A G E N D A
CITY OF DOVER PLANNING COMMISSION
**Tuesday, January 18, 2011 – 7:00 P.M. - City Hall: Council Chambers**

PLEDGE OF ALLEGIANCE
ROLL CALL

APPROVAL OF AGENDA

ADOPTION OF MINUTES OF REGULAR MEETING of December 20, 2010

COMMUNICATIONS & REPORTS

1) An Audio/Web Conference entitled "Retrofitting Corridors" will be held on January 19, 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 Dover Kent County MPO and hosted by the Kent County Department of Planning.

2) Reminder: The next Planning Commission Quarterly Workshop is scheduled for Wednesday, February 23, 2011 at 4:00pm in the City Hall Conference Room.

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) 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.

NEW BUSINESS

1) 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.*

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**
**December 20, 2010**

The Regular Meeting of the City of Dover Planning Commission was held on Monday, December 20, 2010 at 7:00 PM with Chairman Hemmig presiding. Members present were Mr. Hemmig, Mr. Tolbert, Mr. Shomo, Mr. Baldwin, and Colonel Welsh. Mr. Nichols, Mr. Friedman, Mr. Holt, and Mr. Ambruso were absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Mr. Koenig, Ms. Cornwell, and Ms. Metsch. Also present were Mr. Gregg Moore, Mrs. Kiran Clements, Mr. James Nelson, Mr. Keith Kooker, Mr. Carl Krienen, and Mr. Blair Rinnier. Also present speaking from the public was Mr. Fred Neil, Mrs. Agnes Robinson, Mr. Len Dornberger, Mr. Don Cruise, Mr. Glenn Glover, Mr. Craig Weidner, Dr. Michael Thomas, and Mrs. Nancy Baker.

## APPROVAL OF AGENDA

*Mr. Tolbert moved to approve the agenda as submitted, seconded by Colonel Welsh and the motion was unanimously carried 5-0 with Mr. Friedman, Mr. Holt, Mr. Nichols, and Mr. Ambruso absent.*

## APPROVAL OF THE REGULAR PLANNING COMMISSION MEETING MINUTES OF NOVEMBER 15, 2010

*Mr. Shomo moved to approve the regular Planning Commission meeting minutes of November 15, 2010, seconded by Colonel Welsh and the motion was unanimously carried 5-0 with Mr. Friedman, Mr. Holt, Mr. Nichols and Mr. Ambruso absent.*

## APPROVAL OF THE QUARTERLY WORKSHOP MEETING MINUTES OF THE PLANNING COMMISSION OF NOVEMBER 16, 2010

Mr. Tolbert move to approve the Quarterly Workshop meeting minutes of the Planning Commission, seconded by Mr. Baldwin and the motion was unanimously carried 5-0 with Mr. Friedman, Mr. Holt, Mr. Nichols, and Mr. Ambruso absent.

## COMMUNICATIONS & REPORTS

Mrs. Townshend stated that there is an audio web conference entitled "Retro-Fitting Corridors" that will be held on January 19, 2010 from 4:00 PM to 5:30 PM at the Kent County Administration Building, co-sponsored by the Delaware Chapter of the American Planning Association, the Dover Kent County MPO, and hosted by the Kent County Planning Department.

Mrs. Townshend further stated that included in your packet is the schedule of meeting dates and deadlines for 2011. Planning Commission meetings are held on the third Monday of the month with the exception of January and February where the third Monday falls on a holiday and therefore, meetings held on the following Tuesday.

Mrs. Townshend presented an overview of the regular City Council meeting and Utility Committee meeting of November 22, 2010, the November 4, 2010 Safety Advisory and Transportation meeting, and the City Council meeting and Utility Committee meeting of December 13, 2010.

**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**

**MI-10-17 Text Amendments to the *Zoning Ordinance*: Maintenance of Private Streets in MHP –** Public Hearing and Action on Recommendation to City Council on proposed amendments to the *Zoning Ordinance* to add provisions for the maintenance of private sheets within mobile home parks to Article 3, Section 8 Mobile Home Park Zone (MHP). Ordinance # 2010-29.

**Representative:** Staff.

Mrs. Townshend provided an overview of the proposed amendment.

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

*Mr. Hemmig opened a public hearing.*

**Mr. Fred Neil – 521 Weaver Drive – President of Wild Meadows Homeowners Association** – Stated that one of the problems you have when you address a group of elected officials, the public, and appointed officials, is perhaps the lack of understanding of the dilemma of those of us who live in manufactured housing on leased land. It is kind of like a blind date marriage, after you get into it, you realize that your partner is not exactly as you thought they were and therefore, to get out, it becomes a very costly procedure. In the case of manufactured housing in this State on leased land, it is a monopoly that is unregulated. You are behest of the individuals that are operating to do what they are supposed to do according to the lease. He provided, through Mrs. Townshend, a fact sheet included in your packet on this in terms of the problems that they had at Wild Meadows. One of our residents has brought pictures of how deep it was and the snow that was piled up in front of her driveway. If they do not want to do what they want to do, then they just do not do it. Unless we have the support of our elected officials to change things, they are just not going to do it. Fortunately, we invite all of our City Councilmen, Mayor, and elected representatives for the County and the State to our meetings and they do come and understand the dilemma. In this case, it does not cost anyone, does not cost the taxpayer any money. We are paying the freight. At an appeal hearing before the City Tax Assessor when they raised the value of the property from five million to eleven million, the people that were hired by the owners stated that they collect a million dollars in rent and only spend twenty percent on maintenance. Well, they have raised the rent again and we wonder where that money is going because the services are not there. For a fifty-five plus community, it becomes very much essential to be able to do these very basic things. They advertise country club living on their website; however, it is not country club living.

**Mrs. Agnes Robinson – 56 Molly Court** – Stated that she has pictures for the record that shows where they had to shovel that shows twenty-six and a half (26 ½) inches with a yard stick. Her

husband had to take a metal rod to break through the ice this last snowstorm to get the yard stick in so that they could measure it. They had cleared their entire driveway and then they came by and plowed them in. The twenty-six and a half (26 ½) inches went out several feet from their property and her husband is a diabetic and has high blood pressure. It was almost impossible to get this cleared off.

Mr. Hemmig stated that Staff received a fax from Mr. Neil that is now entered into the record by reference.

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

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

*Mr. Tolbert moved to forward a recommendation of approval to City Council on MI-10-17 Text Amendment to the Zoning Ordinance: Maintenance of Private Streets in MHP, seconded by Colonel Welsh and the motion was unanimously carried 5-0 with Mr. Friedman, Mr. Holt, Mr. Nichols, and Mr. Ambruso absent.*

**MI-10-18 Text Amendments to the *Zoning Ordinance*: Permitted Uses** – Public Hearing and Action on Recommendation to City Council on proposed amendments to the *Zoning Ordinance* to add parking lots as a principal use allowed through conditional use approval within the C-2A zoning district by adding subsection 14.4(b) to Article 3, Section 14. Limited Central Commercial Zone and to add cemeteries as a permitted use within the ROS zoning district by adding subsection 30.29 to Article 3, Section 30. Recreational and Open Space Zone (ROS). Ordinance # 2010-28.

**Representative:** Staff.

Mrs. Townshend provided an overview of the proposed text amendments.

Colonel Welsh questioned with the regards to the situation that pertains to Holy Cross, is that part of this rezoning amendment? Responding to Colonel Welsh, Mrs. Townshend stated that during the public hearing you will be hearing from someone on behalf of Holy Cross Cemetery because one of the provisions that they specifically wanted in this amendment has come out which relates to the setbacks.

*Mr. Hemmig opened a public hearing.*

**Mr. Len Dornberger – 313 Pebble Valley Place – Holy Cross Cemetery Administrator** – Stated that accompanying him this evening is Mr. Don Cruise, Cemetery Chairman and Mr. Jim Flood, member of the Cemetery Committee. We are here tonight to represent our Pastor Monsignor Daniel McGlynn and the 3,500 families of Holy Cross parish. We are here to discuss the impact of rezoning the Holy Cross Cemetery to ROS (Recreational and Open Space) that occurred earlier this year. He has met with Mrs. Townshend a few months ago to understand how the rezoning might impact their future plans, specifically in regards to the erection of mausoleums within the cemetery and the thirty (30) foot setback restriction. Under the current code, they cannot erect any structure within thirty (30) feet of the property line and he would like

to explain the problem that creates for them. He would first discuss their 140 year old cemetery which is the only Catholic cemetery serving Kent County. A map was displayed showing the cemetery that is a parcel of about three (3) acres located in north Dover and bordered on all four sides by City streets. The north end of the cemetery is bordered by William Street and across from William Street is a residential district. The west side of the cemetery is bordered by Queen Street and across the street is the Wesley College stadium. On the south side is Clara Street and across the street from the cemetery is the National Guard Armory. On the east side is North New Street and across the street from the cemetery there is the North Governors Avenue Apartment Complex. Like most cemetery's we are running out of ground space and in our case, we have no way to expand the current cemetery because of the street limitations. A few years ago plans were developed to build mausoleums to address us running out of space. The first phase was completed in the spring of last year 2009 and what we have is the first mausoleum of two which is within the thirty (30) feet setback restriction currently. The second phase of their large mausoleum plan is to build a twin mausoleum directly adjacent to the first one and again it would be within the thirty (30) feet setback restriction that is currently in place. The Phase II mausoleum building is not yet scheduled to be built; however, we have begun the planning process for a Phase III mausoleum which would be much smaller and only for cremated remains. We envision this small mausoleum being built close to the fence in the northeast corner of the cemetery on the corner of William and New Streets and within the thirty (30) feet setback line. The zoning language, as it currently stands, creates two problems for them. Number one, we cannot complete Phase II (the twin mausoleums as shown). Second, the numerous used and unused plots that are currently sold and scattered throughout our cemetery in areas that would appear to be unused at the current time and are perhaps sold, eats up contiguous space in the cemetery and this limits our options to place a mausoleum somewhere within the center area of the cemetery and still adhere to the thirty (30) foot restrictions that we have in place today.

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

Mr. Baldwin questioned if there would be a height restriction on the mausoleum. Responding to Mr. Baldwin, Mrs. Townshend stated that there is no height restriction on mausoleums; however, it could be added.

Mr. Hemmig questioned on the proposed twin mausoleum how far will this be from the intersection of William and Queen Streets? Responding to Mr. Hemmig, Mr. Dornberger stated that it would be about halfway down the block between Clara and William Street.

Mr. Hemmig further questioned if they had any concept on how big the remains mausoleum would be in the northeast corner? Responding to Mr. Hemmig, Mr. Dornberger stated that it would probably be about twelve (12) feet long and no more than four (4) feet high.

Colonel Welsh questioned if there was anything that they would need to address in making this motion that would address specifically the thirty (30) foot setback or is that encompassed in the amendment itself? Responding to Colonel Welsh, Mrs. Townshend stated that if you do want to eliminate the thirty (30) foot setback for interment structures which essentially would be mausoleum structures, you would make a motion to amend the ordinance to exempt mausoleums or interment structures from the thirty (30) foot setback. Your packet included the minutes from the Parks, Recreation and Community Enhancement Committee meeting and one of the concerns

of the Committee related to if you have a cemetery that is abutting a residential neighborhood or residential area and proximity to that property line.

Mr. Hemmig stated that he agrees with what Mrs. Townshend is stating about exempting it from the thirty (30) foot setback except where it abuts residential; however, should we also be careful about how close it gets to an intersection as it could be an impediment for sight or vision for traffic? Responding to Mr. Hemmig, Mr. Koenig stated that it depends on where you are at in the City. In the Downtown, the curb radius is around five (5) feet at some of those intersections so there is a sight distance issue on some of the approaches. He feels that you will need to put in some kind of language to make sure that the sight distance for the intersection is not impaired because it will change from intersection to intersection.

*Colonel Welsh moved to forward recommendation of approval to City Council on MI-10-18 Text Amendments to the Zoning Ordinance: Permitted Uses and to add the language to exempt interment structures unless they are abutting a residential area or would present an obstruction and sight distance issue at an intersection, seconded by Mr. Tolbert and the motion was unanimously carried 5-0 with Mr. Friedman, Mr. Holt, Mr. Nicholas and Mr. Ambruso absent.*

**MI-10-19 Request for Alley Abandonment: Portions of Loockerman Street Alley South**– Public Hearing and Action on Recommendation to City Council of a request to abandon a portion of an alley (approximately 220 feet in length) located south of East Loockerman Street and east of Bayard Avenue. The alley is known as Loockerman Street Alley South and is adjacent properties at 514 Loockerman Street and 222 South DuPont Highway. This request was filed by HUB Associates LLC and A & G Kramedas Associates.

