A G E N D A
CITY OF DOVER PLANNING COMMISSION
Tuesday, February 22, 2011 – 7:00 P.M. - City Hall: Council Chambers

PLEDGE OF ALLEGIANCE
ROLL CALL

APPROVAL OF AGENDA

ADOPTION OF MINUTES OF REGULAR MEETING of January 18, 2011
ADOPTION OF MINTUES OF EXECUTIVE SESSION on January 18, 2011

COMMUNICATIONS & REPORTS

1) Reminder: The Planning Commission Quarterly Workshop is scheduled for Wednesday, February 23, 2011 at 4:00pm in the City Hall Council Chambers.

2) An Audio/Web Conference entitled "Mitigating Hazards Through Planning" will be held on March 16, 2011 from 4:00pm-5:30pm at the Kent County Administrative Building, Room 220. The session is co-sponsored by the Delaware Chapter of the American Planning Organization (APA) and the Kent County Department of Planning.

3) Report on City Council actions

4) Update on other Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW DEVELOPMENT APPLICATIONS

1) MI-11-01 Comprehensive Plan Amendments 2011 - Public Hearing and Review for Recommendation to City Council 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 will revise the Land Use Classification from Open Space for certain properties to more appropriate classifications based on the property uses and surrounding uses. Also under consideration are two requests Land Use Classification revisions associated with rezoning applications Z-11-02 and Z-11-03. Ordinance #2011-03.

2) Z-11-02 Lands of College Road Management Inc., Kent Storage Facilities Inc. & Loralex Company, LLC at Railroad Avenue – Public Hearing and Review for Recommendation to City Council on a rezoning application consists of four parcels of land totaling of 30.78 acres

±. The property is currently zoned M (Manufacturing Zone). The proposed zoning is RG-5 (General Residence Zone for Mid-rise Apartments). The subject property is located north of College Road and east of the railroad corridor and Railroad Avenue. The owners of record are College Road Management Inc., Kent Storage Facilities, LLC and Loralex Company, LLC. Property Addresses: Grove Street and Railroad Avenue. Tax Parcels: ED05-067.00-02-53.00-000, ED05-067.00-02-54.00-000, ED05-067.00-02-55.00-000, and ED05-067.00-02-56.00-000. Council District 4. Ordinance #2011-04.

3) Z-11-03 DoveView Apartments at 101-405 DoveView Drive – Public Hearing and Review for Recommendation to City Council on a rezoning application consists of one parcel of land totaling of 6.735 acres ±. The property is zoned IO (Institutional/Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is RG-5 (General Residence Zone for Mid-rise Apartments) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the north side of Forrest Avenue (Route 8) just west of the Saulsbury Road intersection. The owner of record is CRM Mid-Atlantic, LLC and SunTrust Bank. Property Addresses: 101-405 DoveView Drive. Tax Parcel: ED05-076.07-01-30.00-000. Council District 1. Ordinance #2011-05.

4) S-11-02 C.F. Schwartz Building Addition at 1530-1536 North DuPont Highway – Public Hearing and Site Development Plan Review to permit the construction of a 24,444 S.F. building addition and the associated site improvements on a 7.83 +/- acre parcel. The property is zoned RC (Recreational and Commercial Zone) and C-4 (Highway Commercial Zone). The property is located on the west side of North DuPont Highway at the intersection with Rustic Lane. The owner of record is C.F. Schwartz Motor Company. Property Address: 1530-1536 North DuPont Highway. Tax Parcel: ED05-057.00-01-06.00-000. Council District 4. *Waivers Requested: Elimination of Sidewalk, Elimination of Curbing and Elimination of the Arterial Street Buffer. Consideration of Tree Mitigation Plan.*

5) S-11-03 Courthouse Parking Lot on West Water Street – Public Hearing and Site Development Plan Review, Conditional Use Review, and Architectural Review Certification to permit renovations to the existing parking lot and the expansion of the parking lot to a total of 152 parking spaces. The parking lot is intended to serve the Kent County Courthouse Building. The two properties (total of 1.95 acres) are zoned C2-A (Limited Central Commercial Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone); and RGO (Residential/General Office Zone), H (Historic District Zone), and subject to the SWPOZ (Source Water Protection Overlay Zone). The properties are located on the north side of West Water Street in the block between South Governors Avenue and South State Street. The owner of record is the State of Delaware. Property Addresses: 439 South Governors Avenue and 101 West Water Street. Tax Parcels: ED05-077.09-03-51.00-000 and ED05-077.09-03-53.00-000. Council District 2. *Waivers Requested: Partial Elimination of Curbing Elimination of Opaque Barrier Fence Component. Associated Application: HI-10-11.*

NEW BUSINESS

1) MI-11-04 Treadway Towers Parking Waiver Request – Public Hearing for request to utilize the "Combined Spaces" provisions of the Parking Regulations within the *Zoning Ordinance* (Article 6, §3.8) to be able to lease parking spaces to the Post Office. The

property is located at 9 East Loockerman Street. The property owner is Colonial Investment & Management Company. The tax parcel number is ED-05-077.05-04-52.00-000.

2) MI-10-20 Eden Hill Farm TND: Phase 2 Revisions – Review and Consideration of the Interpretation of Pattern Book guidelines for Townhouse Setbacks within the Eden Hill Farm TND Residential District. The property is zoned TND (Traditional Neighborhood Design Zone). The owner of record is Hill Farm Associates, LLC. Property Address: southwest of intersection West North Street and Saulsbury Road. Tax Parcel: portions of the overall parcel ED-05-076.00-01-13.00-000. Council District 2.

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
January 18, 2011

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday, (Due to Holiday) January 18, 2011 at 7:00 PM with Chairman Hemmig presiding. Members present were Mr. Hemmig, Mr. Tolbert, Mr. Shomo, Mr. Baldwin, Mr. Nichols, Mr. Friedman, and Mr. Ambruso. Colonel Welsh and Mr. Holt were absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, (Until 7:10 PM) Mr. Koenig, Ms. Cornwell, Mr. Albert, Mr. Truax, Mr. Taraila, Mr. Rodriguez, and Ms. Metsch. Also present were Mr. John Paradee, Mr. Jeff Bross, Mr. John Fellows, Mr. Clinton Brooks, Mrs. Stacey Arnold, and Mr. Randall ReVay. Also speaking from the public was Mrs. Theresa Allen, Mrs. Heidi Phillipson, Mrs. Rachel Milano, and Mrs. Jennifer Mayers.

APPROVAL OF AGENDA

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

APPROVAL OF THE REGULAR PLANNING COMMISSION MEETING MINUTES OF DECEMBER 20, 2010

Mr. Tolbert moved to approve the regular Planning Commission meeting minutes of December 20, 2010, seconded by Mr. Shomo and the motion was unanimously carried 7-0 with Colonel Welsh and Mr. Holt absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that on January 19, 2011 at 4:00 PM in the Kent County Administration building there will be an audio web conference held called "Retro-Fitting Corridors." She would recommend Commission members try to attend as Staff will be attending as well.

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop is scheduled for Wednesday February 23, 2011 at 4:00 PM in the City Hall Conference Room.

Mrs. Townshend presented an overview of the regular City Council and Utility Committee meetings of January 10, 2011.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

There were no requests for extension of Planning Commission approval.

NEW DEVELOPMENT APPLICATIONS

Z-11-01 Lands of F&B Properties at 293 South Saulsbury Road - Public Hearing and Recommendation to City Council on rezoning application for one parcel of land consisting of a total of 3.64 acres ±. The property is currently zoned C-3 (Service Commercial Zone) and COZ-1 (Corridor Overlay Zone). The proposed zoning is C-2A (Limited Central Commercial Zone)

and COZ-1 (Corridor Overlay Zone). The subject property is located on the northeast corner of Saulsbury Road and West North Street. The owner of record is Roadway Express, Inc. and the equitable owner is F&B Properties. Property Address: 293 South Saulsbury Road. Tax Parcel: ED-05-076.11-01-43.00-000. Council District 4.

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

Mrs. Townshend provided an overview of the application.

Mr. Paradee stated that his only comments would be that this application is in fact consistent with the Comprehensive Plan and is consistent with the neighborhood and Staff has recommended approval so we would ask for favorable consideration.

Mr. Bross stated that they are seeking a C-2A zoning classification to permit the retail uses associated with a full service gasoline operation. The developers have a letter of intent from Royal Farms and have clearly shown this as a use on the site. They are consistent with the 2008 Comprehensive Plan and also consistent with the DAC comments that were received as part of this application. They will be returning for a Conditional Use approval to permit the pumping of gasoline.

Mr. Bross stated that the concept plan before you (Presentation Board displayed at meeting) shows the Royal Farms site with the gas islands as well as a proposed bank. Their hope will be to attract a bank to this site; however, at the moment, we have no firm commitment for a bank. If rezoned and developed, the plan will conform to the Corridor Overlay Zone along Saulsbury Road. He would note that their engineers are working collaboratively with DelDOT as part of the West Dover Connector and improvements that they will be making as part of the site redevelopment that will be consistent with the plans that DelDOT has for this intersection and the corridor.

Mr. Bross further stated that he would note that the DAC comments recommend having a scoping meeting with DelDOT. That meeting was held over a month ago and we are well underway in our discussions and coordination with DelDOT.

Mr. Bross further stated that they have been in contact with the Dover Housing Authority and DelDOT had suggested in some of our earlier discussions that we look at closing one of the three (3) entrances into the Dover Housing Authority's project. There are two (2) entrances further to the east on North Street and this would allow for construction of a deceleration lane as part of the overall intersection improvements on North Street as part of the West Dover Connector. The Dover Housing Authority is supportive of that closure and is consistent with DelDOT's wishes. We feel that it will go a long way toward improving traffic flow at this intersection even before the connector is constructed.

Mr. Bross further stated that the developer is very committed to making this a pedestrian friendly development site and have been working with the Dover Housing Authority to find the best location for sidewalk connections to that project. We anticipate that the people who live in this community will make great use of both the convenience store, gas pumping, and any other

service retail that is placed on the site. The developers are committed to placing sidewalks on the site for connection.

Mr. Friedman stated that they are asking for a rezoning and are giving us way more information then what would normally be provided and because of that you are getting more information than you would normally receive. Please realize that what has been stated is now a part of the record and needless to say there will be a Traffic Impact Study necessary and all of these things will be requirements if and when you are allowed to move forward with the rezoning. Responding to Mr. Friedman, Mr. Bross stated that they understand and would comply with the DAC comments of record.

Mr. Friedman questioned if we allow a developer to move forward prior to a Traffic Impact Study being in place? Responding to Mr. Friedman, Mrs. Townshend stated that we would allow the rezoning to move forward; however, would not issue final plan approval. This would be required prior to the Site Plan coming forward to the Commission.

Mr. Bross stated that they are in discussions with DelDOT already regarding the Traffic Impact Study. We have a decision to make regarding whether we will allow DelDOT to do it or if we do it with our own resources. We will be moving forward with that very shortly as they do take awhile to move forward.

Mr. Friedman stated that we would want the corner to look very nice and would want to see green grass and brown stone that is not mowed because it is part of a major development going on in the City of Dover to the west and is very important that it be continuous for continuity. Responding to Mr. Friedman, Mr. Fellows stated that they have worked with these developers for some time and they are nothing if not; pardon me, anal about having nice looking sites and he would expect the same for this site. We hope that the final plans that you see are even greener.

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

Mr. Ambruso moved to forward recommendation of approval to City Council for Z-11-01 Lands of F&B Properties located at 293 South Saulsbury Road rezoning it from C-3 (Service Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone) to C-2A and Corridor Overlay Zone, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Colonel Welsh and Mr. Holt absent.

Mr. Shomo moved to adjourn to Executive Session to talk about some legal matters, seconded by Mr. Ambruso and the motion was unanimously carried 7-0 with Colonel Welsh and Mr. Holt absent.

EXECUTIVE SESSION 7:27 PM to 7:47 PM.

NEW BUSINESS

C-08-01 House of Pride at Properties on North New Street and South New Street – Reconsideration of the Conditional Use Permit for the House of Pride properties, a philanthropic use and social service agency, including a residential recovery program and transitional housing. The project is located on nine (9) properties on North New Street and South New Street. The application involved the establishment of a multi-use philanthropic use relating to substance abuse prevention, intervention, treatment, education, and aftercare. The buildings include office, recovery houses, transitional houses, and several vacant houses. The properties are zoned RG-1 (General Residential Zone) with the exception of 105 South New Street which is zoned C-2 (Central Commercial Zone). The owner of record is The House of Pride, Inc. The property addresses and associated tax parcels numbers are listed below. Council District 4.

16 North New Street	ED-05-076.08-05-22.00-000
20 North New Street	ED-05-076.08-05-20.00-000
29 South New Street	ED-05-077.05-03-10.00-000
37 South New Street	ED-05-077.05-03-08.00-000
38 South New Street	ED-05-076.08-05-84.00-000
55-57 South New Street	ED-05-077.05-03-02.00-000
102 South New Street	ED-05-077.09-01-35.00-000
105 South New Street	ED-05-077.09-01-37.00-000
110 South New Street	ED-05-077.09-01-31.00-000

****Initial approval of the Conditional Use by the Planning Commission on January 22, 2008 with condition of a re-evaluation review after six months. At the August 18, 2008 meeting, the Planning Commission tabled this application for a specific time period to allow for further information to be obtained and to address the Code classification concerns. The re-evaluation review continued at the December 15, 2008 meeting and the Planning Commission granted approval of the Conditional Use subject to conditions.*

Representatives: Mr. Clinton Brooks, Resident at 29-A S. New Street; Mrs. Stacey Arnold, Volunteer with House of Pride; and Mr. Randall ReVay, Resident at 110 S. New Street.

Ms. Cornwell stated that this is a reconsideration of the Conditional Use permit as a philanthropic use and a Social Service Agency at the following addresses; 16 and 20 North New Street, 29, 37, 38, 55-57, 102, 105, and 110 South New Street. This application was reviewed by the Planning Commission in January 2008.

Ms. Cornwell further stated that staff met back in October with the House of Pride on how to handle some of the code compliance issues that had been discovered back in 2007. They were told that the best option was to go to the Planning Commission as a Conditional Use which they did apply for. They were granted conditional approval with some conditions. Some of those conditions in January 2008 were that all building and life safety code requirements must be met and complied with for all properties. All code violations from January 2, 3 and 4th 2008 housing inspections must be complied with and that no more than five (5) people may live in any unit at any given time. The Conditional Use was granted for a six (6) month approval with review again in July which was postponed several times for further information. Finally, the six (6) month review occurred on December 15, 2008.

Ms. Cornwell further stated that in the mean time, City Staff, Code Officials, and the Fire Marshal's Office have continued to do annual housing inspections. Inspections were conducted

in January 2008 with the most recent in October 2010. After the October annual housing inspection, Staff sat down and met with the House of Pride and members of the House of Pride to discuss the inspections and the code violations that were identified in those reports. A copy of that report and subsequent violations discovered at the re-inspection of January 4, 2011 were provided in Commission members packets. At this time a Power Point presentation was provided.

Ms. Cornwell stated that Staff will now go over some of the re-occurring violations of the past years with a number of them being life safety issues, electrical, plumbing and other issues that keep continuing to re-occur. Some of the more serious of violations is life safety egress. There are some egress issues that life safety code does not allow residential uses regarding bedrooms to go from one bedroom to another bedroom to get out for egress in case of emergency. This does occur in one of the buildings and has been repeatedly occurring in that it gets corrected and then occurs again. Other items are smoke detectors. At one point they all had the adequate life safety issues corrected; however, over time, and these are just most recent in October, in several different buildings, the hardwired smoke detectors were missing and the battery operated smoke detectors were also missing. Located at the bottom of each page you will find a number of code violations that have been issued over the years starting with 2001 and this is just for one property the number of times a code violation has been issued for missing smoke detectors.

Ms. Cornwell further stated that they have had a number of plumbing issues. Pictures taken in October and January show how they addressed some of the plumbing issues that are code violations. They used electrical tape to address and to correct a plumbing issue when they were informed that a building permit was required to address the issues. Again, located on the bottom of the page, is the number of times they have been informed to address certain code violations, the number of times they have had leaky pipes, faulty toilets, and other things that have been ongoing for a number of years. They did attempt to address some of the plumbing issues. A picture taken in October shows the code violation stating that a fixture does not work and that you cannot actually operate the shower adequately. Another picture taking in January shows where they fixed the bathroom; however, they did not fix the fixture and you still cannot use the shower appropriately. Again, located on the bottom of the page is the number of times that Staff has had to address plumbing issues.

Ms. Cornwell further stated that some of the general repair issues are with regards to nine (9) properties that were part of this application. The general repair issues are related to deteriorating porches and holes in the bathroom. One of the holes in the bathroom went all the way through to the outside of the building.

Mrs. Townshend stated that she would add that Mr. Graves, the Code Enforcement Officer that was conducting these inspections, brought up on multiple occasions where you can see him shining the flashlight where light can be seen outside. It was in their inspection report that this was a repair that needed to be corrected with a building permit. No building permit was obtained and the photos in the Commission member's packet show the repair that was made. The repair was not made in a workmanship fashion.

Ms. Cornwell further stated that more general repair issues include mold from water damage, water damage from leaky roofs, or leaky bathrooms. They have removed mold and mildew on

several occasions; however, they continue to re-occur that seem to not be sustainable, workmanship issues, a new heating and cooling system was installed; however, it was not finished. In some of these instances since the October photos were taken, some vents have been installed; however, not all vents have been installed to provide adequate covering. A number of issues with debris and removal include storage in the buildings. The main use of a building in the residential zone cannot be storage and does occur on one or two of the properties. There is usually debris around the outside of the properties. A number of times violations have been issued and these are not all of the violation notices that have been issued to all of the properties this is just a sample of a number of times over the years that we have had to issue violations and how to get them resolved.

Ms. Cornwell further stated that a number of key issues that has been a problem are electrical. Photos were shown depicting broken electrical outlets, overloaded electrical panels and the number of times we have required electrical inspections. The one that was identified in August from last year shows that they have done most of the work that was required for the electrical inspections; however, the final electrical inspection has not yet occurred because they were waiting to finish everything so that they would only incurred the fee for the final electrical inspection more than once. There are some unsanitary conditions where a number of times we have had to have extermination occur for the properties to ensure there are no unsanitary issues. There are a number of abandoned vehicles and unregistered vehicles found on the sight and some of them you will notice were addressed right away others we would issue the violation in October of one year and then in January/February the following year they were addressed. There are a number of overloaded electrical outlets with a number of things plugged into an electrical strip which can overload the electrical system.

Ms. Cornwell further stated that there are nine (9) properties; however, Staff does note that that there are several other properties that are going through other phases. 35 North New Street is not a part of this application and has gone to City Council as Demolition by Neglect as a dangerous building. Others noted are 106 South New Street that has been identified as soon as Staff went into the basement, condemned it and are awaiting the results of a structural report from the applicant as they had an engineer come in and do a report. Staff is waiting to see what the results are to determine a path forward for this property.

Mrs. Townshend stated that she would add that you have seen the pictures in the Power Point and the packet. Staff had a very productive meeting today with representatives from the House of Pride and several of them are here this evening, Mr. Brooks, Mrs. Arnold, and a couple of the Board members. There was a productive and honest discussion regarding the issues and the issues where we may be able to get temporary compliance, marginal compliance; however, no sustainable compliance. She believes that there was a very sincere genuine sense on their part that they need to make some changes within the organization. The challenge that we have before us is that this has gone on a long time, we get a glimmer of hope, and then end up right where we were before. She feels that if additional time is given, that it needs to be very clear that what is expected in that time will be a very tight timeframe. The Staff report from the Planning Staff on page 6 lays out the options for the Commission members either to immediately revoke the Conditional Use permit for non-compliance with City codes or to authorize a provisional continuation of the Conditional Use permit essentially making sure that the Life Safety issues are met in a very timely manner and that strict compliance is maintained in a very short turn around.

She would recommend a thirty (30) day timeframe provided that none of the rooms where egress issues exist and that all smoke detectors are present immediately. Thirty (30) days should be a reasonable timeframe.

Mrs. Arnold stated that she is only a volunteer. Her husband works on the Air Force Base and we drive around and give out backpacks to the homeless. On one of their missions one day we literally came across the House of Pride. We are just so impressed with their program and the recovery; however, truly moved to make it a better place. It has been a month since she started and they have made leaps and bounds. Since she has only been there a month as a volunteer, she has been there every day and looking at the pictures in the Power Point presentation, these are truly shocking. This is not what she saw when she walked in there and is not anything that she has seen since she has been there. The overwhelming circumstances of it all, she thinks that there has been a lot of work done; however, there was no money. Mrs. Harris is an amazing woman who runs an amazing program but needs an effective board. There are some members there, as was discussed today, where there has to be a lot of changes and she is stepping up for that. She is 110% sure that this program works for these men. Just because they are recovering, they still have to meet safety code violations and this does not mean that you can ask them to sleep in unsafe conditions. So many amazing people have come forward and this is the reason that this program works.

Mrs. Arnold further stated that someone has to step up because we all have certain gifts and Mrs. Harris's is not in organizing it is in the guys and making sure everyone has food. What we spoke about today in the meeting, we learned from each other and when she walked in a month ago it looked nothing like these pictures. She has not seen any bugs at all and is truly amazed how the community has come back together and started to renew its faith in the House of Pride and the fact that they can become accountable for every dollar that comes in and goes out for the conditions of each and every building. In the meeting, Staff gave us amazing ideas and we can attack one building at a time. There are four (4) houses that are still used with three (3) being used for recovery.

Mrs. Arnold further stated that there have been a lot of mistakes made and she is not walking into this blindly. She is genuinely amazed at these gentlemen, their belief in the program, and their hard work; however, the ultimate goal is not to fix things it is to make things better and sustainable. In order to do that, we can address one house at a time and the meeting today was so that we can all work together. What she learned today is that it has all been exhausting with people coming up and saying that they will. Most of the repairs have been taken care of and she can show you the list. She is looking forward to partnering with the City to learn and get this not only up to code but up to real sustainable living conditions with the other properties possibly being used as rent. What you need us to do please tell us. We are going to be doing fundraising and just imagine what it can be and it will be that.

Mr. Friedman stated that Ms. Arnold's testimony seems to be more appropriate for public hearing.

Mr. Hemmig stated that it is an emotional presentation and he was hoping that someone who is actually representing the House of Pride would be addressing these specific issues, which you have throughout your presentation.

Mrs. Townshend stated that she knows that Mrs. Harris could not be here tonight because she has a family member in the hospital and is not sure who she sent as a representative.

Mr. Clinton Brooks who is the Office Manager for the House of Pride stated that they had a great meeting today with City Staff. As Mrs. Arnold stated, yes there are violations and yes, in the past, the House of Pride was not in compliance with meeting those violations; however, things are changing. We have new staff members such as me and Mrs. Arnold who is coming aboard possibly as a new Board member. They have hired Dr. Michelle Brown to do a strategic planning model and to write new by-laws. The infrastructure of the House of Pride is changing and the House of Pride itself is changing. What we are asking for is an allowance to allow us to make that change. Give us an opportunity to show to you that we are not the same House of Pride in 2008; however, let us show you that we are the House of Pride of 2011. We had an extremely productive meeting with City Staff earlier. He does not come from dealing with the City background he comes from the corporate banking and being with the House of Pride he was nervous having to deal with the City of Dover.

Mr. Brooks further stated that there are half truths and misconceptions about the House of Pride; however, between the groups that represented them and the building department and the Planning Commission, two different types of groups came together and worked out something that is agreeable for both groups to get something done to help our community in Dover. He can guarantee that the House of Pride will get it done. January 31, 2011 he himself will personally write a strategic plan on how to get the life safety code issues completed within thirty (30) days. With regards to the egress issues he has already put a plan in place tonight and is already working on it and it will be done. The volunteers themselves will start coming on Friday and Saturday and the men that are in the program have already started working on these violations. Things will change and are changing, we are just asking for a little more time.

Mr. Friedman stated that Mrs. Townshend mentioned the possibility of a thirty (30) day extension to get all of this done. You have a pretty negative history here of three years. After three years of someone telling you they are going to do it you start to wonder if it is ever going to get done. Having said that, if this Board were to make a motion to grant a thirty (30) day extension, what is your plan, how are you going to get it done? If you can come up with a plan that you can sell tonight then he feels that you would have a viable possibility of continuing to have this Board approve this. If all you are going to do is not come up with a plan and say that you are "planning to plan" he is sorry you have had opportunities to plan a plan.

Responding to Mr. Friedman, Mr. Brooks stated that on Friday and Saturday between 8:00 AM and 5:00 PM we have volunteers coming in and their main focus is to be getting those life essential violations corrected. We already have that in place.

Mr. Friedman questioned if these volunteers were craftsman and if he had a list of them. Responding to Mr. Friedman, Mr. Brooks stated that he did not have a list; however, Mrs. Arnold has been the one coordinating the work. They have had an electrician come in as well as a licensed plumber both Monday and today already working on those situations.

Mr. Friedman further questioned if they are giving you quotations or are they volunteering their time to help? Responding to Mr. Friedman, Mr. Brooks stated that they are volunteering their time and are licensed contractors.

Mr. Friedman further stated that these are the kinds of things that will get you moving forward. In thirty (30) days from now when you say a contractor quit because he did not like the conditions, you are out. This is very serious. Responding to Mr. Friedman, Mr. Brooks stated that he understood this as this means his home. The House of Pride did not have me in 2008. They have me know that's why things are going to be different.

Mr. Friedman further stated that if someone is to make a motion this evening it would be his hope that in the motion there would be an inclusion of language that states that in thirty (30) days we are not rehearing it. In thirty (30) days you are done. Responding to Mr. Friedman, Mr. Brooks stated that if those violations are not fixed in thirty (30) days you should definitely have the right to pull our Conditional Use and this was part of the agreement that we already made with the City Staff.

Mrs. Arnold stated that this is something that they went over today with City Staff and there is a spreadsheet that they have made before she came in that they are working on each and every issue though not getting permits.

Mr. Hemmig stated that we have to base our decisions primarily on the regulations, codes, and facts of the case. He appreciates the emotional aspects of this; however, we have to try to tone this down ourselves and not make an emotional response to something that requires life safety issues. What Mr. Friedman was emphasizing is that it is not just a matter of appreciating the people who live there who work and make this a nice place; however, the people who have to make repairs have to be licensed and do the repairs in a proper manner that is going to meet the City Codes that is one of the critical issues so we will go from there. Once the public hearing is opened, it is important to address the facts of the issue and not just create an emotional response as we are here to listen to facts and how this is going to change and what will get done and how it will get accomplished.

Mr. Hemmig opened a public hearing.

Mrs. Theresa Allen – 33 Glen Eagles Court – Stated that one of the members of our church mentioned the House of Pride to us a number of years ago and suggested them as a very worthy group. Our church has been partnering with them every now and then and we really appreciate what they do. When she heard about the issues she called her plumber because she found out there were a few plumbing issues. She called him last night after hours and left a message with his answering machine. He is a very nice fellow who happens to be a patient of her husband who is a chiropractor here in Dover and he has worked on their house. She left a message stating she would like for him to do $500 worth of work for the House of Pride. He is a licensed plumber and an expert and will be helping the House of Pride. If he needs more money she will make sure that he gets it. The community is behind the House of Pride they just need a little more time to realize it and a few more people like her can pitch in and make this happen. She is very grateful for your consideration of giving them the thirty (30) days.

