 REMOVE MOLD/MILDEW DATE: 9/08/11
LOCATION: KITCHEN

NARRATIVE : CONTINUED

CASE NUMBER 11-00002754
PROPERTY ADDRESS 57 S NEW ST

NARRATIVE :
Remove the mold/mildew from under the kitchen sink. This can be done by cleaning with a 10% bleach water solution, alllow to dry and then paint with Kilz type paint.

ORDINANCE DESCRIPTION :
SECTION PM 305.1 GENERAL SANITATION

CORRECTIVE ACTION REQUIRED :
CLEAN MOLD/MILDEW AND CORRECT CAUSE.

VIOLATION: 009 QUANTITY: 1
DESCRIPTION: 009 INSTALL SMOKE DETECTOR(S) DATE: 9/08/11
LOCATION: KITCHEN

NARRATIVE :
Repair or replace the smoke detector located in the kitchen.

ORDINANCE DESCRIPTION :
SECTION PM 704.2 SMOKE ALARMS

CORRECTIVE ACTION REQUIRED :
INSTALL WORKING SMOKE DETECTOR(S) AT REQUIRED LOCATION(S)

VIOLATION: 376 QUANTITY: 1
DESCRIPTION: 376 INSTALL WINDOW SCREENS DATE: 9/08/11
LOCATION: KITCHEN

NARRATIVE :
Install a window screen in the north kitchen window.

ORDINANCE DESCRIPTION :
SECTION PM 304.14 BUILDING/REQUIRED EQUIPMENT

CORRECTIVE ACTION REQUIRED :
INSTALL WINDOW SCREENS

VIOLATION: 4* QUANTITY: 1
DESCRIPTION: 4* DATE: 9/08/11
LOCATION: KITCHEN

NARRATIVE :
The washing machine waste discharge pipe is required to be be discharge into the sewer system, it can not and will not be discharged onto the ground. All further incidents will be turned over to DNREC for enforcement.
SECTION 506
SANITARY DRAINAGE SYSTEM
506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

CASE NUMBER 11-00002754
PROPERTY ADDRESS 57 S NEW ST

VIOLATION: 604 QUANTITY: 1
DESCRIPTION: 604 REPR FAULTY ELEC APPLIANCE DATE: 9/08/11
LOCATION: BATHROOM

NARRATIVE :
Repair the bathroom exhaust fan; the protective cover is missing.

ORDINANCE DESCRIPTION :
SECTION PM 605.1 ELECTRICAL EQUIPMENT

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE FAULTY OR HAZARDOUS ELECTRICAL APPLIANCE

VIOLATION: 362 QUANTITY: 1
DESCRIPTION: 362 REPAIR/REPLACE DOOR DATE: 9/08/11
LOCATION: KITCHEN

NARRATIVE :
Repair the kitchen exterior door, so that it closes properly and operates easily.

ORDINANCE DESCRIPTION :
SECTION PM 304.15/305.6 BUILDING/EQUIPMENT/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DOOR

VIOLATION: 363 QUANTITY: 1
DESCRIPTION: 363 REPAIR DOOR HARDWARE DATE: 9/08/11
LOCATION: FRONT DOOR

NARRATIVE :
Properly secure the door knob on the front door and check for proper fit and operation.

ORDINANCE DESCRIPTION :
SECTION PM 304.15/305.6 BUILDING/EQUIPMENT/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DOOR HARDWARE

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone (302) 736-4457
Fax. (302) 736-4217

September 9, 2011

HOUSE OF PRIDE INC
105 S NEW ST
DOVER DE 19904

RE: Property address: 105 S NEW ST
Tax Parcel Number: ED-05-077.09-01-370.000-000
Case Number: 11-00002773

Dear Sir/Madam:

On September 09, 2011, the City of Dover, Department of Inspections conducted an inspection at 105 S NEW ST.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by October 07, 2011, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-4457.

Sincerely,

RC

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 11-00002773
PROPERTY ADDRESS 105 S NEW ST

VIOLATION: 249 QUANTITY: 1
DESCRIPTION: 249 REPAIR LEAKING ROOF DATE: 9/09/11
LOCATION: ROOF

NARRATIVE :
Repair the leaking roof.

ORDINANCE DESCRIPTION :
SECTION PM 304.7 ROOFS

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE LEAKING ROOF

VIOLATION: 230 QUANTITY: 1
DESCRIPTION: 230 REPAIR WALL PLASTER DATE: 9/09/11
LOCATION: INTERIOR

NARRATIVE :
After the roof has been repaired then repair all water damaged walls, bring to a finished condition and paint.

ORDINANCE DESCRIPTION :
SECTION PM 305.3 INTERIOR WALLS

CORRECTIVE ACTION REQUIRED :
REPAIR WALL PLASTER AND OR DRYWALL

VIOLATION: 231 QUANTITY: 1
DESCRIPTION: 231 REPAIR CEILING PLASTER DATE: 9/09/11
LOCATION: SECOND FLOOR

NARRATIVE :
After the roof has been repaired then repair all water damaged ceilings, bring to a finished condition and paint.

ORDINANCE DESCRIPTION :
SECTION PM 305.3 INTERIOR CEILINGS

CORRECTIVE ACTION REQUIRED :
REPAIR CEILING PLASTER AND OR DRYWALL

VIOLATION: 227 QUANTITY: 1
DESCRIPTION: 227 PREPARE & PAINT EXTERIOR DATE: 9/09/11
LOCATION: EXTERIOR

NARRATIVE :
Remove all peeling flaking paint from exterior surfaces to include but not limited to windows, window frames, door and window trim, fascia and soffit areas.

ORDINANCE DESCRIPTION :

CASE NUMBER 11-00002773
PROPERTY ADDRESS 105 S NEW ST

ORDINANCE DESCRIPTION :
SECTION PM 304.2 EXTERIOR SURFACES

CORRECTIVE ACTION REQUIRED :
PREPARE & PAINT ANY & ALL PAINTABLE EXTERIOR SURFACES

VIOLATION: 390 QUANTITY: 1
DESCRIPTION: 390 INSTALL GUTTERS DATE: 9/09/11
LOCATION: EXTERIOR

NARRATIVE :
Install gutters where they are missing.

ORDINANCE DESCRIPTION :
SECTION PM 304.7 BUILDING/EQUIPMENT

CORRECTIVE ACTION REQUIRED :
INSTALL GUTTERS

VIOLATION: 391 QUANTITY: 1
DESCRIPTION: 391 REPAIR/REPLACE GUTTER(S) DATE: 9/09/11
LOCATION: EXTERIOR

NARRATIVE :
Replace all damaged gutters. Clean gutters for proper operations.