**Representative:** Mr. Gregg Moore, Becker Morgan Group, Inc.; and Staff

Mrs. Townshend provided an overview of the request for alley abandonment and updated comments from the Department of Public Utilities.

Mr. Tolbert questioned whether the residents that are in proximity to this alley abandonment request have said anything? Responding to Mr. Tolbert, Mrs. Townshend stated that we have not heard anything from them; however, they may be here this evening as this matter is subject to public hearing.

*Mr. Hemmig opened a public hearing.*

**Mr. Gregg Moore – Representing HUB Associates** – Stated that as Staff presented they agree with the DAC comments and the alley is there in support of the hotel. Their request is so that they can make upgrades to this property and make some redevelopment there.

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

*Colonel Welsh moved to forward a recommendation of approval to City Council for MI-10-19 Request for Alley Abandonment: Portions of Loockerman Street Alley South as designated and to include the additional revised comments from the City of Dover Public Utilities Department, seconded by Mr. Shomo and the motion was carried 5-0 with Mr. Friedman, Mr. Holt, Mr.*

*Nichols and Mr. Ambruso absent.*

**S-10-31 William Henry Middle School/ Booker T. Washington Elementary School/ Kent County Community School Site Improvements** – Public Hearing and Site Development Master Plan Review to permit improvements to reconfigure site access and circulation, bus and parent drop-off areas and parking facilities as well as an increased number of parking spaces, and other associated site improvements on a 45 acre+/- site of four parcels. The proposal consists of three phases. The property is zoned IO (Institutional and Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located north side of Forest Street just east of Carver Road and Saulsbury Road. The owner of record is Dover Special School District. Property Addresses: 65 Carver Road and 945 Forest Street. Tax Parcels: ED-05-76.07-01-55.00-000, ED-05-076.07-01-65.00-000, ED-05-076.07-01-66.00-000 and ED-05-076.08-01-28.00-000. Council District 4. *Waivers Requested: Partial Elimination of Curbing Requirements and Elimination of Opaque Barrier.*

**Representatives:** Mrs. Kiran Clements, President of Capital School Board of Education; Mr. James Nelson, Studio JAED; and Mr. Keith Kooker, Landmark JCM.

Ms. Cornwell provided an overview of the application.

Mrs. Clemins stated that they are excited to be here with this plan because it will ease the congestion that we now face at William Henry and Booker T. Washington schools.

Mr. Nelson stated that if any of you have been on this site during the morning when parents drop children off at the school, when the buses approach, or at the end of the school day, you will realize that we do not just have a congestion problem; we have a very unsafe condition. As school planners, we try at all times to separate bus traffic from parent drop-off traffic so that we can provide a safe and convenient method for children to get to school. In the current process and the current Site Plan the way that it is now arranged, we have people crossing the streets, we have traffic going in the wrong directions and we have bus, car and truck traffic intermingling on this particular school site.

Mr. Nelson further stated that they were very pleased that they were commissioned by the Capital School District to try to work with this school site to improve the traffic conditions thereon separating the parent drop-off loops from the teacher parking loops and from the bus drop-off loops. We have done this for both schools as each school has its own particular parent drop-off, its own bus drop-off, and its own teacher parking. We believe that the project, in all three phases, would be a benefit. We recognize that we have to do this in three phases because of certain cost constraints and certain scheduling events; however, the first phase which we are asking for approval is mostly internal traffic that will greatly straighten out the internal problems with the site. The second phase is the connection to Weston Drive which will require a traffic light at the corner of Weston and the intersection of Division Street, Loockerman Street, and Forest Street. The last phase is a new road that will cut across the school property to Clara Street. We recognize that Phases 1 and 2 might be quite possible under the first phase from a cost constraint stand point. For Phase 3 we are not quite certain how that will come in so we have phased the project in this particular way.
Mr. Kooker stated that with regards to the DAC Report, we have no objections to the comments and are willing to abide by them.

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

*Mr. Hemmig opened a public hearing.*

**Mr. Glenn Glover – 41 Saulsbury Road; Property that belongs to his family** – Stated that they just wanted to know if there was anywhere they could find a site map and some of the planning that is taking place on-line anywhere to see how it would affect their property as they received a mailed notice? Responding to Mr. Glover, Mrs. Townshend stated that the mailed notice goes to properties within 200 feet of the subject property. The entire plan that they brought forward relates only to lands under their (the school's) control. This does not take anyone else's land.

**Mr. Craig Weidner – Representative of Playtex Manufacturing** – Stated that they have the property directly adjacent to where they believe they are talking about coming out to Clara Street extension. They would like to have a copy of the potential plan and when they might be using this and how it might conflict with shift traffic coming in and out when they change shifts at the plant.

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

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

*Colonel Welsh moved to approve S-10-31 William Henry Middle School/Booker T. Washington Elementary School/ Kent County Community School Site Improvements with the acceptance of the DAC comments and approval of the waiver for partial elimination of the curbing requirement and the elimination of the opaque barrier fence component, seconded by Mr. Tolbert and the motion was unanimously carried 5-0 with Mr. Friedman, Mr. Holt, Mr. Nichols and Mr. Ambruso absent.*

**C-10-05 New Dover High School** – Public Hearing and Conditional Use Site Development Master Plan Review to permit the construction and use of a three story 315,000 S.F. high school with associated parking, roadways, stormwater management, landscaping, sports fields, stadium, and other associated site improvements. The project is located on four parcels of land totaling 106.5222 acres ± and is zoned R-10 (One Family Residence Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The subject property is located on the south side of Forrest Avenue (DE Route 8) approximately 1,500 feet west of Mifflin Road. The owner of record is Capital School District. Property Address: Forrest Avenue. Tax Parcels: ED-05-075.00-01-03.00-000, ED-05-075.00-01-05.00-000, ED-05-076.00-02-06.00-000 and ED-05-076.00-02-07.00-000. Council District 1. *Waivers Requested: Partial Elimination of Curbing Requirements, Elimination of the Opaque Barrier Requirement, and Alternative Sidewalk Construction Materials. Consideration of Superior Urban Design. Consideration of Parking Requirement Justification. Consideration of Loading Berth Justification. Consideration of Tree Density and Buffer Requirements in Accordance with Variance Granted by the Board of Adjustment (V-10-10) and Tree Mitigation.*

**Representatives:** Mrs., Kiran Clements President of the Capital School Board of Education; Mr. Gregg Moore, Becker Morgan Group, Inc.; and Mr. Carl Krienen, ABHA Architects.

Mrs. Melson-Williams stated that this is a Conditional Use Site Plan – Site Development Master Plan application for the new Dover High School. The project site is located on the south side of

Forrest Avenue also known as Route 8 west of Mifflin Road. The property consists of four (4) parcels of land and is a total site area of just over 106 acres of land. The property is zoned R-10 which is a one family residence zone, hence the need for Conditional Use review of this school project. The property is also subject to a Corridor Overlay Zone and has other design elements related to that zoning classification that must be met.

Mrs. Melson-Williams further stated that there are a number of waivers and considerations for the Planning Commission this evening which will be outlined in her presentation this evening. This project is for the construction and use of what will be a three (3) story 315,000 square foot new Dover High School and the associated parking, stormwater management, landscaping, sports fields, stadium, and the other associated site improvements for the project.

Mrs. Melson-Williams further stated that the property was annexed into the City of Dover in 2006/2007 and at that time, was zoned the R-10 zoning classification with the Corridor Overlay Zone. The property is in the vicinity of several existing neighborhoods in the City of Dover; the Village of Westover, the Village of Cannonmill, Cranberry Run, Heatherfield, and Heatherfield East on the north side of Forrest Avenue. There are some agricultural properties in the area to the southwest and to the northwest of the subject site. The project is also adjacent to a property on the west that the Planning Commission reviewed as part of the Leander Lakes residential development. That project was reviewed in August 2009 by the Planning Commission and was a project for 240 apartment units.

Mrs. Melson-Williams further stated that the Dover High School project went through the PLUS review process with the State which is the Preliminary Land Use Services Review in August of this year. Included in the Planning Commission packet was the PLUS letter that was issued on the application as well as the applicant's response to the PLUS comments that were provided. As mentioned, this is a Conditional Use application in the R-10 zoning district. The use of the property as a school site is subject to Conditional Use review by the Planning Commission. The Planning Commission is charged with reviewing the project to determine whether the intended use is appropriate in type and scale for the immediate neighborhood. In Article 10, Section 1 there is a series of things that the Planning Commission should take into consideration with regards to a Conditional Use application. Those items are included in the report to the Commission and they include addressing things such as fire and police protection, harmony of the location, site character, and proximity to residential zones, and the nature and intensity of both the uses on the land and the buildings constructed thereon.

Mrs. Melson-Williams further stated that the project is also under review as a Site Development Master Plan. The Site Development Master Plan process in the City's *Zoning Ordinance* allows for phasing of construction to be reviewed at one time by the Planning Commission and then subsequent approvals pass through what is an administrative process with the agencies and Staff. The project summary for this indicates a phased project of four (4) phases. The first phase focuses on the high school building and its associated parking lots, the stadium and the competition fields, tennis courts, and practice areas. Phase II is the softball and baseball fields on the eastern portion of the site. Phase III is a building expansion and Phase IV is a future classroom expansion.

Mrs. Melson-Williams further stated that as mentioned, the site is subject to the Corridor Overlay Zone. In this case, Route 8 is the corridor in question and it has impact on the first 500 feet of the

school property as you move north to south. There are a number of items that the site is in compliance with and they relate to setbacks, the placement of the building, landscaping, parking lot arrangements, and tree planting requirements. One thing of note with regards to the building, the building height received a variance from the City of Dover's Board of Adjustment and that variance allows for a project height of up to sixty (60) feet for the school with any architectural feature going up to eighty-five (85) feet in height.

Mrs. Melson-Williams further stated that associated with the Corridor Overlay Zone is a special consideration for the Planning Commission tonight and that is with regards to parking. Parking is not permitted between the building and the corridor street unless the overall project is deemed to be of Superior Urban Design. There are some other landscaping components that they will also need to address with regards to the Corridor Overlay Zone. In order to meet the Superior Urban Design qualifications there is a specific outline in Code regarding those requirements. There is a policy that Staff has put in place with regards to Superior Urban Design and a copy of that policy was provided to Commission members on their desks this evening.

Mrs. Melson-Williams further stated that moving on to the building architecture, it is a masonry building with a metal roof system. Detailing is done in various forms including various cast stone detailing and columns. The architecture plays a role in the Corridor Overlay Zone and does meet the corridor elevation requirement of windows, main entrance, and detailing.

Mrs. Melson-Williams further stated that the next item for the Planning Commission consideration is with regards to parking. For the high school facility, parking is based on seats in the main auditorium, cafeteria, or gymnasium spaces and as calculated, this would require 990 parking spaces. The applicant has provided a parking analysis under the combined spaces and campus parking plan provisions of the *Zoning Ordinance* for your consideration. On site, their current plan shows 870 parking spaces with an additional 160 spaces that can be accommodated when using the bus parking spaces for after hour events. Bicycle parking will also be required to be provided on site and the applicant has also provided a justification for the loading spaces that they are providing on site.

Mrs. Melson-Williams further stated that there is a waiver request related to parking. Parking is required to have upright curbing along all the areas of the parking lot. They are seeking a waiver request for the partial elimination of curbing. This will allow the removal of curbing in certain areas for stormwater management practices on the site. The most significant aspect of this project is the transportation and circulation network issues related to the school. The school site is accessed from two points on Forrest Avenue. One which is the eastern entrance which has an access road leading into the site and then the western entrance that is along the property line shared with Leander Lakes. Those two entrances provide access to the school for both the buses and vehicle traffic. As part of this project, we are also concerned with inter-connection with the two neighborhoods to the south of the subject site, the Village of Westover and the Village of Cannonmill, which have stub streets meaning a street was built to the property line in anticipation of a future connection.

Mrs. Melson-Williams further stated that with regards to the Westover connection they are showing a bicycle and pedestrian path and the connection to Cannonmill is shown as a potential connection to Tribbitt Street via access to the western entrance drive.

Mrs. Melson-Williams further stated that as part of this project, it falls within the *Delaware Route 8 Concept Plan and Operations Study* which looked at circulation improvements in this whole general area of Route 8. Sidewalks are proposed along the street frontage and along the entrance drives leading into the site. They are requesting a waiver of the sidewalk material for a portion of the sidewalk out along Route 8 as they anticipate constructing a multi-modal path which would serve both bicycle and pedestrians.

