A G E N D A
CITY OF DOVER PLANNING COMMISSION
Monday, June 20, 2011 – 7:00 P.M. - City Hall: Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

APPROVAL OF AGENDA
ADOPTION OF MINUTES OF REGULAR MEETING of May 16, 2011

COMMUNICATIONS & REPORTS

1) The next Planning Commission Quarterly Workshop is scheduled for Tuesday, August 16, 2011 at 4:00pm in the City Hall Conference Room.

2) 2011 Planning Law Review – APA Audio/Web Conference, June 29, 2011 at 4:00pm - 5:30pm hosted at the Kent County Administration Building, Room 220. Sponsored by the DE APA Chapter and the Kent County Planning Office.

3) Report on City Council actions

4) Update on other Planning activities
   a. 2011 Comprehensive Plan Amendments approved in March & April 2011 for the *2008 Comprehensive Plan*

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:

a) S-10-13 YMCA at 1137 South State Street – Request for extension of the conditional approval granted on June 21, 2010 by the Planning Commission to the Site Development Master Plan for the construction of three separate building additions to the existing YMCA building located 1137 South State Street and associated site improvements. The three building additions are proposed in phases with Phase 1: Gymnasium at 9,250 S.F., Phase 2: Fitness Addition at 3,030 S.F., and Phase 3: Program Space at 6,500 S.F. in size. The project is located on three parcels of land totaling 4.4196 acres ± proposed for consolidation into one parcel as part of this application. The properties are currently zoned IO (Institutional/Office Zone) and RGO (General Residence and Office Zone. The owners of record are YMCA of Dover, Inc. and Young Men's Christian Association of Delaware, Inc. Property Addresses: 1137, 1145, and 1169 South State Street. Tax Parcels: ED05-077.17-05-01.00-000, ED05-077.17-05-57.00-000, and ED05-077.17-05-58.00-000. Council District 2.

NEW DEVELOPMENT APPLICATIONS

1) C-11-04 M & L Ventures, LLC at Lafferty Lane – Public Hearing and Review of a Minor Subdivision and Conditional Use Site Plan to create two parcels of 5.46 ± acres and 4.13 ± acres for the construction of a total of ten 9,950 SF manufacturing/warehousing buildings on two

parcels (after subdivision) and other associated site improvements at Lafferty Lane. The property is currently 9.99 acres ± and is zoned M (Manufacturing Zone) and is subject to the AEOZ (Airport Environs Overlay Zone) APZ 1 and Noise Zones C and D. The property is located on the south side of Lafferty Lane west of Horsepond Road. The owner of record is M & L Ventures, LLC. Property Address: Lafferty Lane. Tax Parcel: ED05-077.00-01-28.04-000. Council District 2. *Waivers Requested: Reduction of Bicycle Parking, Partial elimination of curbing, and Partial Elimination of Sidewalk. Previously, application C-09-03 was reviewed by the Planning Commission in March 2009 and January 2010; however, that plan has expired.*

2) C-11-03 Governors Club Professional Center at 144 Kings Highway – Public Hearing and Review of a Conditional Use Site Development Plan to permit the establishment of a café/sandwich shop in a portion of the first floor of an existing building. The property is zoned RGO (General Residence and Office Zone) and H (Historic District Zone). The property is located at the southernmost intersection of American Avenue and Kings Highway. The owner of record is Governors Club Professional Center, LLC and the lessee is Coffee Shop, LLC. Property Address: 144 Kings Highway SW. Tax Parcel: ED05-077.05-04-40.00-000. Council District 2.

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
May 16, 2011

The Regular Meeting of the City of Dover Planning Commission was held on Monday May 16, 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. Ambruso. Mr. Friedman and Mr. Shomo were absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Mr. Koenig, Ms. Cornwell, Mr. Albert and Ms. Metsch. Also present were Mr. Frank Everett, Mr. Garth Jones, Mr. Joseph Petrosky, Mr. Kevin Minnich, and Mr. Tom Kramedas. Also speaking from the public was Mr. Greg Jackson, Mrs. Thelma Johnson, and Mrs. Virginia Bedwell.

APPROVAL OF AGENDA

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

APPROVAL OF THE REGULAR PLANNING COMMISSION MEETING MINUTES OF APRIL 18, 2011

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

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop is scheduled for Tuesday, May 17, 2011 at 4:00 PM in the City Hall Conference Room. The meeting will need to be cancelled because this is when City Council will start Budget Hearings. Staff will be attending those hearings as our budgets are moving forward.

Mrs. Townshend stated that you have two options. We can wait until August which would be the next scheduled meeting or we can schedule one sooner than that. She would defer to the Commission. *Note: All Planning Commission members were in agreement with holding the next scheduled Quarterly Workshop on August 16, 2011.*

The 2011 Planning Law Review which is the APA Audio Web Conference will be held on June 29, 2011 at 4:00 PM in the Kent County Administration building, Room 220. The Law Review is interesting in that it wraps up the case law from the previous year.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings of April 25, 2011, the Safety Advisory and Transportation Committee meeting of April 27, 2011, and the Annual Meeting of City Council on May 9, 2011.

Mrs. Townshend further stated that she has mentioned before that Staff has been working on some proposed changes to Article 10 which is the section that deals with all of our application processes. Staff has held one meeting with the development community, realtors, Chamber of Commerce, and consulting engineers. Staff will be meeting again next week with the Kent County realtors and we will be meeting with the consulting engineers this Thursday. We are

trying to iron out any problems before bringing it forward to the Planning Commission and City Council so what you will see is a draft with some comments so that you can see where things have gone. The City is also working with the Delaware State Housing Authority, the City of Wilmington, and New Castle County on a statewide Analysis of Impediments for Fair Housing Choice document that will include an Action Plan for each of the jurisdictions involved. There may be some Zoning Text Amendments brought forward as part of the implementation of that document as well.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

There was no Old Business Items to discuss.

NEW DEVELOPMENT APPLICATIONS

Z-11-04 Lands of Frank Everett at 1151-1155 Walker Road - Public Hearing and Review for Recommendation to City Council of rezoning application consisting of one parcel of land totaling of 1.904 acres ±. The property is currently zoned C-PO (Commercial/Professional Office Development District). The proposed zoning is IO (Institutional and Office Zone). The subject property is located on the north side of Walker Road and west of McKee Road. The owner of record is Walker Rd, LLC c/o Franklin Everett, Jr. Property Addresses: 1151-1155 Walker Road. Tax Parcel: ED05-067.18-01-79.00-000. Council District 4. Ordinance #2011-13.

Representatives: Mr. Frank Everett, Property Owner.

Mrs. Townshend stated that the subject parcel is developed with two (2) office buildings on the site currently as professional offices. In terms of the surrounding land uses, there are a variety of uses and zoning surrounding the site. To the east is the townhouse section of the Hamlet which is zoned RG-3. There are two (2) properties immediately adjacent to the west along Walker Road that are zoned CPO along with this project. The property that lies to the north wraps to the west of the neighboring properties is zoned R-8 and is developed as the Heritage Assisted Living facility. Capitol Rehabilitation is west of that and is zoned I/O (Institutional and Office Zone.) The property south of the subject property across Walker Road includes Bicentennial Village which is zoned R-8 (One Family Residence) and the St. John's Lutheran School which is zoned I/O (Institutional and Office).

Mrs. Townshend further stated that the Comprehensive Plan shows this area as intended for office uses. Both the requested I/O zoning and the current CPO zoning are consistent with this. The primary difference between the CPO zone and the I/O zone are the allowance of the Institutional uses and a number of bulk standards particularly the building height, floor area ratio, and lot coverage.

Mrs. Townshend further stated that in theory, the I/O zoning would allow for a much taller building than the CPO zone allows; however, on the current site, the size of the site including the existing improvements would limit the ability to expand the building footprint or size of the

building in terms of height. We do have comments from the other agencies which is essentially no comment.