ORDINANCE DESCRIPTION :
SECTION PM 304.7 BUILDING/EQUIPMENT/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE GUTTER(S)

VIOLATION: 392 QUANTITY: 1
DESCRIPTION: 392 INSTALL DOWNSPOUT(S) DATE: 9/09/11
LOCATION: EXTERIOR

NARRATIVE :
Install downspouts where they are missing.

ORDINANCE DESCRIPTION :
SECTION PM 304.7 BUILDING/EQUIPMENT

CORRECTIVE ACTION REQUIRED :
INSTALL DOWNSPOUT(S)

VIOLATION: 377 QUANTITY: 1
DESCRIPTION: 377 REPAIR WINDOW SCREENS DATE: 9/09/11
LOCATION: WINDOWS

NARRATIVE :

CASE NUMBER 11-00002773
PROPERTY ADDRESS 105 S NEW ST

NARRATIVE :
Repair all window screens as needed, all window screens shall be secured and tight fitting.

ORDINANCE DESCRIPTION :
SECTION PM 304.14 BUILDING/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR WINDOW SCREENS

VIOLATION: 378 QUANTITY: 1
DESCRIPTION: 378 REPLC BROKEN WINDOW PANES DATE: 9/09/11
LOCATION: WINDOWS.

NARRATIVE :
Replace all broken window panes.

ORDINANCE DESCRIPTION :
SECTION PM 304.13

CORRECTIVE ACTION REQUIRED :
REPLACE CRACKED OR BROKEN WINDOW PANE(S)

VIOLATION: 242 QUANTITY: 1
DESCRIPTION: 242 REPAIR WALL SIDING DATE: 9/09/11
LOCATION: EXTERIOR

NARRATIVE :
Repair wall siding, several areas are damaged and/or missing.

ORDINANCE DESCRIPTION :
SECTION PM 304.2 EXTERIOR SURFACES

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE WALL SIDING

VIOLATION: 717 QUANTITY: 1
DESCRIPTION: 717 RMV JUNK AND DEBRIS DATE: 9/09/11
LOCATION: EXTERIOR

NARRATIVE :
Remove and properly dispose of all trash, litter and debris from exterior areas. This should be routine maintenance.

ORDINANCE DESCRIPTION :
SECTION PM 302.1 GENERAL REQUIREMENTS/SANITATION

CORRECTIVE ACTION REQUIRED :
REMOVE GARBAGE, TRASH AND/OR JUNK AND DEBRIS FROM EXTERIOR PROPERTY AREAS

CASE NUMBER 11-00002773
PROPERTY ADDRESS 105 S NEW ST

VIOLATION: 719 QUANTITY: 1
DESCRIPTION: 719 RPR/RMV ACCESSORY STRUC. DATE: 9/09/11
LOCATION: GARAGE

NARRATIVE :
Make repairs to the garage to include repairing the rear wall and garage door.

ORDINANCE DESCRIPTION :
SECTION PM 302.7 ACCESSORY STRUCTURES/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR/REPLACE OR REMOVE DAMAGED AND/OR DILAPIDATED ACCESSORY STRUCTURE

VIOLATION: 780 QUANTITY: 1
DESCRIPTION: 780 BUSINESS LICENSE REQUIRED DATE: 9/09/11
LOCATION: FRONT

NARRATIVE :
Obtain a business permit for the vending machine located at the front of the building.
(d)
Businesses licensed.
(1)
No person shall conduct or engage in any of the following trades, businesses, or occupations within the city without a license and paying the appropriate fee as provided for in Appendix F Fees and Fines.
Coin-operated vending machine owner means any person engaged in the business of owning and operating, on his own account or by his agent, or leasing to or placing with another on a commission or other basis, any coin-operated vending machine, contrivance or device which, upon the insertion of a coin, slug, token, plate, disc or key into any slot, crevice or other opening, or by the payment of any price, operates or may be operated for the emission of goods or services. Coin-operated stamp vending machines owned by the United States government and any pay telephone shall be exempted from any taxation.
License required; fees
Subsec. (d)(1)
Coin-operated vending machine owner
Per machine $3.00

ORDINANCE DESCRIPTION :
DCO SECTIONS 26-34 AND 26-35 BUSINESS LICENSE REQUIRED

CORRECTIVE ACTION REQUIRED :
OBTAIN BUSINESS LICENSE FROM CITY HALL.

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone. (302) 736-4457
Fax· (302) 736-4217

September 8, 2011

HOUSE OF PRIDE INC
105 S NEW ST
DOVER DE 19904

RE: Property address: 110 S NEW ST
Tax Parcel Number: ED-05-077.09-01-310.000-000
Case Number: 11-00002741

Dear Sir/Madam:

On September 07, 2011, the City of Dover, Department of Inspections conducted an inspection at 110 S NEW ST.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by October 07, 2011, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-4457.

Sincerely,

RC

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 11-00002741
PROPERTY ADDRESS 110 S NEW ST

VIOLATION: 230 QUANTITY: 1
DESCRIPTION: 230 REPAIR WALL PLASTER DATE: 9/07/11
LOCATION: 1ST FLOOR

NARRATIVE :
Repair all damaged walls in the office/storage areas on the first floor bring to a finished condition and then paint.

ORDINANCE DESCRIPTION :
SECTION PM 305.3 INTERIOR WALLS

CORRECTIVE ACTION REQUIRED :
REPAIR WALL PLASTER AND OR DRYWALL

VIOLATION: 231 QUANTITY: 1
DESCRIPTION: 231 REPAIR CEILING PLASTER DATE: 9/07/11
LOCATION: 1ST FLOOR

NARRATIVE :
Repair all damaged ceilings in the office/storage areas on the first floor bring to a finished condition and then paint.

ORDINANCE DESCRIPTION :
SECTION PM 305.3 INTERIOR CEILINGS

CORRECTIVE ACTION REQUIRED :
REPAIR CEILING PLASTER AND OR DRYWALL

VIOLATION: 261 QUANTITY: 1
DESCRIPTION: 261 REMOVE MOLD/MILDEW DATE: 9/07/11
LOCATION: 1ST FLOOR

NARRATIVE :
Remove all mold/mildew damaged drywall: cut out damaged drywall and replace then bring to a finished condition and paint.

ORDINANCE DESCRIPTION :
SECTION PM 305.1 GENERAL SANITATION

CORRECTIVE ACTION REQUIRED :
CLEAN MOLD/MILDEW AND CORRECT CAUSE.

VIOLATION: 378 QUANTITY: 1
DESCRIPTION: 378 REPLC BROKEN WINDOW PANES DATE: 9/07/11
LOCATION: 1ST FLOOR

NARRATIVE :
The broken window pane located in the hall of the storage

CASE NUMBER 11-00002741
PROPERTY ADDRESS 110 S NEW ST

NARRATIVE :
area needs to be replaced.