Mrs. Melson-Williams further stated that other site elements are delineated on the plan and those include dumpsters and lighting. The landscaping components to be addressed is the opaque barrier requirement which is where non-residential uses and residential uses are required to have both a landscaping and a fence or wall component. They are seeking relief from the fence component to allow for a fence in certain areas that may not be opaque in nature. The other aspects of the tree planting plan include the buffer in specific areas. The Planning Commission was given the ability by the Board of Adjustment to consider whether these buffer areas are appropriate in their location. They have an overall tree planting requirement for the site and are meeting that in part. They are seeking a waiver for a Mitigation Plan for the balance of the trees that they cannot plant on site. They are suggesting a Mitigation Plan to allow for re-forestation plantings on other areas of school district properties rather than planting them here on site.

Mrs. Melson-Williams further stated that the Planning Office provided a series of comments including a number of recommendations with regards to the plan. The Development Advisory Report also includes comments from the other agencies including the City's Department of Public Utilities related to water and wastewater and the Fire Marshal's Office in regards to fire protection. The Grounds Division also provided some comments with regards to some of their tree selections. From State agencies, we have comments from DelDOT, Division of Soil and Water Conservation at DNREC which is charged with stormwater management review for this project and also comments from the Dover/Kent County MPO.

Mrs. Melson-Williams further stated that there are three (3) waiver requests: the elimination of curbing, the elimination of the opaque barrier fence component, the alternative sidewalk construction materials, and a series of considerations for review. Those include the Superior Urban Design fulfillment and whether it has been achieved, the parking requirement justification, the loading berth justification, a tree density and buffer requirement provisions, and the plan for tree mitigation.

Mrs. Townshend stated that in terms of the transportation issues, this has been an aspect of the project that we have worked very closely with the District, the State, and the neighboring property owners, Rinnier development to try to make this work. With the approval of the Leander Lakes Development, there was essentially a right-of-way that would have straddled the two property lines. What was submitted for the District shows it entirely on their property for a number of reasons. There have been a number of meetings and discussions within the last month where we have discussed bringing these alignments together. That will have to happen in order to get both projects on the ground. There will be one access point to Route 8 which will be a public road.

Mrs. Townshend further stated with regards to the Concept Plan and Operations Study, one of the things that is present throughout that Route 8 study is not proposing any massive widening of Route 8. What it is looking at is ways to relieve the traffic on Route 8 by creating a number of connector roads, service roads, and taking some of that traffic off of Route 8. In this specific area what is

called for is a road that would come in from Route 8, travel south along the property line somewhere where it is on the District's property line, straddling, or in that general vicinity and then connect to Tribbitt Street; however, then also ultimately continue south to Hazlettville Road. This is a more regional road in nature than what we looked at specifically with Leander Lakes. When Leander Lakes came through, we were looking at that road being a City street. As this project and discussions with DelDOT have evolved, we are looking at essentially what is happening with this area between the apartment complex and the high school. We need to get a more regional road in place sooner rather than later. The idea that the connection to Tribbitt Street is not the only portion that is needed, we really need the full road.

Mrs. Townshend further stated that an email was sent to her today by Ralph Reeb who is the Director of Planning for DelDOT indicating that the State is aware that both the City and the School District are in strong support of creating this regional road because it is going to be important when the school opens. A lot of the development that has happened out on Route 8 is putting pressure on Route 8 and Hazlettville Road now and this would help to relieve that pressure. What DelDOT is committing is that they are trying to pull some money together for design based on savings on other projects and that they will do what they can to move this forward and have talked about having it in place by 2015. This is a goal and not a guarantee. City Planning Staff has been very vocal about the need for interconnection and having it in place by the time the school opens.

Mrs. Townshend further stated that the Village of Cannonmill has 233 lots with 120 apartments for a total of 353 units. Adjacent to that subdivision is the Village of Westover with 468 lots with 108 apartments for a total of 576 units. Immediately across the street are 211 approved units for Nottingham Meadows. We understand that cut through traffic is not desirable and the street system in the Village of Cannonmill and the Village of Westover is designed as such that it is not going to create a lot of cut through traffic. With over 1,100 units you are looking at two routes of travel with an entrance to Cannonmill and an entrance from the Village of Westover. Nottingham Meadows lines up with the Village of Cannonmill. Travel will either go out onto Hazlettville Road, go west, and come up Artis Drive and then onto Route 8 or travel will go left and travel east and then down Mifflin Road. Artis Drive and Mifflin Road are already roads that are stressed with the amount of traffic and cut through traffic that they have and we are very concerned in that regard. With the meetings that have taken place recently within the last 24 hours between Leander Lakes and the School District, we are getting to a point where they are real close on agreement on how all of that will take place. Staff's concern is when the school opens, that we do not have a traffic problem that is worse than it is now.

Mrs. Clements stated that they are excited to be here tonight to present the Site Plan for the new Dover High School. Prior to this meeting, the Board members of the Capital School District and members of the Planning Commission met in an unprecedented forum and engaged in open discussions. We thank you for that productive meeting for facilitating the process that brings us here today. In March of this year, the Capital School District passed a referendum to build a new Dover High School. It has been fifty (50) years since the last one was built and we know that this new high school will not only re-energize our students and community, it will be a great architectural economic asset to the City of Dover. We are neither developers nor road builders; however, we are held to the highest standard by our taxpayers to build the best and most innovative school for our students on time and under budget. She urges members of the Planning Commission to give their

approval tonight so that we can move forward expeditiously and build a new Dover High School for our students and our community.

Mr. Gregg Moore, Becker Morgan Group; the Civil Engineers and Surveyors working on the Site Plan for the new Dover High School at this time would present a Power Point presentation.

Mr. Moore further stated that the plan that you now see is the same plan that we have been showing since we matured the plan over the past few months. It is not much different from the plan that was reviewed in the joint meeting between the Planning Commission and the Capital School District.

Mr. Moore further stated that there are two entrances off of Route 8, one for bus entry to come in and access the bus loop and allow them to depart at will be a lighted intersection. The second entrance would be the main entrance and the public street that would come in and straddle the property line of the Leander Lakes property and extend back to Tribbitt Street. What we are proposing is that the parent drop-off would be able to come in this entrance and drop students off at the front where there is a small amount of parking of about thirty (30) parking spaces. The majority of parking is located behind the building and is a request for one of our waivers. Student parking and teacher parking is located on the west side of the building and would be near the main entrance into the building as the buses would also line up there with what they call a chevron. This becomes a main entrance to allow students to get to the back of the school from both student parking and the bus area. They would go into the school where the three (3) story wing is located which is the educational wing of the building. There would be a main street accessing the central corridor of the building which would be the gym and facilities off of the gym that is the cafeteria and auditorium. This would lead students into the education component of the educational wing of the building. This is the only three (3) story component of the building. This is affectively a one story building identifying the southern section; however, the gymnasium facility and the areas above the auditorium are higher than a typical one story structure.

Mr. Moore further stated that what they are trying to do with the ball field and practice field areas is segregate them from the main fields where they will have the big events closer to the school so that they will be very close to parking. The bus loading zone would then serve double as overflow parking for football games and big events.

Mr. Moore further stated with regards to architecture for the building, they submitted plans when they made the major submission and those have been upgraded with ABHA and the District which have been working very hard on those. At this time, we would like to show you the latest version so that you can see what they are. A handout of the architectural overview of the building was provided at this time.

Mr. Moore further stated that the front view from Route 8 shows the three (3) story education wing with the main entry feature on the front of the building that is white columns and is where a student would be dropped off if a parent would happen to come in the main entrance and go into the front of the building. The next elevation was of the same; however, a different view that was slightly angled looking back at the building and showing the main entry component, and the three (3) story classroom wing across the front. The next elevation brings you up closer where you can see the signage on the building "Dover High School" located on the front of the building and is where the main entrance would be which is a very ceremonial component at the main entry that would address

Route 8 and the architectural element for the building which is a design element of the Corridor Overlay Zone. The next elevation is looking from the side of the building that is to the west and looking back to the main entrance on the front of the building, the entrance to the back, and another entrance off of the parking lot where the cafeteria sits off of this entry so that students can walk into the school. The side entrance near the main parking in the back and the back entrance would be the most heavily used entrances to the building. The next elevation was looking at the side entrance where you would enter the cafeteria located on the west side of the building and the three (3) story classroom wing. This shows the lower story area located in the rear. The next elevation shows a closer view of the courtyard area located by the cafeteria where there is a series of columns. The cafeteria has a lot of glass on it so that students can look out and students can look in as they go to and get to the main part of the building where they can either go left to go to classrooms or go right to get to the cafeteria or to the gymnasium. The next elevation screen view was looking back towards the building from behind which shows the back side of the building. There is a main entrance on the back of the building to architecturally allow us to detail the main entrance to be similar to the main entrance focal point on the front of the building facing Route 8 and inviting the students to come off of the bus loop and come directly into the school. The next elevation was shown looking at the building from the ball fields and looking at the walking path and pedestrian path that comes from the Village of Westover. The next elevation was looking from the east side of the building into the landscape garden that separates the three (3) story classroom wing from the gymnasium and auditorium where there is the passageway. This concluded the architectural presentation.

Mr. Moore further stated that the next two slides are part of an agreement that has been presented to the Leander Lakes developer who is adjacent to our site. What it shows is some right-of-ways that need to be granted to allow for the public streets that Staff has been speaking of. The District fully supports a joint access and joint road that is going to be run along the property line and fully supports the access back to Tribbitt Street. This document is shown that this will be accomplished. The way the Leander Lakes has proposed it is that we will need some of the right-of-way, about forty (40) feet on the side of the Leander Lakes property to allow for that road to straddle the property line. We will then give about forty (40) feet of that same right-of-way on the Capital School District side and the actual entrance will wholly be on the District's side of the property. There is then granting of some right-of-way along the frontage of the church and Leander Lakes property that is now necessary for the widening of Route 8. In that same widening, there is some granting of right-of-way along the front of the Capital School District's property that is needed. The areas indicated in red are areas that need to be dedicated to public use by Leander Lakes and the areas indicated in blue is areas that will be dedicated to public use by the School District. There will be a pump station located on site that would be maintained and controlled by the City of Dover and the District would design and install it and the City of Dover would take it over upon its completion which would serve both Leander Lakes and the Capital School District.

Mr. Moore further stated that the second slide is a document that shows the Site Plan as you have seen with the building layout being the same. What they did do; however, since they had a meeting that was facilitated by the Planning Director, Mrs. Townshend and with Leander Lakes last week is the Capital School District agreed to shift the road back over onto the Leander Lakes property and straddle it. In that meeting, we came to what we feel is an agreement of how they can share the construction of this roadway. This document is intended to show you what the District has presented to Leander Lakes and how the construction could be shared.

Mr. Moore further stated that the Leander Lakes project came before the Planning Commission and gained approval for the entrance road to come in and extend back and tie into Tribbitt Street with two entrances to allow for those who would use the apartment complex to access what was then a City street. Now that DelDOT is involved and has put on their radar screen putting the road in all the way to Hazlettville Road making it a more regional road, which is going to be a 2014/2015 plan, to allow them time to design and pull their money together to construct this roadway. In the interim, what is indicated in red is the component that Leander Lakes is agreeing to take the full responsibility of construction which would be tying into Tribbitt Street and coming in along the edge of the Districts property and running back to tie into at the pump station. The District would take all of the construction from that point to the entrance and everything on Route 8 which includes widening, change of elevation, drainage work, and considerable turn lanes that would be affected to allow for there to be a lighted intersection. The District would build the entire roadway all the way back to the pump station which includes several intersections.

Mr. Moore further stated that from the District's perspective, they had hoped prior to the referendum, that Leander Lakes would have been successful in building all of these improvements as part of their plan; however, it was clear to the District as part of discussions with Leander Lakes that they did not have a construction schedule that they could commit to a date of start. The proposal that is being presented tonight has been formalized into an agreement and was a result of the meeting that was held last week. With everything that has been outlined this evening, the District is willing to enter into this agreement so that they can proceed to the construction of their high school, entrance and all of the other improvements. Indicated in red on the diagram would be the construction component that Leander Lakes has agreed to build prior to the opening of the school which includes detailed dates that define when the District would be building their improvements and when Leander Lakes would be building theirs. From the District's perspective, as we have been saying since we started the process, we will start construction next spring as we are on a very fast tract of construction. We would start with the utilities package which would include the pump station, water, and sewer lines that have to be brought into the property and then back towards Tribbitt Street. Just shortly thereafter, they would want to be starting on the foundation and the rest of the project. Then proficiently proceed to finish the entire project sometime around 2014 which is the date that has been setup for the opening of the school.