Mr. Nichols questioned what type of shelter they are planning? Responding to Mr. Nichols, Mr. Everett stated that he will be the leaser and he has a tentative client that would like to run a transitional home for children who are 18 and older who have been put out of foster care. In the State of Delaware they are not provided for by the State in anyway after they are 18 years old and a lot of times they go homeless, on the streets, or in some cases back to their abusing parents. The organization is planning on using it for those children to help transition them to permanent housing, jobs, schooling, provide counseling, and job skills.

Mr. Nichols further questioned if it would be for both buildings? Responding to Mr. Nichols, Mr. Everett stated that currently, they are just talking about one. The other building will continue to be a mental health counseling facility.

Mr. Holt questioned how long would a child be housed there? Responding to Mr. Holt, Mr. Everett stated that they are not sure; however, would like them to be there as short as possible so that they could get standard housing or in some other facility somewhere else. This would be transitional for them as there is no facility in Kent County or Sussex County. There are 126 kids a year that get put out on the streets in Delaware.

Mr. Tolbert questioned that you do refer to them as children and can it go from 18 years of age and up? Responding to Mr. Tolbert, Mr. Everett stated that they are young adults. We are thinking along the lines of 18-20 years of age.

Mr. Tolbert further questioned if they would be restricting it to that age limit? Responding to Mr. Tolbert, Mr. Everett stated that no, they are not that far into the program planning; however, there are so many kids that come out and need to go to appropriate places that we would see if we could do that as soon as we could.

Mr. Tolbert further stated that according to his information Transitional Housing is funded by the State. Would you have a limit on the amount of time that person could stay in those types of facilities? Is such limitation applicable to your program? Responding to Mr. Tolbert, Mr. Everett stated that he is unsure whether he can answer that as he is not sure if they know yet. We are not sure how long it would be.

Mr. Tolbert further questioned if they would be going after funding? Responding to Mr. Tolbert, Mr. Everett stated that they have not gone after it yet; however, they would like to get people in the churches to sponsor a young adult for a period of time. We are not sure how much money is available through the State yet.

Mr. Tolbert further questioned how many young adults would be housed there? Responding to Mr. Tolbert, Mr. Everett stated that they have not looked at that yet. Once we get it rezoned then we can look at what we can do in working with the City.

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

Mr. Ambruso moved to forward to City Council approval of Z-11-04 Lands of Frank Everett located at 1151-1155 Walker Road in keeping with the Comprehensive Plan from CPO (Commercial Professional Office) to I/O (Industrial Office), seconded by Colonel Welsh and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Shomo absent.

S-11-06 Woodbrook Development: Building Addition at 1060 South Governors Avenue – Public Hearing and Review of a Site Plan for the construction of a 2,100 SF addition to the existing 6,280 S.F. office building and other associated site improvements at 1060 South Governors Avenue. The property is 7.08 acres ± and is zoned C-PO (Commercial/Professional Office Development District). The property is located on the west side of South Governors Avenue north of Lynnhaven Drive. The owner of record is Woodbrook Development, LLC. Property Addresses: 1052-1060 South Governors Avenue. Tax Parcel: ED05-086.05-01-01.00-000. Council District 2. *Waiver Requested: Reduction of Parking.*

Representative – Mr. Garth Jones, Becker Morgan Group, Inc.; and Mr. Joseph Petrosky Woodbrook Development.

Mrs. Melson-Williams provided an overview of the application.

Mr. Jones stated that they read the comments in the report and are in agreement with them. He would; however, like to point out more with regards to the parking. We went out to the site on two (2) occasions to verify the parking. The parking is somewhere between 30% and 35% used. There is a significant amount of parking that is available. Also, with the CPO zone it does require 1/200 SF where most office zones require 1/300 SF so this facility is significantly over parked.

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

Mr. Hemmig opened a public hearing.

Mr. Greg Jackson – 132 Crescent Drive (Woodbrook) – Stated that he is opposed to any expansion for that property of the commercial buildings simply because they were never notified of the rezoning request the first time when it went through. He called the Planning Commission when they found out they were going to build an office complex here and he was advised that the adjacent property owners were notified. He thinks that they may be right on the border line of the 200 feet and they missed us last time. He has lived here since January 1972 and it used to be a peach orchard. He would have liked to have seen it stay that way; however, he realized with it being a landlocked parcel like that, it was going to get developed. Living in Woodbrook it is just not in the character of the neighborhood to have a commercial office complex that close to us. If this property was to be developed, it should have been developed with houses similar in size, lot size, and square footage like quarter to third of an acre lots with 2,500 to 3,500 square foot residential houses where they could have gotten four (4) to six (6) on there. That would have been acceptable. We missed all of that the first time around so he is opposed to any expansion of the property at this time. The other thing that he is afraid of is if you allow them to expand there and then the tenant in the back which is Progressive's building wants to expand, they would be expanding towards the pond the next time around. He is not sure if they would want to put more parking somewhere in the future. They say that they have more space to put in parking; however, we don't want to see that expand either.

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

Colonel Welsh stated that you did state that you have sufficiently more parking spaces than what is presently being used correct? Responding to Colonel Welsh, Mr. Petrosky stated that this was correct. The reason is because of in the current zoning of CPO a typical office building may be required to have 100 parking spaces.

Colonel Welsh further questioned that you do not anticipate any further encroachment towards the residential area? Responding to Colonel Welsh, Mr. Petrosky stated that they would have to come back here; however, he does not anticipate any at this time.

Mr. Hemmig stated that two (2) of their buildings, the corners touch the hundred foot floodplain and are very restricted by that.

Colonel Welsh moved to approve S-11-06 Woodbrook Development: Building Addition at 1060 South Governors Avenue with the reduction of the required parking from 167 spaces to 158 spaces and to confirm that the one loading space that currently exists is sufficient, seconded by Mr. Tolbert and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Shomo absent.

S-11-07 Weston Drive Property: Mini-Storage Facility – Public Hearing and Review of a Site Plan for the construction of three mini-storage buildings for a total of 16,800 S.F. of new buildings and other associated site improvements at 200 Weston Drive. The property is 5.36 acres ± and is zoned IPM (Industrial Park/Manufacturing Zone). The property is located at the north end of Weston Drive. The owner of record is Stoltzfus Mast, LLC. Property Address: 200 Weston Drive. Tax Parcel: ED05-076.08-01-11.01-000. Council District 4. *Previous Application: S-05-36 Weston Drive Properties was reviewed in December 2005 and only a portion of the plan was constructed. Waiver Request: Elimination of Curbing.*

Representative – Mr. Kevin Minnich, Minnich Engineering.

Mr. Albert provided an overview of the application.

Mr. Minnich stated that they are in agreement with the Staff Report and can make any changes that have been requested in the report. He feels that Mr. Mast would be agreeable for the proposal of the curb request.

Mr. Nichols questioned the area that you have in the roadway between your property and the building at the front that is an automotive garage there is a stretch in there of about a couple hundred feet that is in very bad shape. Who is going to repair that? Responding to Mr. Nichols, Mr. Minnich stated that he is not sure if this is a private or public roadway.

Mr. Koenig stated that Weston Drive is a public street up to a point. There is a strike in the road from the change in pavement that stops at the property line. The City paved Weston Drive in the neighborhood of seven (7) to ten (10) years ago and there is a joint there that distinguishes where the public right-of-way stops versus private property. If it is between the joint and Route 8, it will be the City's problem.

Mr. Nichols further stated that he is beyond that north of it and would be considered private maintenance. This will have to be repaired before the place can be operational. It is full of pot holes now.

Mrs. Townshend stated that for anything that is a Code issue in order to get the Certificate of Occupancy any pot holes in that area on his property would need to be repaired. Responding to Mrs. Townshend, Mr. Minnich stated that he did not see this as a problem as he would be doing some paving back there anyway.