ORDINANCE DESCRIPTION :
SECTION PM 304.13

CORRECTIVE ACTION REQUIRED :
REPLACE CRACKED OR BROKEN WINDOW PANE(S)

VIOLATION: 606 QUANTITY: 1
DESCRIPTION: 606 OUTLET/SWITCH COVER PLATES DATE: 9/07/11
LOCATION: 1ST FLOOR

NARRATIVE :
Install outlet covers on all outlets that are missing same.

ORDINANCE DESCRIPTION :
SECTION PM 604.3/605.1 ELECTRICAL EQUIPMENT/HAZARDS

CORRECTIVE ACTION REQUIRED :
INSTALL/REPLACE ELECTRIC OUTLET AND/OR SWITCH COVER PLATE(S)

VIOLATION: 362 QUANTITY: 1
DESCRIPTION: 362 REPAIR/REPLACE DOOR DATE: 9/07/11
LOCATION: 1ST FLOOR

NARRATIVE :
Repair/refit the bathroom door so that it closes fully.

ORDINANCE DESCRIPTION :
SECTION PM 304.15/305.6 BUILDING/EQUIPMENT/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DOOR

VIOLATION: 719 QUANTITY: 1
DESCRIPTION: 719 RPR/RMV ACCESSORY STRUC. DATE: 9/07/11
LOCATION: FRONT PORCH

NARRATIVE :
Repair the front porch, replace all rotted/deteriorated wood, properly support columns and attach bandboard. Remove all flaking and peeling paint then apply new paint.

ORDINANCE DESCRIPTION :
SECTION PM 302.7 ACCESSORY STRUCTURES/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR/REPLACE OR REMOVE DAMAGED AND/OR DILAPIDATED ACCESSORY STRUCTURE

VIOLATION: 377 QUANTITY: 1
DESCRIPTION: 377 REPAIR WINDOW SCREENS DATE: 9/07/11
LOCATION: WINDOWS

CASE NUMBER 11-00002741
PROPERTY ADDRESS 110 S NEW ST

NARRATIVE : CONTINUED
Repair and properly install all window screens. Window screens are to be tight fitting.

ORDINANCE DESCRIPTION :
SECTION PM 304.14 BUILDING/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR WINDOW SCREENS

VIOLATION: 743 QUANTITY: 1
DESCRIPTION: 743 PROVIDE ADEQ.HALL LIGHTING DATE: 9/07/11
LOCATION: 3RD FLOOR

NARRATIVE :
Install a light fixture in the common hallway located on the third floor.

ORDINANCE DESCRIPTION :
SECTION PM 605.3 GENERAL REQUIREMENTS/LIGHTING

CORRECTIVE ACTION REQUIRED :
PROVIDE ADEQUATE LIGHTING IN COMMON HALLWAY

VIOLATION: 714 QUANTITY: 1
DESCRIPTION: 714 TRIM BRANCHES FROM BLDG DATE: 9/07/11
LOCATION: EXTERIOR

NARRATIVE :
Cut back all branches away from the building. This is to prevent any damage to the building.

ORDINANCE DESCRIPTION :
SECTION PM 304.1 EXTERIOR STRUCTURE/GENERAL REQUIREMENTS

CORRECTIVE ACTION REQUIRED :
TRIM TREE BRANCHES OR BUSHES AWAY FROM BUILDING

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone· (302) 736-4457
Fax· (302) 736-4217

September 7, 2011

HOUSE OF PRIDE INC
105 S NEW ST
DOVER DE 19904

RE: Property address: 110 S NEW ST 4
Tax Parcel Number: ED-05-077.09-01-310.000-000
Case Number: 11-00002739

Dear Sir/Madam:

On September 07, 2011, the City of Dover, Department of Inspections conducted an inspection at 110 S NEW ST 4.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by October 07, 2011, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-4457.

Sincerely,

RC

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 11-00002739
PROPERTY ADDRESS 110 S NEW ST 4

VIOLATION: 009 QUANTITY: 1
DESCRIPTION: 009 INSTALL SMOKE DETECTOR(S) DATE: 9/07/11
LOCATION: INTERIOR

NARRATIVE :
Repair or replace the smoke detector.

ORDINANCE DESCRIPTION :
SECTION PM 704.2 SMOKE ALARMS

CORRECTIVE ACTION REQUIRED :
INSTALL WORKING SMOKE DETECTOR(S) AT REQUIRED LOCATION(S)

VIOLATION: 230 QUANTITY: 1
DESCRIPTION: 230 REPAIR WALL PLASTER DATE: 9/07/11
LOCATION: INTERIOR

NARRATIVE :
Repair the wall by the bed, bring to a finished condition and then paint the entire wall.

ORDINANCE DESCRIPTION :
SECTION PM 305.3 INTERIOR WALLS

CORRECTIVE ACTION REQUIRED :
REPAIR WALL PLASTER AND OR DRYWALL

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone (302) 736-4457
Fax (302) 736-4217

September 7, 2011

HOUSE OF PRIDE INC
105 S NEW ST
DOVER DE 19904

RE: Property address: 110 S NEW ST 5
Tax Parcel Number: ED-05-077.09-01-310.000-000
Case Number: 11-00002738

Dear Sir/Madam:

On September 07, 2011, the City of Dover, Department of Inspections conducted an inspection at 110 S NEW ST 5.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by October 07, 2011, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-4457.

Sincerely,

RC

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 11-00002738
PROPERTY ADDRESS 110 S NEW ST 5

VIOLATION: 102 QUANTITY: 1
DESCRIPTION: 102 REPAIR LOOSE/WEAK FLOOR DATE: 9/07/11
LOCATION: BATHROOM

NARRATIVE :
Repair the weak floor around the toilet and then properly secure the toilet to the floor.

ORDINANCE DESCRIPTION :
SECTION PM 305.4 STAIRS AND WALKING SURFACES

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE LOOSE AND/OR WEAK FLOOR(S)

VIOLATION: 362 QUANTITY: 1
DESCRIPTION: 362 REPAIR/REPLACE DOOR DATE: 9/07/11
LOCATION: APT DOOR

NARRATIVE :
Adjust/repair the apartment door so that it does not rub at the bottom and operates freely.

ORDINANCE DESCRIPTION :
SECTION PM 304.15/305.6 BUILDING/EQUIPMENT/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DOOR

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-4457
Fax: (302) 736-4217

September 7, 2011

HOUSE OF PRIDE INC
105 S NEW ST
DOVER DE 19904

RE: Property address: 110 S NEW ST 6
Tax Parcel Number: ED-05-077.09-01-310.000-000
Case Number: 11-00002737

Dear Sir/Madam:

On September 07, 2011, the City of Dover, Department of Inspections conducted an inspection at 110 S NEW ST 6.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by October 07, 2011, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-4457.