Mr. Moore further stated that the agreement, although not yet executed, is very close. There are a few details that still need to be worked out by the District's attorney and the attorney for Leander Lakes. One of the keys to that is the dedication of the property along the Leander Lakes side of the property which will facilitate the District moving the road over so that they can make sure that they have the full right to build the roadway half on their side and half on ours. We are asking this evening to be able to move into the construction phase with drawings and designs that would be presented to Staff as the normal course of action.

Mr. Moore further stated that the original plan that Leander Lakes submitted actually had a connection from the church directly into this entrance. DelDOT has taken a further look at that and has indicated, and agreed with the District, that this would be somewhat problematic bringing the entrance to the church in the front throat of the main entrance. DelDOT is now agreeing that the church could in fact use its current entrance as the entrance to the church and does not believe that it is in the best interest of this more regional road to bring a new entrance to this location. This is a minor change from what you have seen previously.

Mr. Moore further stated that they have a stormwater facility that would serve the entire roadway and parts of the Capital School District's property. There is the need to connect the Leander Lakes stormwater through this pond because it all drains across the roadway and is part of the agreement. The agreement is very detailed in terms of making sure that there is communication regarding water, sewer, stormwater drainage, easements, and rights-of-way which is all addressed in this document.

Mr. Moore further stated that they have had two (2) meetings with their neighbors. One of the comments that were discussed regarding DelDOT in the meeting last week was that DelDOT has asked them to continue the multi-modal path across the front of these neighbors' properties. In both of our meetings with these neighbors, they were very clear that they did not want us to be building a path in front so we have not shown that. We have made DelDOT aware of those neighbors' objections.

Mr. Moore further stated that with regards to the fence, we are planning to fence the property with heavy landscaping on both sides of the fence so that the landscaping becomes the opaque barrier separation. Their proposal is that they screen both sides of this fence so that the fence becomes hidden. Responding to Mr. Moore, Mrs. Townshend stated that the fence itself would not be opaque; however, the buffering and the screening would be there so this is why the waiver request from the opaque barrier fence portion has been requested.

Mr. Moore further stated that there is a major right-of-way for DP&L that runs behind these properties and then extends to a major power line on the property. The District has entered into an agreement to allow a portion of that to be buried. This easement agreement has been executed and there was discussion about bringing that walkway out around the backside of those neighbors. This has been presented to DP&L as follow-up to the DAC comments. We do not believe that they are going to allow us to do this. This is their property and part of their executed right-of-way that they are currently designing and ready to install. We do have a walkway and access through a landscaped walkway that gains direct access to the backside of the main entrance to the building where the buses would be.

Mrs. Townshend stated that it has been discussed that they would be adding the walkway in from Route 8 to that main entrance. Responding to Mrs. Townshend, Mr. Moore stated that they do have a walkway that is proposed to connect the sidewalk directly into that front door entrance so that if someone is walking on the roadway they could get into the building.

Mrs. Townshend further stated that typically, when the Planning Commission adopts DAC comments as part of the requirements of the project, we would want to make sure that the flexibility is there and that this multi-use path be something that they could negotiate with DelDOT. Responding to Mrs. Townshend, Mr. Moore stated that the District's position would be that they know very clearly that these neighbors do not want this walkway in front of their properties as they have been very vocal in two public meetings with the District. We have told them that we will respect the comments that they have made to us and talk to DelDOT regarding this issue.

Mrs. Townshend further stated that what has been stated was that if they could not go in front, DelDOT mentioned about bringing it behind. Staff's perspective from the Planning Office is that there are plenty of connections into the site from Route 8 so we are not concerned. Responding to Mrs. Townshend, Mr. Moore stated that they agreed with Staff comments. They believe that the

neighbors would object to the walkway being located behind their parcels; however, larger than that is that DP&L controls this property and if they will not let us do it then we cannot.

Mr. Moore further stated that they do not have any issues regarding the DAC comments of record. The one thing that is not attributed in the DAC comments is the agreement that they now have based on the meeting with Leander Lakes regarding the roadway. Shifting the roadway over is not addressed because it was presented after the Applicant DAC meeting. The agreement is the key to separating what Leander Lakes builds versus what the School District builds and we feel that this is important to note.

Colonel Welsh stated he is big on architecture and he looked at the November 2010 elevations that were presented to us and he thought that this was really good. They had done a nice job with giving Dover's colonial history and tying in a modern building with a bit of a colonial look with all the brick and concrete pillars. He thought that it was an exceptional building. He looks at tonight's presentation and a lot of the brick has disappeared and a lot more glass appears with a lot more vertical pillars. This is not an unattractive building; however, it is not as attractive as the initial design was and to him it looks more like something that, if it had a flat roof, he would say it was a 1950's architectural style. This is the way you would picture school buildings from the 1950's. He is curious as to what drove the changes, was it cost issues?

Responding to Colonel Welsh, Mr. Moore stated that there have been changes happening as the Board has been seeing the documents and there have been updates. They are seeking LEED certification of this building and natural light within the classrooms is a big component of LEED certification and big part of the educational program. It is also a key to being able to have an efficient building which is part of their commitment and request for the parking waiver, the LEED certification, the geothermal and a number of things that go into that.

Also responding to Colonel Welsh, Mr. Krienen stated that since the Board approved the second set of drawings which were presented tonight, there has been further discussion with the Executive Committee in which they had very similar comments regarding the amount of glass and the nature of the columns in particular. One thing that was driving the slight increase of glass was to get additional sunlight into the classroom which is a LEED certification requirement. We are willing to modify this to get more brick back into the building and should be closer to the proportion to the original drawings that you saw; however, the materials we would like to introduce are additional materials such as stone to supplement it. If you look at some of the elevations that are further back, particularly on the backside of the building, we felt architecturally that the front building should be as traditional as possible and not recreating a historical building; however, eluding to that. However, on the back of the building, the Committee felt that there was some flexibility to be a little more contemporary because of the use of the space and because of the proximity on the site. These are not the final elevations by any means; however, the evolution of the direction we are going in.

Colonel Welsh further stated that he looks at what faces Route 8 and to him the white vertical columns that you show on version #2 really detract from the building, in his opinion. The brick with a lot of glass looks nice with a few vertical columns. Dover is a very historical city and if you could architecturally tie this theme into the new school, at least as it is viewed from Forrest Avenue, this would be a plus. Responding to Colonel Welsh, Mr. Krienen stated that he agreed.

Mr. Shomo stated that he has been concerned ever since we had our joint meeting with the School Board with regards to the road. It looked like they were going to have to take two million dollars out of the building to build a road and DelDOT stated that they did not have the money. The School District is not in the road building business. When he got here this evening and there was this email on our desks from Mr. Ralph Reeb, he felt that they were beginning to get somewhere because DelDOT is stating that they are going to be able to save due to favorable projects and they were moving to begin the design, he felt they were going to build this road. Now it looks like the District will have to pay half and DelDOT will be paying half. He feels that every penny of this money that the people in Dover voted for building has got to go towards the educational part of the project, not to build a road and feels that this is DelDOT's job.

Mr. Moore stated that this is going to become, under the MPO study, the first phase of this regional road. We would stop our construction at the pump station which would provide City access to the public facility pump station. The next piece would be built by Leander Lakes to make the Tribbitt Street connection. The way that the agreement is structured, they would have to be building that before we open the school which is what the City has asked be done and they are fine with this. DelDOT would then come in and bring the road for Hazlettville Road and make the connection into the property sometime in 2014/2015 if they come through with the schedule that they have told us. The District would actually prefer that DelDOT build the entire road all the way to the entrance and over to Hazlettville Road; however, we understand that given our schedule, that this is not going to happen and we need to start construction very quickly. We delayed the submission by a month to give us more time to work with the Leander Lakes neighbor in an attempt to come to an agreement. We are now at the point where we need to proceed to meet the taxpayer commitment of starting this project. There is significant dollar savings in allowing us to do that because of the way the bidding and prevailing wages work and the way that they will be changing next year.

Mr. Hemmig asked if the piece of road that they have to construct is well within their budget and you will not have a problem with that? Responding to Mr. Hemmig, Mr. Moore stated that we have worked out how to make that happen in the budget and they will be making all of the improvements which are significant along Route 8. We are sure that we can proceed and construct and effective building.

Mr. Hemmig further stated that he believes that if they include in the motion the fact that the agreement with Leander Lakes must be signed sealed and enforceable to have this road completed to Tribbitt Street before the school opens, would be the smart way to go. Responding to Mr. Hemmig, Mr. Moore stated that the first question was if they are prepared in their budget to build what is a future DelDOT street that is going to provide the community not just the District, the Hazlettville Road connection a benefit and the answer is yes. He can tell you that when the referendum was passed, the District believed that all of these Route 8 improvements and the roadway back to Tribbitt Street, the pump station, and all of the utilities we thought would all be affected by Leander Lakes which at that point in time was way out ahead of them. Their hope was that these would all be in place and that they would be saving and this is how they did their original budgeting for the school. Realizing that their schedule did not permit that, we had to go back and change the architectural which explains some of our changes. We changed their overall program to accommodate what is more roadway and utility work than they had originally expected. What we are showing you tonight we can in fact do; however, there has been some concessions on the side of the building, the design of the building, size of the building, and the configuration of the building to accommodate what we

had hoped might already be there. There is significant property that needs to be dedicated on the Leander Lakes side and is essential that this property be able to be turned over to us very quickly. If for some reason that it cannot be turned over, we would proceed and build the roadway right along the edge of our property and Leander Lakes would be able to gain access; however, the roadway would be on our property as we had originally proposed it.

Mr. Tolbert questioned with regards to the stormwater ponds will the Capital School District be responsible for maintaining those ponds? Responding to Mr. Tolbert, Mr. Moore stated that yes, they would. They have two ponds which will drain under the roadway across the street to a tax ditch. Because of the scale and size of the project, we were unable to achieve positive drainage across the entire property unless we actually had this pond. We tried to avoid that by using other methods; however, we could not. We have had meetings with DNREC and they are fine with this pond. It will be our pond on our property and will be maintained by the District. It will serve this public right-of-way and we will account for the water from it. The other will be wholly from the lands of the District which will be the private roadway and the ball fields in the back.

Mr. Tolbert further stated that the reason he raised this question is because it is right in front of the building. When you go around Dover you see large ponds that are not maintained that collect a lot of trash. Responding to Mr. Tolbert, Mr. Moore stated that the District, throughout the design, are very aware of this and wants this structure to be a focal point. We are thinking that we may put a fountain in it like what you see next to the Treadway Towers building where there is a vertical element to demonstrate that it is a water feature. We would want that kind of appearance.

*Mr. Hemmig opened a public hearing.*

**Dr. Michael Thomas – Capital School District Superintendent** – Stated that they have worked extremely hard with the City, Leander Lakes, and DelDOT to bring this thing forward. He would like to leave you with a couple of thoughts that have sort of been said tonight and he feels that things that are important and always need repeating. Everyone in this room owns this school whether you voted for or against the referendum or didn't vote at all, you are paying for it. Everyone in this room owns this building. We want to see this come in like you expect it to come in and this is why we have to expedite it extremely fast. This building is one hundred fourteen million dollars ($114,000,000) although our referendum total was one hundred and thirty five million dollars ($135,000,000). This is a huge project and the second largest public project in the history of the State of Delaware that goes back a ways; it is that important. There are a lot of citizens here tonight because it is important to them. He bears the responsibility in his position in working with the Board, the Architect, and the community to see this project does two things: stay on time and within budget because this is how you build public trust. We have worked very hard to plan and miss any obstacle that has come up since the referendum was passed in March to drive this project ahead. As you are aware with public projects in Delaware that are passed in referendum, the meter starts running immediately and if we delay this project and get off schedule at one hundred and fourteen million dollars ($114,000,000), it could mean millions of dollars of cost to our taxpayer's money. We do not want that to happen. We are working diligently hard with every agency to achieve that and we are going to continue to do that. His plea tonight is to advance this project on time.