Mrs. Heidi Phillipson – 531 Banning Road – Stated that she worked in social services and drug and alcohol counseling and mental health in the late 90's. She worked in a facility that recommended the House of Pride and they worked together. It was a godsend for people coming out of treatment centers or in transition because Kent County does not have a lot of facilities that are able to help these people. It is a wonderful program for everybody trying to get back into working and being, it is still here. She has not been working in the field and last night she heard on the TV that there was some issues going on so as she was coming home from work, she went by to just ask questions and see if there was anything she could do to help because when she was working in the field they made all the difference in the world. People who work in social services try to do everything for everyone and normally the skills of organizations, City Planning, and codes are not in their bag of tricks. She is interested in helping and she is working in a corporation that she thinks would be interested in helping. This program has been a part of Delaware and has been a very important piece of people who are trying to better themselves and go forward. She feels that we would lose so much if we do not help them to make this continue.

Mrs. Rachel Milano – 172 Loquiture Lane, Milford, Delaware – Stated that she is sitting here with a mixed bag of thoughts. One of the things that she wants to say is that the House of Pride in its ideal form, its original mission, and purpose she believes is a magnificent concept. She also believes that it has the support internally and externally to make such an ideal a possibility to manifest it into reality. She does not; however, believe that she can sing the same tune as some of those who have sung tonight have done. She hopes from what she has heard tonight that the House of Pride is now open as they once were not to transformation; however, to revitalization. She believes that every man within that organization that is being supported or the effort to support them have incredible will and determination to overcome the obstacles and to achieve recovery under the right conditions and under the right organizational leadership and by right she means right now it is wrong. By right, she means the kind of organizational structure that will not put their life in jeopardy or the welfare of the community in jeopardy but the type of organization that is long term serious for the benefits and the welfare of the members of its organization and of those it serves. She also believes that there needs to be a real program. Someone once said that paper does not matter, paper matters. It matters what is on paper because that is how you manifest the dream. It is important to put down the plan. It is important to have the right people in place to apply that plan. She hopes that whatever short time she served with the House of Pride the one thing that they gathered from her is that with love and with a combined effort of determination and will it can make something happen. Does she believe that they should be granted the time, she believes that they have been granted a hell of a lot of time prior to her ever coming into the State of Delaware which was just two (2) years ago into the town of Dover some six (6) months ago. The young woman who was up here earlier reminds her of the same tune that she sung to all of you months ago and then she was rejected. She hopes and prays that they do keep her and that they do keep people like the others who have volunteered their support and they do turn this around for the welfare and safety of everyone involved.

Mrs. Jennifer Mayers – on the Board of the PWOC (Protestant Woman of the Chapel) at the Dover Air Force Base – Stated that it is hard not to bring emotions to it; however, will keep it short. As part of the Board we have taken a significant interest in everything that this program has to offer. It is so much more than the House of Pride. They affect the entire community and without them there would be such a huge void that she can't even describe. As part of the Board

as a member of the PWOC we have all spoken of making a long lasting impression at the House of Pride. As you know, as part of the military, we are transient and are not always in the same place at once and that is why none of us are guaranteed to be here for awhile; however, there are always woman of the PWOC and if it is something that we commit to it is something that you can count on.

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

Mrs. Townshend stated that there were two (2) pieces of correspondence that was received and one that was requested to be read into the record.

Mrs. Townshend further stated that the first letter is from Eric O'Brien, 30 N. New Street, Dover, DE 19904. "Dear City of Dover, If you are accepting written comments on tonight's topic reference the House of Pride, I would like to submit the following general ideas: A) There's certainly nothing wrong with philanthropy; the question is, can the program be administered to both accomplish its goals of community assistance while also operating within the City of Dover Codes and reasonable social norms. B) 35 N. New Street has been vacant for years and years and in many minds should have been demolished long ago for not being restored and properly maintained; I've never been concerned with money or home values, but this property bought by single family homebuyers to live in normally, work, improve their yard, raise a family, etc. C) Some of the properties have taken on the appearance of some sort of encampment with huge tents and/or lines of picnic tables in yards where too many people gather and congregate all day and evening; potential owner-occupant residents do not want to buy a home and live next to such conditions. D) Houses also seem to become a big "Hangout", especially if more than one property is situated adjacent or nearby to another, leading to day in and day out constant loitering, blocking sidewalks, staring at passersby, and too much pedestrian traffic back and forth across the street, conditions which not only prevent new residents from wanting to move into the neighborhood but also makes the general traveling public avoid going down our streets (I can't get a contractor to work on my house due to all the suspicious loitering). This "domino effect" of conditions, similar to the loitering and crime at non-House of Pride properties, ends up spreading, because normal homeowners are forced to move away and new ones won't come in, so properties go vacant and the only people that will live near such conditions are rental tenants and those who can't afford to move (or have nowhere else to go), all of which contribute to more of the same problems. E) In summary, I think the program is good for helping out a few people per property, just not a half-dozen or more per property; perhaps, there could be a live-in property manager in every house. As evidenced by the 35 N. New Street property, it is obvious the program has taken on more than it can handle; I would think those administering the $200,000 plus in funding would be concerned about such problems and help the House of Pride adhere to program expectations. F) Maybe the House of Pride could just let go of some of their properties, admit fewer people per property, and settle for operating an exemplary program helping a few less people rather than struggling trying to help too many people; then once all concerned parties are comfortable with smooth operations, gradually add a property at a time, as long as they can be managed as well as the other properties (and not abandoned). G) Note: There is so much abnormal behavior in this neighborhood with a 95% rental rate, absentee landlords, unkept yards, strangers on the streets every day and night (non-residents of the area), loitering and intimidation, etc., that I don't know who's who, or whether the House of Pride

helps control these problems or contributes to them. Comments herein are not meant to address these related problems directly, only insofar as what is mentioned above is what I've seen on the streets over the yards, a concern for their long-term effects on the neighborhood as a whole regarding who will buy a home around here and for what purpose, trying to address the issue of how many "group homes" do you want in one neighborhood, and whether the City will ever be able to bring single family, owner-occupants back into the neighborhood to return to more normal living conditions like those in other Dover neighborhood's where there is no rampant loitering, no staring at you very time you drive down the street, no repeat offenders dealing drugs or prostituting on street corners, sidewalks and side streets, and no mass congregating on porches, sidewalks and streets (which usually coincide with the more serious problems…so what does that tell you about "simple visiting" versus "loitering"?). Sincerely, Eric O'Brien."

Mrs. Townshend stated that the second piece of correspondence is an email she received today from Mr. Herb Konowitz who is on the Board of Directors for the House of Pride. "Ann Marie, reference is made to the discussion we had concerning the situation about the House of Pride and their problems. I evaluated those problems for each house and received a commitment from Marian Harris that the problems will be resolved. The solid core doors have been installed, the violations concerning rooms adjacent to the kitchens have been closed down, and the emergency lights have been installed. An electrician has been engaged to install the GFCI outlets, where required, and an engineer has been contacted about the structural problems. We are waiting for the report. I ordered two waste containers be delivered for removal of the "stuff" at 45 S. New Street and 106 S. New Street. The clients have been working diligently filling those containers. I contacted a real estate agent for listing these two properties for sale. As soon as the contents are removed, he will move on listing these properties. 35 N. New Street is in the process of being evaluated for disposal. I am getting a price for the demolition. After that, the Dover Interfaith Mission might be interested in investing in the demolition to gain ownership for possibly building a home with the help of the Habitat for Humanity people. If this is not accomplished, then we will ask that the City take over the demolition. I spoke with Dave Truax and explained that he can contact me in the future so that we cannot only remove the current violations but keep control of keeping the future violations to a minimum. I hope that you are satisfied with the work that we have put into correcting the violations. I am sorry that only Dr. Sanjiana (President of the Board) is able to attend the meeting tonight, Marian's Mother is in the hospital and she is with her constantly, Sandy Dean's son also is in the hospital, and I had a previous appointment that I could not cancel, Best to you, Herb."

Mr. Friedman stated that he is prepared to make a motion on this matter. Again he wants to emphasize that you have to have a plan that will work, not a pipe dream that is a very nice thing to have. The dedication to a good cause is an enormously good thing to have but you have to have a plan. This is a "go, no go" type of decision at this point. You need to make sure that you have leadership in place to ensure that the plan is being followed otherwise you have nothing. He also feels that something that is very important that needs to be said and is difficult to say; however, as part of your plan you need to also make sure that you can find somewhere for the residents to go if you fail. Start thinking about it now; do not wait until the 30th day. There are many places that you might be able to coordinate such an effort as we do not want folks being thrown out on the street in the middle of the winter. If it comes to that, and you have not been able to comply for whatever reasons, you need to start thinking about what to do with these folks now. They are depending on you and your leadership and your expertise to get this stuff done.

Mr. Hemmig stated in anticipation of a motion, he wants to remind the Commission members that there are actually nine (9) properties being considered in this Conditional Use that does not include 35 N. New Street, which is already being considered by City Council for demolition. There are two (2) of the nine (9) properties that are currently vacant and if you choose to handle those in a different manner then the rest of the properties, that would be acceptable. Those two properties are 16 N. New Street and 102 S. New Street.

Mr. Friedman moved to grant an extension of thirty (30) days to allow this organization to come into compliance. 1) It should be noted as part of the motion that 35 N. New Street is not applicable and is specifically excluded. 2) That 16 N. New Street and 102 S. New Street being unoccupied, are also excluded from these matters and will include revocation of Conditional Use for these two (2) properties. They could be brought back for Conditional Use in the future. If it fails, it would be a "go no go" on the 30th day of extension that you are there or you are not and that they are within full compliance within thirty (30) days. If it does not happen, then you have an attorney that can restore it and get it going again by doing it in another thirty (30) days where we could revisit the whole matter. The extension for thirty (30) days would start from today and would be a "go no go" where it would be a Staff administrative decision that would not have to come back before the Planning Commission, seconded by Mr. Nichols.

Mrs. Townshend stated for clarification on the motion in thirty (30) days we have achieved compliance and six (6) months down the road issues arise, we would be beyond thirty (30) day no compliance. She wants to make sure that if they encounter something in the future we follow what we have agreed to. Responding to Mrs. Townshend, Mr. Friedman stated that in thirty (30) days that is it, it would not exist anymore. If they want to bring it back like a plan then they could do so like anyone else.

Mrs. Townshend further clarified that if they have full compliance in twenty-nine (29) days and then one hundred eighty (180) days later, they un-comply, how would you handle that? Responding to Mrs. Townshend, Mr. Friedman stated that it would then become a Code Enforcement matter.

Mr. Friedman would amended his motion to include that he would agree to an annual revisit of this application given that it is a Conditional Use of high focus and one that has proven to be problematic, Mr. Nichols agreed.

Mr. Tolbert stated that after the thirtieth (30th) day if they are in compliance or not in compliance, the application would be dealt with accordingly; however, beyond that, they would have to come before us with another application if they go out of compliance. Responding to Mr. Tolbert, Mrs. Townshend stated that if they do not meet with code within thirty (30) days, all Conditional Use is dropped and they would have to come back and apply for a new Conditional Use once their property is up to code compliance.

Mr. Friedman amended the motion to state that each property would stand independent of one another and if approval can be granted on any one of them, it would independently be given Conditional Use for one year and to be revisited at that time, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Colonel Welsh and Mr. Holt absent.

Mr. Tolbert questioned if they could do this because all of these addresses are included in this one application and then what we would be doing is approving part of it and not the entire thing. Responding to Mr. Tolbert, Mrs. Townshend stated that what she would suggest is making a motion to amend the motion to indicate that each property would be considered separately.

Mr. Friedman stated that he has already stated that he would intend to do just that and was a part of the amended motion he just mentioned.

Mr. Hemmig stated that there was still a motion on the floor with the amendment attached as part of it.

The motion was unanimously carried as amended 7-0 with Colonel Welsh and Mr. Holt absent.

Meeting adjourned at 9:50 PM

Sincerely,

Diane Metsch
Secretary

PROPOSED AMENDMENTS TO THE *2008 COMPREHENSIVE PLAN*

Public Hearing before the
Dover Planning Commission
February 22, 2011

Proposed Amendments to the *2008 Comprehensive Plan*:

A summary of the proposed amendments to the *2008 Comprehensive Plan* follows. A detailed description and analysis of each proposed amendment is provided in the following pages of this report.

1. **Land Use and Zoning Matrix (Table 12-1):** The first staff-initiated amendment includes the addition of zoning classifications to the Open Space land use classification in the Land Use and Zoning Matrix.

2. **Land Development Plan Map Changes Related to Open Space (Map 12-1):** The second staff-initiated amendment is a series of changes to the Land Development Plan Map (Map 12-1) to change the Land Use Classification of a series of properties from Open Space to more appropriate classifications based on their uses and surrounding uses. During the implementation of the City's ROS (Recreational and Open Space) zone, staff identified a number of parcels that had shown on the Land Development Plan Map as Open Space, while their use was something different. This is the fine-tuning of the Land Development Plan Map that is expected during implementation of the Comprehensive Plan.

3. **Land Use Classification Change from Industrial to Residential High Density (Map 12-1):** This is an applicant-initiated request to change property from an Industrial and Public Utilities land use classification to a Residential High Density land use classification. The property is located north of College Road, just east of the railroad tracks. (Z-11-02)

4. **Land Use Classification Change from Institutional to Residential High Density (Map 12-1):** This is an applicant-initiated request to change property from an Institutional land use classification to Residential High Density land use classification. The property is located at 101-405 Dove View Drive, just north of Delaware Route 8 between Saulsbury Road and the Modern Maturity Center. It was previously approved under a PND: Senior Citizen Housing Option, as senior apartments. The applicant wishes to develop as apartments without an age restriction. (Z-11-03)

Ordinance Number: 2011-03

File Number: MI-11-01

CITY OF DOVER PLANNING

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 10, 2011

APPLICATION: Proposed Amendments to the *2008 Comprehensive Plan*

FILE#: MI-11-01 REVIEWING AGENCY: City of Dover Planning Office

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

Project Background:
The *2008 Comprehensive Plan* was adopted by City Council on February 9, 2008, and subsequently amended on November 23, 2009, in conjunction with the 2009 Comprehensive Rezoning Project. As adopted, the *Comprehensive Plan* sets forth a process by which the *Comprehensive Plan* can be amended on an annual basis. Amendments to the *Comprehensive Plan* can be initiated by staff or requested by members of the public. For amendments to the *Comprehensive Plan* that involve rezoning of property, the requests are processed concurrently.

The process to amend the *Comprehensive Plan* is detailed in the *2008 Comprehensive Plan*, Chapter 15: Implementation, specifically on pages 183 and 184 of the Plan.

The proposed amendments are detailed below and represented in the attachments. The attachments include: a) Proposed Revisions to Table 12-1: Land Use and Zoning Matrix; b) Map 12-1A – amendments to the Land Development Plan Map; and c) Table entitled "2011 City of Dover Land Development Plan Map Changes 12-1" – listing of all parcels proposed to be amended in the proposed amendments to the *2008 Comprehensive Plan.*

1. Land Use and Zoning Matrix (Table 12-1)

The amendments to the Land Use and Zoning Matrix (Table 12-1) are also changes brought forward by staff as a follow up to the 2010 Comprehensive Rezoning Project – Recreational and Open Space Zone (ROS). As adopted in February 2009 and subsequently amended in November 2009, the Land Use and Zone Matrix states for Open Space:

Land Use Category	Zoning District

Open Space	Lands that are shown on the Land Development Plan as Open Space are not proposed for rezoning. They will remain as zoned as of this printing. Once an Open Space Zone is developed, some areas will be proposed for rezoning to this designation.

Following the creation of the Recreational and Open Space Zone (ROS) and the process of applying this zone to properties shown as Open Space on the Land Development Plan Map, staff is bringing forward a revision to this table to remove the above text and add ROS (Recreational and Open Space) and RC (Recreational and Commercial) to the Land Use and Zoning Matrix as compatible zones with the Open Space land use classification, as reflected below. (Attachment 1)

Land Use Category	Zoning District
Open Space	ROS (Recreational and Open Space RC (Recreational and Commercial)

2. Land Development Plan Map Changes Related to Open Space (Map 12-1)

These amendments to Land Development Plan Map (Map 12-1) are map corrections brought forward by staff as a follow-up to the 2010 Comprehensive Rezoning Project – Recreational and Opens Space Zone (ROS). During the process of applying the newly-created ROS zone to areas identified as Open Space in the *2008 Comprehensive Plan* (Map 12-1: Land Development Plan), staff identified a number of parcels that were shown as Open Space, but had non-open space uses. These parcels are typically adjacent to open space areas, such as parks and cemeteries, and they had been shaded as Open Space in development of the Land Development Plan Map (Map 12-1). The amendments brought forward would categorize the lands in a manner consistent with their present use, zoning, and surroundings. (Identified as items 1-16 on Attachment 3)

3. Land Use Classification Change from Industrial to Residential High Density (Map 12-1)

This proposed amendment is an applicant-initiated amendment, where the applicant is requesting that certain properties located north of College Road to the east of the railroad tracks be changed from Industrial and Public Utilities land use classification to Residential High Density land use classification. This is associated with application number Z-11-02 Lands of College Road Management at Railroad Avenue. (Identified as items 18-21 on Attachment 3) The affected parcels include the following:

- ED-05-067.00-02-53.00-000
- ED-05-067.00-02-54.00-000
- ED-05-067.00-02-55.00-000
- ED-05-067.00-02-56.00-000

According to the applicant:

> *The property is currently zoned industrial/manufacturing. It is adjacent to residential zoning and institutional zoning (Delaware State University). Its zoning as RG-5 is the same as a large adjacent parcel (Mishoe Towers). As such, the proposed comprehensive plan amendment and zoning is more compatible with neighboring uses. It is a unique isolated parcel, not likely to result in an undesirable precedent for other parcels. The pattern of development as high density residential is more consistent with surrounding development than would be manufacturing.*

The subject parcel is a somewhat land-locked group of parcels, bound on the west by the railroad tracks, on the south by College Settlement and Mishoe Towers, on the east by Fork Branch, and on the north by a large agricultural parcel that lies in Kent County. There are a number of unimproved and/or marginally improved platted streets that connect the parcels with College Road, both along the railroad tracks and through College Settlement. The subject property was annexed into the City in 2006, and was the subject of subdivision application number SB-08-01C – College Road Professional Park. This proposed subdivision did not proceed to the preliminary or final phases of subdivision, and has expired.

There are a number of constraints on the site that would need to be addressed in the context of a development application for the site. These include: access, the presence of a brownfield area, the presence of flood plain and wetlands along the stream corridor.

Regarding High Density Residential uses, on Chapter 12 – Land Development, page 147 and 148, the *2008 Comprehensive Plan* recommends the following:

> The Comprehensive Land Development Plan recommends that high density residential be dispersed throughout the City along arterial roadways in close proximity to other high-density residential uses, schools, neighborhood commercial areas, transit service, and other compatible non-residential land use areas. High density residential development is also appropriate in some areas of the downtown, most of which are shown as mixed use on the Land Development Plan.

The subject site is located along College Road, which is identified as an Urban Minor Arterial in the *2008 Comprehensive* Plan. It is within proximity to North Dover Elementary School, Delaware State University, a number of employers, other high density residential development, and transit service. However, the railroad tracks provide an impediment to accessing some of these services by foot. There is no supporting commercial use in the immediate vicinity. Additionally, the limited road access to the site combined with the environmental constraints make it less suitable for high density residential development. Apartments could be constructed on the site under a medium density zoning classification. Based on the recommendations of the *2008 Comprehensive Plan* relative to medium density residential versus high density residential, a medium density residential designation would support up to eight dwelling units per acre, while high density designation would support density greater than eight dwelling units per acre.

While in most cases, changing the land use designation from Industrial and Public Utilities would be viewed as hindering opportunities for economic development, in this case, site access will likely include using the street system in College Settlement, a residential area.

4. Land Use Classification Change from Institutional to Residential High Density (Map 12-1)

This proposed amendment is an applicant-initiated amendment, where the applicant is requesting that certain properties located north of Forrest Avenue (Delaware Route 8) west of Saulsbury Road be changed from Institutional land use classification to Residential High Density land use classification. This is associated with application number Z-11-03 Lands of CRM Mid-Atlantic, LLC. (Identified as 17 on Attachment 3) The affected parcel is ED-05-076.07-01-30.00-000.

According to the applicant:

> *Doveview was approved by the City as an aged restricted apartment complex under the Planned Neighborhood Design Senior Housing Option. The approved project consists of 192 units within 4 – four story buildings. Construction stopped in 2008, leaving two partially completed, four-story buildings. CRM Mid-Atlantic obtained ownership of the project through foreclosure proceedings. As the senior housing market is no longer financially viable due to current economic conditions, CRM Mid-Atlantic LLC requests that a comprehensive plan amendment and change in zone to allow the apartments to be rented by the general public. The current land use designation and zoning are institutional and institutional/office (IO), respectively. CRM Mid-Atlantic LLC seeks a change in the land use designation to high density residential, and to rezone the property to general residence (RG-5). RG-5 is the only zone that will permit the existing four story apartment buildings to remain without requiring a variance in the height and number of stories from the Board of Adjustment. Although RG-5 allows for higher density (approx 326 units), the number of units that can actually exist on this property is dictated by the parking requirements in the zoning code. Doveview (as approved) has 246 parking spaces, which is 1.3 spaces per unit. Rezoning to RG-5 requires 2.25 parking spaces per unit. Doveview is located in an area surrounded by commercial, institutional, and residential uses. The requested zoning is consistent with the goals of the Comprehensive Plan because Doveview is close to services, jobs, and transit.*

The subject parcel was previously approved as DoveView Apartments, a Planned Neighborhood Design – Senior Citizen Housing Option. Under the provisions of the *Zoning Ordinance* in Article 3 §24 for the Planned Neighborhood Design Option (File Number C-03-08 and C-06-02), a property zoned IO (Institutional and Office Zone) is permitted to be considered for development with the PND: Senior Citizen Housing Option through the Conditional Use review process.

The DoveView PND – Senior Citizen Housing Option plan included 192 dwelling units in four four-story apartment buildings. The plan as approved would include 246 parking spaces and an overall density of 28.52 dwelling units per acre.

The City issued building permits for the four buildings that make up DoveView in late 2007 and early 2008. Construction began on two buildings and ultimately ceased. The property went into foreclosure and is now owned by CRM Mid-Atlantic, LLC (Sun Trust Bank). Because construction ceased for more than one year, the site development plan associated with DoveView has expired (*Zoning Ordinance,* Article 10 §2.491(a)). Site development plan approval is

required prior to initiation of any construction activity on the site, regardless of the outcome of the request to amend the *Comprehensive Plan*.

Regarding High Density Residential uses, on Chapter 12 – Land Development, page 147 and 148, the *2008 Comprehensive Plan* recommends the following:

> The Comprehensive Land Development Plan recommends that high density residential be dispersed throughout the City along arterial roadways in close proximity to other high-density residential uses, schools, neighborhood commercial areas, transit service, and other compatible non-residential land use areas. High density residential development is also appropriate in some areas of the downtown, most of which are shown as mixed use on the Land Development Plan.

The subject site is located off Saulsbury Road and Delaware Route 8, both of which are identified as Urban Minor Arterials in the *2008 Comprehensive Plan.* It is also within proximity (walking distance) to schools (Booker T. Washington Elementary School, William Henry Middle School, and the Academy of Dover), commercial areas (including the TD Bank and Walgreens Drug Store on adjacent parcels and the Gateway West Shopping Center to the south, across Forrest Avenue), transit service, and other services (including medical offices).

Recommendation of the Planning Staff:

1. **Land Use and Zoning Matrix (Table 12-1)**
   Staff recommends that the Planning Commission recommend in favor of the amendments to Table 12-1, the Land Use and Zoning Matrix. The proposed amendments add clarification to the table as a result of the creation and implementation of the Recreational and Open Space Zone (ROS).

2. **Land Development Plan Map Changes Related to Open Space (Map 12-1)**
   Staff recommends that the Planning Commission recommend in favor or the amendments to correct areas erroneously reflected as Open Space on the Land Development Plan Map as depicted in the *2008 Comprehensive Plan* (as amended on 11/23/2009). These are corrections of mapping errors found in applying the Recreational and Open Space Zone (ROS). These are identified as items # 1-16 in Attachment 3.

3. **Land Use Classification Change from Industrial to Residential High Density (Map 12-1)**
   Staff recommends against changing the land use classification of properties north of College Road from Industrial and Public Utilities to Residential High Density. Staff supports amending the Land Development Plan Map in this area to Residential Medium Density land use classification. These are identified as items # 18-21 in Attachment 3.

   The reason that staff would support Residential Medium Density rather than Residential High Density relates to the constraints inherent in the site, particularly site access and environmental constraints. While the site does have access to transit and proximity to some services, site access, environmental constraints, and the lack of commercial and other supporting services make it less suited for high density residential development. Because access to the site would most likely be provided through College Settlement, the request for a residential use is more compatible with the area than the current Industrial and Public

Utilities classification. Adequate access to the site must be addressed in any subsequent development application.

4. **Land Use Classification Change from Institutional to Residential High Density (Map 12-1)**

Staff recommends in favor of changing the land use classification of property north of Forrest Avenue and west of Saulsbury Road, known as DoveView from Institutional to Residential High Density land use classification. This is identified as item # 17 in Attachment 3.

The location of the site near the intersection of two Urban Minor Arterial streets, within walking distance to a variety of goods and services, and served by public transportation, make this a suitable site for high density residential development. Additionally, one of the challenges typically encountered when considering high density residential development is the resistance from residential neighbors living in lower density residential developments. This location is not directly adjacent to other, lower density residential development that would generate these types of conflicts.

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

Attachments: Attachment 1 – Proposed Revisions to Table 12-1: Land Use and Zoning Matrix
Attachment 2 – Map 12-1A
Attachment 3 – Table entitled "2011 City of Dover Land Development Plan Map Changes 12-1"

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: FEBRUARY 3, 2011

CITY OF DOVER

PUBLIC UTILITIES

DEPARTMENT

APPLICATION: **COMPREHENSIVE PLAN AMENDMENTS 2011**

FILE #: **MI-11-01**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC / WATER / WASTEWATER

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC / WATER / WASTEWATER

1. None

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER

1. None.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 3, 2011

D E L D O T

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APPLICATION: Comprehensive Plan Amendments
FILE#: MI-11-01 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

DelDOT has no comments.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

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.