Sincerely,

RC

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 11-00002737
PROPERTY ADDRESS 110 S NEW ST 6

VIOLATION: 777 QUANTITY: 1
DESCRIPTION: 777 DISPLAY ADDRESS NUMBERS DATE: 9/07/11
LOCATION: APT DOOR

NARRATIVE :
Properly display apartment number on the door.

ORDINANCE DESCRIPTION :
SECTION PM 304.3 and DCO SECTION 98-284 GENERAL SAFETY

CORRECTIVE ACTION REQUIRED :
RESIDENTIAL: PROPERLY DISPLAY ADDRESS NUMBERS ON FRONT OF STRUCTURE OR APARTMENT DOOR.THESE NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND AND THE NUMBERS SHALL BE A MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE WIDTH OF .5 INCHES.

COMMERCIAL, INDUSTRIAL AND OFFICE BLDG: NUMBERS SHALL CONTRAST WITH THEIR BACKGROUND AND THE NUMBERS SHALL BE A MINIMUM OF 12 INCHES IN HEIGHT.

VIOLATION: 360 QUANTITY: 1
DESCRIPTION: 360 DOORS / DEADBOLT LOCKS DATE: 9/07/11
LOCATION: APT DOOR

NARRATIVE :
Install a deadbolt lock on the apartment door.

ORDINANCE DESCRIPTION :
IPMC 2003 304.18.1 Doors.

CORRECTIVE ACTION REQUIRED :
Access doors shall be equipped with a deadbolt lock. Such deadbolt locks shall be operated only by the turning of a knob and have a lock throw of not less than 1-inch.

VIOLATION: 221 QUANTITY: 1
DESCRIPTION: 221 REPAIR FLOOR COVERING DATE: 9/07/11
LOCATION: KITCHEN

NARRATIVE :
Repair/replace the kitchen floor covering.

ORDINANCE DESCRIPTION :
SECTION PM 305.1/305.4 INTERIOR SURFACES

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE FLOOR COVERING

Division of
Code Enforcement
15 Loockerman Plaza
Dover, DE 19901

City of Dover

Phone: (302) 736-4457
Fax: (302) 736-4217

September 7, 2011

HOUSE OF PRIDE INC
105 S NEW ST
DOVER DE 19904

RE: Property address: 110 S NEW ST 7
Tax Parcel Number: ED-05-077.09-01-310.000-000
Case Number: 11-00002736

Dear Sir/Madam:

On September 07, 2011, the City of Dover, Department of Inspections conducted an inspection at 110 S NEW ST 7.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by October 07, 2011, to ensure compliance.

Please contact this office with a date and time convenient for you to conduct the re-inspection. You are not required to contact this office if the re-inspection is for an exterior violation. If you have any questions or would like to schedule your inspection or appeal this notice, please contact me at (302) 736-4457.

Sincerely,

RC

RON COBURN
Code Enforcement Officer

cc: File

CASE NUMBER 11-00002736
PROPERTY ADDRESS 110 S NEW ST 7

VIOLATION: 398 QUANTITY: 1
DESCRIPTION: 398 REPAIR/REPLACE KIT CABINET DATE: 9/07/11
LOCATION: KITCHEN

NARRATIVE :
Replace the deteriorated shelf under the kitchen sink.

ORDINANCE DESCRIPTION :
SECTION PM 305.1 BUILDING EQUIPMENT/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DEFECTIVE KITCHEN CABINET(S)

VIOLATION: 4* QUANTITY: 1
DESCRIPTION: 4* DATE: 9/07/11
LOCATION: KITCHEN

NARRATIVE :
Repair or replace the water shut off valve; the knob is missing.

FIRE MARSHAL
David J. Truax, FM 1

DEPUTY FIRE MARSHALS
Samuel Gonzalez, FM 2
Timothy P. Mullaney Jr., FM 4
Edward G. Graves Jr., FM 5

Fire Marshal

City of Dover
Fire Marshal's Office
15 Loockerman Plaza
Dover, De 19903

Phone: 302-736-4457
Fax: 302-736-4217

September 9th, 2011

Marian Harris
House of Pride
105 S. New Street
Dover, De 19903

Ref; 2011 Annual Fire/Life Safety Inspections

On September 7th & 8th, 2011 the Annual Fire/Life safety Inspection for the following House of Pride properties was conducted. I would like to thank House of Pride staff for being available to conduct the walk through at the properties. Below are items that were noted during the time of inspection;

16 N. New St
Property is vacant. Before this property can be occupied an inspection must occur. This property is not permitted to be used as a storage facility.

20 N. New St
1) All hardwired smoke detectors/battery operated smoke detectors need to be checked periodically and in proper working condition.
2) All bedroom doors must have self-closing devices sufficient to positively close and latch. All second floor bedrooms doors must be adjusted.

29 S. New St
1) Fire Extinguisher, 1st Floor- Fire Extinguisher needs to be permanently mounted in location advised during inspection (kitchen).
2) All hardwired smoke detectors need to be checked periodically and remain in proper working condition.
3) Remove all non-operational battery operated smoke detectors within rooms.
4) Basement Smoke Detector needs to be operational.
5) All bedroom doors must have self-closing devices sufficient to positively close and latch.

37 S. New St
1) All hardwired smoke detectors need to be checked periodically and remain in proper working condition.
2) Remove all non-operational battery operated smoke detectors within rooms.
3) All bedrooms doors must be of a solid core type.
4) All bedroom doors must have self-closing devices sufficient to positively close and latch.

***All lodging and rooming structures must have an Electrical Inspection every 3 years. The last Electrical Inspection was conducted on 2/17/09. A 3 year Electrical Inspection will be required for the above properties by 2/17/12.**

***All Lodging and Rooming structures must have a fire extinguisher on each landing of the structure.**

38 S. New St, 1st Floor Apt A.
1) Remove small deep fryer from counter top; fire hazard.
2) Clean all grease residues from entire kitchen area; fire hazard.
3) Clean range unit (open flame) top of grease build up; fire hazard.
4) Remove all extension cords throughout; not permitted.
5) Fire Extinguisher needed; appears to have been discharged, needs servicing.
6) Smoke Detectors need to remain operational- do not remove batteries.

45 S. New St
It was noted during the inspection that there is a large combustible load within the structure. Access in structure is restricted due to product storage.
The above property is currently zoned as General Residential (RG-1) as 1 & 2 family dwellings. Currently the way that House of Pride is using this property is Storage. This use change is not permitted per the City of Dover Planning Department. This was advised during the 2010 Annual Inspection that this needed to be corrected by this year's annual inspection. Please see attached code enforcement case in regards to the corrective action required.