**Mrs. Nancy Baker – 1526 Forrest Avenue** – Stated that she has watched this project from its seed. She is one of the three owners that sold the property to the school district and we are very proud to

have them become a neighbor of ours. It is a much better selection than some of the other choices that were out there that were offered to us. She only has two concerns to say about it. We have watched the concept of the building architecture without a problem. Her concerns are with regards to the southeast side where they have the stub street coming in from the Village of Westover on whether they will gate it and monitor it and if they will close it after hours and close it on the weekends? Her objection to it being there is because it is in the athletic field area that is unmonitored, unlit, and is opening the chicken house door after hours to allow people to have access to it when it is not going to be seen and it is out of sight of the main building so to her it is a safety and security issue. It is not a safe and secure area to have traffic after hours and weekends. We already know that the newspapers have shown you the gang activity that has come into the City of Dover. When this all started and we were meeting with one of the reporters from the Dover Post she stated her opinion over this open access. She stated that they just had four (4) students shot in New Jersey on a school playground after hours in the dark, her concerns were stated there. A member of the family owns a lot along Route 8 in the area that is closest to the entrance where DelDOT wants to put sidewalks. The voice on that is that they do not wish to have the lot and the aesthetics of the property with the additional space taken up and the maintenance of sidewalks. She has to agree with Mr. Shomo, it is a shame that DelDOT is spending money on other mortgages for properties that they do not own when they could help improve the roadway for public education buildings.

**Mr. Blair Rinnier – Leander Lakes** – Stated that they are getting very close with finalizing the agreement from this past meeting with the Capital School District. He would ask that the approval this evening is subject and conditioned upon us finalizing this agreement so that an agreement is clear over the next thirty (30) days. We will work closely with the Capital School District to do just that.

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

Mrs. Townshend stated that several of the exhibits that Mr. Moore showed include right-of-way width of fifty (50) feet. The City's minimum right-of-way width is sixty (60) feet so that would be subject to a waiver. We do not have this in writing as this has evolved; however, she feels that it should be stated on the record that they would want a recommendation to City Council from the Planning Commission on that matter.

Mr. Moore stated that this is a small portion of the roadway. The rest of the roadway is actually an eighty-five foot right-of-way which would accommodate a much wider street. The one section of fifty (50) feet is the smaller section that is the tie to Tribbitt Street.

Mr. Moore further stated that one clarification that he needs to make is that we have worked very hard to come up with an agreement with Leander Lakes. We do not believe that it is in the best interest of our District to bind the District to an agreement that has to be executed by Leander Lakes. He tells you this because we are not certain that because of some property complications that Leander Lakes may have that they can actually deliver us the right-of-way that they need to allow the roadway to be shared on the property. If a condition of approval tonight is that we have to enter into an agreement and they cannot deliver the property that they need to put the road straddling the road, we then need to move the road back onto the District's property. They can access it as we do not have a problem with that. This is not what is in the agreement tonight and as late as 6:45 PM tonight, there was question as to whether that could be delivered immediately to the District to allow

it to proceed. He gives you the District's word that they will work in earnest with them as we want an agreement more than they do. We met on Sunday for two hours to review an agreement as we presented four (4) different agreements between Friday and today. He assures you that the District wants an agreement we just do not want it to be a condition of approval.

Mr. Hemmig stated that he believes that what they are really going for is not whether the road is split over the property line or that it is all on your property, it is to ensure that the connection to Tribbitt Street is included by the time the school opens. Are we able to come to this agreement? Responding to Mr. Hemmig, Mr. Rinnier stated that he feels comfortable that we will be able to get this resolved.

Colonel Welsh stated that the property to build the access road on that belongs to Leander Lakes is not the issue. In his mind, the issue is the connector from the pump station to Tribbitt Street which they have said they would accept responsibility for. Responding to Colonel Welsh, Mr. Moore stated that he agrees; however, also disagrees. They can deliver the right-of-way that is needed for the Tribbitt Street connection that is wholly on the District's property. Tomorrow we can dedicate that so that Leander Lakes can build that and there is no question on that at all. What we are unsure of is what Mr. Rinnier is stating that if for some reason the mortgage holder does not allow the roadway, then is it going to be a public roadway to be on the property to get the lien removed? We then can't put the roadway over there and would have to shift it; however, the section that Leander Lakes said they would build is solely on the District's property. We can provide that right-of-way this week and are prepared to do that.

Colonel Welsh further questioned if they could provide the construction? Responding to Colonel Welsh, Mr. Moore stated that our agreement states that they can and they have agreed to do that by 2014 which has been part of their discussion with Mr. Rinnier.

Mr. Rinnier stated that these are the types of details that we have been working through in the agreement. The Capital School District has been good as we all worked Friday and again over the weekend and tried to get wrapped up before tonight; however, is sorry to say that they did not. He has every bit of confidence that they will be able to dedicate the roadway there. Our mortgage holder is the church that sold us the property and if you look at the value of a forty (40) foot wide piece of land, it is not going to affect his security in what we are doing here. It is a matter of going to him and reaching out and saying can we release this so that the road can be installed. He has every confidence that this is not going to be a problem for us. It is important to have an agreement signed before they move forward that memorializes what they talked about this week.

Colonel Welsh stated that we are leaving this pending if we do not have an agreement, he is okay with it; however, he knows that if they do not have the commitment again we are not concerned about whose property it is on. His concern is that the Capital School District has said that they will fund the construction of Route 8 and the entrance to the pump station regardless of whose property it is on. Leander Lakes has stated that they would construct from the pump station to Tribbitt Street and that is what he is looking for a commitment for and he does not hear it. He hears "I feel comfortable that we can work that out." He does not hear the commitment and this is his concern.

Mrs. Townshend stated that what she would suggest is that if the Planning Commission is in agreement that the Tribbitt Street connection needs to be in place when the school opens, if that is what you're looking at, if you look at the recommendations on Page 17 of the DAC report Items #1

and #2 talks about the need for the Tribbitt Street connection prior to opening of the school. Item #2 is more general in terms of requiring that it be worked out with the neighboring property owner and that the access road is constructed in alignment that would serve both properties. Also, that it be designed and constructed as either a City or DelDOT road and would anticipate that it would be DelDOT. That the road alignment be recorded as right-of-way and that essentially the shared cost be worked out. If they take those pieces of the DAC Report, are you as the District comfortable with that? What she would commit is that if we get to a certain point and it looks like we are not on tract with that, we would bring it back to the Planning Commission.

Colonel Welsh stated that there is another alternative and that would be the issuance of a Certificate of Occupancy which could be made a part of the motion this evening. That would be that the Certificate of Occupancy would not be issued if this road is not completed.

Mr. Hemmig stated that there is one other point that he would like to make and that is that he believes that there has been a problem before with the current high school with student parking in the neighboring neighborhood. He wonders if Staff has considered any changes to the parking regulations within Westover and Cannonmill as to avoid a lot of student parking or other parking in the neighborhoods and then walking to school? Responding to Mr. Hemmig, Mrs. Townshend stated that if this were to be a problem, we would address it through the means of the Council process where it is typically addressed. She would not anticipate it to be an issue. While she cannot remember what the current school has for parking, she believes that the parking here is doubled.

Mr. Moore stated that there are just under 400 parking spaces at the current high school and there is about double that at the new Dover High School.

Mrs. Townshend further stated that in addition to the parking spaces there is the bus drive where for special events, that bus drive aisle has been designed for special events for cars to park there on that side of the road. She truly does not anticipate this being an issue. We worked very closely with them on the parking issue and she feels that they are in good shape. Responding to Mrs. Townshend, Mr. Moore stated that they do agree with that; however, the connection would be a public street and would connect to Tribbitt Street which would also be a public street. We are going to be powerless to do anything.

Mrs. Townshend further stated that in places where we have that issue such as in the Woodcrest area, they now have one or two hour parking without a residential permit so there are mechanisms to address it if it becomes an issue. Because the parking for this site meets the needs, she does not anticipate this to be a problem.

Mr. Moore stated that he wanted to be clear that Leander Lakes did have its approval done eighteen (18) months ago. We, the District, were surprised to hear today that they may have some timing problems in delivering the right-of-way to allow the straddling of the roadway. This was a part of the plan that was presented to you eighteen (18) months ago. This is part of their concern with attaching them to this agreement. They are still prepared to move the road onto their property and live by their commitment and feel that Leander Lakes will do the same. It is a detail as to whether we shift the road to get it accomplished in our time. We will allow the access to it as long as Leander Lakes builds that component as they had said that they would. He would take you back when you approved their plan, you did not attach their plan to a condition that they enter into an

agreement with the School District. He feels that as we stand her tonight as a public entity as the Capital School District, to ask us to have a different condition than you asked the public developer eighteen (18) months ago, is a bit unfair to the District. He asks that you let us work this out with them and the Staff as he feels that they can work this out.

Mr. Hemmig pointed out that the Leander Lakes was a relatively smaller project compared to the addition of the new Dover High School and is the reason interconnectivity is much more critical now than with just the Leander Lakes project.

Colonel Welsh stated that he is willing to let things continue to move along and it sounds like there are some good faith negotiations going on between the school district and Leander Lakes. It may be best to let that continue and not make anything contingent upon that agreement.

*Colonel Welsh moved to approve C-10-05 New Dover High School to include approval of the Site Development Master Plan with phases identified in the plan submission. Also, to include as conditions of the approval the DAC comments of record and specifically noting Items #1 and #2 relating to the timing of the interconnection to Tribbitt Street. Action for approval on the waiver requests for partial elimination of curbing, elimination of the fence component opaque barrier requirement, and alternative sidewalk construction material.*

Colonel Welsh pointed out that in the Staff Report it recommends the use of concrete. Responding to Colonel Welsh, Mrs. Townshend stated that the Report states "Staff recommends approval of the use of concrete material." They are planning on using it in a number places anyway.

Mr. Moore stated that they would be using concrete for sidewalks in most all cases with the exception of ten foot wide areas. Responding to Mr. Moore, Colonel Welsh stated that the ten foot wide areas will be hot mix asphalt? Responding to Colonel Welsh, Mr. Moore stated yes.

Colonel Welsh questioned what Staff's thoughts were on the hot mix asphalt? Responding to Colonel Welsh, Mr. Koenig stated that Staff feels that this should be all concrete. If you go around the City and look at the examples of asphalt paths they are being degraded rapidly by wire grass and for a building of this size and expense, we would recommend that they go with concrete to match the life expectancy of the building.

Colonel Welsh stated that he missed this in the comments and so amended his motion;

*Colonel Welsh further stated that the motion would not include the waiver for hot mix asphalt in the ten foot wide areas; however, that all the sidewalk construction be made of concrete. The project meets the Superior Urban Design Standards architecturally. With regards to the Campus Parking Plan, Staff supports the 840 parking spaces and would be accepted. Approval of two loading berths. Approval of the tree density and buffer requirements as the determination of whether the vegetation buffer shown on the landscape plan are appropriate and sufficient based on what the Board of Adjustment granted in terms of a variance, Staff believes that they are. Approval of tree mitigation. Approval of the recommendation to City Council to reduce the right-of-way from sixty (60) feet to fifty (50) feet in certain areas, seconded by Mr. Tolbert and the motion was unanimously carried 5-0 with Mr. Friedman, Mr. Holt, Mr. Nichols and Mr. Ambruso absent.*

Mr. Hemmig stated that one point of order that he would like to make on the elimination of the fence component, we are not actually eliminating the fence; we are eliminating the fact that it is an opaque fence.

Colonel Welsh asked that they give careful consideration to going back towards the first plan with the brick and concrete pillars instead of all the glass.

**NEW BUSINESS**

There was no new business to address.

**Meeting adjourned at 9:36 PM**

Sincerely,

Diane Metsch
Secretary

PETITION TO AMEND AND ZONING DISTRICT
Public Hearing before the
Dover Planning Commission
January 18, 2011

| | |
|---|---|
| Owner: | Roadway Express Inc. |
| Applicant/Equitable Owner: | F & B Properties |
| Address: | 293 Saulsbury Road, Dover |
| Location: | Northeast corner of Saulsbury Road and North Street |
| Tax Parcel ID #: | ED05-076.11-01-43.00-000 |
| Size: | 3.64+/- acres (157,558 S.F.) |
| Present Use: | Vacant Building/Trucking Terminal |
| Proposed Use: | Bank and Convenience Store with Gas Pumps |
| Comprehensive Plan Designation: | Commercial |
| Present Zoning: | C-3 (Service Commercial Zone)<br>COZ-1 (Corridor Overlay Zone) |
| Proposed Zoning: | C-2A (Limited Central Commercial Zone)<br>COZ-1 (Corridor Overlay Zone) |
| Reason for Request: | To allow for the use of a bank and convenience store with gas pumps on the site. |
| File Number: | Z-11-01 |

CITY OF DOVER PLANNING

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: December 30, 2010

APPLICATION: Lands of F&B Properties – Proposed Rezoning from C-3 & COZ-1 to C-2A & COZ-1

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

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

This rezoning application consists of one parcel of land, of approximately 3.64 acres, owned by F&B Properties. The property is currently zoned C-3 (Service Commercial Zone), and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-2A (Limited Central Commercial Zone). The subject area is located on the northeast corner of the intersection of North Street and Saulsbury Road. Tax Parcel: ED05-076.11-01-43.00-000

Existing Property:
The subject parcel has previously been used as a trucking terminal. It is currently vacant. During the 2009 Comprehensive Rezoning Project, the parcel was rezoned from IPM (Industrial Park Manufacturing Zone) to C-3 (Service Commercial Zone).