Mr. Nichols further stated for the additional traffic according to the State report it states that you might be required to have a traffic signal there. Responding to Mr. Nichols, Mr. Minnich stated that he is not in agreement with fifty-six (56) trips; there is no way in one day. He will need to talk further with Julio from DelDOT. This was brought up at the DAC meeting and the question he asked Julio from DelDOT was how many people were in this signal agreement and he stated that we would be the only one.

Mrs. Townshend stated that it would be this project and the school district that would be in the signal agreement. The school district would be the other party to this because their trip generation is significantly higher. The William Henry Middle School and Booker T. Washington School improvement plans that you looked at several months ago include in one of their future phases a connection to Weston Drive. In order for that connection to Weston Drive to happen that signal needs to be in place. The school district would be a party to that signal agreement.

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

Colonel Welsh moved to approve S-11-07 Weston Drive Property: Mini-Storage Facility with the requirement that curbing be installed on the west side of the property as described in the presentation and that the repair of the access drive on the private property be repaired prior to the issuance of a Certificate of Occupancy, seconded by Mr. Baldwin and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Shomo absent.

S-11-08 Loockerman East: Lands of Hub Associates, LLC – Public Hearing and Review of a Site Plan for the redevelopment of four parcels of land (to be consolidated) in order to construct a 92 room hotel, an 11,230 S.F. retail building, and other associated site improvements (with the existing 17,200 S.F. T.G.I. Friday's building to remain). The subject property is a total of 4.29 acres ± and is zoned C-4 (Highway Commercial Zone) and C-PO (Commercial/Professional Office Development District). The property is located at the southwest corner of South DuPont Highway and Loockerman Street. The owners of record are Hub Associates, LLC and A&G Kramedas Associates. Property Addresses: 514 East Loockerman Street, 516 East Loockerman Street, 554 East Loockerman Street, and 222 South DuPont Highway. Tax Parcels: ED05-077.06-01-62.00-000. ED05-077.06-01-63.00-000, ED05-077.06-01-64.00-000, and ED05-077.06-01-87.00-000. Council District 2. *Waivers Requested: Reduction of Arterial Street Buffer, Elimination of Loading Space. Consideration of Campus Parking Plan.*

Representatives – Mr. Garth Jones, Becker Morgan Group, Inc.; and Mr. Tom Kramedas, A&G Kramedas.

Ms. Cornwell provided an overview of the application. In the DelDOT requirements they have stated that a T.I.S. (Traffic Impact Study) is required. Upon further review and discussion between the applicant, Staff, and DelDOT a T.I.S. (Traffic Impact Study) is no longer required.

Mr. Jones stated that they have no comments regarding the Staff Report and agree with the recommendations. It is important to note; however, as many of you know, there are many entrances into this site and as part of this application, we are closing all of them except two (2). We are significantly improving vehicle safety patterns in and out of the site. We are also installing sidewalk across the frontage of the T.G.I. Friday's property at the request of DelDOT. We requested a waiver for the two loading spaces and also of the arterial buffer and requested acceptance of our Campus Parking Plan.

Mr. Holt stated that he has some concerns regarding parking. T.G.I. Friday's is difficult now with parking and is something to consider for the new hotel.

Mr. Hemmig questioned if the parking calculations include T.G.I. Friday's? Responding to Mr. Hemmig, Ms. Cornwell stated that yes, the overall site requires 254 parking spaces and that includes the existing retail which includes the restaurant and also the new retail and hotel.

Mrs. Townshend stated that regarding the 254 parking spaces, if you look at each use exclusively, there is no overlap. The section of the Code that deals with the Campus Plan is specifically setup for things like this where if you were staying in the hotel you may walk to the retail shops or restaurant rather than all coming in through traffic. There are also different peaks for the different uses and it is the purpose of the Campus Parking Plan to account for those.

Mr. Nichols questioned if the footprint of the new building will be about the same as the existing? Responding to Mr. Nichols, Mr. Jones stated that the footprint of the hotel is a little larger than the hotel building that is existing. The footprint of the retail is a little bit smaller than the existing.

Colonel Welsh questioned that if campus signage was also recommended? Responding to Colonel Welsh, Ms. Cornwell stated that yes this site would qualify for a Unified Comprehensive Sign Plan. Staff would recommend that they come through at a later date to address all signage issues for the multiple buildings; that would be a Planning Commission application.

Mr. Hemmig opened a public hearing.

Mrs. Thelma Johnson – 512 E. Loockerman Street – Stated that she lives next to the proposed shopping center. This was the only notice that she got. Her side lot is next to their property and the back of her lot is also on two sides. The only notice that she got was the letter that the other people got in the area and what was in the newspaper. There was nothing to lead you to believe that the stores were going to be built to face Loockerman Street because it gives a DuPont Highway address. She came into the Planning Office and saw the blue print as best as she could understand it. She and her husband bought their house fourteen (14) years ago knowing that the

motel was there and she has never had any problem with them. She does not object to the motel at all. She lost her husband eight (8) years ago and she is all by herself. She has thyroid cancer, and has had four (4) surgeries in the last (2) years and is on radioactive iodine. She does not know how long she has; however, she feels that she loves her little home and she loves Loockerman Street and is proud to live there. Her understanding is that they are going to tear the house down next door to her and will build six (6) stores facing Loockerman Street. When they come in that driveway from Loockerman Street that is also the driveway for T.G.I. Friday's and the motel. When they come in, they will turn to the right and come and head towards her lot. From the proposal that she saw, they are going to put a six (6) foot fence right to the sidewalk all the way out the whole length of her lot which is about one hundred and twenty feet (120). That line is about fifteen (15) feet from her kitchen door, her living room window, and her kitchen window. She never uses her front door; she uses the kitchen door. Across the back her lot is seventy-five (75) feet and her understanding is there will be a stockade fence and that there will be cars parked along her fence all the way from the street all the way back and across the back. The back of her lot will be a parking lot for the overflow of the cars from the motel and from the stores plus the trucks will be coming in at all hours to deliver to those stores. We do not know who will be renting those stores and how late they are going to be staying open at night. She loves Loockerman Street and everyone takes good care of their homes. We have a lot of traffic and the fire trucks come out on our street and it comes right into Downtown Dover. There are a lot of empty stores in Downtown Dover. She wishes that Mr. Kramedas had come to talk to her first.

Mrs. Virginia Bedwell – 519 E. Loockerman Street – Stated that she is here to oppose the construction of this shopping center. She has had no problem with the hotel at all except there have been times where there have been tractor trailers parked there all night long that were refrigerated trucks. She is sure there will be parking issues no matter how many parking spaces are allotted for this. She is sure that there will be cars that will still spill over onto the streets. It is hard enough to get out of our driveways now lots of times. To build something like this, she just cannot see it when there are plenty of empty spaces Downtown. To build another shopping center, she just does not understand it.

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

Mrs. Townshend stated that she wanted to specifically address Mrs. Johnson's comments regarding the landscape buffer and the opaque barrier fence component. The way that the Code reads is that when non-residential commercial uses abut residential use, the opaque barrier which in this case would be the fence, is required. However, the landscaping is on the residential side of that so there will be a fence and on your side of the fence is where the landscaping would go. All of this is on their (the developer's) property so the fence is not on the property line. It is in a little bit so that they would have to landscape on their property on your side of the fence. In the required front yard, fence height reduces to four (4) feet because you cannot have a six (6) foot fence in a front yard. These are two things that were not very clear on the plan that would make it a little less intrusive.

Mr. Hemmig stated that although the retail is proposed to face Loockerman Street, the loading zone for that is located on the back side of the building which would put it between the retail and the hotel. So any trucks that are in there will be between the two buildings.