105 S New St
1) Battery operated smoke detectors are being required throughout.
2) Remove obstruction on stairwell landing- shelving.

110 S New St
1) Battery operated smoke detectors in each living area need to be checked periodically and in proper working condition.
2) All bedroom/unit doors must have self-closing devices sufficient to positively close and latch.
3) Ensure all Emergency/Exit Lighting is in proper working condition.
4) Fire Extinguishers on each floor landing; all 3 floors. Extinguishers must be inspected and tagged annually. Provide documentation of this servicing.
5) Date of last Electrical Inspection needed, if not within 3 years, an inspection needs to take place.
6) Provide current Annual Inspection for the Fire Alarm System. If this is not current within the past year than an Annual Inspection of the Fire Alarm System needs to occur.
* Further communication will occurred in regards to the fire escape concerns at the property. This will be handled with a code enforcement case.

Please review the above items noted during the inspection that requires corrective action. The above items noted with the exception of the attached documents specified by code enforcement cases addressing the above need to be corrected within 30 days. **All Life Safety items noted above such as fire extinguishers and smoke detector requirements should be corrected immediately.** This office will conduct the re inspection of the above items on or close to October 3rd, 2011. Failure to correct the above items noted in that time frame will result in summons being issued for violation of the City of Dover Code of Ordinances Section 46-8 Maintaining a known violation or hazard.

If there are any questions or concerns regarding any of the above information and/or attached documents please do not hesitate to contact this office at 302-736-4457. If I should not be available please speak with Fire Marshal Dave Truax.

Thank you for your attention on this matter,

Timothy P. Mullaney Jr., CFI-I
Deputy Fire Marshal

CC: Electronic File
Dave Truax, Fire Marshal
Ann Marie Townshend, Director of Planning & Community Development
Ron Coburn, Code Enforcement Officer
Janelle Cornwell, Planner
City of Dover Planning Commission

PETITION TO AMEND AND ZONING DISTRICT
Public Hearing before the
Dover Planning Commission
September 19, 2011

Applicant/Owner:	EJB, Inc.
Address:	327 Martin Street, Dover
Location:	East side of Martin Street and southeast of the intersection Court Street and South DuPont Highway (Route 13)
Tax Parcel ID #:	ED05-077.10-01-48.00-000
Size:	0.277 acres ± (11,744 S.F. +/-)
Present Use:	Substance abuse treatment center destroyed by fire
Proposed Use:	Substance abuse treatment center
Comprehensive Plan Designation:	Commercial
Present Zoning:	C-4 (Highway Commercial Zone)
Proposed Zoning:	IO (Institutional/Office Zone)
Reason for Request:	To more closely align the zoning of the property with the current/proposed use on the site.
File Number:	Z-11-06

CITY OF DOVER PLANNING

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 31, 2011

APPLICATION: Lands of EJB, Inc. located at 327 Martin Street – Proposed Rezoning from C-4 to IO

FILE#: Z-11-06 REVIEWING AGENCY: City of Dover Planning Office

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

This rezoning application consists of one parcel of land, of approximately 11,744 SF (0.277 acres), owned by EJB, Inc. The property is currently C-4 (Highway Commercial zone). The proposed zoning is IO (Institutional and Office zone). The subject property is located on Martin Street, just east of U.S. Route 13, south of Court Street, and west of Bay Road. Tax Parcel: ED05-077.10-01-48.00-000.

Existing Property:
The subject property is the location of Serenity Place, a substance abuse treatment center. The treatment center was a legal, non-conforming use within the C-4 (Highway Commercial) zone, and was destroyed by fire in June 2011. According to the *Zoning Ordinance,* Article 7 – Nonconforming Buildings and Uses:

> 1.2 Except as provided in paragraph [subsection] 1.4 below, no building which houses a non-conforming use shall be:
>
> 1.21 Structurally altered or enlarged; or
>
> 1.22 Moved to another location where such use would be nonconforming; or
>
> 1.23 Restored for other than a conforming use after damage from any cause exceeding 75 percent of the replacement cost of such building, exclusive of foundations. Any such building damage[d] to a lesser extent may be restored, but not enlarged, and the nonconforming use reinstated within one year of such damage; [however,] if the restoration of such building is not completed within the said one-year period, the nonconforming use of such building shall be deemed to have been discontinued, unless such nonconforming use is carried on without interruption in the undamaged portion of such building.

In the case of Serenity Place, due to the degree of fire damage, the building cannot be restored. Additionally, the applicant wishes to expand the size of the building during restoration, which is not permitted under the provisions of the *Zoning Ordinance,* Article 7.

Surrounding Land Uses:
The surrounding land uses are commercial in nature and all of the properties in the vicinity of the subject property are zoned C-4 (Highway Commercial).

Comprehensive Plan:
In the *2008 Comprehensive Plan*, the Land Development Plan (Map 12-1 as amended, dated 4/11/2011) recommends that this property be used for Commercial Uses. Both the existing and proposed zoning classifications are consistent with this land use classification, according to Table 12-1: Land Use and Zoning Matrix.

Request for IO (Institutional and Office Zone)
The types of permitted uses in the IO (Institutional and Office) are given Article 3 §10 of the *Zoning Ordinance*. The permitted uses include the following:

> 10.11 Business, professional, or governmental offices, and research, design and development laboratories, located entirely within a building on the same lot therewith, including incidental clinics, cafeterias and recreational facilities for the exclusive use of company employees.
>
> 10.12 Public and institutional uses including hospitals, sanitariums for general medical care, medical clinics, libraries, police stations, courthouses, transit centers, motor vehicle storage and repair facilities accessory to a public or institutional use, schools, colleges and universities, places of worship, philanthropic and eleemosynary institutions, parks, playgrounds, public indoor recreation centers, civic centers, athletic fields and public utility rights-of-way and structures necessary to serve areas within the city.
>
> 10.13 Restaurants accessory to permitted uses located on the same lot.
>
> 10.14 Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.
>
> 10.15 Day care centers, provided they are established in accordance with all applicable state regulations pertaining to child care and provided that they are established and maintained in accordance with article 5, section 14 of this ordinance.
>
> 10.16 The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:
>
> (a) Firearm ranges, prisons and correctional facilities.
> (b) Public incinerators.
> (c) Hotels and restaurants.

The variety and types of uses permitted in the IO (Institutional and Office) zone are fewer and generally more restrictive than those permitted in the C-4 (Highway Commercial) zone. Specifically, the IO zone does not permit retail and service commercial establishments, while the C-4 zone does permit these types of uses.