Surrounding Land Uses:
There are a variety of different zonings and land uses surrounding the subject properties. To the east and north, the property is surrounded by the Simon Circle residential development, which is zoned RG-1 (General Residence Zone). The portion of Simon Circle immediately north of the subject parcel is subject to the COZ-1 (Corridor Overlay Zone). Beyond Simon Circle is the residential development of Lincoln Park, which is zoned RG-1 (General Residence Zone). To the west, across Saulsbury Road, are a number of office buildings that are accessed from Beiser Boulevard. These properties are zoned CPO (Commercial and Professional Office District) and subject to the COZ-1 (Corridor Overlay Zone). The Eden Hill TND Commercial District is located south of the subject property, across North Street. This property is zoned TND (Traditional Neighborhood Design). Kraft/General Foods is located southwest of the subject parcel, across North Street and Saulsbury Road. This property is zoned IPM (Industrial Park Manufacturing).

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 Commercial Uses. The requested C-2A zoning is consistent with this category of uses, as is the current C-3 zoning. This property was rezoned from IPM (Industrial Park Manufacturing Zone) to C-3 as a part of the 2009

Comprehensive Rezoning Project. The C-3 classification was applied to ensure that the trucking terminal, which was the use at the time of the 2009 Comprehensive Rezoning Project, would continue to be permitted.

Request for C-2A (Limited Central Commercial Zone)
Within the C-2A Zone, the following uses are permitted: convenience retail, personal service stores, service establishments, residences (including apartments), banks, offices (governmental, business and professional), theaters, restaurants, hotels, clubs, places of worship, other retail and service establishments.

Gasoline filling stations and motor vehicle storage, repair and/or service are prohibited, except that "gasoline pumps shall be permitted as an accessory use, subject to conditional use approval by the planning commission pursuant to article 10, section 1."

The primary difference between the requested C-2A zone and current C-3 zone is that the C-3 zone is a service zone that does not permit the retail uses that are permitted in the C-2A zone. A gas station would be permitted within the C-3 zone; however, the convenience retail use would not be permitted. The C-3 zone also allows for some light manufacturing uses that are not permitted within the C-2A zone.

The following is a summary of the bulk standards, as specified in Article 4, Section 4.14.

| | |
|---|---|
| | C-2A |
| Minimum required: | |
| Lot area | |
| Lot width (ft.) | 50 |
| Lot depth (ft.) | 100 |
| Front yard (ft.) | 15 |
| Side yard (ft.) | None required, but 10 feet min. if provided |
| Rear yard (ft.) | 20 above ground floor. At ground floor, 5 ft. required |
| Side or rear yards which adjoin a residential zone (ft.) | 25 |
| Off-street parking | |
| Per 300 sq. ft. floor area or | 1 |

| | | | |
|---|---|---|---|
| | | Per employee (whichever is greater) | 1 |
| Maximum permitted: | | | |
| | Building height | | |
| | | Stories | 6 |
| | | Feet | 60 |
| | Floor area ratio | | 4.0 |

Recommendation of the Planning Staff:
This request is to rezone land from C-3 (Service Commercial Zone), subject to the COZ-1 (Corridor Overlay Zone) to C-2A (Limited Central Commercial Zone), subject to the COZ-1 (Corridor Overlay Zone).

The zoning requested is consistent with the *2008 Comprehensive Plan* as amended 2009 and it is compatible with the surrounding land uses and zoning classifications. For this reason, staff supports the rezoning request. Additionally, the uses permitted within the C-2A zone are more consistent with the adjacent residential use than the uses permitted in the C-3 zone. If developed under either zoning classification, staff and the Planning Commission will need to ensure that the appropriate measures are in place on an approved site development plan to buffer the commercial use from the adjacent residential use.

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 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.

2) 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: DECEMBER 30, 2010**

CITY OF DOVER
PUBLIC UTILITIES
DEPARTMENT

**APPLICATION:** **Lands of F & B Properties**
**293 South Salisbury Road**

**FILE #:** **Z-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 objection to the rezoning of tax parcels ED05-076.11-01-43.00-000.

## 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: January 6, 2011

**DELDOT**

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APPLICATION: Lands of F&B Properties at 293 South Saulsbury Road
FILE#: Z-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:

The department has no comment 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 to be performed by the developer for this project. 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.

- According to Kent County Classification Maps, KCR 156 (Saulsbury Road) is classified as a minor arterial, which requires an 80-foot wide right of way (40-feet from the centerline). The department will require a Right-Of-Way dedication to public use.

- According to Kent County Classification Maps, KCR 73 (North Street) is classified as a major collector road, which requires an 80-foot wide right of way (40-feet from the centerline). The department will require a Right-Of-Way dedication to public use.

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

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

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

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

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**APPLICATION**: Lands of F&B Properties

**FILE #:** Z-11-01

**REVIEWING AGENCY:** *Kent Conservation District*

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

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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 AND STATE CODE REQUIREMENTS:

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

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

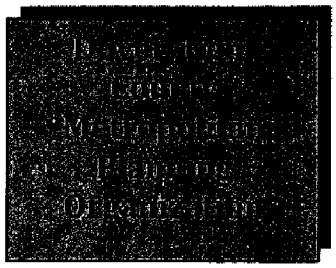
1. *If at any time expansion or earth disturbing activity (clearing, grubbing tree clearing etc.) takes place and exceeds 5000 square feet; a detailed Sediment and Stormwater Management Plan must be submitted and approved to the Kent Conversation District.*

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE:



APPLICATION: Lands of F&B Properties at 293 South Saulsbury Road

FILE #: Z-11-01 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 sidewalk and bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

**City of Dover Planning Commission 1/17/2011**
Project Review
Lands of F&B Properties at 293 South Saulsbury Road

The subject site is a part of an urban area and has sidewalks along the streets and is served by DART transit routes 102 and 113; route 102 has stops in the Simon Circle neighborhood immediately to the east of the site.The site is within a complete road section. No Further Comments

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

# City of Dover

RECONSIDERATION OF CONDITIONAL USE PERMIT
PLANNING COMMISSION MEETING
January 18, 2011

| | |
|---|---|
| Plan Title: | House of Pride Inc.<br>C-08-01 |
| Plan Type: | Conditional Use |
| Property Locations: | North New Street and South New Street between Loockerman Street and Fulton Street |
| Property Addresses: | 16 and 20 North New Street; 29, 37, 38, 55-57, 102, 105 and 110 South New Street |
| Tax Parcels: | ED-05-076.08-05-22.00-000<br>ED-05-077.05-03-10.00-000<br>ED-05-076.08-05-84.00-000<br>ED-05-077.09-01-35.00-000<br>ED-05-077.09-01-31.00-000<br>ED-05-076.08-05-20.00-000<br>ED-05-077.05-03-08.00-000<br>ED-05-077.05-03-02.00-000<br>ED-05-077.09-01-37.00-000 |
| Owner: | House of Pride<br>110 South New Street<br>Dover, DE 19904 |
| Present Use: | Philanthropic Use as Residential Recovery Center and Transitional Housing |
| Zoning Classification: | RG-1 (General Residence Zone)<br>C-2 (Central Commercial Zone) (property at 105 South New St.) |

Conditional Use Approvals Granted by Planning Commission-
The Planning Commission granted conditional approval of the Conditional Use **on January 22, 2008** in accordance to the DAC Report dated January 11, 2008. In addition, the Planning Commission made the following conditions on this Conditional Use:

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

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

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

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

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

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

Failure to comply with City codes shall result in revocation of the Conditional Use permit. If code violations are found, the City will allow time for the House of Pride to correct violations. Time allowed will depend upon the nature of the violation. Any extensions to allotted tie for corrections must be approved by the City Planner.

As with all applications, Planning Commission approvals are conditioned upon completing all of the agency requirements and finalization of plans. The Planning Office is in receipt of final plans for the House of Pride Conditional Use Permit, but has not signed off on them pending resolution of outstanding code violations.

<u>Reconsideration of Conditional Use Permit:</u>
This report is intended to present information to help the Planning Commission determine whether the Conditional Use Permit for the existing nine House of Pride properties as a philanthropic use as recovery centers and transitional housing should continue. This reconsideration also includes the property located at 105 South New Street that has been classified as a social service agency under the C-2 (Central Commercial Zone) Zoning District.

The following conditions, as previously stated, were placed on the Conditional Use Permit granted by the Planning Commission on January 22, 2008 and December 15, 2008, respectively:

> All Building and Life Safety Code requirements must be met for all occupancies and must be complied with for the properties.

> The City of Dover conduct annual housing inspections of all units included within this Conditional Use application. These inspections will occur each year, and continuation of the Conditional Use shall be contingent on successful completion of the inspections.

The Planning Office is bringing the Conditional Use Permit forward to the Planning Commission for reconsideration, as these conditions have not been met.

Code Compliance Issues

Staff is bringing the Conditional Use Permit back to the Planning Commission for reconsideration, as the conditions of maintaining compliance with City codes and making corrections to code violations within required timeframes have not been met. The Planning Office sent a letter on September 10, 2010, indicating that failure to comply with the requirements of Code Enforcement Division and Fire Marshal Office inspection reports would result in bringing the Conditional Use Permit back to the Planning Commission for reconsideration. The following are examples of some of the code compliance issues, and the most current inspection reports from the Fire Marshal's Office and the Code Enforcement Division, which are attached to this report. In addition to the specific items stated below, City staff frequently observe and receive complaints about trash, debris and unregistered vehicles on House of Pride properties. Work is often performed without permits, not completed to minimum code requirements, and not completed in a workman-like manner, even if written documentation indicates that permits are required for the work being performed.

*Electrical Inspection and Corrections at 110 S. New Street:*

On August 10, 2010, the Code Enforcement Division notified House of Pride that an electrical inspection was required for 110 S. New Street, as well as any necessary corrections identified in the electrical inspection report. This report was ordered after following up on a tenant complaint that raised concerns of living conditions within Apartment 6. Inspector Edward Graves noted possible electrical overload concerns with the apartment from appliances and window air conditioning units. Further investigation revealed that numerous units within the dwelling did not have adequate electrical wiring to meet the demand in addition to tenant complaints relating to continued power outages due to blown fuses. On September 8, 2010, the Code Enforcement Division sent a follow-up notice to House of Pride regarding the electrical inspection and giving additional time for compliance. Subsequent notices were sent, including fines, on September 16, 2010 and October 1, 2010. The initial inspection has been performed, but as of the January 4, 2011 follow-up inspection, full compliance has not been achieved. Some corrections were made; however, corrections require reinspection by the electrical inspection company to certify the work was completed according to code requirements.

*Housing Inspections on Various House of Pride Properties:*

On October 29, 2010, the Code Enforcement Division and Fire Marshal's Office conducted joint housing inspections on properties located at 20 N. New Street, 29 S. New Street, 37 S. New Street, 105 S. New Street, and 110 S. New Street. Inspection reports were issued, identifying code violations, corrective actions necessary, and a timeline for compliance. Staff met with House of Pride following the issuance of the reports, on November 2, 2010, to help answer any questions they may have. House of Pride indicated that they were working on correcting violations.

Follow-up inspections were performed on January 4, 2011, and numerous code violations remained uncorrected. Other code violations were corrected to some degree, but with poor workmanship, which is a violation of the Property Maintenance Code. Some work that required permits was performed without permits. Few of the violations were corrected to the code standard.

Following the inspections conducted on January 4, 2011, the Fire Marshal's Office and Code Enforcement Division issued inspection reports, which are attached to this report. A number of the code violations that remain are life safety code violations. Some of the most serious and continuous violations are listed below:

- There are several situations where egress from bedrooms does not meet fire code requirements. One violation that involves egress from a bedroom passing through another bedroom is a violation that has been corrected in the past, but has continually re-emerged. Others involve egress from a bedroom through a kitchen, which is a violation of fire code.