Table 12-1 Land Use and Zoning Matrix

Land Use Category	Zoning District
Residential Low Density	R-20 (One Family Residential) R-15 (One Family Residential) R-10 (One Family Residential) R-8 (One Family Residential) R-7 (One Family Residential) C-1 (Neighborhood Commercial)
Residential Medium Density	R-8 (One Family Residential) R-7 (One Family Residential) RM-1 (Medium Density Residential) RM-2 (Medium Density Residential) RG-1 (General Residential) RG-2 (General Residential) RG-3 (Group Housing) RGO (General Residence and Office) C-1 (Neighborhood Commercial) MHP (Mobile Home Park)
Residential High Density	RM-2 (Medium Density Residential) RGO (General Residence and Office) RG-1 (General Residential) RG-2 (General Residential) RG-3 (Group Housing Residential) RG-4 (High Rise Residential) RG-5 (Mid Rise Residential) MHP (Mobile Home Park) C-1 (Neighborhood Commercial)
Commercial	C-1 (Neighborhood Commercial) C-1A (Limited Commercial) C-2 (Central Commercial) C-2A (Limited Central Commercial) C-3 (Service Commercial) C-4 (Highway Commercial) SC-1 (Shopping Center Commercial) SC-2 (Shopping Center Commercial) SC-3 (Shopping Center Commercial) RC (Recreational and Commercial) RGO (General Residence and Office) CPO (Commercial/Professional Office) IO (Institutional and Office)

Mixed-Use	C-2 (Central Commercial) (Downtown Target Area Only) C-2A (Limited Central Commercial) TND (Traditional Neighborhood Design) C-1 (Neighborhood Commercial) C-1A (Limited Commercial) RGO (General Residence and Office) (Downtown Target Area Only) R-8 (One Family Residence) R-10 (One Family Residence) RG-1 (General Residence) RG-2 (General Residence) RG-4 (Multi-Story Apartments) C-3 (Service Commercial) CPO (Commercial/Professional Office) IO (Institutional and Office)
Industrial and Public Utilities	M (Manufacturing) IPM (Industrial Park Manufacturing) IPM-2 (Technology Center Manufacturing) C-3 (Service Commercial)
Institutional	IO (Institutional and Office) Institutional uses may be conditionally permitted in residential zones
Office and Office Parks	CPO (Commercial/Professional Office) IO (Institutional and Office) IPM (Industrial Park Manufacturing) RGO (General Residence and Office)
Active Agriculture	A (Agriculture)
Open Space	ROS (Recreational and Open Space RC (Recreational and Commercial)



City of Dover, Delaware

Map 12-1A
Land Development Plan
Proposed Amendments

Legend

- Institutional
- Residential High Density
- Residential Low Density
- Residential Medium Density
- Dover Boundary
- Dover Parcels

Adopted February 2009

0 1,100 2,200 4,400 6,600 8,800 Feet

Map Created By:
Planning Office
Date Map Created: 12-14-10
Date Map Printed: 12-20-10

2011 City of Dover Land Development Plan Map Changes 12-1 (MI-11-01)

ID	Parcel #	Property Address	Existing Land Use Classification	Proposed Land Use Classification	Use	Current Zoning	Proposed Zoning	Reference	Staff Recommendation	Planning Commission Recommendation	City Council Recommendation
1	ED-05-076.20-03-31.01	1134 Westview Terrace	Open Space, Conservation, Recreation	Residential Low Density	Residential	R-10	R-10	Staff correction	Residential Low Density		
2	ED-05-086.05-01-08.00	60 Lynnhaven Dr.	Open Space, Conservation, Recreation	Residential Low Density	Residential	R-10	R-10	Staff correction	Residential Low Density		
3	ED-05-086.05-01-09.00	1102 S. Governors Ave.	Open Space, Conservation, Recreation	Institutional	Institutional	IO	IO	Staff correction	Institutional		
4	ED-05-076.13-04-36.00	125 Westover Dr.	Open Space, Conservation, Recreation	Residential Medium Density	Residential	RM-1	RM-1	Staff correction	Residential Medium Density		
5	ED-05-067.14-01-24.00	127 Oakmont Dr.	Open Space, Conservation, Recreation	Residential Low Density	Residential	R-10	R-10	Staff correction	Residential Low Density		
7	ED-05-067.00-03-07.00	Seskinore Ct.	Open Space, Conservation, Recreation	Residential Low Density	Vacant	RM-1	RM-1	Staff correction	Residential Low Density		
8	ED-05-067.14-03-49.00	54 Hitching Post Dr.	Open Space, Conservation, Recreation	Residential Medium Density	Residential	R-8	R-8	Staff correction	Residential Medium Density		
9	ED-05-068.19-01-37.00	115 Nixon Ln.	Open Space, Conservation, Recreation	Residential Medium Density	Residential	R-20	R-20	Staff correction	Residential Medium Density		
10	ED-05-068.15-01-09.00	349 Acorn Ln.	Open Space, Conservation, Recreation	Residential Medium Density	Residential	R-10	R-10	Staff correction	Residential Medium Density		
11	ED-05-068.15-01-06.00	365 Acorn Ln.	Open Space, Conservation, Recreation	Residential Medium Density	Residential	R-10	R-10	Staff correction	Residential Medium Density		
12	ED-05-068.15-01-08.00	409 Acorn Ln.	Open Space, Conservation, Recreation	Residential Medium Density	Residential	R-10	R-10	Staff correction	Residential Medium Density		
13	ED-05-068.09-01-54.00	637 Vista Ave.	Open Space, Conservation, Recreation	Residential Medium Density	Residential	RG-3	RG-3	Staff correction	Residential Medium Density		
14	ED-05-068.13-01-03.00	600 Pennsylvania Ave.	Open Space, Conservation, Recreation	Residential Medium Density	Residential	R-8	R-8	Staff correction	Residential Medium Density		
15	ED-05-068.17-01-25.00	555 Pennsylvania Ave.	Open Space and Residential Medium Density	Residential Medium Density	Residential	R-8	R-8	Staff correction	Residential Medium Density		
16	ED-05-086.05-01-01.00	1052 S. Governors Ave.	Open Space, Conservation, Recreation	Residential Low Density	Vacant	R-10	R-10	Staff correction	Residential Medium Density		
17	ED-05-076.07-01-30.00	101-405 DoveView Dr.	Institutional	Residential High Density	Vacant	IO	RG-5	Z-11-03	Residential High Density		
18	ED-05-067.00-02-55.00	College Settlement	Industrial	Residential High Density	Vacant	M	RG-5	Z-11-02	Residential Medium Density		
19	ED-05-067.00-02-54.00	College Settlement	Industrial	Residential High Density	Vacant	M	RG-5	Z-11-02	Residential Medium Density		
20	ED-05-067.00-02-53.00	Grove St.	Industrial	Residential High Density	Vacant	M	RG-5	Z-11-02	Residential Medium Density		
21	ED-05-067.00-02-56.00	College Settlement	Industrial	Residential High Density	Vacant	M	RG-5	Z-11-02	Residential Medium Density		

Attachement 3
Table for Land Development Plan Map Changes 12-1
2-10-11

PETITION TO AMEND AND ZONING DISTRICT
Public Hearing before the
Dover Planning Commission
February 22, 2011

Applicants/Owners:	College Road Management Inc. Loralex Company, LLC Kent Storage Facilities Inc.
Address:	1.696 Ac. Grove St., Dover LT 207-211 College Settlement, Dover LT 212-215 College Settlement, Dover LT 197-201 College Settlement, Dover
Location:	North side of College Road, east of the Railroad tracks, north of College Settlement and Mishoe Towers
Tax Parcel ID #s:	ED-05-067.00-02-53.00-000 ED-05-067.00-02-54.00-000 ED-05-067.00-02-55.00-000 ED-05-067.00-02-56.00-000
Size:	30.78+/- acres
Present Use:	Vacant
Present Comprehensive Plan Designation:	Industrial and Public Utilities
Proposed Comprehensive Plan Designation:	Residential High Density
Present Zoning:	M (Manufacturing Zone)
Proposed Zoning:	RG-5 (General Residence for Mid-Rise Apartments Zone)
Reason for Request:	To allow for the development of residential dwellings.
File Number:	Z-11-02

CITY OF DOVER PLANNING

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 10, 2011

APPLICATION: Lands of College Road Management at Railroad Avenue – Proposed Rezoning from M to RG-5

FILE#: Z-11-02 REVIEWING AGENCY: City of Dover Planning Office

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

This rezoning application consists of four parcels of land totaling approximately 30.78 acres, owned by College Road Management, LLC; Loralex Company, LLC; and Kent Storage Facilities, LLC. The property is currently zoned M (Manufacturing Zone). The proposed zoning is RG-5 (General Residence Zone for Mid-Rise Apartments). The subject area is located north of College Road and Mishoe Towers and east of the railroad tracks. Tax Parcel: ED-05-067.00-02-53.00-000, ED-05-067.00-02-54.00-000, ED-05-067.00-02-55.00-000, ED-05-067.00-02-56.00-000.

The rezoning proposal is made in conjunction with a request to amend the *2008 Comprehensive Plan*, Map 12-1 Land Development Plan, to change the subject parcel from Industrial and Public Utilities land use classification to Residential High Density land use classification. Analysis of this request is in the report for file MI-11-01 – 2011 Comprehensive Plan Amendments.

Existing Property:
The subject parcel is a somewhat land-locked group of parcels, bound on the west by the railroad tracks, on the south by College Settlement and Mishoe Towers, on the east by Fork Branch, and on the north by a large agricultural parcel that lies in Kent County. There are a number of unimproved and/or marginally improved platted streets that connect the parcels with College Road, both along the railroad tracks and through College Settlement. The subject property was annexed into the City in 2006, and was the subject of subdivision application number SB-08-01C – College Road Professional Park. This proposed subdivision did not proceed to the preliminary or final phases of subdivision, and has expired.

There are a number of constraints on the site that would need to be addressed in the context of a development application for the site. These include: access, the presence of a brownfield area, the presence of flood plain and wetlands along the stream corridor.

Surrounding Land Uses:

There are a variety zoning classifications and land uses surrounding the subject property. Immediately south of the subject site, between the subject property and College Road, are a series of properties that are zoned RM-2 (Medium Density Residence Zone), RG-5 (General Residence Zone for Mid-Rise Apartments), and IO (Institutional and Office Zone). The RG-5 property is Mishoe Towers, a mid-rise apartment building directly adjacent to the subject site. The RM-2 properties are a combination of residentially developed properties and vacant properties comprising College Settlement. The IO property includes the Delaware State University Sports Annex and Peoples Place shelter and transitional housing.

The property to the east of the subject parcels, across the Fork Branch, is zoned IO (Institutional and Office Zone) and is the Delaware State University campus. The property to the north of the subject site is in unincorporated Kent County, and consists of an approximately 146-acre agricultural parcel that is zoned RS-1 (Single Family Residential District) and bisected by the railroad tracks. This area is identified in the *2008 Comprehensive Plan* as Industrial and Public Utilities land use classification.

To the west of the subject site, across the railroad tracks, is the College Road Business Park, which includes M (Manufacturing Zone) and CPO (Commercial and Professional Office District).

Comprehensive Plan:

In the *2008 Comprehensive Plan*, the Land Development Plan (Map 12-1 as amended, dated 11/23/2009) recommends that this property be used for Industrial and Public Utilities Uses. As previously stated, the rezoning request is associated with a request to amend the *2008 Comprehensive Plan* to reflect the land use on Map 12-1 as Residential High Density. The requested zone is consistent with the requested land use classification, but not with the existing land use classification.

The Land Development Plan (Chapter 12) of the *2008 Comprehensive Plan* states the following with regard to high density residential development:

> The Comprehensive Land Development Plan recommends that high density residential be dispersed throughout the City along arterial roadways in close proximity to other high-density residential uses, schools, neighborhood commercial areas, transit service, and other compatible non-residential land use areas. High density residential development is also appropriate in some areas of the downtown, most of which are shown as mixed use on the Land Development Plan.

The subject site is located along College Road, which is identified as an Urban Minor Arterial in the *2008 Comprehensive* Plan. It is within proximity to North Dover Elementary School, Delaware State University, a number of employers, other high density residential development, and transit service. However, the railroad tracks provide an impediment to accessing some of these services by foot. There is no supporting commercial use in the immediate vicinity.

Request for RG-5 (General Residence Zone for Mid-Rise Apartments)

Within the RG-5 Zone, the following uses are permitted: one-family detached dwellings; mid-rise apartments; public buildings, structures and uses; raising of field and garden crops, vineyards and orchards, and nurseries.

According to Article 12 of the *Zoning Ordinance*, the definition of mid-rise apartments is as follows:

> *Mid-rise apartment:* Multiple dwellings where individual dwelling units share a common outside access, and elevators serve each floor. The dwelling units share a common lot area, which is the sum of the required lot areas of all dwelling units within the building.

The following is a summary of the bulk standards, as specified in Article 4, Section 4.6.

			For Multiple Dwellings:
Minimum required:			
	Lot area (sq. ft.)		900 per dwelling unit
	Lot width (ft.)		100
	Lot depth (ft.)		125
	Front yard (ft.)		25
	Side yard (ft.)		At the ground level or at any setback level, one-sixth of the height of the nearest outside wall of the building measured in each case from the average level of thefinished grade along the side of the building, but in no case less than 25 feet.
	Rear yard (ft.)		At the ground level or at any setback level, one-sixth of the height of the nearest outside wall of the building measured in each case from the average level of the finished grade along the rear of the building, but in no case less than 25 feet.
	Off-street parking spaces		2/Du
	Accessory commercial uses parking spaces		1 per employee or 1 per 300 sq. ft. of floor area, whichever is greater.
	Open space		25% of the lot area shall be devoted to open area, not including parking areas.
Maximum permitted:			
	Building height		
		Stories	6
		Feet	70

Recommendation of the Planning Staff:
This request is to rezone land from M (Manufacturing) to RG-5 (General Residence Zone for Mid-Rise Apartments). This request is made in conjunction with a request to amend the *2008 Comprehensive Plan*, Map 12-1 Land Development Plan, as it relates to this property. The approval of this rezoning request is contingent upon the approval of the associated amendment to the *2008 Comprehensive Plan*.

As stated in the report for MI-11-01 – 2011 Comprehensive Plan Amendments, staff does not support the change from Industrial and Public Utilities to Residential High Density, and the associated rezoning of the subject property from M (Manufacturing) to RG-5 (General Residence Zone for Mid-Rise Apartments). Staff believes that the constraints on the site, specifically the environmental constraints and limited street access to the site make it unsuitable for high density residential use. Staff supports changing the site from Industrial and Public Utilities to Residential Medium Density in the *2008 Comprehensive Plan* rezoning the subject parcels from M (Manufacturing) to a medium density zoning classification (RM-1, RM-2, or RG-2) accordingly. A medium density zoning classification could be coupled with the Planned Neighborhood Design (PND) to cluster the units on the site.

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

ADVISORY COMMENTS TO THE APPLICANT:

1) The applicant shall be aware that any application for Site Development Plan and/or Subdivision approval will need to address access to the site from College Road. If a future development plan includes 150 or more residential units, two access points to public streets will be required.

2) The City's records from the previous Subdivision application include documentation of abandonment of Grove Street and Railroad Avenue in this vicinity; however, these rights-of-way continue to show on property maps In order to incorporate any abandoned rights-of-way into the subject parcels, deeds will need to be amended and recorded.

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: FEBRUARY 3, 2011

CITY OF DOVER
PUBLIC UTILITIES
DEPARTMENT

APPLICATION: **LANDS OF COLLEGE ROAD MANAGEMENT INC., KENT STORAGE FACILITIES INC. & LORALEX COMPANY, LLC AT RAILROAD AVENUE**

FILE #: **Z-11-02**

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

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

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC / WATER / WASTEWATER

1. Our office has no objection to the rezoning of tax parcels ED05-067.00-02-53.00-000, ED05-067.00-02-54.00-000, ED05-067.00-02-55.00-000 and ED05-067.00-02-56.00-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC / WATER / WASTEWATER

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

WATER / WASTEWATER

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate service to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of water and sewer services and meters will be assessed at that time. Should the existing services no longer be required based upon the proposed use, they must be properly abandoned at the mains in accordance with all City of Dover Public Utilities Department standards and specifications.

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: February 3, 2011

D E L D O T

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APPLICATION: Lands of College Road Management Inc. Kent Storage Facilities Inc. & Loralex Company, LLC at Railroad Avenue

FILE#: Z-11-02 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

- The Department has no comments for the proposed rezoning.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

2. According to Kent County Classification Maps, KCR 91 (College Road) is classified as a minor arterial road, which requires an 80-foot wide right of way (40-feet from the centerline). The department will require a Right-of-Way dedication for public use.

3. A Traffic Impact Study (TIS) will be required if the proposed development exceeds 50 VPH or 400 VPD.When the study is completed, DelDOT will review it and send recommendations for the improvements to the City. The improvements contained in

the study will be implemented by the developer per DelDOT's discretion. Please, contact Mr. Troy Brestel at (302) 760-2167 or e-mail: Troy.Brestel@state.de.us to set up a scoping meeting for this project.

4. If the proposed development exceeds 200 ADT, a pre-submittal meeting will be required prior to submitting plans for review.

5. A Traffic Generation Diagram will need to be included turning movement counts, frontage road posted speed limit, site ADT, truck percentage for the site, existing frontage road AADT from DelDOTs Traffic Summary 2009, Total ADT (site ADT + frontage road AADT), and reference the ITE Manual, 8th Edition. Right turn lane, left turn lane or bypass lane warrants and pavement sections will be determined using the site ADT and total AADT.

6. Offsite improvements will be required in order to prevent accumulation of vehicles on the railroad track cause by the left turning traffic into the site.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 10, 2011

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Lands of College Road Management, et. al., at Railroad Ave

FILE #: Z-11-02 REVIEWING AGENCY: Dover/Kent County MPO

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

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

City of Dover Planning Commission 2/22/2011

Project Review

Z-11-02 Lands of College Road Management, et. al., at Railroad Ave

The Dover/Kent County MPO typically does not comment on rezoning. This rezoning, however, is adjacent to the Railroad right-of-way (ROW) and tracks used to transport freight to and through Dover and Kent County. A concern of the MPO is to preserve the railroad as a method of transporting goods and materials in the area. One of the most threatening issues is the construction of residential developments adjacent to the ROW and then the noise and safety issues inherent with trains . In an attempt to lessen the interaction, the MPO requests no residential lots be created within 100 feet of the ROW. We further request no activity be promoted within the 100 feet buffer.

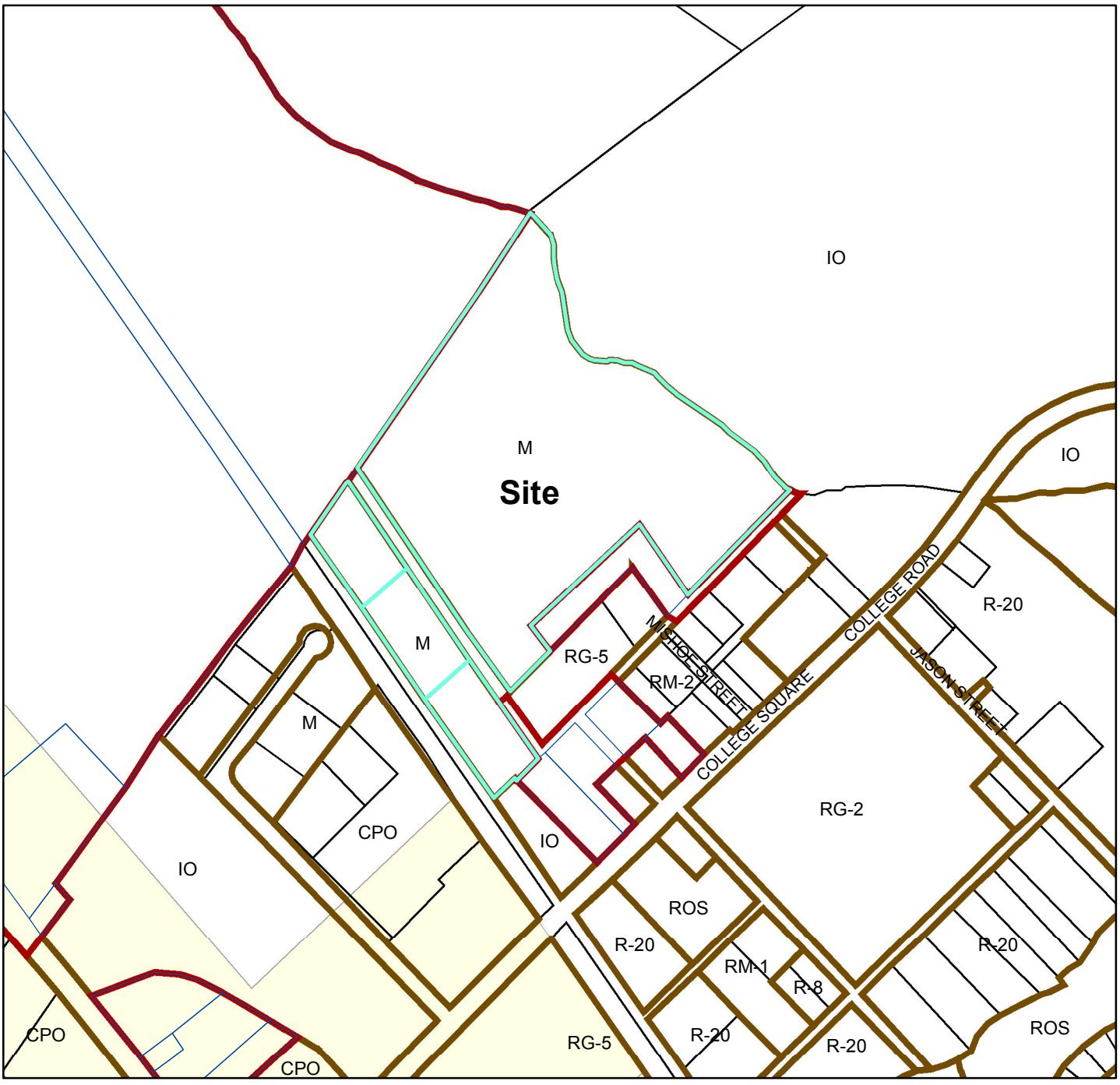
This is the standard for Dover created with the subdivision of Eden Hill Farm to preserve railroad access through the community while lessening the potential impacts on residents.

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

Department of Planning & Inspections

Application No.: Z-11-02



Plan Title: College Road Management, LLC
Location: Railroad Ave.
Plan Type: Rezoning
Tax Parcels: ED-05-067.00-02-56.00
ED-05-067.00-02-55.00, ED-05-067.00-02-54.00, and
ED-05-067.00-02-53.00
Current Zoning: IO
Propsoed Zoning: RG-5
Owners: Kent Storage Facilities, LLC., Loralex Co, LLC
and College Road Management, LLC
Date: 1-13-11

Legend

- Dover Parcels
- Dover Boundary
- Zoning
- Corridor Overlay Zone

0 300 600 1,200 Feet

N W E S

PETITION TO AMEND AND ZONING DISTRICT
Public Hearing before the
Dover Planning Commission
February 22, 2011

Applicants/Owners:	CRM Mid-Atlantic, LLC Sun Trust Bank
Address:	101-405 DoveView Drive, Dover
Location:	North side of Forrest Avenue, west of Saulsbury Road
Tax Parcel ID #:	ED-05-076.07-01-30.00-000
Size:	6.735+/- acres
Present Use:	Vacant Apartment Buildings - partially constructed
Present Comprehensive Plan Designation:	Institutional
Proposed Comprehensive Plan Designation:	Residential High Density
Present Zoning:	IO (Institutional/Office Zone) COZ-1 (Corridor Overlay Zone)
Proposed Zoning:	RG-5 (General Residence for Mid-Rise Apartments Zone) COZ-1 (Corridor Overlay Zone)
Reason for Request:	To allow for the development of multi-family residential dwellings.
File Number:	Z-11-03

CITY OF DOVER PLANNING

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 10, 2011

APPLICATION: Lands of CRM Mid-Atlantic, LLC (DoveView Apartments) – Proposed Rezoning from IO & COZ-1 to RG-5 & COZ-1

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

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

This rezoning application consists of one parcel of land, of approximately 6.735 acres, owned by CRM Mid-Atlantic, LLC. The property is currently zoned IO (Institutional and Office Zone), and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is RG-5 (General Residence Zone for Mid-Rise Apartments). The subject area is located north of Forrest Avenue (Delaware Route 8) and west of Saulsbury Road. Tax Parcel: ED-05-076.07-01-30.00-000.

The rezoning proposal is made in conjunction with a request to amend the *2008 Comprehensive Plan*, Map 12-1 Land Development Plan, to change the subject parcel from Institutional land use classification to Residential High Density land use classification. Analysis of this request is in the report for file MI-11-01 – 2011 Comprehensive Plan Amendments.

Existing Property:
The subject parcel was previously approved as DoveView Apartments, a Planned Neighborhood Design – Senior Citizen Housing Option. Under the provisions of the *Zoning Ordinance* in Article 3 §24 for the Planned Neighborhood Design Option, a property zoned IO (Institutional and Office Zone) is permitted to be considered for development with the PND: Senior Citizen Housing Option through the Conditional Use review process. The applications associated with this project include:

- C-03-08 – Approved by Planning Commission in February 2004 as FountainView PND – Senior Citizen Housing Option
- C-06-02 – Approved by Planning Commission in August 2006 as DoveView PND – Senior Citizen Housing Option. The Planning Commission granted a one-year extension in August 2007.

The DoveView PND – Senior Citizen Housing Option plan included 192 dwelling units in four four-story apartment buildings. The plan as approved would include 246 parking spaces and an overall density of 28.52 dwelling units per acre.

The City issued building permits for the four buildings that make up DoveView in late 2007 and early 2008. Construction began on two buildings and ultimately ceased. The property went into foreclosure and is now owned by CRM Mid-Atlantic, LLC (Sun Trust Bank). Because construction ceased for more than one year, the site development plan associated with DoveView has expired (*Zoning Ordinance,* Article 10 §2.491(a)). Site development plan approval is required prior to initiation of any construction activity on the site, regardless of the outcome of the rezoning application.

The subject property is located within the COZ-1 (Corridor Overlay Zone) due to its location along Delaware Route 8 and Saulsbury Road. Any development of the site shall comply with the requirements of this zone.

Surrounding Land Uses:
There are a variety zoning classifications and land uses surrounding the subject property. Immediately south of the subject site, between the subject property and Forrest Avenue, are two properties that are zoned C-2A (Limited Central Commercial Zone); one is vacant, and the other is TD Bank. Other adjacent properties to the east between the subject site and Saulsbury Road are zoned C-2A (Limited Central Commercial Zone) as well. Included among these is the Walgreens Drug Store located at the corner of Forrest Avenue and Saulsbury Road.

The property located to the north of the proposed site is zoned IO (Institutional and Office Zone) and is the location of the Academy of Dover (school). Immediately west of the site is the Modern Maturity Center, which is zoned IO (Institutional and Office Zone).

Comprehensive Plan:
In the *2008 Comprehensive Plan*, the Land Development Plan (Map 12-1 as amended, dated 11/23/2009) recommends that this property be used for Institutional Uses. As previously stated, the rezoning request is associated with a request to amend the *2008 Comprehensive Plan* to reflect the land use on Map 12-1 as Residential High Density. The requested zone is consistent with the requested land use classification, but not with the existing land use classification.

The Land Development Plan (Chapter 12) of the *2008 Comprehensive Plan* states the following with regard to high density residential development:

> The Comprehensive Land Development Plan recommends that high density residential be dispersed throughout the City along arterial roadways in close proximity to other high-density residential uses, schools, neighborhood commercial areas, transit service, and other compatible non-residential land use areas. High density residential development is also appropriate in some areas of the downtown, most of which are shown as mixed use on the Land Development Plan.

The subject site is located off Saulsbury Road and Delaware Route 8, both of which are identified as Urban Minor Arterials in the *2008 Comprehensive Plan.* It is also within proximity (walking distance) to schools (Booker T. Washington Elementary School, William Henry Middle School, and the Academy of Dover), commercial areas (including the TD Bank and Walgreens Drug Store on adjacent parcels and the Gateway West Shopping Center to the south, across Forrest Avenue), transit service, and other services (including medical offices).

Request for RG-5 (General Residence Zone for Mid-Rise Apartments)

Within the RG-5 Zone, the following uses are permitted: one-family detached dwellings; mid-rise apartments; public buildings, structures and uses; raising of field and garden crops, vineyards and orchards, and nurseries. See *Zoning Ordinance*, Article 3 §5 and referenced sections.