Mr. Ambruso stated that he was concerned with the retail stores in that they compromise the integrity of this whole area and he has a problem with that. Facing the highway is one thing; however, facing Loockerman Street is too much of a cultural shock for the residents in that area.

Colonel Welsh questioned at the present time, do you have any indication as to who the tenants are going to be or what percentage of that would be office space and what percentage would be retail? Responding to Colonel Welsh, Mr. Kramedas stated that no they have not gotten that far. The intent for the entire complex, as he lives here too and is very proud of living in Dover, and looks at the Loockerman Street entrance as the gateway to Downtown, is to bring back the colonial feel back through the retail building similar to what you see Downtown. With regards to the fence, they would like to see what was done at Compass Point with the black fence and brick to bring that type of atmosphere into this corner. We will also be redoing the front building that will match the retail with stone, brick and EFIS. We are not trying to modernize this corner; however, we are trying to make it look like a new modern gateway better than it looks today. They are trying to make it a boutique type of retail such as a hair salon or coffee shop and not something like a dollar store.

Colonel Welsh further questioned if this would be open for office space as well? Responding to Colonel Welsh, Mr. Kramedas stated that yes, it would they would love to have an insurance company or a bank there.

Colonel Welsh further stated that he wishes that we had more definitive answers. In talking about the four (4) foot fence, how many of the parking spaces will face in toward the four (4) foot fence? Responding to Colonel Welsh, Mrs. Townshend stated that there would be two (2) and there will be landscaping.

Colonel Welsh stated that there would be landscaping; however, there would still be the lights from the vehicles as they are pulling in that could be offensive to Mrs. Johnson and a six (6) foot fence he feels would block it. Where he was going with this was as he sees it, if you terminate the six (6) foot fence at the side of the house where it starts in the corner of the front and the east side of the house, it looks like if you eliminated the last parking space and put in more landscaping, it may be more attractive and a little less offensive to Mrs. Johnson.

Mr. Hemmig stated that the fence would drop to four (4) feet in height even with the front of Mrs. Johnson's house out to Loockerman Street. This is per Code and would require going to the Board of Adjustment to change that to extend to six (6) feet in height.

Mrs. Townshend stated that if you accept the Campus Parking Plan it would require 229 parking spaces and they are providing 238 parking spaces. If you eliminate the one parking space to total 237, they are still over what the analysis would bring them to.

Mrs. Johnson stated that when you turn right to come in off of Loockerman Street in front to come to the parking spaces those headlights would be right into her living room window. Responding to Mrs. Johnson, Mr. Hemmig stated that it is very irregular to have further public testimony at this time; however, he understands her concern. When they turn right off of Loockerman Street into this property the only reason that they would turn right again is to go to

that specific retail property. Other than that, they will be going past that area to go to the hotel or T.G.I. Friday's. There will be a six (6) foot high fence and evergreen plantings on the other side of the fence that should totally block any headlight intrusion onto your property and particularly if we eliminate the one parking space at the corner.

Colonel Welsh stated that he would like to see that one parking space eliminated and landscaped.

Mr. Nichols questioned how many existing shops were there now facing Loockerman Street? Responding to Mr. Nichols, Mr. Kramedas stated that they have two (2) tenants plus T.G.I. Friday's, a bank and a travel agency.

Mr. Tolbert moved to approve S-11-08 Loockerman East: Lands of Hub Associates, LLC to include the waiver request for a loading space and the elimination of a thirty (30) foot wide arterial street buffer and the proposed parking spaces to be reduced to 237 as suggested by Colonel Welsh and accepting the Campus Parking Plan, seconded by Colonel Welsh.

Colonel Welsh stated that he would like to amend the motion to allow Planning Staff's review of where the four (4) foot fence would begin and if it is determined that the second parking space would interfere with it as well, that we eliminate the second parking space.

Mr. Tolbert moved to accept the amended motion, seconded by Colonel Welsh and the motion was carried 6-1 with Mr. Ambruso opposed and Mr. Friedman and Mr. Shomo absent.

Meeting Adjourned at 8:04 PM

Sincerely,

Diane Metsch
Secretary

2011 Comprehensive Plan Amendments (MI-11-01) to the *2008 Comprehensive Plan*

Upon recommendation of the Planning Commission on February 22, 2011 and March 21, 2011, the City Council granted approval of a series of amendments to the *2008 Comprehensive Plan* on March 14 and April 11, 2011. See summary below.

MI-11-01 Comprehensive Plan Amendments 2011 - Consists of a series of Amendments to the *2008 Comprehensive Plan*, as amended, by replacing Table 12-1: Land Use and Zoning Matrix and Map 12-1: Land Development Plan. The amendment to Table 12-1 is to add zoning classifications to the Open Space land use classification in the Land Use and Zoning Matrix. The series of amendments to Map 12-1: Land Development Plan Map revised the Land Use Classification from Open Space for certain properties to more appropriate classifications based on the property uses and surrounding uses. Other amendments to Map 12-1 involved the requests to revise the Land Use Classifications associated with a series of properties of application Z-11-02 and application Z-11-03.

- The following updated pages should be inserted into your copy of the *2008 Comprehensive Plan*:
  - Updated pages 160-163 (on blue paper)
  - Updated Map 12-1: Land Development Plan

- If you have questions, please contact Planning Staff at 736-7196.

BECKER MORGAN GROUP

ARCHITECTURE
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June 2, 2011

Mrs. Dawn Melson-Williams, AICP
City of Dover
Department of Planning and Inspections
P.O. Box 475
Dover, DE 19903-0475

RE: **Site Master Plan Extension Request - S-10-13**
LANDS OF YMCA OF DELAWARE, INC.
Dover, Delaware
2009114.00

Dear Dawn:

On behalf of our client, YMCA of Delaware, Inc., we are hereby submitting a request for a one (1) year extension of the Site Master Plan Application S-10-13 previously approved on June 21, 2010 for the above-referenced property. This is submitted for consideration at the June 20, 2011 Planning Commission hearing.

The reasoning for the extension request is twofold. First, the process to complete final construction plans and obtain final plan approvals is a lengthy process and generally requires more then one (1) year to complete. We are currently preparing the final construction documents for the project in order to begin filing for final plan approvals from the various agencies including the City of Dover. Second, the YMCA has been actively pursuing funding for the proposed construction, however, due to the current economy, raising funds for the project has taken longer than anticipated. Their capital fundraising campaign is ongoing and they are currently anticipating final agency approvals and start of construction in the fall of this year. Once construction plans are completed and final approvals are forthcoming, the project will be bid to contractors and the project will proceed to construction.

Please include us on the Planning Commission agenda and contact me with any questions.

Sincerely,

BECKER MORGAN GROUP, INC.

Michael J. Henry, LEED AP
Associate

MJH/rlh

Cc: Mr. James Kelly, YMCA of Delaware, Inc.
Mr. Rick Gould, Central Delaware YMCA

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City of Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF June 9, 2011

PLANNING COMMISSION MEETING June 20, 2011

Plan Title:	Lands of M&L Ventures C-11-04
Plan Type:	Conditional Use Site Development Plan Minor Subdivision
Applicant/Owner:	M & L Ventures, LLC
Project Engineer:	RK&K
Location:	South side of Lafferty Lane, between Bay Road (US Route 113) and Horsepond Road
Address:	Lafferty Lane
Tax Parcel:	ED-05-077.00-01-28.04-000
Site Area:	10 acres ±
Zoning:	M (Manufacturing Zone) AEOZ (Airport Environs Overlay Zone) APZ I (Accident Potential Zone I) Noise Zone C Noise Zone D
Present Use:	Vacant
Proposed Use:	10 Manufacturing/warehousing buildings
Sanitary Facilities:	City of Dover
Water Supply:	City of Dover
Waivers Requested:	Partial elimination of sidewalk Partial elimination of curbing Elimination of bicycle parking

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 9, 2011

CITY OF DOVER PLANNING

APPLICATION: Lands of M&L Ventures on Lafferty Lane

FILE #: C-11-04 REVIEWING AGENCY: City of Dover Planning Office

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

PLAN SUMMARY

This is a Conditional Use Site Plan Review to permit the construction of ten (10) manufacturing warehousing buildings 9,950 S.F. in size for a total of 99,500 S.F. The application also includes a minor subdivision for the creation of two parcels. The property is zoned M (Manufacturing Zone) and is subject to the AEOZ (Airport Environs Overlay Zone). The project consists of one (1) parcel of land totaling ten (10) acres+/-. The site is located on the south side of Lafferty Lane adjacent to application SB-09-01. The owner of record is M & L Ventures, LLC. Tax Parcel: ED-05-077.00-01-28.04-000.