- In multiple locations, automatic door closures and solid core doors are not in place.

- Emergency and exit lighting is missing or inoperable.

- There are unsafe plumbing conditions caused by work being performed without permits that could lead to sewer gases backing up into units.

- There are multiple bathrooms that do not have GFCI outlets.

- There are missing smoke detectors and other smoke detectors that chirp with the low battery warning during inspections.

- Severe insect infestation was identified in multiple units; and extermination reports were not submitted as required by the inspection reports.

*Program Houses Registered as Vacant Buildings:*
Two of the houses that were approved as part of the Conditional Use Permit for the House of Pride (16 N. New Street and 102 S. New Street) are vacant buildings, which have not been registered as such by House of Pride, as required by City code (Sec. 22-403).

- 16 N. New Street has been vacant since early 2010. The Code Enforcement Division notified the House of Pride of their responsibility to register the building as vacant with the City. To date, House of Pride has not registered the building as vacant, and no fee has been paid. Staff has registered the building as vacant.
- 102 S. New Street has been vacant since September 2010. House of Pride has not registered the building as vacant, and no fee has been paid. Registration is required after 90 days of vacancy.

*Other Code Violations Unrelated to Conditional Use Permit:*

In addition to the code violations present on the properties that are under the Conditional Use Permit, the House of Pride owns three vacant buildings that are located on North and South New Street in the vicinity of the program houses. At their meeting on November 22, 2010, City Council declared the building located at 35 N. New Street a dangerous structure, and ordered its repair or demolition. This building has been vacant since 2002, and has fallen into a State of disrepair.

On October 29, 2010 and January 4, 2011, Code Enforcement Division and the Fire Marshal's Office conducted inspections of 106 S. New Street. This property is vacant and in a serious state of disrepair. The property is used for storage, which is a violation of fire code and the *Zoning Ordinance*. The inspection on January 4, 2011 revealed serious structural issues with the foundation, including large cracks and areas that have crumbled. Staff administratively condemned the structure and required that a structural engineering report be obtained and corrective actions within that report be implemented. Staff will need to present this to City Council for declaration as a dangerous building, if a structural engineering report is not performed within the specified timeframe (by January 20, 2011) and/or if a structural engineering report indicates that there are structural concerns.

The property at 45 S. New Street is also vacant and is used for, which is a violation of fire codes and the *Zoning Ordinance.*

Conditional Use Authority

A Philanthropic Use requires a Conditional Use Permit within a One Family Residence Zone and General Residence Zone per Article 3 Section1.14 and a Social Service Agency requires a Conditional Use Permit within the Central Commercial Zone per Article 3 Section 13.2.

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

> Article 10 §1.1 *[Accessibility for fire and police protection.]* That all proposed structures, equipment or material shall be readily accessible for fire and police protection;
>
> Article 10 §1.2: [*Harmony of location, size and character.]* That the proposed use be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;
>
> Article 10 §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.

Article 10 §1.4 *[Permits.]* The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following due public notice and hearing, and may be withheld only upon a determination by the building inspector to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with. In such cases, a period of 60 days shall be granted the applicant for full compliance prior to the revocation of the said permit. Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

a. The provision in this ordinance under which such permit was issued is still in effect;
b. Such permit was issued in conformity with the provisions of this ordinance; and
c. Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

Options for the Planning Commission to Consider:

The Planning Commission has two options in regards to the reconsideration of the Conditional Use Permit:

- Immediately revoke the Conditional Use Permit for non-compliance with City codes and the conditions of the Conditional Use Permit approval.

-OR -

- Authorize a provisional continuation of Conditional Use Permit. If this option is selected, staff recommends the following conditions be applied, in addition to the conditions previously included in approval of the Conditional Use Permit:
    - House of Pride shall present a detailed plan on corrective actions to be taken to remedy code violations on all properties by January 31, 2011. This report shall be completed to the satisfaction of the Planning Office, Code Enforcement Division, and Fire Marshal's Office. The plan must include:
        - Plans for modifications necessary to meet all required egress from bedrooms.
        - Schedule for making all corrections identified in inspection reports.
        - Identification of corrections requiring permits (and obtain permits for all such work).
        - Plans for sustainable code compliance on all properties.
    - Corrective Action shall be significantly completed on or before April 1, 2011.
    - Annual Housing and Life Safety Inspection will continue to occur and compliance shall be met.
    - Failure to comply with the items identified in the above-specified plan will result in revocation of the Conditional Use Permit for any units that are not in compliance.

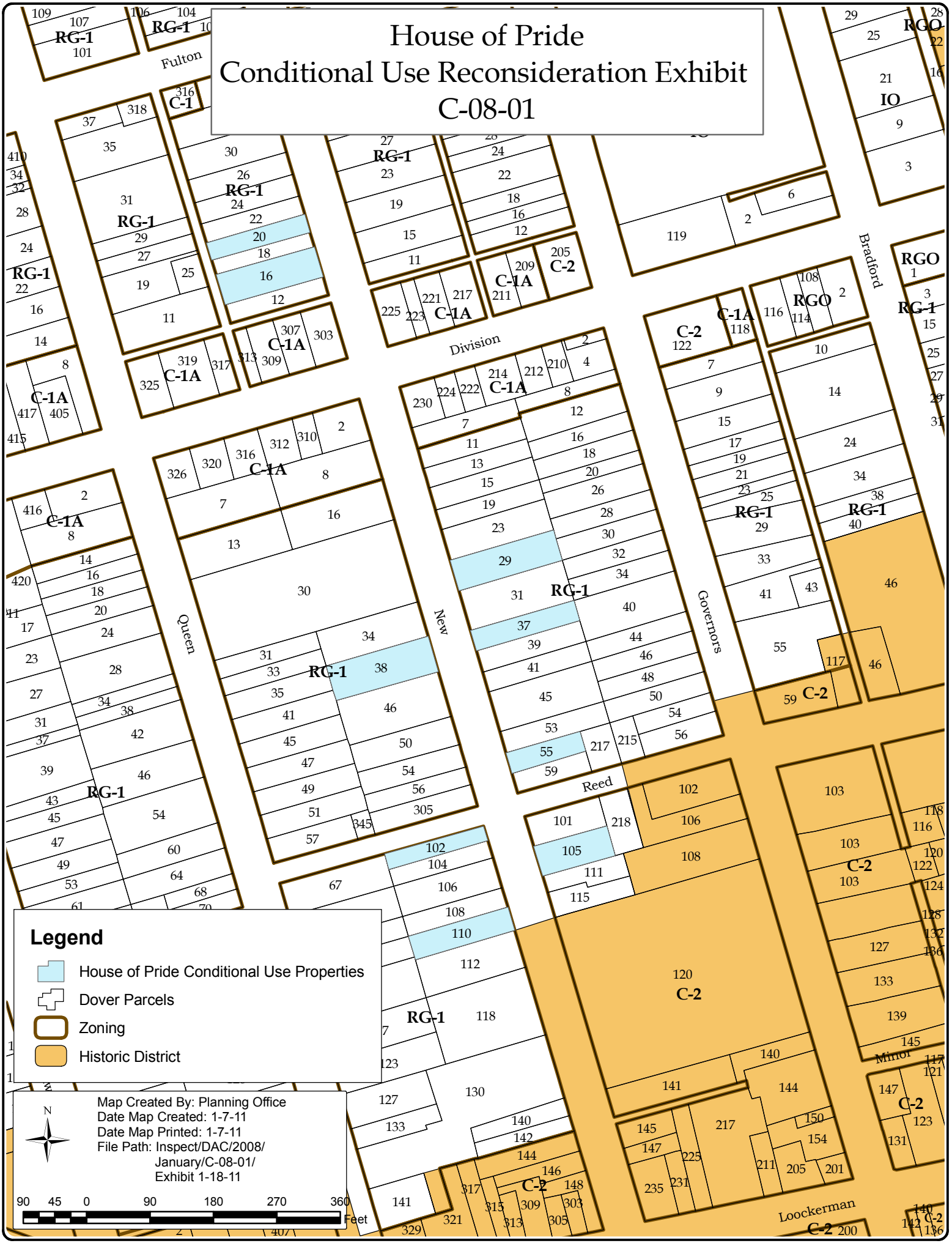
- Remove 16 N. New Street and 102 S. New Street from the Conditional Use. These houses can no longer be used as a transitional housing or as a part of the recovery program.

Advisory Comments:

Action by the Planning Commission relates only to the allowance of the philanthropic use as it relates to requirements of the *Zoning Ordinance.* Such action shall not preclude the Code Enforcement Division and/or Fire Marshal's Office from taking additional measures of enforcement as they relate to their areas of jurisdiction.

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

Attachments:
A- Exhibit
B- Code Enforcement Reports 1-7-11 (Photo attachments are included. Where photos are included for the October 28, 2010 inspection and not for the January 4, 2011 inspection, this is an indication that corrections were not made between the inspections.)
C- Fire Marshal Inspection Report 1-4-11
D- Planning Office Letter of Reconsideration 12-15-10
E- Planning Office Failure to Comply Letter 8-20-09
F- Planning Office Letter of Noncompliance 9-10-10
G- Fire Marshal Letter 10-27-08


House of Pride
Conditional Use Reconsideration Exhibit
C-08-01
Legend
House of Pride Conditional Use Properties
Dover Parcels
Zoning
Historic District
Map Created By: Planning Office
Date Map Created: 1-7-11
Date Map Printed: 1-7-11
File Path: Inspect/DAC/2008/
January/C-08-01/
Exhibit 1-18-11
90 45 0 90 180 270 360
Feet
Fulton
Division
Reed
Loockerman
Bradford
Minor
Queen
New
Governors
RG-1
C-1
C-1A
C-2
RGO
IO

ATTACHMENT B

# City of Dover

**Division of**
**Code Enforcement**
15 The Plaza
Dover, DE 19901

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

January 7, 2011

House of Pride
Attn: Marian Harris
105 S. New St.
Dover, DE 19904

RE: January 4, 2011 re-inspection results

Dear Ms. Harris,

On January 4, 2011, re- inspections were conducted on House of Pride properties. Attached are the violations that were found and still remain.

Please ensure that all violations are corrected by February 4, 2011. In addition, corrections are required to be performed in a workmanlike manner. Re-inspections found that correction attempts do not meet current code or workmanship requirements. Failure to correct all violations will result in a citation being issued for each open violation, in addition to a $50.00 re-inspections fee that will be assessed for each dwelling/unit with continued violations.

In addition, Permits have not been obtained for the plumbing violations in 29 S. New St. and the interior wall and exterior siding repair on 37 S. New St. I have included information in this mailing on permit requirements and fee's. Failure to obtain permits will result in the violation not being closed out and additional citations being issued.

I appreciate your assistance and prompt attention to this matter. If any questions arise or you require any further information, please contact me at 302-736-4457.

Sincerely,

Edward G. Graves Jr.
Code Enforcement Officer

**Division of**
**Code Enforcement**
15 E. Loockerman St.
Dover, DE 19901

# City of Dover

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

**SECOND NOTICE**

January 5, 2011

HOUSE OF PRIDE INC
110 S NEW ST
DOVER DE 19904

RE: Property Address: 16 N NEW ST
Tax Parcel Number: ED-05-076.08-05-220.000-000
Case Number: 10-00002576

Dear MS. MARIAN HARRIS:

On October 27, 2010, the City of Dover, Department of Inspections conducted an inspection at 16 N NEW ST. The inspection revealed one or more City Code Violations on the property.

Attached are the violation(s) found.

A follow up inspection was conducted and the violation(s) still remain. Failure to have the property brought into compliance with the City Codes by February 04, 2011 will result in a citation being issued, and if the property is a rental unit, may result in suspension of the rental license. Fines may be as high as $1,000.00 per day for each day that the violation exists.

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

**If a citation is enclosed it must be paid within 14 days of issued date or it automatically doubles.**

Sincerely,

Edward D. Graves Jr.

EDWARD GRAVES JR.
Code Enforcement Officer

cc: File

CASE NUMBER 10-00002576
PROPERTY ADDRESS 16 N NEW ST

---

VIOLATION: * QUANTITY: 1
DESCRIPTION: * DATE: 10/29/10
LOCATION: ATTENTION

NARRATIVE :
THE PROPERTY UPON INSPECTION WAS FOUND TO BE CURRENTLY VACANT. THE DWELLING MUST BE REGISTERED AS A VACANT BUILDING WITH THE CITY. PRIOR TO ALLOWING THE DWELLING TO BE OCCUPIED, A LODGING DWELLING LICENSE WILL BE REQUIRED TO BE OBTAINED AT CITY HALL. IN ADDITION, A FULL HOUSING INSPECTION WILL BE REQUIRED BY THIS DEPARTMENT IN ADDITION TO ANY FIRE MARSHAL REQUIREMENTS.