According to Article 12 of the *Zoning Ordinance*, the definition of mid-rise apartments is as follows:

> *Mid-rise apartment:* Multiple dwellings where individual dwelling units share a common outside access, and elevators serve each floor. The dwelling units share a common lot area, which is the sum of the required lot areas of all dwelling units within the building.

The following is a summary of the bulk standards, as specified in Article 4, Section 4.6. The *Zoning Ordinance* defines Multiple Dwellings as "A building, or portion thereof, containing more than two dwelling units."

		For Multiple Dwellings:
Minimum required:		
	Lot area (sq. ft.)	900 per dwelling unit
	Lot width (ft.)	100
	Lot depth (ft.)	125
	Front yard (ft.)	25
	Side yard (ft.)	At the ground level or at any setback level, one-sixth of the height of the nearest outside wall of the building measured in each case from the average level of the finished grade along the side of the building, but in no case less than 25 feet.
	Rear yard (ft.)	At the ground level or at any setback level, one-sixth of the height of the nearest outside wall of the building measured in each case from the average level of the finished grade along the rear of the building, but in no case less than 25 feet.
	Off-street parking spaces	2/Du
	Accessory commercial uses parking spaces	1 per employee or 1 per 300 sq. ft. of floor area, whichever is greater.
	Open space	25% of the lot area shall be devoted to open area, not including parking areas.
Maximum permitted:		

	Building height		
		Stories	6
		Feet	70

Recommendation of the Planning Staff:
This request is to rezone land from IO (Institutional and Office), subject to the COZ-1 (Corridor Overlay Zone) to RG-5 (General Residence Zone for Mid-Rise Apartments), subject to the COZ-1 (Corridor Overlay Zone). This request is made in conjunction with a request to amend the *2008 Comprehensive Plan*, Map 12-1 Land Development Plan, as it relates to this property. The approval of this rezoning request is contingent upon the approval of the associated amendment to the *2008 Comprehensive Plan*.

As stated in the report for MI-11-01 – 2011 Comprehensive Plan Amendments, staff supports the land use classification change from Institutional to Residential High Density, and the associated rezoning of the subject property from IO (Institutional and Office) to RG-5 (General Residence Zone for Mid-Rise Apartments). Staff believes that the rezoning and amendment to the Comprehensive Plan are consistent with the policies stated in the *2008 Comprehensive Plan* regarding location of high density residential uses. As previously stated, the subject property is within proximity to a variety of goods and services, including transit service, schools, places of employment, commercial uses, and other supporting services. Additionally, one of the challenges typically encountered when considering high density residential development is the resistance from residential neighbors living in lower density residential developments. This location is not directly adjacent to other, lower density residential development that would generate these types of conflicts.

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

ADVISORY COMMENTS TO THE APPLICANT:

1) The applicant shall be aware that the site development plan associated with DoveView has expired, and any construction associated with the site will require Site Development Plan approval by the Planning Commission. Additionally the previous approval for DoveView was specific to the PND Senior Citizen Housing Option. Aspects of the approvals granted related to the requirement that the development be restricted to senior citizens. The applicant should not hold any expectations that conditions applied to the previous approvals for DoveView will be carried forward to a subsequent application for the site.

2) As the construction site associated with DoveView is abandoned, the applicant shall ensure that the buildings are properly secured, the site is maintained clear of trash and debris, and grass and weeds on the site are maintained to a height not to exceed eight inches. Failure to maintain the site may result in delay or denial of the application.

3) The subject property is located within the COZ-1 (Corridor Overlay Zone), and if rezoned, would continue to be within the COZ-1 and subject to all of the requirements of that zone.

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: FEBRUARY 3, 2011

CITY OF DOVER
PUBLIC UTILITIES
DEPARTMENT

APPLICATION: **DOVEVIEW APARTMENTS, 101-405 DOVEVIEW DRIVE**

FILE #: **Z-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 rezoning of tax parcels ED05-076.07-01-30.00-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC / WATER / WASTEWATER

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / WASTEWATER

1. The utilities on this site have already been installed based upon the originally approved layout. As such, it is preferred that changes to the site be planned accordingly. Should this site be redeveloped, which includes modifications to the use or layout, the applicant / developer will be responsible for all costs associated with providing the appropriate service to this site based upon the use including any necessary system upgrades, extensions or relocations. The appropriateness and adequacy of water and sewer services and meters will be assessed at that time. Should the existing infrastructure no longer be required based upon the proposed use, it must be properly abandoned in accordance with all City of Dover Public Utilities Department standards and specifications.

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: February 3, 2011

D E L D O T

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APPLICATION: Doveview Apartments at 101-145 Doveview Drive
FILE#: Z-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. DelDOT has no comments for the proposed rezoning.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

- If the proposed amended subdivision will generate fewer than 2000 trips per day or less than 200 vehicles in any hour of the day, DelDOT will allow payment towards an Area-Wide Study Fee, in lieu of a TIS. The Area-Wide Study Fee, calculated as $10 per daily trip, would be payable to DelDOT prior to the re-issuance of a Letter of No Objection. Payment of it would exempt the developer from the need to do a TIS, but would not exempt them from participation in off-site improvements or the need to do a Traffic Operational Analysis if one is required in the re-review of their entrance plans. If the developers would like to pay the fee in lieu of doing a TIS, the developer should contact me at (302) 760-2145.

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

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF February 10, 2011

PLANNING COMMISSION MEETING OF February 22, 2011

Plan Title:	C.F. Schwartz Building Addition at 1530-1536 N. DuPont Highway S-11-02
Plan Type:	Site Plan
Property Location:	Northwest corner of Rustic Lane and North DuPont Highway
Property Address:	1530 North DuPont Highway
Tax Parcel:	ED-05-057.00-01-06.00-000
Owner:	C.F. Schwartz Motor Co.
Project Engineer:	CDA Engineering, Inc.
Site Area:	7.83 acres +/- (341,075 SF +/-)
Existing Use:	Automobile Dealership
Proposed Use:	Automobile Dealership with building addition
Off Street Parking:	Required – 270 spaces Proposed – 270 spaces
Sewer & Water:	City of Dover
Zoning Classification:	C-4 (Highway Commercial Zone) RC (Recreational and Commercial Zone) SWPOZ (Source Water Protection Overlay Zone) Tier 3 Excellent Recharge Area
Waivers Requested:	Partial Elimination of Sidewalk Elimination of Arterial Street Buffer Reduction in Tree Planting-Tree Mitigation Partial Elimination of Curbing

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 10, 2011

CITY OF DOVER PLANNING

APPLICATION: C.F. Schwartz Building Addition at 1530-1536 N. DuPont Hwy.

FILE #: S-11-02 REVIEWING AGENCY: City of Dover Planning

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

PLAN SUMMARY:
This Site Plan Review is to permit the construction of a 24,444 SF building addition to one of the existing buildings for a total of 53,862 SF. The property for the proposed development is zoned C-4 (Highway Commercial Zone) and RC (Recreational and Commercial Zone) and is subject to the SWPOZ (Source Water Protection Zone) Tier 3 Excellent Recharge Area. The property is located on the northwest corner of Rustic Lane and North DuPont Highway. The owner of record is C.F. Schwartz Motor Co. The property address is 1530-1536 North DuPont Highway. Tax Parcel: ED-05-057.00-01-06.00-000.

Parking Summary
The minimum parking requirement in the C-4 (Highway Commercial Zone) is 1½ parking spaces for every 300 SF of floor area. The minimum parking requirement in the RC (Recreational and Commercial Zone) is one (1) parking space for every 300 S.F. of floor area. The site is calculating parking based on the C-4 (Highway Commercial Zone) parking requirements. Based on the proposed total square footage of 53,862 SF, 270 parking spaces are required. The site plan shows 270 parking spaces with 9 handicap spaces. Parking bumpers should be provided along the parking spaces with depressed curbing especially around the stormwater management pond and grass areas.

Bicycle Parking
The minimum bicycle parking is one (1) bike space for every twenty (20) parking spaces. Based on the number of 270 proposed parking spaces, fourteen (14) bicycle parking spaces are required. The Site Plan indicates the one bike rack near each of the two existing buildings.

Architecture
There are two existing building located on the site. The new building addition is to the southern building located at the corner of North DuPont Highway and Rustic Lane. There are no changes proposed to the other building on the northern portion of the site. One proposed change to the south building is an entrance feature to be located along a portion of the front of the building. The new addition is located behind the existing southern building along Rustic Lane. The new addition is a metal siding building with split faced CMU at water table height. Windows are

provided along the west elevation that faces Rustic Lane. The east elevation will be located behind the existing building.

SITE CONSIDERATIONS

Dumpster

For the use a as retail type establishment three (3) dumpster pads and enclosures are required. The dumpster pads with enclosures are provided on the site. The dumpster pads are located along the west side of the property. The plan shows four (4) dumpster pads; however, only three are required.

Loading Space

Based on the overall size of the buildings three (3) loading spaces are required. The site is providing three (3) loading spaces located on the south side of the existing building located on the north side of the property.

Waiver Request- Sidewalks

Article 5 §18 requires sidewalks to be installed along the public street frontage of a property. The site has existing concrete sidewalk along Rustic Lane. The site has striped out a walking path along North DuPont Highway. A waiver request for the elimination of sidewalk along North DuPont Highway has been submitted to the Planning Office for consideration by the Planning Commission. There is no sidewalk connection into the site.

Waiver Request- Curbing

Article 6§ 3.6 (b) requires curbing is for all parking areas. There is existing curbing, depressed curb and areas with no curbing on the site. No new curbing is proposed. The areas on the site where depressed curbing is used or that do not have curbing are used to allow for drainage into the stormwater management area. The areas with depressed curbing are located along the back of the site near the grass area and stormwater management area. The existing depressed curb was previously approved as a part of a different project by the Planning Commission. A written waiver request to allow for the depressed curbing to allow for drainage into the stormwater management area has been submitted to the Planning Office for consideration by the Planning Commission.

Source Water Protection Overlay Zone

The site is partially located within Tier 3 (Excellent Recharge Area) of the Source Water Protection Overlay Zone. The area subject to the overlay is the grass area located at the southwest corner of the property along Rustic Lane. There is no proposed construction to be located within this area. Trees are proposed to be planted in this area.

Waiver Requested - Arterial Street Buffer

U.S Route 13 is considered as a principal arterial and requires a thirty (30) foot landscape buffer along the road frontage known as an Arterial Street Buffer. This plan does not provide the required thirty (30) foot landscape buffer along DuPont Highway. The site is currently paved and there are no plans for construction activity in this location. A written waiver request for the reduction in the Arterial Street Buffer has been submitted to the Planning Office for consideration by the Planning Commission.

Waiver Request - Tree Planting and Landscape Plan

The submitted plan does include the requisite Landscaping Plan elements. Based on the total site area of 7.83 acres (341,074 SF +/-) for the site, 114 trees are required. The plan shows fifty seven (57) trees. There are twenty one (21) existing trees to remain on site. The site provides 50% of the required trees. Article 5 § 16.91(a) allows the Planning Commission to grant a waiver to allow for tree mitigation. A written waiver request to allow for offsite tree mitigation for the remaining required trees has been submitted to the Planning Office for consideration by the Planning Commission.

Tree Mitigation

The applicant is proposing to do offsite tree mitigation. The applicant is proposing to plant 57 trees along the St. Jones River in the riparian buffer. The applicant has contacted the City of Dover Grounds Division and has a verbal agreement to allow for the plantings along the St. Jones River. The type of trees to be planted will be determined by the City.

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

2) The tree planting requirement shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request for tree mitigation has been submitted to the Planning Office for consideration by the Planning Commission.

3) The Arterial Street Buffer shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request for the elimination of the Arterial Street Buffer has been submitted to the Planning for consideration by the Planning Commission.

4) Curbing shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request for partial elimination of curbing to allow for drainage into the stormwater management facility has been submitted to the Planning Office for consideration by the Planning Commission.

5) Provide a Record Plan sheet.

6) Provide the following information on the Record Plan Sheet:
    a) Indicate any easements (utility, cross access, etc.) proposed.
    b) Indicate if any parcel lines will be removed.
    c) Indicate the tax parcel numbers.
    d) Provide a data column.

e) Provide an Owner's Certification.
f) Provide an Engineer's Certification.

7) Provide the following information in the Data Column on the Cover Sheet:
   a) The Plan will need to be updated to reflect any changes recommended or approvals or waivers granted by the Planning Commission.
   b) Revise the tax parcel number to ED-05-0573.00-01-06.00-000.
   c) Revise the date for the floodplain map. The most recent FIRM maps are dated May 5, 2003.

8) Indicate the square footage of the existing buildings on the Site Plan Sheet.

9) Remove the lights that will be removed on the Site Plan Sheet, Landscape Plan Sheet, and the Grading, Drainage and Utility Plan Sheet.

10) Relocate the existing lighting located in the drive aisle located on the west side of the site east of the stormwater management area.

11) Provide sidewalk connection into the site.

12) Clarify if the new entry design feature will be located within two parking spaces. If yes, then recalculate the number of parking spaces in the Site Data Column and remove on all Plan Sheets.

13) Provide parking bumpers for parking spaces located along the stormwater management area to protect the stormwater management area and near the grass areas from vehicle encroachment.

14) Provide construction details for the following but not limited to: dumpster enclosure ensuring the enclosure matches the architecture of the building, bike rack, parking bumpers, etc.

15) Indicate the items to be removed on the Existing Conditions Plan Sheet.

16) In order for the existing trees to be counted toward the tree planting requirement the trees shall be guaranteed to survive one year or be replaced.

17) The types of trees proposed to be planted within the riparian buffer as tree mitigation shall be determined by the City of Dover and may not reflect the trees identified on the plan. If trees do not meet the City size requirements at time of planting more trees may be necessary.

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

1) Staff recommends that the architecture for the west side be revised to reduce the amount of blank space as this side is visible from Rustic Lane. Divide the large areas with detailing. Add different colors to several of the panels to provide the look of columns or

different sections.

2) Staff recommends the trees located along Rustic Lane either are moved further away from the utilities or select another type of tree with a root system that will have a small impact the utilities in the area.

Recommendation on Waiver Requests:

a. Elimination of Sidewalk: Staff recommends denial of the partial elimination of sidewalk along North DuPont Highway. Staff also notes that a five foot striped pedestrian access is provided on the site that could be converted into a sidewalk and that there is sidewalk along Rustic Lane and around the corner onto North DuPont Highway.
b. Elimination of Arterial Street Buffer: Staff recommends approval of a reduction of the Arterial Street Buffer as there may a possibility to provide some buffer. This would depend on the configuration of the sidewalk. If a grass strip is constructed as a part of the sidewalk then plantings could be possible. If the sidewalk is installed without a grass strip staff would support the elimination of the buffer as there would be a place to provide plantings along the road frontage. Staff also notes that this is an existing condition with no work being proposed in this location.
c. Tree Planting Mitigation Plan: Staff recommends approval of the tree mitigation plan and to allow for tree mitigation to allow for planting to be located within the St. Jones Riparian Buffer. Staff notes the lack of area on the site that would allow for suitable planting and growth of all of the required trees. (i.e. paved area, vehicle display and site circulation) Staff recommends a written agreement be established between the applicant and the City regarding the planting of the trees.
d. Partial Elimination of Curbing: Staff recommendation approval for partial elimination of curbing to allow for drainage into the stormwater management area. The site currently exists with depressed or no curbing throughout the site to allow for drainage into the stormwater management area.

ADVISORY COMMENTS TO THE APPLICANT:

1) Staff notes there is an existing Comprehensive Unified Sign Plan (US-01-04) for the site. This may be an opportunity to determine if there is a need to update the plan.

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

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

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

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

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

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

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: FEBRUARY 3, 2011

CITY OF DOVER

PUBLIC UTILITIES

DEPARTMENT

APPLICATION: C.F. SCHWARTZ BUILDING ADDITION

FILE #: S-11-02

REVIEWING AGENCY: City of Dover Public Utilities Department

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

CONTACT PHONE #: 302-736-7070

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER

1. All water utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
    b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Public Utilities Department specifications and requirements.
    c. 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.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended. (The current layout shown on the plan does not meet the requirement as listed. In addition, as three buildings are proposed to be served off the existing water line, calculations must be submitted showing the adequacy of the line for fire and domestic purposes. If it is not adequate the new service to the building must be provided off of West Rustic Lane.)
6. 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. All wastewater utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
    a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Public Utilities Department specifications and requirements.
    b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any

sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.

3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures. In particular, the sewer lateral which is shown connecting the existing infrastructure to the new City of Dover sewer interceptor must be revised to proposed as only a stub was provided as part of construction. In addition, our office never recommends that buildings be constructed over utility infrastructure. The proposed layout should be reconsidered. If changes cannot be made an owner acknowledgement and risk acceptance must be provided on the plan.
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. 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 following must be added to the plans: All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices.
2. 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 three (3) months notice prior to construction. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is now available on the website at the following link: http://www.cityofdover.com/departments/electric/documents/.

WATER

1. None.

WASTEWATER

1. The plans show trees to be planted alone the new sanitary sewer interceptor alignment to the rear of the property. Our office recommends that these trees be moved from the interceptor to the maximum extent practicable (greater than the ten feet minimum required) and the tree selection incorporate trees which are least likely to cause damage to the sewer line over time. Confirmation of an appropriate tree selection shall be made by the City.

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

1. As part of the City of Dover Route 13 Interceptor project the City's pump station in front of the southernmost building was abandoned. The City had committed to turning the pump station parcel over to the applicant in exchange for the easements received. Please contact our office regarding finalizing this process. It is our understanding that a record plan must be completed for this project and as such we would suggest that the parcel consolidation be included.

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: C. F. Schwartz Motors 1536 N DuPont Highway

FILE #: S-11-02 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 building is one story . Primary fire lanes are required to be 24 feet wide and cover the side of the building that has the primary entrance and exit. Secondary fire lanes can be reduced to 16 feet wide. Both can be no closer than 10 feet to the building and no farther than 50 feet from the building. Fire lanes shall cover 50% of the proposed building.

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.

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

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

Sprinkler system required. System to be monitored.

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

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

Fire alarm system required.

Knox Box required.

Standpipes 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 Special Use Hazard 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: February 3, 2011

D E L D O T

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APPLICATION: C. F. Schwartz Building Addition at 1536 North DuPont Highway
FILE#: S-11-02 REVIEWING AGENCY: DelDOT

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

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

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

CITY & STATE CODE REQUIREMENTS:

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

2. A traffic impact study (TIS) will be required to be performed by the developer for this project, since the proposed development exceeds 50 vehicles per hour (VPH) or 400 vehicles per day (VPD). When the study is completed, DelDOT will review it and send recommendations for improvements to the city. The improvements contain in the study shall be implemented by the developer per DelDOT's discretion. Please, contact Mr. Troy Brestel at (302) 760-2167 or e-mail: Troy.Brestel@state.de.us to set up a scoping meeting for this project. However, the department will allow the developer to make a monetary contribution towards an area-wide study in lieu of performing a TIS. The amount for the contribution will be based on a $10 dollars per the daily trip generated by the site.

3. According to Kent County Classification Maps, KCR 002 (North Dupont Hwy.) is classified as a minor arterial road, which requires a 50-foot wide right-of-way from the innermost edge of the through lane. The department will require a Right-Of-Way dedication to public use.

4. The developer of this project will be required to provide concrete sidewalk along the frontage of the site on US Route 13. The alignment of the sidewalk must be congruent to the existing concrete sidewalk along the frontage of the site, not the painted path walk. In addition, ADA compliant curb ramps must be provided with the requested sidewalk.

5. The existing concrete island at the intersection of West Rustic Lane and US Route 13 must be upgraded to the current Type 5 curb ramp as part of this project.

6. The proposed development exceeds 200 ADT; a pre-submittal meeting will be required prior to submitting plans to DelDOT for review.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

- Applicant must seek interconnectivity with the Sheraton Hotel Site.

ADVISORY COMMENTS TO THE APPLICANT:

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 10, 2011

Dover/Kent County Metropolitan Planning Organization

APPLICATION: CF Schwartz Building Addition at 1536 North Dupont Highway

FILE #: S-11-02 REVIEWING AGENCY: Dover/Kent County MPO

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

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

City of Dover Planning Commission 2/22/2011

Project Review

S-11-02 CF Schwartz Building Addition at 1536 North Dupont Highway

Pedestrian Access: The site has concrete sidewalks along West Rustic Lane. Along US 13 there is a section of concrete sidewalk, but a majority of the frontage is asphalt pavement that includes a stripped continuation of the sidewalk. While the arrangement was an option allowed by The City of Dover and DelDOT the last time the owner requested site plan approval, it no longer meets the standard or the quality of infrastructure or pedestrian safety required by both now. The letter requesting the waiver dated 1/4/2011 stipulates the existing sidewalk would remain. The MPO feels the applicant should install a poured concrete sidewalk along the full US 13 frontage of the property.

Transit Access: There are several local bus routes that pass in front of the site, though there are no bus stops on or immediately adjacent to it. The stop in front of the Lowes store immediately south has a dedicated pull off to take the bus out of traffic. The site is well served with transit. No additional considerations are required.

Bicycle Access: US 13 is considered a Connector Route in the statewide bicycle maps. It is a route meant to facilitate bicycle riders. The MPO is in the process of developing a regional bicycle plan for the County. One of the suggestions for the US 13 route is to decrease the width of each lane by one foot to enable a 3 feet wide bike lane in each direction of travel. A final recommendation will not be made before the Planning Commission meets.

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.

CDA Engineering Inc.

Civil/Site Engineering + Land Planning + Stormwater Management
6 Larch Avenue Suite 401 Wilmington, DE 19804
Tel: 302 998 9202 Fax: 302 691 1314 www.cdaengineering.com

February 8, 2011

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

SUBJECT: Site Plan: C.F. Schwartz 1536 N. DuPont Highway
Partial Curbing Waiver Request

Ms. Cornwell:

On behalf of C.F. Schwartz, CDA Engineering is requesting a partial curbing waiver to eliminate specific segments of proposed curbing that would otherwise interfere with conveyance of stormwater runoff to the existing storm water management pond, as shown on the accompanying Site Plan, for the proposed building expansion project at the existing C.F. Schwartz site, located at 1536 N. DuPont Highway, Dover, Delaware. This project is an infill development with all proposed work limited to existing impervious paved areas; no alterations to existing curbing is proposed with this project.

By granting this waiver, the City of Dover will allow for a design that maintains sheet flow runoff into the existing SWM Area to best mimic the pre-development hydrology in accordance with the State Sediment and Stormwater Regulations and comply with Kent County Conservation District stormwater management requirements.

Sincerely,

Colmcille DeAscanis, P.E. LEED AP

RECEIVED
FEB 10 2011
CITY OF DOVER
PLANNING & INSPECTIONS

Cc: Mr. Robert Schwartz: C.F. Schwartz
L:\CDA 2011 Projects\11.102.00 CF Schwartz\Documents\Site Plan Waiver.doc

City of Dover

DATA SHEET FOR CONDITIONAL USE & SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF February 10, 2011

PLANNING COMMISSION MEETING OF February 22, 2011

Application:	Parking Lot on West Water Street: Renovation and Addition (Kent County Courthouse Parking Lot Addition) S-11-03 and HI-10-11
Plan Type:	Conditional Use and Site Plan Review Architectural Review Certification
Location:	North side of West Water Street between South State Street and South Governors Avenue 101 West Water Street and 439 South Governors Avenue
Tax Parcels:	ED-05-077.09-03-51.00-000 and ED-05-077.09-03-53.00-000
Property Owner:	State of Delaware
Present Zoning:	RGO – General Residence and Office Zone C-2A - Limited Central Commercial Zone H - Historic District Overlay Zone SWPOZ – Source Water Protection Overlay Zone* (*Exempt from Tier 3 provisions due to Downtown Redevelopment Target Area location. *Zoning Ordinance,* Article 3 §29.79)
Present Use:	Parking Lot and previous Transit Center (DART Buses)
Proposed Use:	Parking Lot
Site Area of Subject Parcels:	1.95 acres+/-
Waivers Requested:	Partial Elimination of Curbing Elimination of Opaque Barrier (fence component)

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 10, 2011

CITY OF DOVER PLANNING

APPLICATION: Parking Lot on West Water Street: Renovation and Addition
(Kent County Courthouse Parking Lot Addition)

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

CONTACT PERSON: Dawn E. Melson-Williams, AICP PHONE #: (302) 736-7010

PLAN SUMMARY:
This Plan is for review of the Site Plan Review, Conditional Use Review, and Architectural Review Certification to permit renovations to the existing parking lot and the expansion of the parking lot to a total of 152 parking spaces. The parking lot is intended to serve the Kent County Courthouse Building. The two properties (total of 1.95 acres +/-) are zoned C-2A (Limited Central Commercial Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone); and RGO (General Residential and Office Zone) and subject to the H (Historic District Zone) and SWPOZ (Source Water Protection Overlay Zone). The properties are located on the north side of West Water Street in the block between South Governors Avenue and South State Street. The owner of record is the State of Delaware. Property Addresses: 439 South Governors Avenue and 101 West Water Street. Tax Parcels: ED-05-077.09-03-51.00-000 and ED-05-077.09-03-53.00-000.

PROJECT PROPOSAL:
The applicant has supplied a Site Plan showing the proposed parking lot reconfiguration and parking lot addition. See attached plan sheets. The parking lot will be accessed from West Water Street and from an alley (running north from West Water Street).

The existing parking lot and transit center property (east side of alley) will be reconfigured remove the bus loading areas and increase the number of available parking spaces from 71 to 117 parking spaces. A series of six (6) handicapped accessible parking spaces are included in this area. The new configuration will consist of four rows of parking with landscaped medians and islands. Along the northern property line the existing vegetation appears to remain with the stockade fence being replaced with a black metal picket-style fence. On the east side of the parking lot, the two access points to existing driveways (for properties fronting South State Street) will remain.

The new project proposes the development of a new parking lot on the west side of the public alley on the second parcel of land. This new parking lot is to consist of 35 parking spaces. The

perimeter of the parking lot is landscaped.

Zoning Review for RGO and C-2A

For the eastern parking lot area zoned RGO, its use as a parking lot is an existing condition and also is recognized as a public use (*Zoning Ordinance*, Article 3 §1.13) subject to Site Plan review by the Planning Commission. For the western parking lot area the zoning is C-2A. A parking lot as the principal use (the only use) on a property zoned C-2A is now permitted following Conditional Use approval by the Planning Commission after adoption of a recent text amendment to the *Zoning Ordinance* (Application MI-10-18, Ordinance #2010-28 adopted January 10, 2011). When considering a Conditional Use, the *Zoning Ordinance* outlines a series of items to consider.

CONDITIONAL USE

Within the C-2A zoning district, the use of a property as a parking lot is permitted subject to approval of a Conditional Use by the Planning Commission. *Zoning Ordinance,* Article 3 Section 14.4(b) notes that a parking lot may be a principal use (the only use) on property when located on a suitability landscaped lot.

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

ARTICLE 10. PLANNING COMMISSION

Section 1. Approval of conditional uses.

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

1.1 *[Accessibility for 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.

There are also provisions in the Code to allow the Planning Commission to require periodic renewal of the Conditional Use (Article 10 §1.4).