Previous Review

The Planning Commission previously reviewed and granted conditional approval to a Conditional Use Site Plan application for this property in March of 2009 and December of 2009 (C-09-03). The previous application expired on March 31, 2011.

Preliminary Land Use Services Review (PLUS)

This application was reviewed on April 21, 2008 by the Preliminary Land Use Services as required by the City of Dover's Memorandum of Understanding (MOU). This MOU requires that development of over 70,000 S.F. complete the PLUS Review process prior to application submission. The applicant's response to the PLUS letter has been submitted as is on file at the Planning Office.

CONDITIONAL USE

The application is a Conditional Use Site Plan for the proposed new construction of manufacturing and warehousing buildings. Manufacturing and warehousing buildings in the M zone is a Conditional Use and requires approval from the Planning Commission. (*Zoning Ordinance* Article 3 Section 19.1)

> 19.1 *Uses permitted.* No building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following, and conditional upon approval as to use by the planning commission in accordance with the provisions of article 10, section 1 and in accordance with performance standards procedure as set forth in article 5, section 8:

19.11 Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing, handling, or storage of products or materials involving the use of only oil, gas or electricity for fuel.

19.12 Research, design and development laboratories.
19.13 Wholesale storage and warehousing.

19.14 Building contractors' yards.

19.15 Public utilities uses.

19.16 Ministorage facilities, subject to the following regulations:

(a) No unit shall be placed within 30 feet of any other structure on the lot or a residential property line.
(b) No outside storage, except for recreational vehicles, boats or personal automobiles when completely screened from view and parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.
(c) No individual unit may be used for retail, garage sale or any other commercial activities.
(d) No storage of flammable, explosive, corrosive or other hazardous products may occur in the individual unit.
(e) Parking must be provided at a ratio of one space for each 25 rental units, plus a minimum of three spaces for an office outside of the enclosure. One row of parallel parking is permitted between buildings at a ratio of one space per 25 feet.
(f) All other bulk requirements of this ordinance are met.

This Conditional Use Site Plan is subject to the requirements of Article 10 §1 further discussed below.

With Conditional Use Site Plan applications, the Planning Commission reviews the proposed project to determine whether or not the intended use is appropriate in type and scale for the immediate neighborhood. The Commission must also consider whether or not the proposed use will have an adverse impact on the future orderly development of the surrounding area. The following sections of the *Zoning Ordinanc*e which relates to the role of the Commission in reviewing Conditional Use Site Plan applications are particularly relevant when reviewing this application:

Article 10 §1.1 *[Accessibility for fire and police protection.]* That all proposed structures, equipment or material shall be readily accessible for fire and police protection;

Article 10 §1.2 That the proposed use be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

PARKING SUMMARY

The minimum parking requirement for this project is one (1) parking space for 800 S.F. of floor area. Based on the square footage of each building, a total of 125 parking spaces are required. The site is providing 150 parking spaces. There are ten (10) handicap parking spaces shown on the plan. The site exceeds the parking requirement. In accordance with Article 6 § 3.11 of the

Zoning Ordinance, parking areas may only exceed the parking requirement by 25%. As shown on the plan the project does not exceed the 25% maximum.

Waiver Request: Bicycle Parking

Bicycle parking shall be provided for parking spaces at a rate of one (1) bicycle parking space for every twenty (20) parking spaces. Based on the 125 required parking spaces seven (7) bicycle spaces are required. The Planning Commission may waive the requirement for the bicycle parking if it is demonstrated that bicycle parking would not be appropriate for safety reasons or due to the nature of the use of the site. A written waiver request for the elimination of bicycle parking has been submitted to the Planning Office for consideration by the Planning Commission. The Planning Commission previously approved the waiver to eliminate bicycle parking as a part of a previous application.

BUILDING ARCHITECTURE

The proposed buildings will be a metal building with siding and a stone watertable feature. The buildings will have pitched roofs. The buildings will have bay doors with an awning and window over and next to the door.

SITE CONSIDERATIONS

Site Access

The site will access the buildings off an access (labeled as Cassidy Drive) drive with and entrance off of Lafferty Lane. Cassidy Drive is proposed to be a private street. A proposed City street will bisect the middle of the site running east-west to interconnect with adjacent vacant lands. The proposed unnamed street will be constructed at the time the third Building Permit is applied for unless it is determined by City Staff to be needed sooner for access to the adjacent parcel. The development of the new street shall be coordinated with the development to the east.

Airport Environs Overlay Zone (AEOZ)

This property is subject to the requirements of the Airport Environs Overlay Zone (AEOZ) as outlined in Article 3 §22. The proposed development is located within Noise Zone C (75dB-79dB), Noise Zone D (>80dB), and within Accident Potential Zone I. Noise Zone D allows for most uses permitted within the M (Manufacturing) Zoning District with an interior noise level reduction of thirty (30) decibels. Noise Zone C (75dB-79dB) allows for most uses permitted within the M Zoning District with an interior noise level reduction of twenty-five (25) decibels.

All proposed buildings are located within Accident Potential Zone I (APZ I). The Accident Potential Zone I allows for most uses permitted within the M (Manufacturing) Zoning District and calls for an interior noise level reduction of thirty (30) decibels. APZ I also prohibits structures from exceeding sixty (60) feet in height.

The proposed land use for each building (and tenants within each building) must comply with the permitted uses of the M (Manufacturing) Zoning District (Article 3§19) and the Land Use Compatibility Table of the AEOZ (Article 3 §22.6)

Lighting

Adequate lighting needs to be provided throughout the site. The plan indicates security lighting

along the front of the buildings. The lighting should be deflected away from other properties. The design/style of the fixtures should be provided on the Site Detail Plan sheet. A minimum of 1½ foot candles at grade is required.

Dumpster

Industrial/warehousing buildings require one (1) dumpster pad for the first 40,000 S.F. of building area and one (1) for each additional 40,000 S.F. of building area or a fraction thereof. Based on this calculation one (1) dumpster pad is required for the building. Based on this calculation ten (10) dumpsters are required. The Site Plan currently indicates ten (10) dumpster pads. The method of private trash collection needs to be identified on the plan. A dumpster enclosure detail shall be provided on the plan to ensure that the architectural components of the Dumpster enclosures match the construction materials of the proposed buildings.

Waiver Request: Sidewalk

Sidewalk is required along all street frontages. Sidewalk is proposed along Lafferty Lane. Sidewalk is also provided along the unnamed connector street. Sidewalk is provided along the east side of Cassidy Drive. A written waiver request for the elimination of sidewalk along the west side of Cassidy Drive has been submitted to the Planning Office for consideration by the Planning Commission. Sidewalks should be barrier free to allow for access throughout the development. The Planning Commission previously approved the waiver to eliminate sidewalk along the west side of Cassidy Drive as a part of a previous application.