Article 4, Section 4.15 of the *Zoning Ordinance* addresses the bulk standards for the both the C-4 and IO zones. The bulk standards are as follows:

	C-4	IO
Minimum required:		
Lot area		
Lot width (ft.)	150 per building	50
Lot depth (ft.)	150	100
Front yard (ft.)	30	20
Side yard (ft.)	25	10
Rear yard (ft.)	10 or equal to bldg. height	15 or equal to bldgs. height
Side or rear yards which adjoin a residence zone (ft.)	30	30
Off-street parking		
Per 300 sq. ft. floor area or	1½	1
Per employee (whichever is greater)	1	1
Maximum permitted:		
Building height		
Stories	4	10
Feet	45	130
Floor area ratio	2.0	4.0
Lot coverage		85%

Recommendation of the Planning Staff:
This request is to rezone land from C-4 (Highway Commercial) to IO (Institutional and Office). Staff supports the applicant's request, as the request is consistent with the *2008 Comprehensive Plan* as amended. Staff notes that approval of the rezoning would create a small parcel zoned IO surrounded by properties zoned C-4; however, due to the nature of the IO zone, it is fairly common throughout the City to have single parcels with the IO zone surrounded by parcels with different zoning classifications. In addition, the scale of redevelopment of the site (i.e. building size, height, and impervious surface coverage) will be limited by the bulk standards of the IO zone when applied to this small parcel.

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

ADVISORY COMMENTS TO THE APPLICANT:

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

Inspector.

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: AUGUST 31, 2011

CITY OF DOVER

PUBLIC UTILITIES

DEPARTMENT

APPLICATION: **LANDS OF EJB, INC. 2T 327 MARTIN STREET: SERENITY PLACE**

FILE #: **Z-11-06**

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 objection to the rezoning of tax parcel ED05-077.10-01-48.00-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC / WATER / WASTEWATER

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate meter / service / main to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of water and sewer services and meters will be assessed at that time. (Please note that each water meter registered with the City of Dover must have a separate service line.) Should the existing services no longer be required based upon the proposed use, they must be properly abandoned at the mains in accordance with all City of Dover Public Utilities Department standards and specifications.
2. Any redevelopment shall adhere to the City of Dover Water/Wastewater Handbook requirements.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 31, 2011

D E L D O T

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APPLICATION: Lands of EJB, Inc. 2T 327 Martin Street: Serenity Place
FILE#: Z-11-06 REVIEWING AGENCY: DelDOT

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

==========

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 31, 2011

D E L D O T

==========

APPLICATION: Lands of EJB, Inc. 2T 327 Martin Street: Serenity Place
FILE#: Z-11-06 REVIEWING AGENCY: DelDOT

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

==========

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
DEVELOPER APPLICATION MEETING DATE: September 2011

APPLICATION: Lands of EJB Inc.

FILE #: Z-11-06

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

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

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

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

City of Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF September 7, 2011

PLANNING COMMISSION MEETING September 19, 2011

Plan Title:	Governors Avenue Animal Hospital S-11-16
Plan Type:	Site Plan
Applicant/Owner:	Governors Avenue Realty, LLC
Project Engineer:	Becker Morgan Group
Location:	Southwest corner of South Governors Avenue and Wyoming Avenue
Address:	1008 South Governors Avenue
Tax Parcel:	ED-05-077.17-06-20.00-000
Site Area:	0.8379 ac +/-
Zoning:	C-1A (Limited Commercial Zone)
Present Use:	Animal Hospital
Proposed Use:	7,900 SF Animal Hospital
Sanitary Facilities:	City of Dover
Water Supply:	City of Dover
Waivers Requested:	Reduction of Arterial Street Buffer Elimination of Fence component of Opaque Barrier

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

CITY OF DOVER PLANNING

APPLICATION: South Governors Avenue Animal Hospital at 1008 S. Governors Ave

FILE #: S-11-16 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 4,700 SF +/- addition to the existing animal hospital for a total building of 7,900 +/- SF. The property is zoned C-1A (Limited Commercial Zone). The owners of record are Governors Avenue Realty LLC. The property address is 1008 South Governors Avenue. The property is located at the southwest intersection of South Governors Avenue and Wyoming Avenue. Tax Parcel: ED-05-077.17-06-20.00-000.

Previous Submission

The Planning Commission previously reviewed a Site Plan (S-09-01) for the demolition of the existing building and a new building for this location on February 17, 2009. The application was granted Final Plan Approval on February 16, 2010. The site did not begin construction prior to the expiration of the plan and the plan expired on February 28, 2011.

PARKING SUMMARY

The minimum parking requirements for this project 1½ parking spaces for every 300 SF of floor area. Based on the proposed 7,900 SF, forty (40) parking spaces are required. The site is providing forty-one (41) parking spaces. There are two (2) handicap parking spaces located throughout the complex. The site meets the parking requirement.

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 two (2) bicycle parking spaces are required. The plan provides three (3) spaces located near the building entrance off of the Wyoming Avenue side of the building.

BUILDING ARCHITECTURE

The proposed building will be a two story building. The building will include the existing building with renovations to the exterior and addition located to the north of the existing building towards Wyoming Avenue. The second floor does not encompass the entire first floor. It building will have stone veneer to the water table of the first floor with fiber cement siding along

the rest of the building. The building will have a pitched roof with asphalt shingles. The Wyoming Avenue side of the building has an entrance of columns and a pitched roof with cement shake siding above the entrance doors. There are four dormers along this side of the building on the second floor. The South Governors Avenue side of the building has a similar column series with pitched area as the Wyoming Avenue side of the building that encompasses windows and a door on the first floor. There are also two doors on this side of the building that both have their own entrance coverings. There is a dormer on the second floor between the pitched areas. The west side of the building has the same pitched areas; however, there are no columns and no architectural shingles on this side of the building.

SITE CONSIDERATIONS

Building Location

The proposed building will utilize the existing building setback. The existing building encroaches into the side yard setback approximately four (4) feet on the west side of the property. The existing building is considered legal non-conforming. The proposed building will maintain the existing side yard setback of eleven (11) feet on the west side. The building placement complies with the other setback requirements.

Lighting

The location of lighting is indicated on the plan and is located around the edges or the parking lot. 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 7,900 SF requiring one (1) dumpster pad. The proposed dumpster pad is located at the rear of the building. The dumpster enclosure shall match the architectural components of the proposed building. The plan is proposing a reserved second dumpster location; this is not necessary as the site requires only one (1) dumpster pad and enclosure.

Sidewalk

Sidewalk is required along all street frontages. There is existing sidewalk along South Governors Avenue and Wyoming Avenue. The plan proposes providing sidewalk from the entrances into the site and a sidewalk around the building.

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 is depressed around the back for a loading area. Depressed curb for a loading area is permitted by code and does not require a waiver.

Waiver Requested: Reduction of Arterial Street Buffer

Since Governors Avenue is classified as an Arterial Street, the Arterial Street Buffer requirement is found in Article 5 §7.3. A thirty (30) foot Arterial Street Buffer is required along South Governors Avenue. The plan is providing a three (3) foot buffer along South Governors Avenue.