SWPOZ (Source Water Protection Overlay Zone)

The site is located within the SWPOZ (Tier 3: Excellent Recharge Area) found in Article 3 Section 29.7 of the *Zoning Ordinance*. However, this project site is within the downtown redevelopment target area which is exempted from the SWPOZ requirements and restrictions as per *Zoning Ordinance,* Article 3 §29.79.

HISTORIC DISTRICT COMMISSION - RECOMMENDATION

The eastern parcel involved in this project is located within the Historic District. For the Parking Lot on West Water Street: Renovation and Addition project, the Historic District Commission considered the application HI-10-11 on December 16, 2010 regarding an Architectural Review Certificate for renovations to the existing parking lot/transit center and expansion of the parking lot located on West Water Street. **The Historic District Commission considered the proposal for construction and has provided a recommendation to the Planning Commission in regards to the Architectural Review Certification for the project. The specific recommendation involved consideration of the *Design Standards and Guidelines.* See attached Recommendation Report from the Historic District Commission.**

The Planning Commission should act upon the Architectural Review Certification as part of any motion to approve this project, or as a separate motion if necessary. In taking this action, the Planning Commission is to consider the standards and guidelines for New Construction found in Chapter 4 of the *Design Standards and Guidelines for the City of Dover Historic District Zone.*

PARKING SUMMARY

This project to create an improved and expanded parking lot on West Water Street will accommodate the balance of the parking required for the Kent County Courthouse project. The Planning Commission had originally approved the Site Plan application for the Kent County Courthouse Building Addition at 38 The Green and 414 Federal Street on June 21, 2006 with other plan revisions and a one year extension of plan approval granted on May 21, 2007. The original Site Plan approval for the Courthouse granted a parking waiver of 9% thus requiring 445 parking spaces for the project and requiring that parking be adequately addressed prior to issuance of a Certificate of Occupancy. Following Final Site Plan approval on June 27, 2008, the Courthouse building is actively under construction with completion expected in Spring 2011.

After consideration of a revised parking waiver request, on October 18, 2010 the Planning Commission granted a waiver of up to 20% of the parking requirement for the Courthouse project, thus reducing the required parking from 490 parking spaces to a total of 392 parking spaces for the Courthouse. The Planning Commission accepted multiple actions as a strategy to achieve this required parking for the Courthouse including on-site parking and activities to increase parking in the Capital Complex such as relocation of fleet vehicles and the expansion of parking lots.

Within this parking lot project, the State of Delaware will satisfy the remaining deficit of 126 parking spaces necessary to meet the Courthouse parking requirement. This project will reconfigure and expand the existing Water Street Parking Lot. This lot located on the north side of West Water Street between South State Street and South Governors Avenue previously served as a (metered) parking lot and a Transit Center (bus transfer) which was relocated in December 2010 to another property further west on Water Street.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) parking spaces. Based on the total number of parking spaces in the parking lot upon completion, a minimum of eight (8) bicycle parking spaces is required. The Plan appears to indicate two bicycle racks locations: one in the easternmost row of parking (near lands of Jackson) and one in the central median area.

Waiver Requested: Partial Elimination of Curbing

Article 6 §3.6(b) requires curbing for all parking areas. There are portions of the existing parking lot that do not currently and will not incorporate curbing following the reconfiguration. Also a portion of the new parking lot west of the alley does not have curbing. A written waiver request for the elimination of curbing in these areas was submitted to the Planning Office for consideration by the Planning Commission citing the reasons of existing conditions and the management of rainwater runoff. See attached waiver request.

SITE CONSIDERATIONS

Sidewalks

The applicant will be reconstructing the curb and sidewalks where site improvements/parking lot entrance improvements are proposed. The existing concrete sidewalk along West Water Street will be upgraded with this project. New sidewalk to be constructed across the project's frontage is proposed as brick paver sidewalk five feet in width. A connecting sidewalk in concrete is shown from the central area of the parking lot to the street sidewalk. At the parking lot entrance and alley/entrance the sidewalk continues parallel to the street and does not turn into the site. The site also has existing sidewalks along the small segment of property fronting South Governors Avenue.

Other Site Elements

The plan shows proposed locations for site lighting, but does not provide a detail of the light fixture type. Currently, internal to the existing parking lot are the gaslight style street light (with copper green patina) matching the light fixture style utilized on a portion of South State Street and The Green. The street lights along the north side of West Water Street are a single gull wing style light with a silver metal finish. The plan is unclear regarding the concept for street lighting.

Waiver Requested: Opaque Barrier Requirement (fence component)

The *Zoning Ordinance* requires an opaque barrier between a residential use and a non-residential use (Article 5 Section 7.2). This provision applies to the portion of the western parcel where the non-residential use of the parking lot will be adjacent to the residential use of the dwelling on the Lands of Richter at the corner of West Water Street and South Governors Avenue. The first dwelling has an existing stockade fence of five feet on the residential property and this project

proposes planting Sentinel Red Cedar trees on the parking lot property. The opaque barrier requirement also applies to the property line segment near the Lands of Brown Estate which currently only appears to have a chainlink fence. The buffering required is a 6 feet high opaque barrier (fence, wall or berm) and a landscape screening component. The opaque barrier has not been shown on the plan as implemented in this second area; however, the intention of continuing the Red Cedar tree plantings for this area is described in the waiver request. A written waiver request for the elimination of the opaque component (fence) for both of these areas has been submitted to the Planning Office for consideration by the Planning Commission.

This opaque barrier provision is not applicable for the northern property line of the eastern parcel where it adjoins the Lands of Alstadt (property is in residential use). The opaque barrier requirements are found in the section of the *Zoning Ordinance* that apply to non-residential zones. The zoning of the eastern parcel of the parking lot project is RGO and by definition RGO is considered a residential zone.

TREE PLANTING AND LANDSCAPE PLAN

The submitted plan includes the Landscaping details for the area in and around the parking lots. This project proposes to retain a number of existing trees on the site and to add additional tree plantings within several landscaped areas. The trees are proposed along the street frontage, at the perimeter of the properties, and within the parking lot medians and islands. Along the West Water Street frontage is landscaped area (lawn and a few trees) of approximately twenty (20) feet in width. Overal1, a total of 37.9% of the two parcels is landscaped area.

For the tree planting calculation, staff is utilizing the land area of the two parcels involved in this project. Based on 84,942 S.F. of the project parcels, a total of twenty-nine (29) trees would be required. The plan proposes the planting of eleven (11) trees and the preservation of nineteen (19) trees to meet the requirement. Additional trees are proposed as part of the opaque barrier near the residence located at the corner of South Governors Avenue.

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

CITY AND STATE CODE REQUIREMENTS:

1) The data column (Sheet C-001) needs to be updated prior to Final Approval. Some of the items which need revising are as follows:
   a) Check total site area listing in square footage as they seem to vary from plan drawing labels and listings within several data column items.
   b) Combine information in Items #11 and 17 pertaining to impervious coverage and lot coverage. Also check percentage of proposed listed (should be 66.8%).
   c) Add note regarding parking calculations. The 126 parking spaces required are in reference to satisfying the parking requirements of the Kent County Courthouse project.
   d) Remove listing of setbacks as these pertain to building only.
   e) In General Notes:
      i) In Item #11 check agencies referenced: Kent County Department of Public Works is not involved and add DNREC.

ii) Add note to reflect action taken in regards to the Architectural Review Certification.
iii) Add note to reflect action taken on any waivers requested.
iv) Add note describing the parking compliance as associated with the Kent County Courthouse project.
v) Add note regarding SWPOZ exemption.

f) Any changes recommended by the Planning Commission.

2) Sheet C-001:
   a) The eastern bike rack appears to be missing.
   b) In Note G-5, the sidewalk width is unclear. The required minimum sidewalk width is five feet.
   c) A public access easement is required for the encroachment of the sidewalk onto the property.
   d) Clarify if a parking space or no parking will exist along the westernmost parking row at the point of curb depression for the Lands of Richter.
   e) Revise note label on drawing for sand filter to G-9.
   f) Clarify how the encroachment of the gravel driveway and parking lot for Lands of DMG holdings (shown on Sheet C-101) will be treated with the development of the western parking lot area.
   g) Clarify the edge treatment of the western side of the public alley (property line covers information.
   h) Label public alley with its City of Dover alley name designation. Consult with Public Works Office.
   i) Clarify status of existing wire fence along South Governors Avenue between the Lands of Richter and Lands of Brown.
   j) Add H to plan drawing property label for eastern property.
   k) Clarify if parking bumpers will be implemented in areas were curbing is eliminated.
   l) Check labeling for central brick sidewalk as curb note G-4 is shown.
   m) Add title of signee for owner's certification.

3) Proposed bench locations should include appropriate surfaces for access and to assist with maintenance.

4) The opaque barrier must be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request pertaining to the opaque barrier (fence component) has been submitted to the Planning Office for consideration by the Planning Commission.

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

6) The street frontage sidewalk should have sidewalk linkages into the site at the parking lot entrances.

7) Ensure handicapped access continues to be met at all sidewalk intersections at the entrances and sidewalks internal to the site. Clarify access to the sidewalk segment from handicapped parking spaces.

8) Sheet C-101:
   a) Check spelling in the Demolition Construction Notes.
   b) Note labels R-1, R-2, and R-3 listed in the notes are not shown on the plan drawing.
   c) Check with property owner and parking managers (State, DART, and City) in regards to removal/savage options for small building in northwest corner and bus shelter elements. (Note R-5)
   d) Clarify why some storm drain pipes, catch basins, etc. are removed and others are abandoned.
   e) Add any notes regarding the environmental provisions related to demolition and property redevelopment.
   f) Tree protection measures should be identified on this sheet with reference to other sheets which contain details.
   g) On the western parcel label R-12 is incorrect; label as R-13.

9) On the Landscape Plan, Sheets L-101 and L-102:
   a) The base plan utilized for the Landscape Plan does not match the proposed Site Plan and as such there is the potential for conflicts and significant elements are missing such as sidewalks and site furniture. Revise to current plan.
   b) Check proposed plantings near the Lands of Richter as there appears to be a conflict with an existing tree.
   c) Check tree at the north end of the public alley. It is unlabeled.
   d) Review Historic District Commission Recommendation Report as tree plantings were recommended as a landscape element between the street and parking lot.
   e) Check the total site area square footage to ensure it matches Sheet C-001.
   f) Add detail for bench.
   g) Correct line of dots in the General Landscape Notes.

10) Additional evaluation and review of this project as proposed may be necessary due to the environment contamination in this area and/or the site's potential participation in any environmental remediation program.
   a) Provide additional information on the monitoring wells located on the site i.e. are they to remain or relocated, who's responsible for, etc.
   b) Provide copies of any agency approvals/permits to the Planning Office so that we may be aware of any specific conditions of redevelopment.

11) The construction of the parking lot entrances must comply with the requirements of DelDOT and the City of Dover Public Works Division.

12) The Historic District Commission recommends conditional approval of the Architectural Review Certificate for the construction of the project. See attached Recommendation Report for recommended conditions.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

1) Staff recommends approval of the Conditional Use to permit the development of the western parcel as a parking lot. This will provide an opportunity for off-street parking as on-street parking is limited with the adjacent blocks.

2) Staff recommends conditional approval of the Architectural Review Certificate for the project finding the overall site development to have followed the guidelines for parking lots within the Historic District in that the parking lot layout, the materials and design details are complementary of the Historic District.
   a) Staff provided a series of recommendations and comments regarding the Architectural Review Certification and review of the project for compliance the *Design Standards and Guidelines*. These items were previously identified during the review of the project by the Historic District Commission. See HDC Recommendation Report.

3) Waiver Request: The following is the Staff recommendation regarding the waiver requests.
   a) Partial Elimination of Curbing: Staff recommends approval of the request to eliminate the curbing for specific areas of the parking lot. It appears that the elimination of curbing will allow existing drainage patterns to continue for certain areas of the site.
   b) Elimination of Opaque Barrier (fence component): Staff recommends approval of the request to eliminate the fence component of the opaque barrier finding that there are existing fences on the adjacent residential properties and that the Red Cedar tree plantings will serve as an appropriate vegetative buffer between the parking lot and the residential properties. The implementation of the opaque fence component (on the parking lot property) will result in the vegetation being located in a confined area which will impede growth and maintenance.

4) Staff recommends that the gaslight style light fixtures continue to be utilized for the site lighting internal to the parking lot.

5) Staff recommends the condition of installing trash cans on site if deemed necessary by Planning Staff in the future (in accordance with the *Zoning Ordinance* provisions*)*. These would be small trash cans (street furniture size) to be placed near the bench seating areas and with provisions made for maintenance (trash collection).

ADVISORY COMMENTS TO THE APPLICANT:

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

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

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 other agencies providing comments. 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) In the event, that major changes and revisions to the Conditional Use/Site Plan or building design occur in the finalization of the Site Plan contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, Historic District Commission, or other commissions making recommendations in regards to the plan.

5) The property owner will need to coordinate the removal of the existing parking meter with the City's Public Works Office on behalf of the Downtown Dover Partnership. This is noted on the Demolition Plan sheet.

6) Construction and demolition will have an effect on the adjacent property owners, employees of adjacent buildings, and nearby sidewalks and streets. Any work requiring the closing or rerouting of potential customers, employees or visitors to the adjacent properties (including those who park in the existing parking lot) and streets or alley should be coordinated as to offer the least amount of inconvenience. Careful consideration will need to be given to the access to other properties which requires the crossing of these properties or travel over the public alley.

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

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

9) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover. A Building Permit will be used to track the completion of the project in accordance with any approvals granted. The Building Permit submission must comply with the conditions of approval of the Architectural Review Certification.

10) The applicant shall be aware that Site Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. The installation of certain types of signs requires a Sign Permit from the City of Dover prior to placement of any such sign.

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: FEBRUARY 3, 2011

CITY OF DOVER

PUBLIC UTILITIES

DEPARTMENT

APPLICATION: **Courthouse Parking Lot, West Water Street**

FILE #: **S-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

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

WATER

1. All water utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
   b. Any existing water lines identified on this property at any time during the course of the project must be properly abandoned at the mains in accordance with the City of Dover Public Utilities Department specifications and requirements.
   c. The site contractor shall contact the City of Dover Public Utilities Construction Manager at (302) 736-7070 prior to the start of construction.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Any existing sanitary sewer lines identified on this property at any time during the course of the project must be properly abandoned at the mains in accordance with the City of Dover Public Utilities Department specifications and requirements.

STORMWATER

1. None.

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices.
2. 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 three (3) months notice prior to construction. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is now available on the website at the following link: http://www.cityofdover.com/departments/electric/documents/.

WATER / WASTEWATER / STORMWATER / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC / WATER / 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.

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF SOIL AND WATER CONSERVATION
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

OFFICE OF THE DIRECTOR

TELEPHONE: (302) 739-9921
FAX: (302) 739-6724

Memorandum

DATE: February 3, 2011

TO: Dawn Melson-Williams, Planner
City of Dover

FROM: Elaine Z. Webb, P.E., Engineer IV EZW
Sediment & Stormwater Program

RE: Development Advisory Committee
S-11-03 Courthouse Parking Lot on West Water Street

CC: Jamie Rutherford, Program Manager

Please accept the following comments from DNREC Sediment and Stormwater Program in regards to the above referenced application:

1. A detailed sediment and stormwater management plan must be approved prior to any land disturbing activity taking place on the site. The DNREC Sediment and Stormwater Program will be the approval agency for this project. The consultant has already met with our office to discuss the stormwater management design for this project.

2. A Notice of Intent for Storm Water Discharges Associated with Construction Activities and the $195 NOI fee must be submitted to DNREC prior to any construction activity taking place on the site.

3. This site discharges to the Tar Ditch which has well-documented drainage problems. DNREC has recommended to the consultant that they evaluate this site's post-development impact to the Tar Ditch watershed by inserting developed site information into the Tar Ditch Watershed Study. Because of this site's location at the lower end of the watershed, it is anticipated that a waiver of stormwater quantity management will be granted for the site; however, this must be justified through modification of the Tar Ditch Watershed Study.

4. Stormwater quality management must be provided for all new and redeveloped areas of impervious on the site. Green Technology BMPs including bioretention, biofiltration swales, and filter strips must be given first consideration in meeting the stormwater quality management requirements for the site. Given the restrictions on the site due to its brownfield status, infiltrating BMPs may not be applicable and other BMPs will be considered.

If you should have any questions, please do not hesitate to contact me at (302) 739-9921 or Elaine.Webb@state.de.us.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 3, 2011

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APPLICATION: Courthouse Parking Lot on West Water Street
FILE#: S-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 will require the applicant to provide the proper forms, fees, and plans in order to be issued an entrance permit.

2. The sidewalks on West Water Street must lie within public right-of-way. The Department will require the necessary right-of-way dedication or a permanent easement to accommodate the sidewalk.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 10, 2011

Dover/Kent County Metropolitan Planning Organization

APPLICATION: Courthouse Parking Lot on West Water Street

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

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

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

City of Dover Planning Commission 2/22/2011

Project Review

S-11-03 Courthouse Parking Lot on West Water Street

Pedestrian Access: The site has a non-standard sidewalk along Water Street. It is evident the owner/State will replace the sidewalk to conform with State standards. The Plans include one sidewalk to the interior of the site at the approximate center of the parcel. There are no sidewalks that connect the frontage walk with the interior at the drive entrances. The MPO suggests including sidewalks on the west side of the east drive and on both sides of the west drive.

Transit Access: This was the former transit hub for the City of Dover area. The hub was moved three blocks west, but in reasonable walking distance for transit riders. There are other existi8ng transit stops in the immediate area, nearest being at the Green and a similar distance on South Governors Ave, near Bank Lane. There will be sufficient transit access to the site, however, the Delaware Transit Corporation may require a stop at the facility. If this occurs, the stop should include a solid waiting surface and, ultimately, a shelter.

Bicycle Access and Facilities: There are several legs of the Statewide Bike routes that are in the immediate vicinity of the project site. Water Street has no other dedicated bike lanes and nonme are anticipated (though the Regional Bike Plan has not been completed). There are two bike racks proposed for the site If the intended users of the parking lot are jurors and others with appointments at the Courts, facilities make more sense closer to the Courthouse.

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

WAIVER REQUEST

WATER STREET PARKINGLOT,
KENT COUNTY COURT HOUSE
OPAQUE BARRIER REQUIREMENTS

REQUEST: We request that the opaque barrier be eliminated and that only the continuous evergreen screen be required for the landscape requirements.

EXTENT OF THE REQUEST: By code, visual and sound screening shall be provided on a non-residential use when abutting a residential use. The buffer shall include an opaque barrier and landscaping. We are requesting a waiver to eliminate the opaque barrier portion of the buffer and to require only the landscaping portion of the buffer. Currently, both the Brown Estate and the Richter property contain fences. The Richter property contains a wooden stockade fence, which would meet the requirement of an opaque barrier for a portion of the property, however. We are requesting a waiver from the opaque component of the provision for the remainder of both properties. We feel that the installation of fencing next to existing fencing on both properties would be excessive and unnecessary. We are proposing to continue the planting of Red Cedar trees northward to the Brown Estate in order to meet the landscape screening provision within Article 5, section 24.

BASIS FOR REQUEST:

Article 5, section 7.24 of the City of Dover Zoning Code states that the Planning Commission may waive the requirement for the opaque barrier and require only a durable and continuous evergreen screen in cases where noise is not a concern and the vegetation is considered a desirable aesthetic alternative. We believe that noise is not a concern thus the request to eliminate the opaque barrier.

WAIVER REQUEST

PROPOSED CURB ALONG NORTHERN PARKING AREAS
WATER STREET PARKING LOT

CURBING REQUIREMENTS

REQUEST: We request that portions of the required upright concrete curbing along portions of the parking lot's northern boundaries be waived by the Planning Commission in order to maintain the existing drainage patterns for the area.

EXTENT OF THE REQUEST: By code, all permanent parking areas shall be enclosed with upright concrete curbing at least six (6) inches in height. We are requesting a waiver to eliminate portions of upright curbing to allow for the existing drainage patterns to remain unimpeded. Runoff generated by the northern properties adjacent to the parking areas currently discharge onto the site and across the parking area, south towards Water Street. Given that the current pavement elevations are to remain in unchanged, installation of curbing along the portions of the parking boundaries would impede the existing drainage patterns and prohibit the drainage from sheet flowing across the site and into the proposed stormwater management system. This obstruction of the existing drainage pattern would adversely impact the adjacent property owners by blocking the flow of stromwater drainage off their properties.

BASIS FOR REQUEST:

1. Article 6, section 3.6 (b) of the City of Dover zoning standards states that the Planning Commission may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. We are requesting that the existing stormwater drainage pattern not be impeded by the proposed curbing along the northern edge of the proposed parking facility on Water Street.

REQUEST FOR UTILIZATION OF
"COMBINED SPACES" PARKING PROVISION
Before the Dover Planning Commission
February 22, 2011

Applicants/Owners:	Colonial Investment & Management Company
Address:	9 East Loockerman Street
Location:	Northeast corner of East Loockerman Street and Legislative Avenue
Tax Parcel ID #s:	ED05-077.05-04-52.00-000
Present Use:	Professional Offices and Restaurant
Proposed Use:	Professional Offices and Restaurant
Zoning:	IO (Institutional and Office) H (Historic District)
Nature of Request:	To utilize the "Combined Spaces" provisions of the Parking Regulations within the *Zoning Ordinance* (Article 6, §3.8) to be able to lease parking spaces to the Post Office.
File Number:	MI-11-04

CITY OF DOVER PLANNING

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 10, 2011

APPLICATION: Proposed Combined Parking Facilities for Treadway Towers

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

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

Project Background:

Colonial Investment and Management has submitted a request to the Planning Commission for consideration of the parking for Treadway Towers, located at 9 East Loockerman Street, under the provisions of Article 6, §3.8 Combined Spaces. According to this section:

> 3.8 *Combined spaces.* When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the planning commission may reduce the total parking spaces required for that use with the least requirement.

Treadway Towers includes professional office space and a restaurant. Based on the information provided by the applicant, the parking requirement for the site based on current parking requirements in the IO (Institutional and Office Zone) is:

Office Space (one space per 300 SF of floor area)	20,317 SF	68 spaces
Restaurant (one space per four table seats & one space per three bar seats)	Restaurant seats – 360 Bar seats – 28 Patio table seats – 120	123 spaces

There are currently 140 parking spaces at Treadway Towers. The United States Postal Service has contacted Treadway Towers to request that they lease parking spaces at Treadway Towers for their employees. Approval of parking according to the above provisions for *Combined Spaces* would allow for Treadway Towers to lease spaces to the United States Postal Service for their employees to use.

In 2002, the Lobby House (now Fraziers) applied to the Planning Commission for an expansion of the restaurant and an addition of fourteen parking spaces. At that time, Colonial Investment and Management Company requested a parking reduction of 20 percent in accordance with the provisions of Article 6, §3.9 Adjustments to Parking Requirements. The Planning Commission denied the requested reduction.

In the current request to have the parking requirement set by the Planning Commission in accordance with the provisions of Article 6, §3.8 Combined Spaces, the applicant is requesting that the required parking for the site be set at 123 spaces, which is the requirement for the higher of the two uses. In order for the Planning Commission to grant this request, they must determine that the demand for parking spaces on the subject site occurs at different times for the different uses associated with the site. The peak demand for parking associated with the restaurant is during evening hours, when the offices are not in operation. The restaurant use generates its lunch time business primarily from downtown foot traffic and occupants of the Treadway Towers building. The spaces that would be leased to the United States Postal Service would be leased for employee parking between the hours of 6:00 a.m. and 3:00 p.m. The proposed leasing arrangement would schedule Treadway Towers parking for the Postal Service use during a period of operation that the restaurant use does not fully utilize its on site parking.

Staff Recommendation

In reviewing the request of the applicant to set parking for Treadway Towers in accordance with the provisions of Article 6, §3.8 Combined Spaces, Staff recommends in favor of the request. The two uses of office and restaurant have distinctly different peak parking demands. Additionally, the parking on site at Treadway Towers is typically underutilized, as demonstrated in the attached exhibits.