Waiver Request: Curbing

The parking areas and access drives are required to be curbed (Article 6 §3.6). Curbing is provided along the east side of Cassidy Drive and the unnamed connector street. A waiver request for the elimination of curbing for drainage into the stormwater management area has been submitted to the Planning Office for consideration by the Planning Commission. The location of the depressed curbing is on the east side of the site near the dumpster enclosures. The Planning Commission previously approved the waiver to allow for the elimination and depressed curbing as part of a previous application.

Loading Spaces

Loading spaces will be determined by staff based on information provided by the applicant. The applicant has indicated that the proposed development will not be utilized by large semi-trucks. No loading spaces are specifically delineated on the plan.

TREE PLANTING AND LANDSCAPE PLAN

One (1) tree is required for every 3,000 SF of land area. The tree planting requirement is based on the non-woodland land area. Based on the size of the site 146 trees are required. The Plan is providing 147 trees. The trees are located throughout the development with concentrations along the proposed access road, and the property boundary. The trees are a mixture of deciduous trees and evergreen trees. The trees include White Pine and Red Maple Sunset.

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) Bicycle parking shall be complied with in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request has been submitted to the Planning Office for consideration by the Planning Commission.

2) Curbing shall be constructed with in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request has been submitted to the Planning Office for consideration by the Planning Commission.

3) Sidewalk shall be constructed with in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request has been submitted to the Planning Office for consideration by the Planning Commission.

4) Include the following information on the Record Plan Sheet:
   a) Indicate any easements proposed for the site (including but not limited to: cross access, utility easements, or sidewalk easements).
   b) Indicate if there is any right-of-way dedication along Lafferty Lane.
   c) Provide a name for the unnamed connector road.
   d) Clarify the area to be dedicated for the future City Street (unnamed road). The plan seems to indicate the unnamed road will go into Cassidy Drive.

5) Update the Project Data column with the following information:
   a) Any conditions or changes approved by the Planning Commission.
   b) Indicate if any waivers are granted by the Planning Commission.
   c) Revise the number of required parking spaces to 125.

6) Revise the size of the handicap parking spaces on the plan sheets. Handicap parking spaces shall be 10’ by 20’.

7) Remove note #39 on the General Notes and Construction Detail Plan Sheet. Note #39 is the same note as #38.

8) Revise note #48 on the General Notes and Construction Detail Plan Sheet. The note shall reflect the date of action by the Planning Commission.

9) Clarify the note regarding the dumpster enclosure on the Utility Plan Sheet. There is a note stating that one of the dumpster pads will be reserved.

10) Provide a sidewalk behind the buildings from the rear egress to the parking lot, unless it is determined that this egress is not a required means of egress for the building.

11) Clarify the operation of loading spaces on the site.

12) Clarify the location of curbing on the site on all plan sheets.

13) Indicate the locations of the depressed curbing on the site on all plan sheets.

14) Indicate the name of the proposed public street. The Kent County GIS Division – 911 Addressing section in conjunction with the City of Dover, must approve the development name and street names.

15) Provide construction details for the following items but not limited to: barrier free sidewalk, dumpster pad, curbing, traffic control signage, lighting fixtures, handicap signage, bike racks, etc.

16) The city requires an owner's and engineer's certification on the Title Plan and Record Plan Sheets only. The other certification locations are not required by the City. It may be required on the Stormwater Plan Sheet.

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 Sidewalk: Staff recommends approval of the request for partial elimination of sidewalk along the west side of the proposed access drive. The proposed access drive is located on the west side of the property away from easy access to the buildings. Sidewalk is proposed along the east side of the access drive that is close to the buildings.
   b) Partial Elimination of Curbing: Staff recommends approval of the request to allow for depressed curbing to allow for drainage into the stormwater management area. Staff has concern if the west side of Cassidy Drive has depressed curb.
   c) Elimination of Bicycle Parking: Staff recommends approval of a reduction in the number of required bicycle parking to two (2). Staff notes that bicycle traffic would be low in the manufacturing area; however, staff may ride their bike to work.

ADVISORY COMMENTS TO THE APPLICANT:

1) The Record Plan shall be recorded in the Kent County Recorder of Deeds Office prior to Final Conditional Use Site Plan approval.

2) In the event, that major changes and revisions to the Conditional Use Site Plan occur in the finalization of the Conditional Use 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.

3) Following Planning Commission approval of the Conditional Use 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.

4) The proposed connector street to be dedicated to the City of Dover shall be constructed no later than at the time of the application of the third Building Permit. The street may be required to be constructed prior to that time if determined to be necessary.

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

6) 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.

7) 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.

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

9) The applicant shall be aware that Conditional Use 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.

10) As-Built drawings will be required for the construction of each building to ensure they are less than 10,000 SF. The as-built drawings shall be provided prior to the issuance of a Certificate of Occupancy.

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: JUNE 2, 2011

CITY OF DOVER
PUBLIC UTILITIES
DEPARTMENT

APPLICATION: **M & L VENTURES, LLC AT LAFFERTY LANE**

FILE #: **C-11-04**

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 Electric Division has no comment regarding the conditional use proposed for the subject property.
2. 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/.
3. The roadway and curbing must be in.
4. The right-of-way must be within 6" of final grade.
5. The property corners must be staked.
6. Owner is responsible for locating all water, sewer, and storm sewer lines.
7. Owner is responsible for installing all conduits and equipment pads per the City of Dover Engineering Department specifications.
8. Owner is responsible for site and/or street lighting.
9. Meter locations will be determined by City of Dover Engineering Department.
10. Load sheets and AutoCAD compatible DXF or DWG diskettes of site plans, including driveways, are required prior to receiving approved electrical construction drawings.
11. 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.
12. 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.
13. 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.
14. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
15. 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.

16. 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.
2. All water mains must be looped. No dead end mains are permitted. The proposed water main, as shown on the plans, must extend to the southern property line on the western side and terminate with a two-inch (2") blow-off assembly. This alignment allows for the connection of the water main to the water main stub from the Forge Business Park. (The development which occurs last must perform the actual connection.) This water main is ten-inches (10") in order to meet minimum fire suppression requirements as determined through the Fire Marshal's office.
3. Water usage projections (peak demand in gpm or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for each proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. This meter must be installed per the City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
4. 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.

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. The final site plan must be submitted in a digital format compatible with AutoCAD 2004 (.dwg format)

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. Owner must give the City of Dover Electric Department five (5) months notice prior to construction. .

WATER / WASTEWATER / STORMWATER / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. Please note a 3 phase underground circuit exists along Lafferty Lane.

WATER

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

WASTEWATER

1. City of Dover gravity sanitary sewer service is available to this site. The applicant / developer is responsible for all costs associated with provided service to development on the site including any necessary system upgrades or extensions.
2. Prior to plan approval, the sanitary sewer system plans must be submitted to the DNREC, Division of Water Resources, Surface Water Discharges Section for review and approval. The owner/developer is responsible for providing all application fees, completed forms and plan sets directly to DNREC.

STORMWATER

1. None

GENERAL

1. In the water and wastewater utility infrastructure table of components to be dedicated to the City of Dover please clarify the number of water and wastewater services.
2. The developer is responsible for all required permits, including wetlands permits, to perform the proposed site improvements. Copies of these permits must be provided to our office prior to the issuance of plan approval.
3. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: December 3, 2009

CITY OF DOVER FIRE MARSHAL

APPLICATION: Land of M & L Ventures on Lafferty Lane

FILE #: C-11-04 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:

Proposed buildings are one story in height. Primary fire lanes are required to be 24 feet wide and cover the side of the building that has the primary entrance and exit. Secondary fire lanes can be reduced to 16 feet wide. Both can be no closer then 10 feet to the building and no farther then 50 feet from the building. Fire lanes shall cover 25% of the proposed building. Show fire lane marking on site plan.

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

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

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

Full building and fire plane review is required.

Buildings can not be occupied or construction or renovations started until completion of building and fire plan review.

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

As buildings are sprinklered, all portions of the exterior of the first floor shall be within 600 feet of a fire hydrant.