There is an existing 29 foot grass area located within the right-of-way. There will be a 32 foot buffer from the edge of the parking lot to the road. Shrubs will be planted along this area with some located within the right-of-way. A written waiver request for the reduction in the Arterial Street Buffer 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 west 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 consisting of the wooden fence, masonry wall or earthen berm. 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 west property line of the site. There is an existing 6 ft. vinyl fence that is located along the southwest portion of the site. This fence will be continued along the west side of the site to the edge of the parking lot. A written waiver request for the elimination of the opaque wooden fence in lieu of the existing and continuation of the vinyl fence and elimination of the fence on the west side from the edge of the parking lot to Wyoming Avenue 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 36,497 SF of land area thirteen (13) trees are required. The plan shows fifteen (15) trees on the plan including one existing tree to remain. The trees include a mixture of Winter King Hawthorn and Tuscarora Crepe Myrtle trees. The trees are located throughout the site with concentrations along Wyoming Avenue and the front of the building.

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 Arterial Street Buffer on South Governors Avenue shall be complied with unless a waiver is granted by the Planning Commission. A written waiver request has been submitted for consideration by the Planning Commission.

2) 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 in lieu of the existing and continuation of the vinyl fence and elimination of a portion of the fence within the front yard setback has been submitted for consideration by the Planning Commission.

3) 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.

4) Provide an architectural elevation of the rear (south) of the building as this portion of the building will be visible to the road.

5) 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.

6) Provide plan sheets C901 and C902 as mentioned on the Site and Utility Plan Sheet.

7) Label the area along the back of the building as a loading area to allow for the depressed curbing.

8) Provide crosswalk striping across the Wyoming Avenue entrance.

9) Revise the label for the crosswalk along South Governors Avenue on the Site Plan and Utility Plan Sheet. The label states it is striping for a no parking zone.

10) Clarify the use of two notes in the General Construction Notes on the Site Plan and Utility Plan Sheet. Two notes (G-2 and G-10) are described; however, there they are not labeled on the plan.

11) Revise the following items on the Landscape Plan Sheet:
    a) Relocate the Winter King Hawthorn tree located within the sidewalk at the entrance off of Wyoming Avenue.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) 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.

2) Recommendation on Waiver Requests:
    a) Partial Elimination of Arterial Street Buffer: Staff recommends approval of the reduction of 27 feet of the Arterial Street Buffer along South Governors Avenue. The new South Governors Avenue road project has reduced the amount of land available for the development of the site. There is also a large grass area within the right-of-way. The site will provide a three (3) foot landscaped area along South Governors Avenue.
    b) Elimination of Opaque Barrier: Staff recommends approval of the alternative material choice from wood to vinyl for the fence component of the Opaque Barrier and the elimination of the fence component required to be located within the front yard setback on the west side of the property. There is an existing vinyl fence located on the site and they are proposing to reuse that fence and expand the vinyl fence along the west side of

the site. The elimination of the fence within the front yard setback on the west side of the property would eliminate a barricade look to the neighborhood on Wyoming Avenue.

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 like stormwater management areas, and increases in floor area/unit count. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

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: AUGUST 31, 2011

CITY OF DOVER

PUBLIC UTILITIES

DEPARTMENT

APPLICATION: **GOVERNORS AVENUE ANIMAL HOSPITAL: 1008 SOUTH GOVERNORS AVENUE**

FILE #: **S-11-16**

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. The following notes must be added to the plans:
   a. All water utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010.
   b. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
   c. 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.
   d. The site contractor shall contact the City of Dover Public Utilities Construction Manager at (302) 736-7070 prior to the start of construction. A representative from the City of Dover Department of Public Utilities must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
2. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
3. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit or vault, in a non-traffic bearing location (which includes vehicular, bicycle and pedestrian traffic) per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
4. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
5. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Public Utilities Department will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.

WASTEWATER

1. The following notes must be added to the plans:
   a. All wastewater utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010.
   b. 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.
   c. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes,

exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.

2. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures.
3. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
4. Cut and cap the existing six inch (6") sanitary sewer lateral just south of the proposed sanitary sewer lateral connection.

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 / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. The utility plan does not include the electrical junction box located on the parcel at the corner of Governors and Wyoming.

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. 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: September 7, 2011

CITY OF DOVER FIRE MARSHAL

APPLICATION: Governors Avenue Animal Hospital 1008 Gov. Av.

FILE #: S-11-16 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Fire Lanes okay as submitted.

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

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

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

5. Full building and fire plan review is required.

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

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

8. Sprinkler system required in new addition. System to be monitored.

9. Fire alarm system required throughout the building.

10. Knox Box required.

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 Business/Animal Shelter 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: August 31, 2011

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APPLICATION: Governors Avenue Animal Hospital at 1008 South Governors Avenue
FILE#: S-11-16 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. In order to be issued a Letter of No Objection (LONO) and an entrance permit, the department will require the applicant to provide the proper forms, fees, and plans.

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 DATE: September 2011

APPLICATION: *Governors Avenue Animal Hospital*

FILE #: S-11-16

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. The plans were approved by the District on 12/24/09; the approval is valid for 3 years from the approval date.
2. The DAC plans show that the proposed building footprint and size has changed. The engineer should provide two copies of the admen mend sheet to the changes to the district

WAIVER REQUEST

GOVERNORS AVENUE ANIMAL HOSPITAL
OPAQUE WOODEN FENCE REQUIREMENT

REQUEST: We request a waiver from Planning Commission for elimination of the opaque wooden fence in lieu of the continuation of the existing vinyl fence.

EXTENT OF THE REQUEST: Article 5, section 7.2 of the City of Dover zoning code requires an opaque barrier component consisting of a wooden fence, masonry wall or earthen berm. We are requesting a waiver to allow the existing vinyl fence, and continuation of said fence, to serve as the opaque barrier.

BASIS FOR REQUEST:

1. Article 5, section 7.24 of the City of Dover zoning standards states that the Planning Commission may waive the required opaque barrier. There is an existing vinyl fence that we propose to extend along the western property line to serve as the opaque barrier. We are providing the required landscape planted buffer per Article 5, section 7.22. Therefore, we request a waiver by Planning Commission for elimination of the opaque wooden fence in lieu of the existing and continuation of the vinyl fence.

WAIVER REQUEST

GOVERNORS AVENUE ANIMAL HOSPITAL
30' ARTERIAL BUFFER REQUIREMENTS

REQUEST: Relaxation of the 30 foot wide arterial buffer requirements for the site.