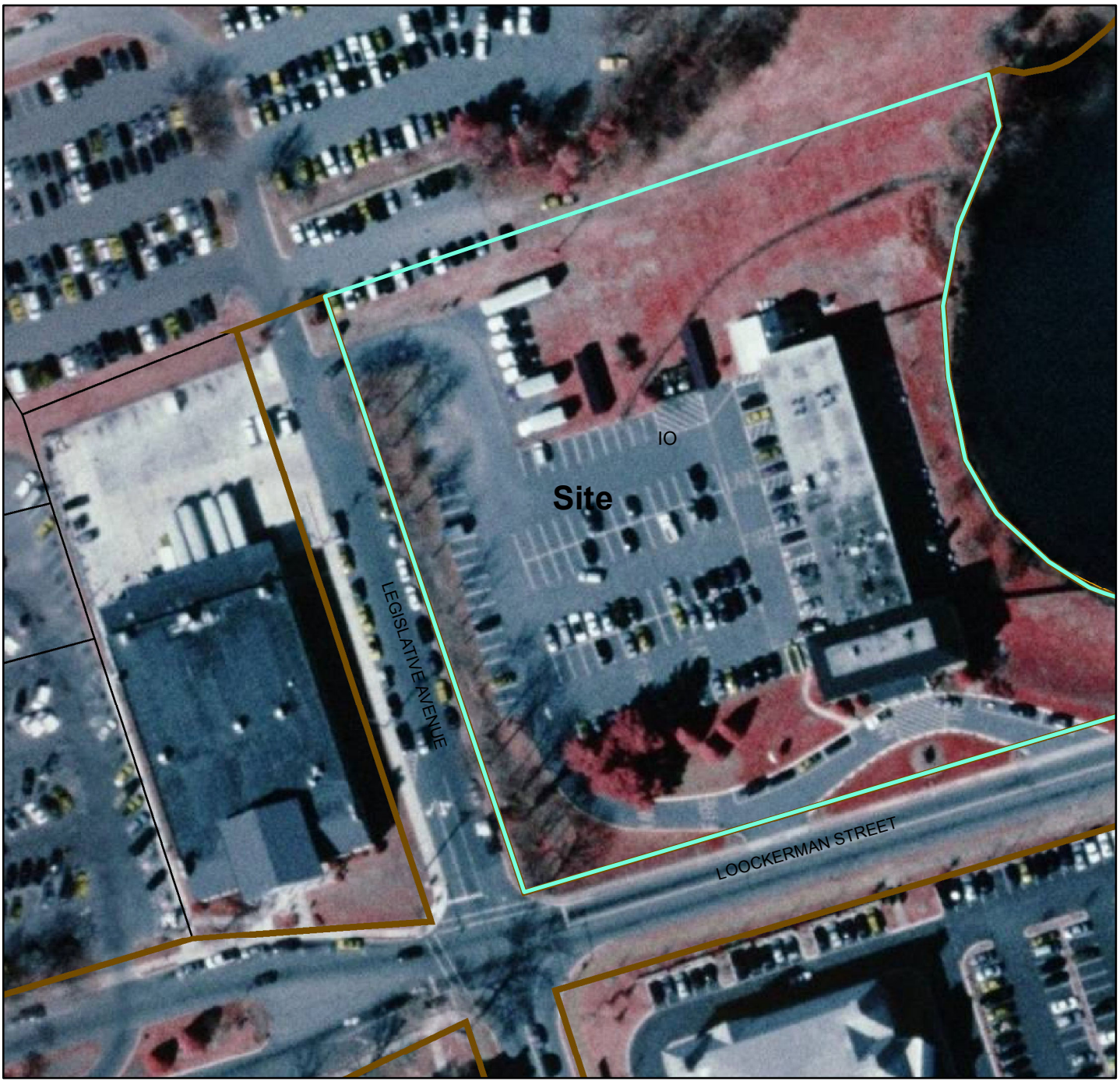
Attachments: Exhibit “A” – 2002 Aerial Photography of Site
Exhibit “B” – 2007 Aerial Photography of Site
Exhibit “C” – 2009 Aerial Photography of Site

City of Dover

Department of Planning & Inspections

Application No.: MI-11-04

Exhibit A



2002 Aerial Photography of the Subject Site
Plan Title: Treadway Towers
Location: 9 East Loockerman Street
Plan Type: Combined Parking Request
Tax Parcel: ED05-077.05-04-52.00-000
Zoning: IO and H
Owner: Colonial Investment & Management Company
Date: February 10, 2011

Legend

Dover Parcels

Zoning

0 60 120 240 Feet

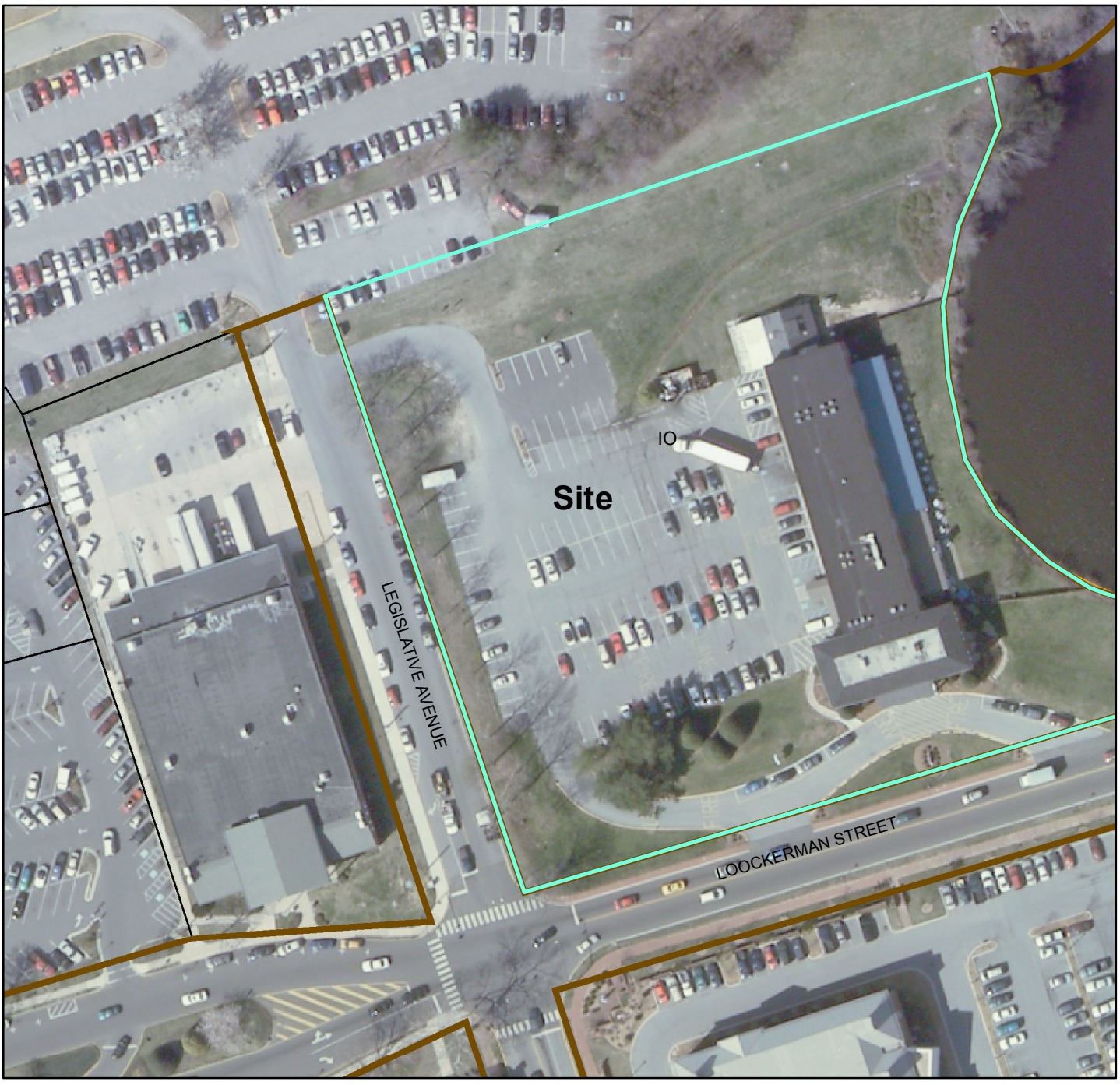
N W E S

City of Dover

Department of Planning & Inspections

Application No.: MI-11-04

Exhibit B



2007 Aerial Photography of the Subject Site
Plan Title: Treadway Towers
Location: 9 East Loockerman Street
Plan Type: Combined Parking Request
Tax Parcel: ED05-077.05-04-52.00-000
Zoning: IO and H
Owner: Colonial Investment & Management Company
Date: February 10, 2011

Legend

Dover Parcels

Zoning

0 60 120 240 Feet

N W E S

City of Dover

Department of Planning & Inspections

Application No.: MI-11-04

Exhibit C



2009 Aerial Photography of the Subject Site
Plan Title: Treadway Towers
Location: 9 East Loockerman Street
Plan Type: Combined Parking Request
Tax Parcel: ED05-077.05-04-52.00-000
Zoning: IO and H
Owner: Colonial Investment & Management Company
Date: February 10, 2011

Legend

Dover Parcels

Zoning

0 60 120 240 Feet

N W E S

Colonial Investment & Management Company
Suite 202, Treadway Towers
9 E. Loockerman Street
Dover, DE 19901
302-736-0674

RECEIVED
FEB 07 2011
CITY OF DOVER
PLANNING & INSPECTIONS

February 3, 2011

Ann Marie Townshend, AICP
Director, Planning & Community Development
City of Dover
15 Loockerman Plaza
Dover, Delaware 19901

Dear Ms. Townshend,

Colonial Investment & Management Company has received a request from the Dover Post Office to lease parking spaces in our Treadway Towers parking lot to them. It is our understanding that the post office's need is for employee parking (i.e. the spaces are not intended for fleet vehicles).

It has been our observation that the Treadway Towers parking lot is under-utilized, and is match for the combined spaces section of the zoning code cited below:

3.8 *Combined spaces.* When any lot contains two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of that use. Where it can be conclusively demonstrated that one or more such uses will be generating a demand for parking spaces primarily during periods when the other use or uses is not or are not in operation, the planning commission may reduce the total parking spaces required for that use with the least requirement.

Here is the information on the building:

Building office space: 20,317 square feet
Restaurant seating: 360 seats total, of which 28 seats are barstools. Also, 120 seats are on the patio, and therefore not in use for part of the year.

It is our understanding that the parking lot requirement, based on the peak restaurant seating capacity (i.e. including the seasonal outdoor seating) is 123 spots. Since the peak of the restaurant use is when the offices are not used, we are requesting a waiver to set the total building parking requirement at 123 spots based on the combined spaces section of the zoning code. The lunch time parking demand is not as great as the dinner time parking need, as there is significant foot traffic from nearby offices during lunch service. The current parking capacity of the Treadway Towers parking lot is 140 spots. This would create the opportunity to lease up to 17 spots to the Dover Post Office for their parking needs. It is our understanding that the post office's need for parking would be from 6 am until 3 pm, and therefore those parking spaces would become available for dinner time and evening parking for the restaurant.

Thank you for your consideration of this matter.

Sincerely,

Bob Munion
Colonial Investment & Management Company

City of Dover

DATA SHEET and REQUEST REVIEW COMMENTARY
Consideration of Pattern Book Guidelines Interpretation

PLANNING COMMISSION MEETING OF February 22, 2011

Project:	Eden Hill Farm – Traditional Neighborhood Design
Associated Plans:	Eden Hill Farm TND, Z-05-03 Residential District Implementation Plan, SB-06-03 Residential District Administrative Subdivision Plan: Record Plan and Construction Plans, SB-07-01 Eden Hill Farm TND: Residential District - Lot Revisions to Townhouses, MI-08-03 Eden Hill Farm TND Residential District: Townhouse Styles for Phase 2 and Pattern Book Revision for Duplex Lots, MI-10-14
Application:	**Eden Hill Farm TND Residential District: Phase 2 Lot Revisions, MI-10-20 (Administrative Plan review) Referred to Planning Commission for Consideration of Interpretation**
Location:	Eden Hill Farm TND Residential District is south of Wemyss Road located southeast of the intersection of West North Street and Saulsbury Road, Dover
Tax Parcel:	Subdivided areas of Residential District: ED-05-076.00-01-13.00-000
Applicants and Owners:	Hill Farm Associates, LLC
Area of TND: Area of Residential District:	272.04 acres +/- 109.2049 acres +/-
Zoning:	TND (Traditional Neighborhood Design Zone)

Request Description:
The applicant has requested Planning Commission consideration of Planning Staff's Interpretation of the Comprehensive Development Standards Manual (Pattern Book) Guidelines as associated with the required setbacks for Townhouse units, specifically the Side Yard Setbacks. (See Attachment C: Request Letter dated February 2, 2011.) The following report will provide background information on the project.

Eden Hill Farm TND: Previous Application Reviews and Plan Approvals
The following provides a summary of the project review process to date for the Eden Hill Farm TND: Residential District.

Date	Application Number	Plan Type	Action	Description
June 20, 2005	Z-05-03	Rezoning Application	Planning Commission recommendation of approval for rezoning to TND	Rezoning to TND including acceptance of the General Overall Master Plan and the Master Comprehensive Development Standards Manual (Pattern Book) with its Addendum of 6/9/05 for the project in accordance with the conditions of approval outlined in the Development Advisory Committee (DAC) comments
July 22, 2005	Z-05-03	Rezoning Application	City Council approval of rezoning to TND	Property rezoned to TND with General Overall Master Plan and Pattern Book
June 19, 2006	SB-06-03	Implementation Plan – Residential District	DAC May-June 2006; Planning Commission approval	Implementation Plan and Pattern Book Amendments
2007	SB-07-01	Administrative Subdivision Plan	Staff & Agency Review	Residential District – Record Plan and Construction Plan Set
September 10, 2007	SB-07-01	Record Plan – Residential District	Staff approval 9/6/07; Record Plan recorded	Record Plan: Sheets 1-6 with parcels and street layout
December 10, 2007	SB-07-01	Final Construction Plans	Staff & Agency Approval	Final Construction Plan set and Final Comprehensive Development Standards Manual (Pattern Book)
July 29, 2008	MI-08-03	Record Plan Revisions in Phase 1; Construction Plan revisions; Pattern Book Addendum on Townhouse Lots	Planning Commission approval 4/21/2008 and 5/19/2008	Established a series of lot widths for townhouse units (20 ft, 22 ft, 24 ft, and 25 ft) (Addendum III) Included review of architecture for the initial townhouse units Revisions to lots in Phase 1 - Record Plan recorded; Revised Final Construction Plan sheets
February 5, 2009	MI-08-20	Record Plan – Revisions to Lot 1: Condo into Duplex Lots	Staff approval and Record Plan recorded	Record Plan: Sheet 1 and Administrative Site Plan
March 16, 2009	MI-09-03	Pattern Book Revisions on Duplex Lots	Planning Commission approval 3/16/2009	Reduced Duplex Building Restriction Line (setback) to 15 feet Pattern Book sheet (page 40) to be revised (Addendum IV)
October 26, 2009	MI-09-13	Record Plan Revisions to Lots 4 and 5: Condo into Townhouse Lots, Construction Plan revisions	Staff and Agency Review and approval; Record Plan recorded	Record Plan recorded; Revised Final Construction Plan sheets
March 3, 2010	MI-10-04	Record Plan Revisions to Lots 2F, 2G, and 2H	Staff Review and Approval	Minor Lot Line Adjustment Plan affecting three lots; Record Plan recorded
November 15,	MI-10-14	Pattern Book	Planning	Request to continue use of Phase 1

2010		Implementation for Townhouses and Revisions for Duplex Lots	Commission approval with conditions on 11/15/2010	Townhouse Architecture Styles into Phase 2; Series of Pattern Book Revisions for Duplex Lots (Addendum V)
December 10, 2010	MI-10-20	Phase 2 Lot Revisions	Staff and Agency Review of Record Plan and associated Site Plan revisions; Comments issued	Minor Lot Line Adjustment Plan to reconfigure single units to duplex units and revise townhouse lots from 25 ft. width to 20 ft. width. Also revisions to Site Plan for infrastructure construction.

RESIDENTIAL DISTRICT SUMMARY

The *Residential District* component of the Traditional Neighborhood Design project known as Eden Hill Farm was originally approved to subdivide this tract into 461 lots for a total of 665 dwelling units. The Plan Set for the *Residential District* depicted the development and the associated elements such as the subdivision entrance access, public street and alley network and street section design, pedestrian network, building sites, parking areas, stormwater management, Active Recreation Area (parks and Community Center building), open space and landscaping. As approved the development offers several housing types including single family detached units in three styles: courtyard lots, carriage house lots, and cottage lots; duplex units; townhouse units in four lot widths; and condominium units in two types: 12 unit buildings and 24 unit buildings.

The Implementation Plan of 2007 for the *Residential District* set the lot and street layout in compliance with the Master Plan and a recorded Record Plan along with Final Plan Approval granted to the associated Construction Plan. During 2008-2010, several revisions to the *Residential District* were made affecting the Record Plan relating to lot revisions in the Phase 1 area including approvals for the subdivision of five condominium lots into duplex and townhouse lots.

Comprehensive Development Standards Manual (Pattern Book)

The approved Final Pattern Books for the *Eden Hill Farm Residential District* consists of the Eden Hill Farm Pattern Book 1st Edition 5/6/2005 with Addendum I of 6/9/2005 and Addendum II of 5/5/2006; and by reference the Townhouse Lot Revisions of March 7, 2008 (Addendum III: townhouse unit lot widths), Revised page 40 (Addendum IV: Duplex Building Restriction Line revisions) of May 21, 2009, and the Duplex Lot Revisions as approved by the Planning Commission on November 15, 2010 (Addendum V). In November 2010, after approving additional revisions to the Pattern Book the Planning Commission prescribed the requirement that a Final Pattern Book for the *Residential District* be prepared.

The Pattern Book sets the guidelines for development within the Traditional Neighborhood Design project. The Pattern Book describes the architectural precedents for each housing type in Section A: Introduction. Then the Pattern Book in Section C: Community Patterns: Residential describes the concepts for each housing type. These pages establish the standards for the building restriction lines and porch restriction lines thus creating the buildable area on each lot; garage placement options of detached and attached garages with alley access, etc. The Pattern Book in Section D: Architectural Patterns (pages 63-71) describes the various design elements for the

Residential District, specifically elements including Windows & Doors, Dormers & Bay Windows, Porches, Materials, and Accessory Structures. For each specific element, the Required, Encouraged, and Prohibited elements are given.

MI-10-20 Project Chronology Related to Interpretation Review Request:

November 15, 2010 Planning Commission grants conditional approval associated with development of Phase 2 including Townhouse Architecture styles and Lot Type Revisions (MI-10-14)

- With Application MI-10-14, the Planning Commission approved the use of the twenty (20) foot wide townhouse lot width into the northern portion of Phase 2 for the area extending south of Phase 1 to the street named Little Eden Way. Variation in the number of townhouse units grouped together was also be evaluated for implementation in the area of Phase 2.

November 19, 2010 Response to inquiry from applicant on townhouse setbacks: Email sent by Planning Staff regarding the guidelines for Townhouses (Scenarios for setbacks) as established in Pattern Book.

November 24-December 9 Public Utilities Department reviewing and commenting on plan submission for proposed Utility Revisions in Phase 2 to accommodate revised lot layout.

December 10, 2010 Phase 2 Lot Revisions Plan (MI-10-20) first submitted to Planning Office for review.

December 16, 2010 Public Utilities Office issues approval of Phase 2 Utility Revisions

- The Department of Public Utilities issued approval of the revised water and wastewater utility plan of the Phase 2 Utility Revisions (plan dated 12/8/2010) in a letter dated December 16, 2010. The letter advised that the approval was being granted prior to the Planning Department's approval of the proposed lot line revisions and that proceeding to construction was at the applicant's own risk.

January 6, 2011 MI-10-20 Plan Review Comment Letter on Phase 2 Revisions issued by Planning Office (Attachment A)

January 7, 2011 Letter from Northpoint Engineering regarding Townhouse setback Interpretation on Phase 2 Lot Revision plan review. (Suggests a meeting with Staff) (Attachment B)

January 20, 2011 Meeting of Planning Staff and representatives of Hill Farm Associates to discuss townhouse setbacks as interpreted

February 2, 2010 Letter Requesting Planning Commission consideration of Pattern Book

Interpretation of Townhouse Setbacks (Attachment C). A series of plan sheets and Pattern Book pages also submitted (Attachments D, E, and F)

Summary of Plan Review of MI-10-20:

The subject area of the Residential District: Phase 2 involved in this submission is between Ann Moore Street and Little Eden Way and from Ruth Way to Alley P (west of Eden Hill Boulevard). This involves various properties on Ann Moore Street, Ruth Way, Ridgely Boulevard, and Little Eden Way. The new Record Plan set would supersede the currently recorded plan information pertaining to this portion of Phase 2.

The Planning Staff reviewed the Administrative Plan submission (MI-10-20) consisting of the Record Plan Sheets (R-1 and R-2) and Utilities Plan Sheets associated with the Revisions to the residential lots in Phase 2 of the Eden Hill Farm TND: Residential District. The application proposed conversion of four existing lots designed for single family units on the west side of Ruth Way into a series of eight lots for duplex units (Lots 390-393). The application also proposes revisions of a series of existing townhouse lots to twenty (20) foot widths (Lots 81-85, 91-95, 96-105, 106-115, 116-125, and 126-130). Review Comments were issued on January 6, 2011 (See Attachment A).

In the Review Comments, Planning Staff determined significant lot compliance issues related to an area of Townhouse Lots that were being converted from twenty-five (25) foot width lots to twenty (20) foot width lots. The following comment was issued:

> ***Lot Compliance Issues: As proposed the block between Ridgely Boulevard and Little Eden Way (Lots 96-135) DOES NOT comply with the lot widths necessary to comply with the setback requirements for townhouse units. This portion of the plan must be revised.*** *Specifically, the side yard setbacks between the second pack and third pack of townhouse units do not achieve the necessary setbacks. This occurs with Lot 101B and 102A; Lot 109 and Lot 110A; Lot 120B and 121A; and Lot 128 and 129A. The side yard setbacks between the first pack and second pack are permitted to be five feet on each lot (total of 10 feet separating the building packs). However, the side yard setbacks between the second pack and third pack must comply with the end unit provisions of a Building Restriction Line of 15 feet with Porch Restriction Line of 10 feet for each lot (total of 30 feet separating the building packs).*

Review for Compliance with *Residential District* Pattern Book:

The Planning Staff reviewed the Pattern Book and approved Record Plans for information on the layout of Townhouse Lots. The Pattern Book (and its approved revisions in Addendums I-V) describes the variation in lot widths of townhouses lots. Specifically the lot widths are in the following variations: twenty (20) foot wide townhouse lots, twenty-two (22) foot wide townhouse lots, twenty-four (24) foot wide townhouse lots in addition to the twenty-five (25) foot wide lots. The townhouse lots are served by alleys. The Pattern Book in Section C: Community Patterns establish the standards for the building restriction lines, porch restriction lines thus creating the buildable area on each lot; garage placement options of detached and attached garages with alley access.

The setbacks are depicted graphically with Lot Type diagrams. (See Attachments E and F). They

also can be summarized by the following chart.

TOWNHOUSE LOT SETBACKS

Unit Type	**Setback**	**Setbacks**	**Description of Source**
Townhouse	Front Yard	Building Restriction Line: 20 feet or 15 feet* Porch Restriction Line: 15 feet or 10 feet*	Pattern Book page 40 amended by Pattern Book Addendum II, etc. *Record Plans for *Residential District*
	Front Yard for Corner Lots (at intersection of two streets or a street and an alley)	Two Front Yards each with: Building Restriction Line: 15 feet Porch Restriction Line: 10 feet	
	Rear Yard	Building Restriction Line: 20 feet or Building Restriction Line: 5 feet for detached garage	
	Side Yard (between two building groupings)	Building Restriction Line: 5 feet	
	Side Yard for End Units (Also utilized between two building groupings)	Building Restriction Line: 15 feet Porch Restriction Line: 10 feet	
	Side Yard for Corner Lots adjacent to Open Space Areas	Building Restriction Line: 15 feet Porch Restriction Line: 10 feet	
	Side Yard (between building groupings when more than two groupings are in a block series)	*Building Restriction Line: 15 feet* *Porch Restriction Line: 10 feet* *Between the first set the side yard setback of 5 feet per lot may be used.*	*Planning Staff Interpretation from Pattern Book intent*

The Pattern Book does not depict every possible lot layout or building grouping configuration; therefore, some interpretation is necessary. Key concepts in Planning Staff's determination of Setbacks when multiple groupings of townhouse units are proposed:

- The setbacks between two groupings of Townhouse Units were presented in the Pattern Book with two options for side yard setbacks: setback of 5 feet per lot (total of 10 feet between units) or setbacks of 15 feet with porch setback of 10 feet (total of 30 feet between units).

- The Pattern Book did not discuss or present information on the lot layout and setbacks to be implemented when more than two groupings of Townhouse Units were planned within the same block.

- The Pattern Book is intended to present the 'general character' of the project with the images in the Pattern Book giving examples of the precedents to aspire to and concepts and guidelines of the new buildings to be constructed. For a Traditional Neighborhood Design project, the people are important to help establish the sense of community through interaction opportunities i.e. pedestrian movement, porches, open space, building placement, etc.

- The Pattern Book specifically notes that corner units are an important "terminus to a block of townhouses" and goes on to describe design elements to "help turn the corner and give the façade more character." (Pattern Book, page 48) Ways to achieve this would include wrap-around porches, side entries, a larger unit design for end units, and other design elements.

- The buildable areas established for each lot should provide the opportunities for unique architecture especially on the end units or corner units. As presented in the Pattern Book, groupings of two Townhouse Buildings have a minimum of two opportunities to address the end unit or corner units in a more significant manner. This is achieved with a lot of a wider width in order to accommodate a larger buildable area for the building and porch. Also depicted on the Record Plan were lot layouts with the ability to have four special end/corner units for a two groupings of Townhouse Units (the two end units of each building).

- The increased use of porches or enhanced covered entries for main entrances on the front elevations and/or side elevations of the units is often a feature of Traditional Neighborhood Design projects. In the Eden Hill Farm TND, all lots (except condominium lots) have a designated porch restriction line that allows this element to be closer to the street or side property line than the other portions of the building. Porches are key elements of the precedents for the District and encourage interaction.

- The utilization of variation in the number of units grouped together within a street block

such as groupings of two, three, four units, etc. is encouraged.

In the subject block area in Phase 2 along Ridgely Boulevard and Little Eden Way, the current Record Plan depicts two groupings of 5 lots each (total of 10 lots) with the opportunity for four special end/corner units on the four end units in the block. The applicant's proposal for three groupings of 5 lots, three lots, and 5 lots (total of 13 lots) and their proposed lot layout results in the ability for only two special end/corner units of the six end units in the block.

APPLICANT'S REQUEST

The applicant is requesting consideration of the Interpretation for the Side Yard Setbacks when a block has more than two groupings of buildings. They are seeking to use the Side Yard Setback of 5 feet per lot (total of 10 feet between buildings) for all side yard spaces between buildings in order to accommodate a total number of thirteen townhouse units in the 20 foot wide style. See Letters submitted: Attachments B and C and Attachment D: Proposed Phase 2 Lot Layouts (Sheet R-1 and R-2) and Attachments E and F: Pattern Book pages 40 and 40-Additional Info.

Action of the Planning Commission

As the Applicant is seeking a different Interpretation (from Planning Staff) of the Side Yard Setback requirements of the Pattern Book, this Request has been forwarded to the Planning Commission for consideration. The Planning Commission should take action to establish the required side yard setbacks based on their interpretation of the Pattern Book and the objectives of the Traditional Neighborhood Design Option (*Zoning Ordinance,* Article 3 §28).

Advisory Comments and Recommendations:

1) The action taken by the Planning Commission to establish and clarify the minimum standards for the buildable areas on each Townhouse lot including the setbacks (Building Restriction Line and Porch Restriction Line) should be documented for inclusion in the Pattern Book for future reference.

2) The lot compliance issues noted above may impact the placement of water and sewer services for the lots especially in the block between Ridgely Boulevard and Little Eden Way. The applicant is advised that any utility changes necessitated will need to be reviewed and approved by the Public Utilities Department.

3) The applicant is also reminded of the Planning Commission requirement that the applicant complete revisions to the Pattern Book in order to produce a Final edition of the Pattern Book for the Residential District that is current and includes all approved revisions to date (Addendums I-V). While the Planning Commission (in November 2010) did not set a deadline for completion of this task, Planning Staff encourages its completion and submission of a final draft for review in a timely manner. Any delay impacts the ability for Staff to complete efficient plan and permit reviews for the development.

4) The presentations of the townhouse unit types are examples for the elevations and building placements on lot layouts. Alternative designs (other than those pictured) may also be in compliance with the Pattern Book guidelines. Administrative review of each proposed dwelling unit/building occurs at the time of Building Permit submission to ensure compliance with the Pattern Book.

5) In the event, that changes and revisions to the plan or Pattern Book contact the Planning Office. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other commissions making recommendations in regards to the plan.

6) The applicant/developer shall be aware that prior to any ground disturbing activities or start of construction activities on the site the appropriate plan approvals, infrastructure improvements, site inspections, Pre-Construction meetings, and permits are required.

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

City of Dover

January 6, 2011

Ms. Laura R. Swiski, P.E.
Northpoint Engineering
102 Robino Court, Suite 203
Newport DE 19804

RE: Eden Hill Farm – TND Residential District: Phase 2 Lot Revisions MI-10-20 Review of Administrative Plan submission received 12/10/2010 (Plan dates of 12/8/2010 and 12/9/2010)

Dear Ms. Swiski,

The Planning Staff has reviewed the Administrative Plan submission consisting of the Record Plan Sheets and Utilities Plan Sheets associated with the Revisions to the residential lots in Phase 2 of the Eden Hill Farm TND: Residential District. This application proposes conversion of four existing lots designed for single family units on the west side of Ruth Way into a series of eight lots for duplex units (Lots 390-393). The application also proposes revisions of a series of existing townhouse lots to twenty (20) foot widths (Lots 81-85, 91-95, 96-105, 106-115, 116-125, and 126-130). This revision qualifies to be reviewed under an administrative review process.

The subject area of the Residential District: Phase 2 involved in this revision is between Ann Moore Street and Little Eden Way and from Ruth Way to Alley P (west of Eden Hill Boulevard). This involves various properties on Ann Moore Street, Ruth Way, Ridgely Boulevard, and Little Eden Way. This new Record Plan set would supersede the currently recorded plan information pertaining to this portion of Phase 2.