Sprinkler system required. System to be monitored.

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

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

If building is not sprinklered, all portions of the exterior of the first floor shall be within 400 feet of a fire hydrant

Knox Box required.

Project to be completed per approved Site Plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

The buildings are 9950 square feet and as a condition of approval will be sprinklered. As the buildings are sprinklered, the 10 inch dead end water line for the fire hydrants can remain and not be looped. The line must be terminated at the property line so as to allow for connection at a future date.

ADVISORY COMMENTS TO THE APPLICANT:

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

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

The proposed buildings will be reviewed under Storage Occupancy.

The City of Dover uses the 2003 NFPA Life Safety Code, 2003 IBC, latest editions of all other NFPA Codes and the 2006 Delaware State Fire Prevention Regulations.

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 2, 2011

D E L D O T

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APPLICATION: M & L Ventures, LLC at Lafferty Lane
FILE#:C-11-04 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. DelDOT has no comments. This project was recently approved by the department.

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: JUNE 2011

APPLICATION: *M&L Ventures*

FILE #: C-11-04

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 9, 2011

Dover/Kent County Metropolitan Planning Organization

APPLICATION: M & L Ventures, LLC at Lafferty Lane

FILE #: C-11-04 REVIEWING AGENCY: Dover/Kent County MPO

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

The MPO will limit comments to projects, development proposals and applications that may lead to new development. Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission 6/20/2011
Project Review
C-11-04 M & L Ventures, LLC at Lafferty Lane

This request is for a Minor Subdivision and Conditional Use for the creation of 10 nearly ten thousand square feet manufacturing/warehouse buildings. Included in the request are waivers to reduce bicycle requirements, elimination of some curbing and the elimination of some sidewalk.

The MPO promotes sidewalks in most parts of the City and, as stated above, supports the City's bicycle policies. We do not support waiving any of the requirements. In a manufacturing/warehouse district, our primary interest is to see that pedestrians can get into and between buildings safely.

We have no other comments.

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.

RK&K

1206 Forrest Avenue | Dover, DE 19904 | P 302.672.7800 | F 302.672.9151 | www.rkk.com

William K. Hellmann
Emeritus

David W. Wallace
Stephen G. Zentz
J. Michael Potter
Thomas E. Mohler
James A. Zito
Michael W. Myers

Robert J. Halbert

Charles M. Easter, Jr.
Joseph A. Romanowski, Jr.
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Brian L. Hepting
Michael V. Gaffney
Lee C. Yowell
Steven L. Thomas

May 5, 2011

Ms. Janelle Cornwell, AICP
City of Dover
Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903

RE: Conditional Use Plan for M & L Ventures, LLC
Tax Parcel #ED-05-077.00-01-28.04
Curbing Waiver

Dear Ms. Cornwell:

RK&K is representing M & L Ventures, LLC, the owner of the parcel referenced above, as they submit a conditional use application for Planning Commission review and approval. The owner is proposing to construct 10 warehousing buildings on the 10-acre parcel. The intended use of each building is to primarily provide rental space for contractors to store their construction equipment.

This project was previously reviewed and approved by the Planning Commission in March 2009 and January 2010. As noted in previous Development Advisory Committee's (D.A.C.) comments, it was indicated that curbing would have to be provided along the parking areas, or a waiver from the City's requirement would have to be submitted. A waiver was previously granted by the Planning Commission in March 2009. On behalf of M & L Ventures, I am respectfully requesting the consideration of a waiver from the City's parking lot curb requirements, for the following reason:

1. The site drainage plan allows for drainage to run from the parking lots directly into the stormwater management areas. Providing curbing in the parking lots is not necessary, as the parking lot grading is designed to allow for drainage to go directly into the stormwater management areas. The drainage plan has been reviewed and approved by the Kent Conservation District.

Thank you for your consideration of this request. If you have any questions or need additional information, please feel free to contact me at 672-7800.

Sincerely,

Rich Vetter

Rich Vetter, P.E., AICP
Project Engineer

RK&K

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May 5, 2011

Ms. Janelle Cornwell, AICP
City of Dover
Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903

RE: Conditional Use Plan for M & L Ventures, LLC
Tax Parcel #ED-05-077.00-01-28.04
Sidewalk Waiver

Dear Ms. Cornwell:

RK&K is representing M & L Ventures, LLC, the owner of the parcel referenced above, as they submit a conditional use application for Planning Commission review and approval. The owner is proposing to construct 10 warehousing buildings on the 10-acre parcel. The intended use of each building is to primarily provide rental space for contractors to store their construction equipment.

This project was previously reviewed and approved by the Planning Commission in March 2009 and January 2010. As noted in previous Development Advisory Committee's (D.A.C.) comments, it was indicated that sidewalk is required along both sides of the internal access road, or a waiver from the City's requirement would have to be submitted. A waiver was previously granted by the Planning Commission in March 2009. On behalf of M & L Ventures, I am respectfully requesting the consideration of a waiver from the City's sidewalk requirements, for the following reason:

1. Sidewalk is being provided throughout the entire length of the proposed access road (Cassidy Drive), on the east side of the road. All of the buildings on the site will be located on the east side of the road as well, and the proposed sidewalk will facilitate any pedestrian movements throughout the entire site. There are no buildings proposed on the west side of the road. As a result, placing a sidewalk on the west side of Cassidy would serve no pedestrian attractors or generators, and would be a redundant facility due to the proposed sidewalk along the east side.

Thank you for your consideration of this request. If you have any questions or need additional information, please feel free to contact me at 672-7800.

Sincerely,

Rich Vetter

Rich Vetter, P.E., AICP
Project Engineer

RK&K

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May 5, 2011

Ms. Janelle Cornwell, AICP
City of Dover Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903

RE: Conditional Use Plan for M & L Ventures, LLC
Tax Parcel #ED-05-077.00-01-28.04
Bicycle Parking Waiver

Dear Ms. Cornwell:

RK&K is representing M & L Ventures, LLC, the owner of the parcel referenced above, as they submit a conditional use application for Planning Commission review and approval. The owner is proposing to construct 10 warehousing buildings on the 10-acre parcel. The intended use of each building is to primarily provide rental space for contractors to store their construction equipment.

This project was previously reviewed and approved by the Planning Commission in March 2009 and January 2010. As noted in the Development Advisory Committee's (D.A.C.) comments from December 3, 2009, it was indicated that bicycle parking would have to be considered on this site, or a waiver from the City's bicycle parking requirement would have to be submitted. A waiver was previously granted by the Planning Commission in January 2010. On behalf of M & L Ventures, I am respectfully requesting the consideration of a waiver from the City's bicycle parking requirements, for the following reasons:

1. The proposed use of the site (contractor's equipment storage) will not likely generate any bicycle traffic, as the intended uses will be accessed almost exclusively by construction vehicles and small trucks.

2. The surrounding land uses are almost exclusively industrial and manufacturing. In addition, the Dover Air Force Base constitutes the entire southern portion of the project area. As such, there is very little residential land use in this area, and bicycle travel by any potential employees would be expected to be non-existent. The proposed land use in the area mirrors the existing conditions, as additional business and manufacturing land uses are anticipated in the future. As a result, based on the existing and proposed land uses in this area, there is a very low probability of this proposed development attracting or generating bicycle traffic.

Thank you for your consideration of this request. If you have any questions or need additional information, please feel free to contact me at 672-7800.