EXTENT OF THE REQUEST: By code, a 30 ft wide arterial landscape buffer is required along road frontage that is classified as an arterial road by the Delaware Department of Transportation. We are proposing a 27 ft reduction of the buffer. The Governors Avenue road improvement project created 29 ft ± of green area between the curb along Governors Avenue to the property line. There will be an additional 3 ft ± of green area from the property line to the back of curb on Governors Avenue Animal Hospital property, for a total of 32 ± ft of landscaped area.

BASIS FOR REQUEST:

1. Article 5, section 7.3 of the City of Dover zoning standards states that the Planning Commission may approve a lesser amount of buffering due to physical constraints that may severely limit the development potential of the property. Governors Avenue Animal Hospital seeks to redevelop their existing facility with a proposed building addition and parking expansion. Due to the configuration of the property and the Governors Avenue road improvement project, the owners would face a hardship without the arterial buffer reduction since it would not permit new facility to meet the demands of their business and other provisions of the city code. Therefore we feel the reduction is warranted.

2. Article 5, section 7.3 of the City of Dover zoning standards states that the Planning Commission may approve a lesser amount of buffering, provided that the basic objective of establishing landscaped green space along arterial roads is met. The site will have 32 ft of green space between the back of curb and the edge of pavement for the project site. DelDOT is agreeable to permit plantings within the green space, providing the owners enter into an agreement with the State. Therefore we feel the reduction is warranted.

PETITION TO AMEND ZONING ORDINANCE TEXT
Public Hearing before the
Dover Planning Commission
September 19, 2011

Proposed Zoning Change:	Amendment to *Zoning Ordinance*, Zoning, Article 3 – District Regulations, Section 1 – One Family Residence Zones and Article 5 – Supplementary Regulations
Summary of Amendment:	Staff developed the proposed amendment to more closely align the zoning requirements for residential swimming pools with the building code requirements. In addition to aligning the code requirements to avoid conflicts between the two codes, the proposed ordinance would move the regulations regarding swimming pools from Article 3 – District Regulations to Article 5 – Supplementary Regulations where more detailed regulations for accessory uses and structures are typically be located.
Ordinance Number:	2011-21
File Number:	MI-11-09

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: AUGUST 31, 2011

CITY OF DOVER
PUBLIC UTILITIES
DEPARTMENT

APPLICATION: **TEXT AMENDMENTS: REVISIONS TO ARTICLE 3 & ARTICLE 5 OF THE ZONING ORDINANCE REGARDING SWIMMING POOLS**

FILE #: **MI-11-09**

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: August 31, 2011

DELDOT

APPLICATION: Text Amendment: Revisions to Article 3 and Article 5 of the Zoning Ordinance regarding Swimming Pool.

FILE#: MI-11-09 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The Department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

FIRST READING

CITY OF DOVER
DRAFT ORDINANCE #2011-21

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 1 – One Family Residence Zones, Subsection 1.15 – Accessory Uses, be amended by deleting text shown in red bold strike-through below and inserting text shown in blue bold italics below as follows:

1.15 Accessory uses, limited to the following:

(a) Professional office or studio of an artist, dentist, musician, teacher, or physician, but not including veterinarians, provided that:
   i. Such office or studio is incidental to the residential use of the premises and is carried on by a resident thereon with not more than one nonresident assistant; and
   ii. Such office or studio shall occupy not more than 30 percent of the area of one floor of the main building.
   iii. Studios where dancing or music instruction is offered to groups in excess of four pupils at one time or where concerts or recitals are held are prohibited.
   iv. Medical centers, barbershops, beauty parlors, real estate offices, funeral homes or similar uses shall not be considered permitted accessory uses.

(b) Garden house, tool house, playhouse, greenhouse or pool incidental to the residential use of the premises and not operated for gain~~, provided that pools of 30 inches deep shall be subject to the following requirements:~~
   ~~i. The edge of the pool shall be kept a distance of not less than ten feet from all property lines.~~
   ~~ii. If located within 50 feet of any property line, such pool shall be screened from the view of abutting properties. Such screen shall be at least five feet high.~~
   ~~iii. Such pool shall be completely surrounded by a fence or wall not less than 3½ feet in height and so constructed as not to have openings larger than four inches in at least one dimension. All gates or doors opening through such enclosure shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.~~
   iv. ~~Swimming pools shall be permitted to be established in the side and rear yard, but shall be prohibited from placement within the required front yard~~.

(c) Private garage, provided that, in the case of a one-family dwelling, such garage shall have a capacity of not more than three passenger automobiles. One such space may be leased to a person not [a] resident on the premises.

(d) Keeping domestic animals (except pigs) for individual domestic purposes or as pets, provided not more than three dogs over six months old and not more than 25 fowl shall be permitted, and no animals (except dogs) or fowl shall be penned or housed within 20 feet of any lot line.

DRAFT

(e) (Reserved.)

(f) Dormitories accessory to schools, provided that such dormitories conform to the bulk regulations of the RG-1 zone. For purposes of computing bulk requirements, each four rooms shall be considered one dwelling unit. Parking shall be calculated as identified in Article 6—Off-Street Parking, Section 3—Required off-street parking spaces, Paragraph 3.1—Schedule of requirements.

(g) Customary home occupations, provided that:

i. No display of products, goods and/or signs shall be visible from the street~~, except as set forth in item [subsection] (e) of this subsection [1.15]~~.

ii. Such home occupation shall be incidental and secondary to the residential use of the premises and shall be conducted in the principal building by the resident or residents that reside therein.

iii. Nonresident assistants or co-workers shall be prohibited.

iv. Such home occupation shall not occupy more than 30 percent of the area of one floor in the principal building.

v. There shall be no exterior effect such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.

BE IT FURTHER ORDAINED:

That Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 1 – Supplementary Regulations Applying to Residence Zones by adding a new subsection as follows:

1.11 Swimming Pools

1.111 Definition – For the purposes of this section, swimming pools shall be defined as any pool, tank, depression, or excavation in or above ground, or other structure which shall cause retaining of water over a greater depth than twenty-four (24) inches.

1.112 Safety - All swimming pools as defined in this section must conform to the requirements of Dover Code, Chapter 22 – Buildings and Building Regulations.

1.113 Placement - Swimming pools shall be permitted to be established in the side and rear yard, but shall be prohibited from placement between the principal structure and the street.

1.114 Setback – The edge of the swimming pool, specifically referring to the edge of the water containment portion of the pool shall be no less than fifteen (15) feet away from all property lines. All associated structures, buildings, and pavement related to the swimming pool shall be no less than five (5) feet away from all property lines.

Ssynopsis

The proposed ordinance would move the regulations for swimming pools into the supplementary regulations for residence zones and more closely align the requirements with the requirements of the

building code.

ADOPTED: *

Actions History:
August 8, 2011 - Consideration by Legislative, Finance and Administration Committee

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