This is the fifth revision to the lots originally approved in the Implementation Plan for the Residential District by the City of Dover's Planning Commission in June 2006 (SB-06-03). The current submission will result in an overall unit count for the Residential District of 651 units. The approved overall unit count is 665 units for the Residential District. Planning Staff continues to monitor the changes in unit count noting a concern regarding the impact to the overall density and intent of the Traditional Neighborhood Design project.

Pertaining to Phase 2 of the Eden Hill Residential District, the Planning Commission at its meeting of November 15, 2010 took action on application MI-10-14 to allow the continuation of Townhouse Architectural Styles from Phase 1 into Phase 2 of the development and also addressed revisions to Pattern Book for Duplex Lots. (See Notice of Decision Letter dated December 13, 2010.) The following actions of the Planning Commission are specifically related to the review of this current application:

1. Approved the use of the twenty (20) foot wide townhouse lot width into the northern portion of Phase 2 for the area extending south of Phase 1 to the street named Little Eden Way. Variation in the number of townhouse units grouped together will also be evaluated for implementation in the area of Phase 2.

2. Approved the revision of the four (4) northernmost single family detached house lots in Phase 2 located along Ruth Way north of Little Eden Way to duplex units. These lots are the following: Lots 390, 391, 392, and 393 which are located on the west side of Ruth Way north of Eden Park. The use of front access to the lot with a front loaded garage is permitted for these duplex lots only as these will be duplex lots without alley access. Additional conditions were also established pertaining to the required style of the garage doors and other architectural detailing for the buildings.

3. Required that the applicant work with Planning Staff to improve the building architecture of the townhouse units and duplex units and provided guidance on how to approach the issue. Of particular concern were the residential units that are corner units or located at street intersections.

Based on the Planning Office review of this Plan submission (MI-10-20), the following comments are provided:

Record Plan Set for Residential Subdivision: Phase 2 Revisions (Sheets R-1 and R-2)
The submission for review consists of the Record Plan Sheets R-1 and R-2 which presents an overall Residential District Plan and then focuses on the revisions within the northern portion of Phase 2.

1. Update the Site Data column to reflect the correct tax parcel numbers for the lots involved. The parcel numbers listed of ED-05-076.04-01-4.00-000 and ED-05-076.04-01-5.00-000 are the previous numbers assigned to Lots 4 and 5 prior to their resubdivision. A chart listing the existing parcels involved in this revision in Phase 2 by lot number and tax parcel number would be appropriate.

2. Clarify if total site area listed is for the entirety of Phase 2 or is for this proposed area of revision in Phase 2.

3. On Sheet R-1, add labels to the alleys in the plan drawing using the format of "Alley A."

4. Add a note pertaining to the use of the approved Comprehensive Development Standards Manual (Pattern Book) for the street, sidewalk, block, lot, and development design standards for development activities within this Traditional Neighborhood Design (TND) project. A previous statement to this effect is missing from the Data Column.

5. **Lot Compliance Issues: As proposed the block between Ridgely Boulevard and Little Eden Way (Lots 96-135) DOES NOT comply with the lot widths necessary to comply with the setback requirements for townhouse units. This portion of the plan must be revised.** Specifically, the side yard setbacks between the second pack and third pack of townhouse units do not achieve the necessary setbacks. This occurs with Lot 101B and 102A; Lot 109 and Lot 110A; Lot 120B and 121A; and Lot 128 and 129A. The side yard setbacks between the first pack and second pack are permitted to be five feet on each lot (total of 10 feet separating the building packs). However, the side yard setbacks between

the second pack and third pack must comply with the end unit provisions of a Building Restriction Line of 15 feet with Porch Restriction Line of 10 feet for each lot (total of 30 feet separating the building packs).

a. Following review of the Pattern Book standards, the Planning Office provided guidance in an email to the project engineer dated November 19, 2010 on the setbacks for townhouse units in response to your inquiry about side yard setbacks.
b. It appears that a combination of townhouse grouping series of a five unit pack, a three unit pack, and a four unit pack may work for each segment of the block between the street corner and the open space area.

6. The Duplex lots on Ruth Way comply with the necessary lot widths. However, the placement of the Glyndon style unit on these lots will be very tight with a lot width of 33.93 feet or 33.85 feet as the basic width of the Glyndon unit is 28 feet then a side yard setback of five feet (total of 33 feet).

7. On Sheet R-2:
   a. Highlight or more clearly identify the extent of the area of revision.
   b. Add the setbacks to the plan drawing for each property involved in the revision. The scale of the drawing may need to be changed so that this information may be readable. In addition, a data column also listing information on the setbacks may also be provided. See summary below.

      Duplex Units
      Front Yard*: Building Restriction Line 15 feet and Porch Restriction Line 10 feet
      Side Yard setback 5 feet
      Rear Yard setback 5 feet
      *For corner lots with two street frontages, the secondary front has a Building and Porch Restriction Line of 10 feet.

      Townhouse Units
      Front Yard*: Building Restriction Line 15 feet and Porch Restriction Line 10 feet
      Side Yard setback (between two building packs) 5 feet
      Side Yard setback for end units**: Building Restriction Line 15 feet and Porch Restriction Line 10 feet. This also applies for series of building packs when greater than two packs are located in the same block.
      Rear Yard setback: 20 feet or 5 feet for lots with detached garage
      *For corner lots with two street frontages or street and alley frontage, the second front has a Building Restriction Line of 15 feet and Porch Restriction Line of 10 feet
      ** For corner lots adjacent to open space areas, the Side Yard setback: Building Restriction Line of 15 feet and Porch Restriction Line of 10 feet

   c. Label the two sections of Jacob Jones Square with park name, parcel size, and tax parcel number. Complete the same for Eden Park (move and update current label hidden in drainage easement hatching).
   d. Provide the width of the alley right-of-ways.
   e. Label the drainage easement south of Ridgely Boulevard (and move park label).
   f. Add note referencing sheet R-1 for notes and other development information.

8. Staff notes that a portion of the lots proposed for revision (Lots 131-135) are actually within Phase 6. However, Staff will allow for the revision as it is located within the same

subject block as other property line adjustments.

9. It is recommended that the developer and builder discuss with Planning Staff the proposals for revisions the building architecture of the townhouse units and duplex units (overall concept and for specific lots) in order to meet the conditions established by the Planning Commission. This discussion should occur prior to the submission of Building Permits or the marketing of the lots for sale as it impacts the ability of Staff to confirm Pattern Book compliance for each residential unit.

10. This northern portion of Phase 2 includes two areas of open space known as Jacob Jones Square. As part of complying with the Active Recreation/Open Space requirements for the development, these areas will need to be constructed along with the residential units in this block between Ridgely Boulevard and Little Eden Way.

When all necessary revisions have been made to the Record Plan sheets, please submit a Check Print to the Planning Office for review. Once the plans are in compliance with the *Zoning Ordinance* and the Pattern Book you will be advised as to the final plan submission requirements.

This Revision to lots within Phase 2 also requires updates to the associated Construction Plan Set to meet all conditions of approval for the TND development. The applicant submitted copies of Utility Plan Sheets to address these items. The following comments are provided.

Utilities Plan Sheets:
The submission for review consists of two sheets entitled Utilities Plan Sheet (Sheets C-302 and C-304) which focus on items such as utility laterals, grading, etc.

1. **The lot compliance issues noted above may impact the placement of water and sewer services to certain lots especially in the block between Ridgely Boulevard and Little Eden Way.** The applicant is advised that utility changes necessitated will need to be reviewed and approved by the Public Utilities Department.

2. The proposed driveway location for Lot 393B conflicts with a sidewalk accessibility ramp and crosswalk.

3. Staff notes that some of the building example footprints depicted on plan sheet C-302 for lots in Phase 1 do not match the permits issued for development of the lots.

4. Staff notes that this plan sheet does not depict the street tree plantings in the subject area. From review of the Final Landscape Plan, it appears that a number of trees will need to be adjusted to accommodate the additional driveway locations along Ruth Way and to avoid utility services in other locations. Each individual townhouse lot and duplex lot will be required to include tree plantings and other landscaping. Tree planting requirements and guidelines are established by the Eden Hill Farm TND: Residential District Construction Plan Set and the associated Comprehensive Design Standards Manual (Pattern Book).

5. The project requires street lighting for the adjacent streets and alleys within the project area.

6. These updates/revisions to the plan sheets associated with construction activities were also reviewed by other agencies.
    a. The Department of Public Utilities issued approval of the revised water and wastewater utility plan of the Phase 2 Utility Revisions (plan dated 12/8/2010) in a letter dated December 16, 2010. The letter advised that the approval was being granted prior to the Planning Department's approval of the proposed lot line revisions and the proceeding to construction was at the applicant's own risk.
    b. The Kent Conservation District provided a comment of no objection to the proposed revisions. Following approval and recordation of this Revised Plan, copies should be provided to the Kent Conservation District so that their files can reflect the latest design information.
    c. The Office of City Fire Marshal has no comments on the plan as submitted per an email of December 22, 2010.

The applicant is also reminded of the Planning Commission requirement that the applicant complete revisions to the Pattern Book in order to produce a Final edition of the Pattern Book for the Residential District that is current and includes all approved revisions to date. While the Planning Commission did not set a deadline for completion of this task, Planning Staff encourages its completion and submission of a final draft for review in a timely manner. Any delay impacts the ability for Staff to complete efficient plan and permit reviews for the development.

Should you have any questions or wish to discuss any aspect of this correspondence, please contact me at (302) 736-7010.

Sincerely,
Department of Planning & Inspections

Dawn E. Melson-Williams, AICP
Principal Planner

CC:
Ann Marie Townshend AICP, Planning Director
Scott Koenig, P.E., Public Services Manager
Sharon Duca, P.E., Department of Public Utilities
Mark Prata, Hill Farm Associates
File SB-06-03
File SB-07-01
File MI-10-20

Northpoint Engineering
Civil Engineering - Land Planning - Landscape Architecture

January 7, 2011

Dawn E. Melson-Williams, AICP
City of Dover Planning
P.O. Box 475
Dover, Delaware 19903

RE: Eden Hill Farm – TND Residential District: Phase 2 Lot Revisions MI-10-20
Review of Administrative Plan submission received 12/10/2010
NPE Project 08-003

Dear Ms. Melson-Williams,

We have received your review letter dated January 6, 2011 regarding the above-mentioned project. We have concerns regarding your interpretation of the Pattern Book with regards to the permitted building setbacks between groups of townhouses. You indicated in your letter and in our subsequent conversation that you interpret the diagram on page 40 of the Pattern Book to mean that the 10' separation between townhouse groups would apply to only one set of two building groups. You indicated that if there were three groups of townhouses in a row, the third set of townhouses must have a building separation of 30' (rather than the 10' used for the first two groups).

We respectfully disagree with your interpretation. As stated in the document itself, the Pattern Book is a guideline only. It is not reasonable to believe that every possible combination of building groups would be included in the Pattern Book. Rather, a sample of each general type of setback is shown (eg. end unit townhouse next to a road; end unit townhouse next to another group of townhouse; and end unit townhouse next to open space or other lot. If you were to strictly interpret the diagrams shown on page 40, the only allowable configuration for townhouses are one group of 6 units or two groups of 5 units, adjacent to open space or another type of lot. That clearly is not what was intended by the Pattern Book.

Based on the use of 20' townhouses and using your interpretation of the Pattern Book, we can still fit 13 townhouses (5-3-5) on each side of the open space on Ridgely Boulevard. However, the first two groups would have a 10' separation and the third group would have a 30' separation, which we believe is much less aesthetically pleasing than our current configuration where we spread out the building separations equally. We could also return to our original design that included two groups also totaling 13 townhouses (6-7).

We ask that you take another look at both the Pattern Book and our submission and reconsider your interpretation. We feel that our design not only meets the intent of the Pattern Book, but also provides a superior aesthetic design. I would be happy to meet with you to discuss this matter further.

Sincerely,
NORTHPOINT ENGINEERING SERVICES, LLC

Laura R. Swiski, PE
Vice President of Operations

CC: Mark Prata, Hill Farm Associates
Leonard F. Iacono, Hill Farm Associates

102 Robino Court, Suite 203 Newport, Delaware 19804 phone: 302-992-9881 fax: 302-998-7354

Hill Farm Associates, LLC
102 Robino Court, Suite 203
Wilmington, Delaware 19804
302/658-4417 ext 3043
Fax 302/658-0618

February 2, 2011

City of Dover
Po Box 475
Dover, DE 19903

Via email: ATownshend@dover.de.us

ATTN: Ann Marie Townshend, AICP
Director of Planning & Community Development

RE: Eden Hill Farm, Residential District
Phase 2 Lot Revisions

Dear Mrs. Townshend,

After receiving the review letter from Dawn Melson- Williams, dated January 6, 2011 regarding the above referenced project, and meeting with you and your staff on January 20, 2011, we still have concerns regarding your interpretation of the Pattern Book with regards to the permitted building separations between groups of townhouses.

We feel that the design we submitted showing 10' separation between townhouse groups of two or more buildings, meets the intent of the Pattern Book and the requirements of the Planning Commission.

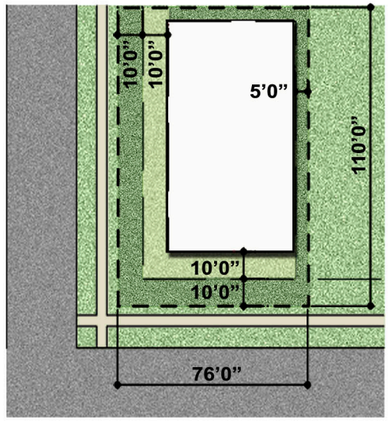
With that being said, we are requesting that we, Hill Farm Associates, LLC, be put on the February 22, 2011 Planning Commission agenda, to discuss the actual intent of the 10' separation, as shown in the Pattern Book

Respectfully Requested,
Mark Prata
Hill Farm Associates, LLC

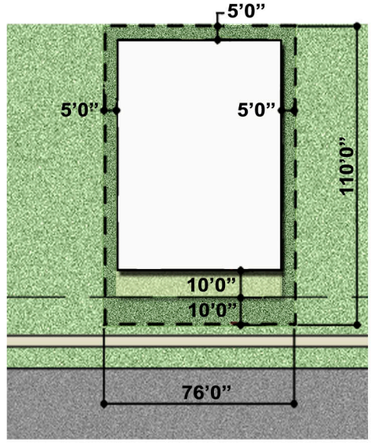
CC: Leonard Iacono, Hill Farm Associates, LLC
Laura Swiski, Northpoint Engineering

1. Lot Types

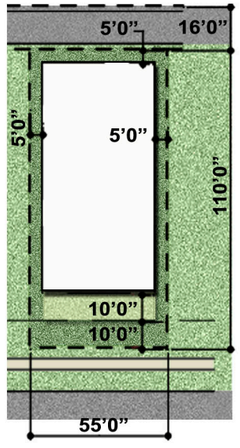
Courtyard Lot: Corner



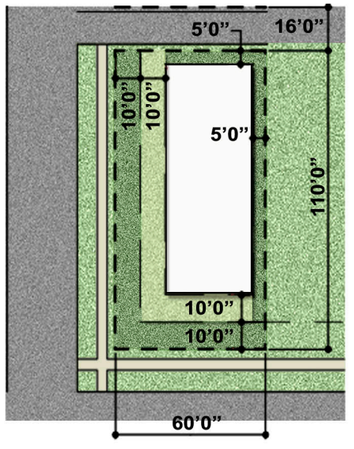
Courtyard Lot: Interior



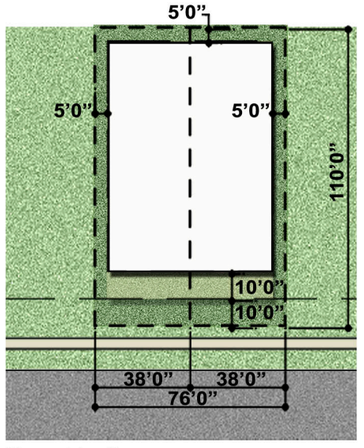
Cottage Lot: Interior



Cottage Lot: Corner

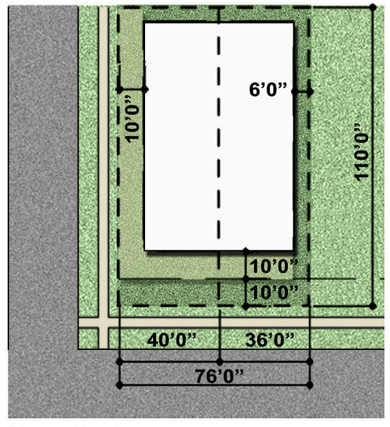


Duplex Lot: Interior



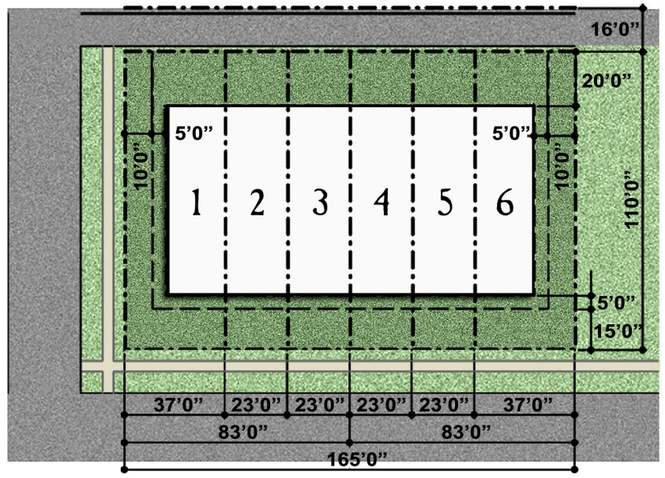
Unit width will vary

Duplex Lot: Corner



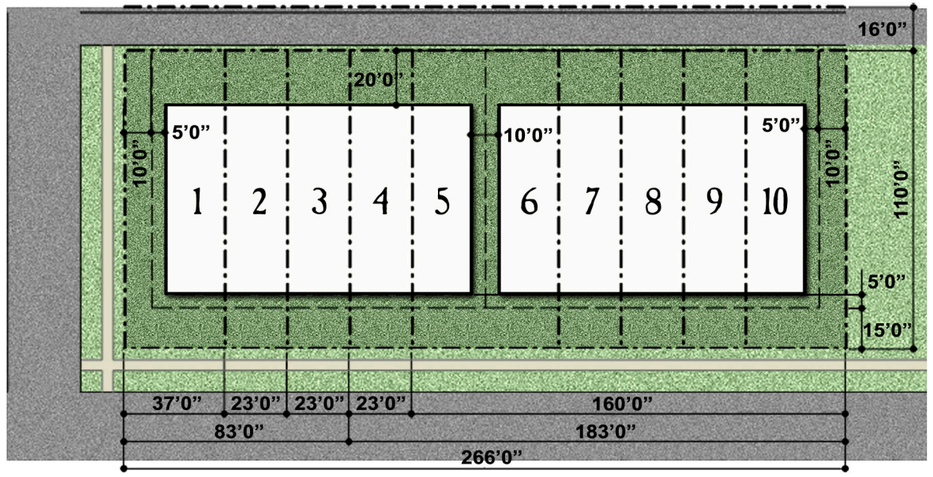
Unit width will vary

Townhouse Lot: 6 Units



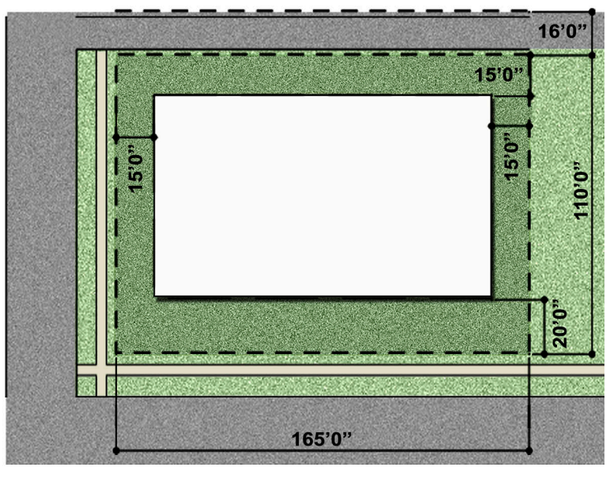
Unit width will vary

Townhouse Lot: 10 Units

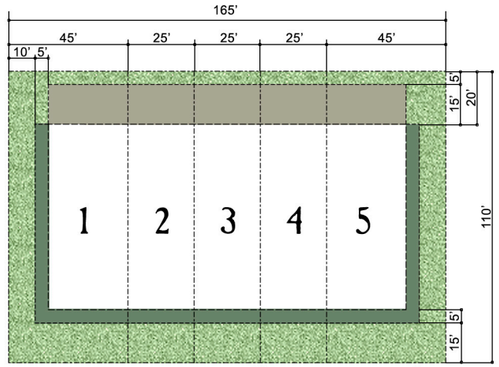


Unit width will vary

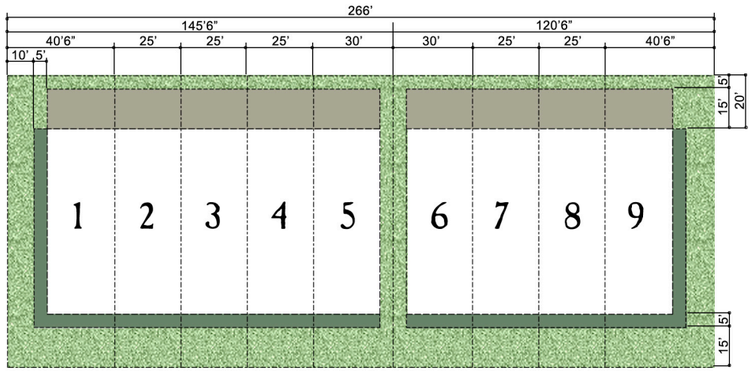
Condominium Lot: Corner



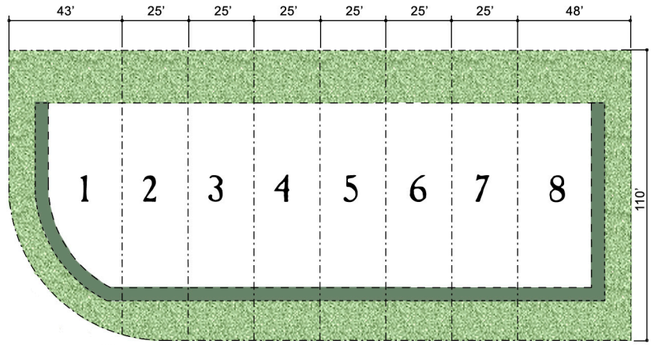
C.1 Lot Types - Multi Family



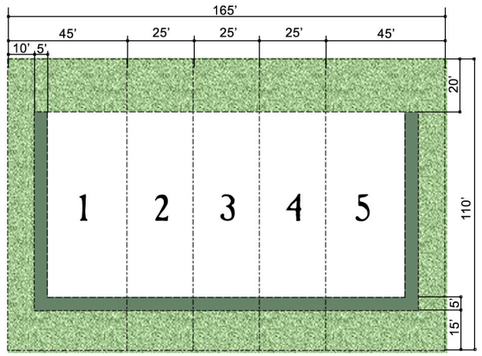
Townhouse Type 1 - 5 Units With Detached Garage



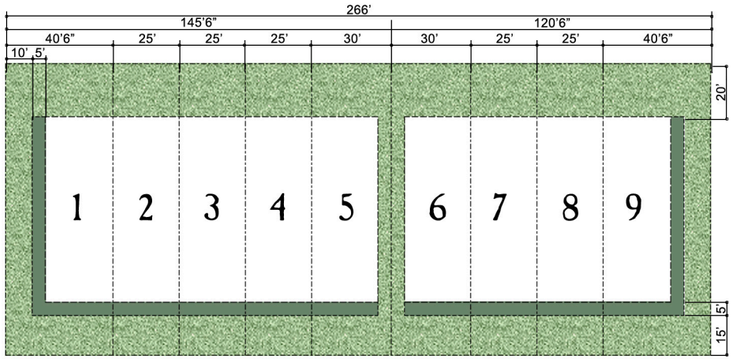
Townhouse Type 2 - 9 Units With Detached Garage



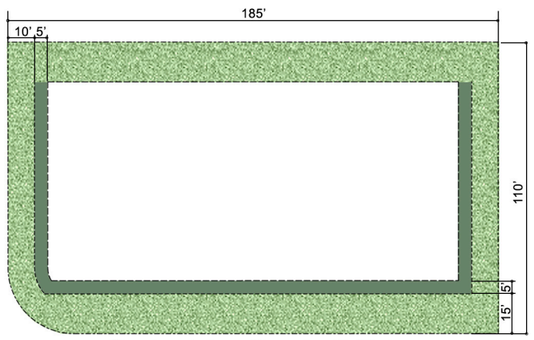
Townhouse Type 3 - 8 Units With Attached Garage



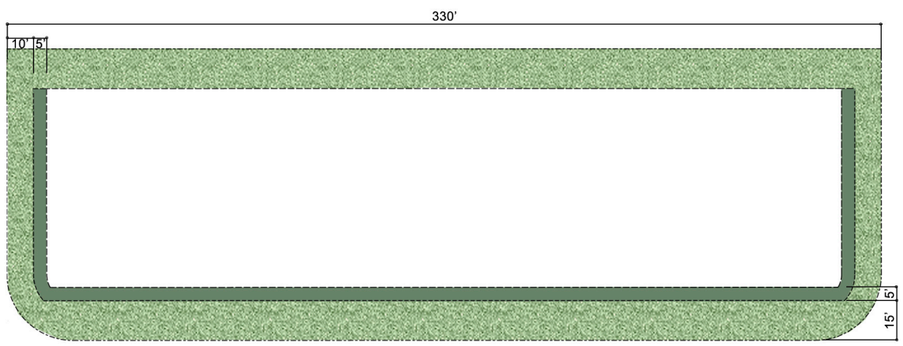
Townhouse Type 1 - 5 Units With Attached Garage