Sincerely,

Rich Vetter

Rich Vetter, P.E., AICP
Project Engineer

City of Dover

DATA SHEET FOR CONDITIONAL USE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF June 9, 2011

PLANNING COMMISSION MEETING OF June 20, 2011

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 9, 2011

CITY OF DOVER PLANNING

APPLICATION: Governors Café at 144 Kings Highway

FILE #: C-11-03 REVIEWING AGENCY: City of Dover Planning

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

***Staff notes that the application is utilizing a former Site Plan. There are no proposed changes to the parking or site as a part of this application.**

PLAN SUMMARY:

This Conditional Use Plan Review is to permit a café/sandwich shop on a portion of the first floor in the existing office building located at 144 Kings Highway. The project area is on one parcel of land. The project area consists of the office building. The property for the proposed development is zoned RG-O (General Residence and Office Zone) and H (Historic District Zone). The property is located at the intersection of American Avenue and Kings Highway. The owner of record is Michael and Connie Zimmerman. The lessee is Coffee Shop, LLC. The property address is 144 Kings Highway. Tax Parcel: ED-05-077.05-04-40.00-000.

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

Article 3 Section 9 General Residence and Office Zone

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

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

9.12 Any use permitted in the RM-2 zone.

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

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

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

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

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

ii. Limitation of entrances from State Street only.

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

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

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

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

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

1.1 *[Accessibility for fire and police protection.]* That all proposed structures, equipment or material shall be readily accessible for fire and police protection;

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

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

a. The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and

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

1.4 *[Permits.]* The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following due public notice and hearing, and may be withheld only upon a determination by the building inspector to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with. In such cases, a period of 60 days shall be granted the applicant for full compliance prior to the revocation of the said permit. Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

a. The provision in this ordinance under which such permit was issued is still in effect;

b. Such permit was issued in conformity with the provisions of this ordinance; and

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

Site Considerations

The site has an existing building. A portion of the first floor (1,800 SF) will be utilized as the café with 53 seats including the coffee lounge area. The other two (2) floors will remain as offices.

The existing building is located the city's local Historic District and listed in the National Register of Historic Places Victorian Dover Historic District (K-396.475). The building is a three-story, five bay, brick building with a two-story wing. The building was erected in 1857 as a dwelling for Nathaniel B. Smithers. Significant architecture features of the building include a three-and- one-half-story corner tower, surrounded by a mansard roof with bracketed cornice, and an ornate entrance portico on the east side of the two-story wing of the building.

Parking
The site will utilize the existing parking lot located on the site. There are seventeen (17) existing parking spaces on the site including one (1) handicap parking space. Staff notes that the proposed use does not require parking per Article 3 Section 9.14(b)v. of the *Zoning Ordinance*.

Bicycle Parking
Bicycle parking is required for parking areas at a rate of one bicycle parking space for every twenty parking spaces. Based on the number of existing parking spaces, one (1) bicycle parking space is required. Bicycle parking is not provided on the site.

Sidewalk
There is existing sidewalk along Kings Highway and American Avenue around the property. The sidewalk along Kings Highway connects into the site to the building entrances.

Tree Planting
The existing trees on the site meet the tree planting requirement.

Architectural Review Certificate
Staff has determined that an Architectural Review Certificate is not required as a part of this application as there are no proposed changes to the exterior of the building. If in the future changes are proposed to the exterior of the building an Architectural Review Certificate will be required and review may be required by the Historic District Commission. (Article 3 Section 9.1(b)iv.

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) A Site Data Column needs to be provided on the plan drawing and will need to include the following information prior to Final Approval:
   a) Any changes recommended or approvals by the Planning Commission.
   b) Indicate the amount of floor area to be utilized by the restaurant.
   c) Indicate the number of seats in the café.
   d) Provide a note stating that alcohol is not permitted to be served in this establishment.

2) Alcohol is not permitted to be served in this establishment as a part of the café per the *Zoning Ordinance*. (Article 3 Section 9.14(b)i.

3) Provide the location of bicycle parking on the plan.

4) Provide a detail of the bicycle parking. Format to fit character of Historic District (i.e. bollard and black).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1. None.

ADVISORY COMMENTS TO THE APPLICANT:

1) Handicap accessibility may be required for the building due to the use as a café.

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

3) The applicant shall be aware that the Conditional Use 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.

4) The applicant shall be aware that the Conditional Use Plan approval does not represent a Certificate of Occupancy, nor does it convey permission to occupy the building. A Certificate of Occupancy shall be obtained prior to the use of the building as an eating establishment.

5) The applicant shall be aware that the Conditional Use 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.

6) All appropriate Building and Fire Codes shall be complied with.

7) Any changes to the exterior of the building are subject to Architectural Review Certificate and the *Design Standards and Guidelines for the City of Dover Historic District Zone.*

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

APPLICANT D.A.C. MEETING DATE: JUNE 9, 2011

APPLICATION: **GOVERNORS CLUB PROFFESSIONAL CENTER AT 144 KINGS HIGHWAY**

FILE #: **C-11-03**

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 conditional use proposed for the subject property.
2. Owner is responsible for 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

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. Only one domestic service line is permitted per principal building or structure. It is the designer's responsibility to confirm the adequacy of the existing lines for the proposed use. Our records indicate that only a three-quarter inch (3/4") service line is currently available. Any modifications or alterations must be clearly represented on the plans and meet all City of Dover Public Utilities Department Water Utility Requirements.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to determine the appropriate water meter size for the overall final building. Our records indicate that only a five-eighths inch (5/8") water meter is currently located at the site. These projections must be submitted prior to approval so the meter size

can be placed on the final site plan should a new meter be required. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.

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. Only one sanitary sewer lateral is permitted per principal building or structure. It is the designer's responsibility to confirm the adequacy of the existing line for the proposed use. Any modifications or alterations must be clearly represented on the plans and meet all City of Dover Public Utilities Department Wastewater Utility Requirements.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.

STORMWATER

1. 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. A note to this effect must be added to the plans.
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 / WATER / WASTEWATER / STORMWATER / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

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:

CITY OF DOVER FIRE MARSHAL

APPLICATION: Governors Club 144 Kings Highway

FILE #:C-11-03 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:

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

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

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

Full building and fire plan review is required.

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

Knox Box required.

Project to be completed per approved Site Plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

The proposed building will be reviewed under Assembly Occupancy.

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 2, 2011

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APPLICATION: Governors Club Professional Center at 144 Kings Hwy.
FILE#: C-11-03 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

1. The department has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
DEVELOPER APPLICATION MEETING DATE: JUNE 2011

APPLICATION: *Governors Club Professional Center*

FILE #: C-11-03

REVIEWING AGENCY: *Kent Conservation District*

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

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

CITY AND STATE CODE REQUIREMENTS:

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 9, 2011

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Governors Club Professional Center at 144 Kings Highway

FILE #: C-11-03 REVIEWING AGENCY: Dover/Kent County MPO

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

The MPO will limit comments to projects, development proposals and applications that may lead to new development. Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission 6/20/2011
Project Review
C-11-03 Governors Club Professional Center at 144 Kings Highway

This request is for a Conditional Use Site Development Plan to permit the establishment of a café/sandwich shop in an existing building. The site has all of the attributes and connections of a central location in Dover.

We have no other comments.

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.

Governor's Café

Governor's Café is a proposed coffee/sandwich shop that will seat approximately 50 people located in a portion of the first floor of the Governor's Club building.

We expect to serve a need for three different segments of the day:

1. Regular and Specialty Coffee drinks with light breakfast items in the morning.
2. Specialty Coffee drinks: Iced Coffee, Iced Teas, Hot Teas, Fruit Smoothies Panini Sandwich's, in the afternoon.
3. Fresh made Gelatos, Specialty Coffee Drinks, and light desserts in the evening.

The business will be family oriented, serving: Specialty Coffee's, Coffee Drinks, Fresh made Panini Sandwiches, Assorted Baked Goods, fresh fruits, and Fresh made Gelato's. That can be consumed on premise or for takeout. Hours of operation are proposed as: 7am until 7pm Sunday through Thursday, and 7am until 9pm on Friday and Saturday. We may adjust hours slightly on some nights to coordinate with events at the Schwartz Center.