Townhouse Type 2 - 9 Units With Attached Garage



Condominium Type 1 - 12 Units



Condominium Type 2 - 24 Units

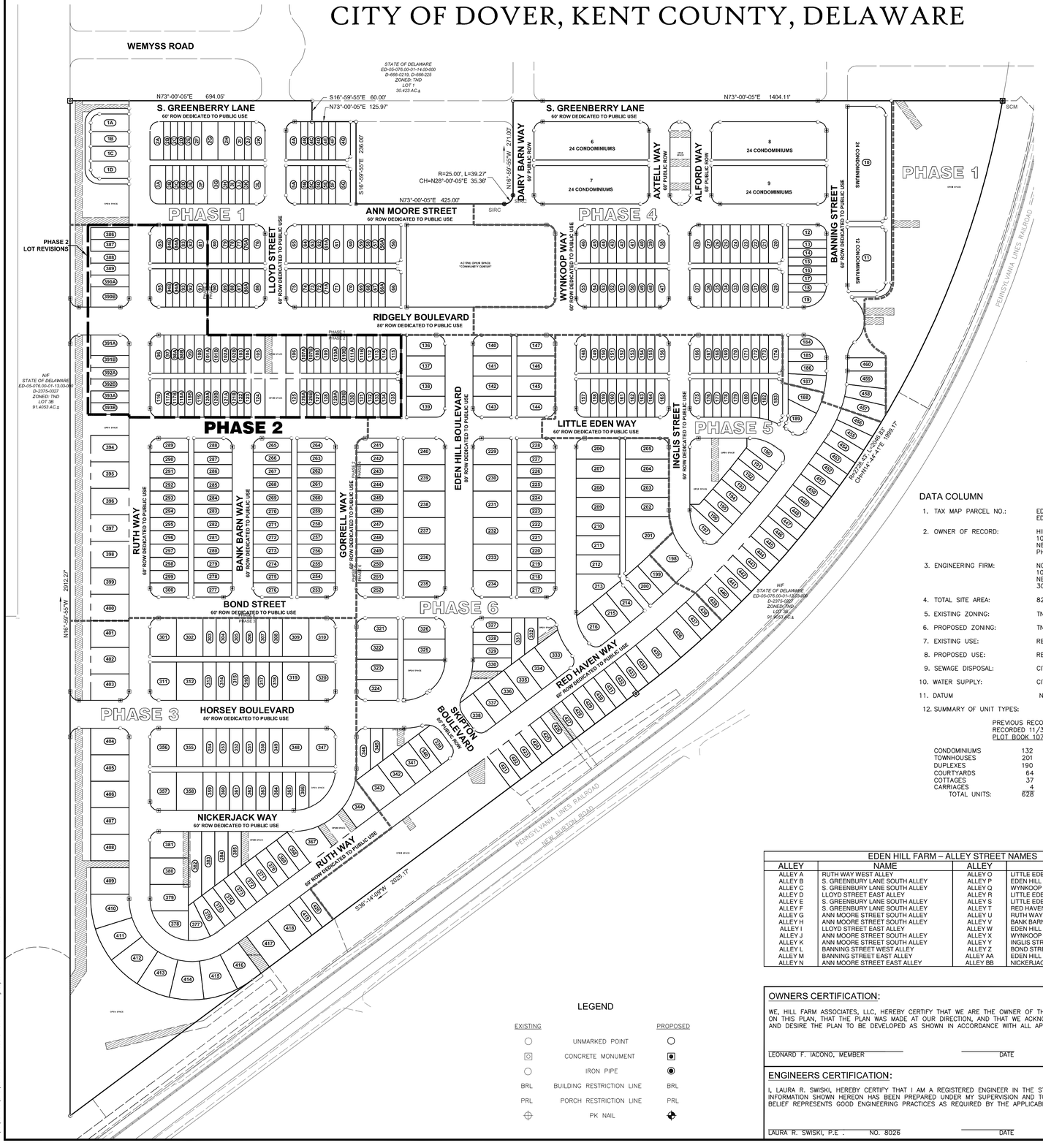
Legend

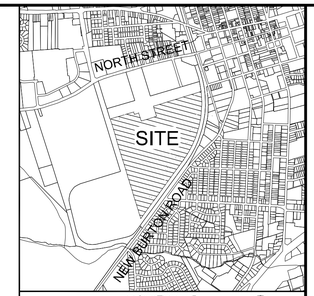
- *Lot*
- *Detached Garage Buildable Area*
- *Front or Side porch Buildable Area*
- *Enclosed Structure Buildable Area*
- *Property Line*

This is a new page with supplemental information to the Eden Hill Pattern Book First Edition

EDEN HILL FARM RESIDENTIAL DISTRICT

CITY OF DOVER, KENT COUNTY, DELAWARE





VICINITY MAP
SCALE: 1"=2000'

DATA COLUMN

1.	TAX MAP PARCEL NO.:	ED-05-076.04-01-4.00-000 & ED-05-076.04-01-5.00-000
2.	OWNER OF RECORD:	HILL FARM ASSOCIATES, LLC. 102 ROBINO COURT, SUITE 203 NEWPORT, DE 19804 PHONE: 302-658-4417
3.	ENGINEERING FIRM:	NORTHPOINT ENGINEERING 102 ROBINO COURT, SUITE 203 NEWPORT, DE 19804 302-992-9881
4.	TOTAL SITE AREA:	824,857 SF.+/- (PHASE 2)
5.	EXISTING ZONING:	TND
6.	PROPOSED ZONING:	TND
7.	EXISTING USE:	RESIDENTIAL
8.	PROPOSED USE:	RESIDENTIAL
9.	SEWAGE DISPOSAL:	CITY OF DOVER
10.	WATER SUPPLY:	CITY OF DOVER
11.	DATUM	NAD 83-DE STATE PLANE

12. SUMMARY OF UNIT TYPES:

	PREVIOUS RECORD PLAT, RECORDED 11/3/09 IN PLOT BOOK 107, PAGE 75	THIS PLAT
CONDOMINIUMS	132	132
TOWNHOUSES	201	220 (+19)
DUPLEXES	190	198 (+8)
COURTYARDS	64	60 (-4)
COTTAGES	37	37
CARRIAGES	4	4
TOTAL UNITS:	628	651 (+23 THIS REVISION) (-14 OVERALL) SEE GENERAL NOTE 27

EDEN HILL FARM – ALLEY STREET NAMES

ALLEY	NAME	ALLEY	NAME
ALLEY A	RUTH WAY WEST ALLEY	ALLEY O	LITTLE EDEN WAY NORTH ALLEY
ALLEY B	S. GREENBURY LANE SOUTH ALLEY	ALLEY P	EDEN HILL BOULEVARD WEST ALLEY
ALLEY C	S. GREENBURY LANE SOUTH ALLEY	ALLEY Q	WYNKOOP WAY WEST ALLEY
ALLEY D	LLOYD STREET EAST ALLEY	ALLEY R	LITTLE EDEN WAY NORTH ALLEY
ALLEY E	S. GREENBURY LANE SOUTH ALLEY	ALLEY S	LITTLE EDEN WAY NORTH ALLEY
ALLEY F	S. GREENBURY LANE SOUTH ALLEY	ALLEY T	RED HAVEN WAY WEST ALLEY
ALLEY G	ANN MOORE STREET SOUTH ALLEY	ALLEY U	RUTH WAY EAST ALLEY
ALLEY H	ANN MOORE STREET SOUTH ALLEY	ALLEY V	BANK BARN WAY EAST ALLEY
ALLEY I	LLOYD STREET EAST ALLEY	ALLEY W	EDEN HILL BOULEVARD WEST ALLEY
ALLEY J	ANN MOORE STREET SOUTH ALLEY	ALLEY X	WYNKOOP WAY WEST ALLEY
ALLEY K	ANN MOORE STREET SOUTH ALLEY	ALLEY Y	INGLIS STREET WEST ALLEY
ALLEY L	BANNING STREET WEST ALLEY	ALLEY Z	BOND STREET SOUTH ALLEY
ALLEY M	BANNING STREET EAST ALLEY	ALLEY AA	EDEN HILL BOULEVARD WEST ALLEY
ALLEY N	ANN MOORE STREET EAST ALLEY	ALLEY BB	NICKERJACK WAY NORTH ALLEY

LEGEND

EXISTING		PROPOSED
○	UNMARKED POINT	○
▣	CONCRETE MONUMENT	■
○	IRON PIPE	◉
BRL	BUILDING RESTRICTION LINE	BRL
PRL	PORCH RESTRICTION LINE	PRL
⊕	PK NAIL	◆

OWNERS CERTIFICATION:

WE, HILL FARM ASSOCIATES, LLC, HEREBY CERTIFY THAT WE ARE THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION, AND THAT WE ACKNOWLEDGE THAT SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

LEONARD F. IACONO, MEMBER — DATE

ENGINEERS CERTIFICATION:

I, LAURA R. SWISKI, HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

LAURA R. SWISKI, P.E. , NO. 8026 — DATE

GENERAL NOTES:

1. TOPOGRAPHIC AND BOUNDARY SURVEY DATA SHOWN HEREON WAS PREPARED BY BECKER MORGAN GROUP, INC., DOVER, DE IN MARCH 2005. THE HORIZONTAL DATUM FOR THE PROJECT IS DELAWARE STATE PLANE (NAD 83). GPS DERIVED FROM NGS HORIZONTAL CONTROL MONUMENTS. THE VERTICAL DATUM FOR THE PROJECT IS NAVD 88 BASED ON NGS VERTICAL CONTROL MONUMENTS (M34 – EL.=32.77').
2. THIS PLAT SUPERSEDES, IN PART (PHASE 2 OF THE RESIDENTIAL DISTRICT), THE FOLLOWING:

   THE RECORD PLAT ENTITLED "LOTS 4 & 5 EDEN HILL FARM RESIDENTIAL DISTRICT", DATED JULY 8, 2009, AS PREPARED BY NORTHPOINT ENGINEERING AND RECORDED IN THE KENT COUNTY OFFICE OF THE RECORDER OF DEEDS ON NOVEMBER 3, 2009 IN PLAT BOOK 107, PAGE 75.

   THE RECORD PLAT ENTITLED "EDEN HILL FARM RESIDENTIAL DISTRICT – LOT 1, RECORD PLAT", DATED NOVEMBER 3, 2008, AS PREPARED BY NORTHPOINT ENGINEERING AND RECORDED IN THE KENT COUNTY OFFICE OF THE RECORDER OF DEEDS ON FEBRUARY 10, 2009 IN PLAT BOOK 104, PAGE 60.

   THE RECORD PLAT FOR EDEN HILL FARM RESIDENTIAL DISTRICT DATED 5/27/2008, LAST REVISED 7/11/2008 AND RECORDED IN THE KENT COUNTY RECORDER OF DEEDS ON JULY 31, 2008 IN PLAT BOOK 101, PAGE 94.

   THE RECORD PLAT ENTITLED "SUBDIVISION PLAN LOT 3, EDEN HILL FARM, RECORD PLAT", AS PREPARED BY BECKER MORGAN GROUP, INC. AND RECORDED IN THE KENT COUNTY OFFICE OF THE RECORDER OF DEEDS ON AUGUST 29, 2005 IN PLAT BOOK 79, PAGE 83

   THE RECORD PLAT ENTITLED "LOT LINE ADJUSTMENT PLAN, EDEN HILL FARM" AS PREPARED BY BECKER MORGAN GROUP, INC. AND RECORDED IN THE KENT COUNTY OFFICE OF THE RECORDER OF DEEDS ON JULY 30, 2007 IN PLAT BOOK 95, PAGE 26.
3. THE EXISTING UTILITIES SHOWN WERE TAKEN FROM THE BEST AVAILABLE RECORDS. THE CONTRACTOR SHALL CONTACT MISS UTILITY OF DELMARVA (1-800-282-8555) TO VERIFY THEIR EXACT LOCATION PRIOR TO THE START OF ANY CONSTRUCTION. ANY DAMAGE INCURRED TO ANY UTILITIES SHALL BE REPAIRED IMMEDIATELY AT THE CONTRACTOR'S EXPENSE. IF THE CONTRACTOR RELIES ON THE UTILITY LOCATIONS SHOWN HEREON, HE DOES SO AT HIS OWN RISK AND WILL NOT BE ENTITLED TO ADDITIONAL COMPENSATION DUE TO TIME DELAYS FROM SAID RELIANCE.
4. THE ONE HUNDRED YEAR FLOOD PLAIN IS SHOWN BASED ON FIRM MAP #10001C0168H, DATED MAY 5, 2003.
5. BASED ON THE BECKER MORGAN INC SURVEY IN MARCH 2005, NO FRESH WATER WETLANDS WERE FOUND TO EXIST WITHIN THE AREA OF DEVELOPMENT.
6. DELAWARE REGULATIONS PROHIBIT THE BURIAL OF CONSTRUCTION DEMOLITION DEBRIS, INCLUDING TREES AND STUMPS ON CONSTRUCTION SITES.
7. ANY SOLID WASTE FOUND DURING EXCAVATION MUST BE REMOVED AND PROPERLY DISCARDED.
8. ALL HANDICAPPED PARKING DEMARCATION, STALLS, AND BUILDING ACCESSIBLE ROUTES SHALL COMPLY WITH THE 'AMERICANS WITH DISABILITIES ACT'.
9. THIS DRAWING DOES NOT INCLUDE NECESSARY COMPONENT FOR CONSTRUCTION SAFETY. ALL CONSTRUCTION MUST BE DONE IN COMPLIANCE WITH THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970 AND ALL RULES AND REGULATIONS THERETO APPURTENANT.
10. BEFORE THE CONTRACTOR CAN BEGIN CONSTRUCTION HE MUST OBTAIN THE PROPER PERMITS AND/OR APPROVALS FROM THE CITY OF DOVER (C.O.D.), KENT CONSERVATION DISTRICT (K.C.D.), DELAWARE DEPARTMENT OF TRANSPORTATION (DELDOT), AND APPROPRIATE STATE AND COUNTY AGENCIES.
11. NO TITLE EXAMINATION FURNISHED TO OR PERFORMED BY THE PREPARERS HEREOF. PROPERTY SHOWN HEREON IS SUBJECT TO ANY RIGHT-OF-WAY, EASEMENTS, RESTRICTIONS, ETC. AS MAY BE SHOWN OR NOTED IN ANY RECORD, PUBLIC OR OTHERWISE, OR ANY REQUIREMENT OR REGULATION OF ANY PUBLIC AGENCY.
12. THIS SITE WILL BE CONSTRUCTED WITH STANDARD CURB AND GUTTERS, SIDEWALKS AND STREET LIGHTING, PUBLIC STREETS, WATER DISTRIBUTION. SANITARY SEWER COLLECTION AND STORM SEWER COLLECTION SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CURRENT CITY OF DOVER STANDARDS AND CONSTRUCTION SPECIFICATIONS.
13. SUBDIVISION STREETS AND ALLEYS CONSTRUCTED WITHIN THE LIMITS OF THE RIGHT-OF-WAY DEDICATED TO PUBLIC USE SHOWN ON THIS PLAN ARE TO BE MAINTAINED BY THE CITY OF DOVER FOLLOWING THE COMPLETION OF THE STREETS AND ALLEYS BY THE DEVELOPER TO THE SATISFACTION OF THE CITY OF DOVER. THIS EXCLUDES THE LANDSCAPED MEDIANS WITHIN THE LIMITS OF THE RIGHT-OF-WAY OF RIDGELY BOULEVARD, HORSEY BOULEVARD, EDEN HILL BOULEVARD AND SKIPTON BOULEVARD. THE HOMEOWNER'S ASSOCIATION WILL BE RESPONSIBLE FOR THE MAINTENANCE OF THE LANDSCAPED MEDIANS WITHIN THESE SPECIFIC STREETS. THE CITY ASSUMES NO MAINTENANCE RESPONSIBILITIES WITHIN THE DEDICATED STREET AND ALLEY RIGHT-OF-WAY UNTIL STREETS AND ALLEYS HAVE BEEN ACCEPTED BY THE CITY.
14. A 10 FOOT WIDE UTILITY EASEMENT IS HEREBY ESTABLISHED BEHIND ALL ROAD RIGHT-OF-WAY LINES SHOWN ON THE SUBDIVISION PLAT FOR THE INSTALLATION AND FUTURE MAINTENANCE OF ELECTRIC CABLE, TELEPHONE CABLE, TELEVISION CABLE, AND ASSOCIATED EQUIPMENT.
15. A 7.5 FOOT WIDE PUBLIC UTILITY EASEMENT IS RETAINED ALONG ALL SIDE AND REAR LOT LINES TO BE UNOCCUPIED BY BUILDINGS, EXCEPT WHERE LOTS ARE DIVIDED FOR ANY REASON WHATSOEVER. SAID EASEMENTS SHALL FALL ALONG THE ACTUAL SIDE AND REAR LOT LINES AS CONVEYED. SIDE YARD EASEMENTS ARE NOT RETAINED BETWEEN ATTACHED AND SEMI-DETACHED UNITS, WHERE UNITS SHARE A COMMON WALL. WHERE THIS EASEMENT ENCROACHES ON THE BUILDING RESTRICTION LINE, THE EASEMENT SHALL BE REDUCED TO THE BUILDING RESTRICTION LINE.
16. A 15 FOOT WIDE UTILITY EASEMENT IS RETAINED ALONG ALL REAR LINES OF LOTS ABUTTING THE PROJECT BOUNDARY AND OTHER OPEN SPACES.
17. ALL STORM DRAINAGE PIPES, WATER MAINS OR SEWER MAINS OUTSIDE THE PUBLIC RIGHT-OF-WAY OR CITY MAINTAINED OPEN SPACES SHALL HAVE A 20 FOOT WIDE PERMANENT EASEMENT, 10 FEET EACH SIDE OF THE CENTERLINE, FOR MAINTENANCE BY THE CITY OF DOVER.
18. STREET LIGHTS WILL BE INSTALLED AT LOCATIONS DIRECTED BY THE CITY OF DOVER ELECTRIC DEPARTMENT. STREET LIGHT PLACEMENT WILL ALSO BE IN COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT STANDARDS MANUAL (PATTERN BOOK).
19. FINAL CONCRETE MONUMENT LOCATIONS ARE SHOWN ON THE FINAL PLAT PLAN AND ARE POSITIONED TO ADEQUATELY ESTABLISH STREET CONTROL IN ACCORDANCE WITH ESTABLISHED SURVEYING PRACTICES. ADDITIONAL PERMANENT MONUMENTS SHALL BE PLACED ON EACH CORNER OF ALL BUILDING LOTS ALONG THE SUBDIVISION BOUNDARY, THE ROAD RIGHT-OF-WAY AND ALL TANGENT POINTS BY THE DEVELOPER PRIOR TO FINAL SETTLEMENT ON EACH PROPERTY.
20. A HOMEOWNER'S ASSOCIATION WILL BE ESTABLISHED FOR THE OWNERSHIP AND MAINTENANCE OF THE OPEN SPACE. OPEN SPACE SHALL INCLUDE ACTIVE RECREATION AREA AND ALL STORMWATER MANAGEMENT FACILITIES LOCATED OUTSIDE OF THE PUBLIC RIGHT-OF-WAY. THE OPEN SPACE SHALL BE MAINTAINED BY THE HOMEOWNER'S ASSOCIATION AS APPLICABLE, IN PERPETUITY.
21. ALL PURCHASERS SHALL PERMIT THE DEVELOPER OR HIS ASSIGNS TEMPORARY TRESPASS UPON THE PURCHASER'S LOT OR LOTS TO COMPLETE GRADING OR LANDSCAPING AS REQUIRED BY THE APPROVED PLANS FOR A PERIOD OF ONE YEAR COMMENCING WITH THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
22. THE KENT CONSERVATION DISTRICT RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR PURPOSES OF PERIODIC SITE PLAN INSPECTION BY KENT CONSERVATION DISTRICT.
23. KENT CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, DELETE, MODIFY OR OTHERWISE ALTER THE SEDIMENT CONTROL PROVISIONS OF THIS PLAN IN THE EVENT ADDITIONAL PROTECTION BECOMES NECESSARY.
24. THE MAINTENANCE OF THE STORMWATER MANAGEMENT FACILITIES, INCLUDING DITCHES, SWALES, ETC. WITHIN THIS SUBDIVISION AND ON LANDS OF THE STATE OF DELAWARE (LOT 3B) SHALL BE THE RESPONSIBILITY OF THE DEVELOPER UNTIL TRANSFERRED OVER TO THE HOMEOWNER'S ASSOCIATION. THE HOMEOWNER'S ASSOCIATION AGREEMENT OUTLINES THE MAINTENANCE SCHEDULE FOR THE PONDS AND IS RECORDED IN THE KENT COUNTY OFFICE OF THE RECORDER OF DEEDS ON JULY 31, 2007 IN DEED BOOK 3951, PAGE 80.
25. EASEMENTS ASSOCIATED WITH STORMWATER MANAGEMENT, DRAINAGE, UTILITIES, SIGNAGE, ETC. ARE REFERENCED IN AN INFRASTRUCTURE IMPROVEMENT AGREEMENT, DATED JUNE 27, 2007 AS SHOWN ON THIS PLAN AND A PLAN ENTITLED "LANDS OF STATE OF DELAWARE, LOT 1 & 3B, RIGHT-OF-WAY DEDICATION AND EASEMENT RECORD PLAT" AS PREPARED BY BECKER MORGAN GROUP, INC., DATED JANUARY 24, 2007, AND RECORDED IN THE KENT COUNTY OFFICE OF THE RECORDER OF DEEDS ON SEPTEMBER 10, 2007 IN PLAT BOOK 96, PAGE 03.
26. LOTS 6 THRU 11 ARE DESIGNATED TO BE CONDOMINIUM UNITS TO BE SUBJECT TO THE UNIT PROPERTIES ACT OF THE STATE OF DELAWARE, 22 DEL. C. SEC. 2201 ET SEQ. THESE UNITS SHALL BE SUBJECT TO A CONDOMINIUM DECLARATION AND CODE OF REGULATIONS TO BE RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS IN AND FOR KENT COUNTY, DELAWARE.
27. THE OVERALL UNIT COUNT OF 665 UNITS WAS APPROVED FOR THE RESIDENTIAL DISTRICT OF THE EDEN HILL FARM TND MASTER PLAN. THE UNIT TYPES INCLUDE CONDOMINIUMS, TOWNHOUSES, DUPLEXES AND SINGLE FAMILY DETACHED UNITS CONSISTING OF COURTYARD, COTTAGE AND CARRIAGE HOUSE LOTS. THE SPECIFIC NUMBER OF EACH UNIT TYPE IS SUBJECT TO CHANGE PROVIDED THAT THE OVERALL UNIT COUNT REMAINS A TOTAL OF 665 UNITS.
28. THE PURPOSE OF THIS PLAT IS TO DEPICT PHASE 2 REVISIONS.

NORTHPOINT ENGINEERING
102 ROBINO COURT, SUITE 203
NEWPORT, DE 19804
TEL: 302-992-9881
FAX: 302-998-7354
EMAIL: npe@northpoint-eng.com

PLAN NORTH:

North

KEY MAP:

SEAL:

PROJECT:

PHASE 2
EDEN HILL FARM
RESIDENTIAL
DISTRICT

CITY OF DOVER
EAST DOVER HUNDRED
KENT COUNTY, DELAWARE

SHEET:

OVERALL RECORD PLAT

NO.	DATE	REVISION
1	09/17/2009	REVISED PER COD COMMENTS
2	12/09/2010	REVISED PER COD AND PC COMMENTS

SCALE: 1" = 150'

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DATE:

AUGUST 31, 2010

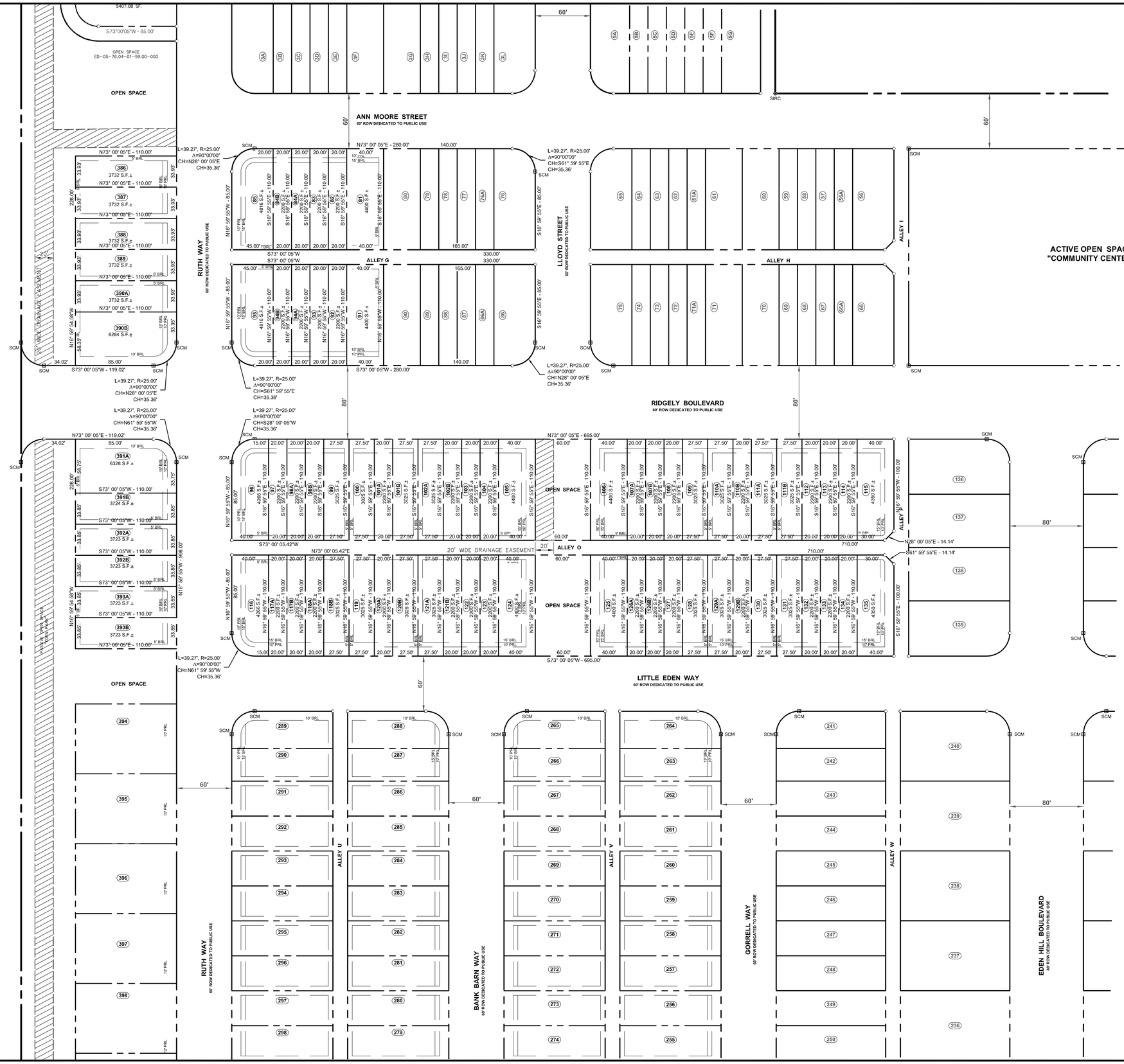
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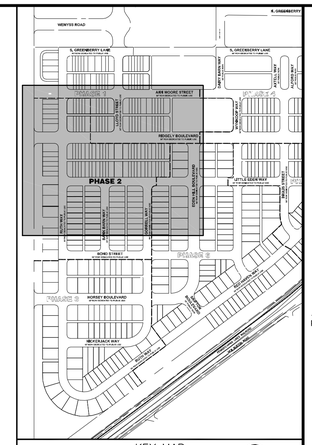
08-003-R

SHEET:

R-1

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EMAIL: npe@northpoint-eng.com

PLAN NORTH:

KEY MAP:

SEAL:

PROJECT:

PHASE 2 EDEN HILL FARM RESIDENTIAL DISTRICT

CITY OF DOVER
EAST DOVER HUNDRED
KENT COUNTY, DELAWARE

SHEET:

RECORD PLAT

NO.	DATE	REVISION
1	09/17/2009	REVISED PER COD COMMENTS
2	12/09/2010	REVISED PER COD AND PC COMMENTS

LEGEND

EXISTING		PROPOSED
○	UNMARKED POINT	○
⊠	CONCRETE MONUMENT	■
○	IRON PIPE	●
BRL	BUILDING RESTRICTION LINE	BRL
PRL	PORCH RESTRICTION LINE	PRL
⌖	PK NAIL	◆

SCALE: 1" = 50'

0 25 50 100

DATE:
AUGUST 31, 2010

PROJECT:
08-003-R

SHEET:
R-2

W:\DR\08-003\DWG\08-003-SH-Phase 2 Record Plat.dwg Layout: SH 2 Printed: Thu 20-Jan-2011 - 08:17AM