ORDINANCE DESCRIPTION :
THE ABOVE CORRECTIONS ARE REQUIRED TO COMPLY WITH THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE AS ADOPTED BY THE CITY OF DOVER.

CORRECTIVE ACTION REQUIRED :

---

VIOLATION: 250 QUANTITY: 1
DESCRIPTION: 250 REPAIR/REPLACE WOODWORK DATE: 10/29/10
LOCATION: EXTERIOR

NARRATIVE :
PLEASE INSPECT THE EXTERIOR DWELLING AND REPAIR/REPLACE ALL DETERIORATED WOODWORK. AN INSPECTION FOUND DETERIORATED LOCATED ON THE FRONT PORCH. PLEASE REPAIR IN A WORKMANSHIP LIKE MANNER AND ENSURE A FINISHED CONDITION IS OBTAINED TO AVOID ANY FURTHER DETERIORATION.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decayresistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

ORDINANCE DESCRIPTION :
SECTION PM 304.6/305.3 EXTERIOR/INTERIOR SURFACES/MAINT.

CORRECTIVE ACTION REQUIRED : CONTINUED

CASE NUMBER 10-00002576
PROPERTY ADDRESS 16 N NEW ST

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DAMAGED AND/OR DETERIORATED WOODWORK


01/04/2011


16
01/04/2011


01/04/2011








October 28, 2010

Division of
Code Enforcement
15 E. Loockerman St.
Dover, DE 19901

# City of Dover

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

## REGISTRATION NOTIFICATION

January 5, 2011

HOUSE OF PRIDE INC
110 S NEW ST
DOVER DE 19904

RE: Property Address: 16 N NEW ST
Tax Parcel #: ED-05-076.08-05-220.000-000
Case Number: 10-00003062

Dear MS. MARIAN HARRIS:

This letter is to inform you that your building has been found to be vacant as defined under Article 12, Chapter 22 of the Dover Code of Ordinances. In accordance with this ordinance, the Code Enforcement Officer has registered this building as vacant with the City of Dover.

An annual registration fee shall be paid at the time of registration. Please read the enclosed leaflet for more information on fees and any exemptions that may apply with the fees. **Total amount due at this time will be $250.00**

The Code Enforcement Officer shall inspect any premises in the city for the purpose of enforcing and assuring compliance with the provisions of this article. Upon request of the Code Enforcement Officer, an owner shall provide access to all interior portions of a vacant building in order to permit a complete inspection.

**IF THE REGISTRATION FEE IS NOT PAID WITHIN 30 DAYS OF MAILING WE WILL BE FORCED TO TURN THIS MATTER OVER TO COLLECTIONS. ANY AND ALL FEES REQUIRED TO COLLECT ON THIS MATTER WILL BE YOUR RESPONSIBILITY, AND WILL BE ADDED TO THE TOTAL AMOUNT DUE TO THE CITY OF DOVER.**

Please contact this office between the hours of 8:30 a.m. and 5:00 p.m. at (302) 736-4457 with any questions or concerns regarding this letter.

Sincerely,

Edward D. Graves Jr.

EDWARD GRAVES JR.
Code Enforcement Officer

cc: file

# City of Dover Vacant Building Registration

**AMT DUE** $250.00 **AMT PAID** _____

**DATE DUE** 2/7/2011 **CASE #** 10-3062 **DATE REGISTERED** 1/5/2011

Vacant Since: unknown Tax Parcel # ED-05-076.08-05-220.000-000

**Property Address:** 16 N. New St., Dover De 19904

Previous Property Owner: _____

**Current Property Owner:** House of Pride

**Address:** 110 S. New St.

Dover, DE 19904

Phone: 302-677-0116 Cell: _____

**Responsible Person/Agent:** Marian Harris

**Address:** S/A

Phone: 302-677-0116 Cell: _____

****Mailing address for all correspondence**: House of Pride

110 S. New St., Dover De 19904

Insurance on Building: Y / N (please circle)
If Yes: Name of Insurance Company: _____

**Exempt from Registration Fee: Y (N) (please circle)**
Explanation of Exemption if granted: _____

****If building is for sale or lease – Listed selling price** _____
****Attach a copy of the Realtors Listing Sheet (REQUIRED)**

**Owner Signature**: _____ Date: _____

**STAFF USE ONLY**

**Staff Use Only:**

Property Condemned on 1/4/11

Staff Registered: (Y) / N
Owner Notified: (Y) / N
REVISED 07/02/09

Staff Member: Ed Graves
Date Owner Notified: 1/5/11

Division of
Code Enforcement
15 E. Loockerman St.
Dover, DE 19901

# City of Dover

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

**SECOND NOTICE**

January 5, 2011

HOUSE OF PRIDE INC
110 S NEW ST
DOVER DE 19904

RE: Property Address: 20 N NEW ST
Tax Parcel Number: ED-05-076.08-05-200.000-000
Case Number: 10-00002577

Dear MS. MARIAN HARRIS:

On October 27, 2010, the City of Dover, Department of Inspections conducted an inspection at 20 N NEW ST. The inspection revealed one or more City Code Violations on the property.

Attached are the violation(s) found.

A follow up inspection was conducted and the violation(s) still remain. Failure to have the property brought into compliance with the City Codes by February 04, 2011 will result in a citation being issued, and if the property is a rental unit, may result in suspension of the rental license. Fines may be as high as $1,000.00 per day for each day that the violation exists.

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

**If a citation is enclosed it must be paid within 14 days of issued date or it automatically doubles.**

Sincerely,

Edward D. Graves Jr.

EDWARD GRAVES JR.
Code Enforcement Officer

cc: File

CASE NUMBER 10-00002577
PROPERTY ADDRESS 20 N NEW ST

---

VIOLATION: * QUANTITY: 1
DESCRIPTION: * DATE: 10/29/10
LOCATION: ATTENTION

NARRATIVE :
IN ADDITION TO CURRENT VIOLATIONS, ENSURE THAT ALL FIRE MARSHAL MANDATES ARE MET. THIS INSPECTION WILL NOT BE COMPLETELY CLOSED OUT UNTIL ALL FIRE MARSHAL REQUIREMENTS ARE MET.

ORDINANCE DESCRIPTION :
THE ABOVE CORRECTIONS ARE REQUIRED TO COMPLY WITH THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE AS ADOPTED BY THE CITY OF DOVER.

CORRECTIVE ACTION REQUIRED :

---

VIOLATION: 0 QUANTITY: 1
DESCRIPTION: 0 DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
DURING AN INSPECTION AN ILLEGAL BEDROOM WAS FOUND WITHIN THE DWELLING. A BEDROOM CANNOT BE CONNECTED TO ANOTHER BEDROOM THROUGH ITS ONLY MEANS OF EGRESS. PLEASE REMOVE THE CONTENTS OF THE MIDDLE ROOM ON THE SECOND FLOOR FOR SLEEPING/BEDROOM USE.

SECOND INSPECTION PERFORMED ON 1/4/11 FOUND THE ROOM TO BE DISMANTLED, HOWEVER THE BED AND FRAME STILL REMAIN IN THE ROOM AND COULD EASILY BE SET UP AS AN ADDITIONAL BEDROOM. DUE TO THIS VIOLATION BEING A FREQUENT OCCURRENCE, PLEASE REMOVE THE BED/FRAME TO A PROPER STORAGE AREA.

PLEASE REFER TO 22- 221DCO / 2009 IPMC
404.4.2 Access from bedrooms. Bedrooms shall not constitute the only means of access to other bedrooms or habitable spaces and shall not serve as the only means of egress from other habitable spaces.

ORDINANCE DESCRIPTION :

CORRECTIVE ACTION REQUIRED :

---

VIOLATION: 001 QUANTITY: 1
DESCRIPTION: 001 WORKMANSHIP DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :

CASE NUMBER 10-00002577
PROPERTY ADDRESS 20 N NEW ST

NARRATIVE :
PLEASE ENSURE ALL WORK IS PERFORMED IN A WORKMANSHIP LIKE MANNER.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer s installation instructions.

WORKMANLIKE: Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

ORDINANCE DESCRIPTION :
SECTION PM 102.5 ALL REPAIRS AND MAINTENANCE WORK IS TO BE DONE IN A WORKMANLIKE MANNER AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. TO BE WORKMANLIKE THE REPAIR MUST BE PERFORMED IN A MANNER CONSISTENT WITH WORK DONE BY A SKILLED CRAFTSMAN.

CORRECTIVE ACTION REQUIRED :
MAKE ALL REPAIRS IN A WORKMANLIKE MANNER.

---

VIOLATION: 236 QUANTITY: 1
DESCRIPTION: 236 REPAIR HOLES IN WALLS DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
PLEASE INSPECT THE INTERIOR AND REPAIR ALL HOLES LOCATED WITHIN THE WALLS. ENSURE A FINISHED APPEARANCE IS OBTAINED. THIS INCLUDES THE OPENED THAT CONNECT THE HVAC DUCTWORK FROM ONE ROOM TO ANOTHER.

SECOND INSPECTION PERFORMED ON 1/4/11 FOUND THAT THE VIOLATION HAS BEEN ADDRESSED, HOWEVER IN A POOR WORKMAN LIKE MANNER AND WITHOUT AN FINISHED APPEARANCE.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster decayed wood and other defective surface conditions shall be corrected.

ORDINANCE DESCRIPTION :
SECTION PM 305.3 INTERIOR WALLS

CORRECTIVE ACTION REQUIRED :
REPAIR HOLES IN WALLS, BRING TO FINISH CONDITION THEN REPAINT

---

VIOLATION: 251 QUANTITY: 1
DESCRIPTION: 251 REPAIR TUB ENCLOSURE DATE: 10/29/10
LOCATION: BATHROOM

NARRATIVE : CONTINUED

CASE NUMBER 10-00002577
PROPERTY ADDRESS 20 N NEW ST

NARRATIVE :
PLEASE REPAIR THE TUB/SHOWER ENCLOSURE AND ENSURE A WATER TIGHT SEAL IS PRESENT. AN INSPECTION FOUND THE CEILING OF THE SHOWER TO BE EXPOSED TO INSULATION AND WILL PROMOTE MOLD AND MILDEW GROWTH.

SECOND INSPECTION PERFORMED ON 1/4/11 FOUND THE VIOLATION TO NOT BE CORRECTED IN A WORKMAN LIKE MANNER. ENSURE A FINISHED APPEARANCE IS OBTAINED.

305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

ORDINANCE DESCRIPTION :
SECTION PM 504.1 PLUMBING FIXTURES

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DAMAGED/DETERIORATED SHOWER/TUB ENCLOSURE

---

VIOLATION: 362 QUANTITY: 1
DESCRIPTION: 362 REPAIR/REPLACE DOOR DATE: 10/29/10
LOCATION: BEDROOM

NARRATIVE :
REPAIR ALL BEDROOMS DOORS THAT ARE BROKEN OR IN DISREPAIR, ENSURE ALL DOOR HARDWARE IS INSTALLED AND OPERATES AS DESIGNED.

305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

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

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DOOR

---

VIOLATION: 376 QUANTITY: 1
DESCRIPTION: 376 INSTALL WINDOW SCREENS DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
INSTALL WINDOWS SCREENS ON ALL EXTERIOR WINDOWS.

ORDINANCE DESCRIPTION :

CASE NUMBER 10-00002577
PROPERTY ADDRESS 20 N NEW ST

ORDINANCE DESCRIPTION :
SECTION PM 304.14 BUILDING/REQUIRED EQUIPMENT

CORRECTIVE ACTION REQUIRED :
INSTALL WINDOW SCREENS

---

VIOLATION: 411 QUANTITY: 1
DESCRIPTION: 411 REPAIR WATER FAUCETS DATE: 10/29/10
LOCATION: BATHROOM

NARRATIVE :
REPAIR THE LEAKING FAUCET LOCATED IN THE BATHROOM.

THE SECOND INSPECTION PERFORMED ON 1/4/11 FOUND THE LEAK TO BE REPAIRED, HOWEVER THE SHOWER FAUCET WAS FOUND TO BE IN DISREPAIR. REPAIR THIS FIXTURE AND ENSURE PROPER OPERATION.

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

ORDINANCE DESCRIPTION :
SECTION PM 504.1 PLUMBING/FIXTURES/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DEFECTIVE SINK AND/OR TUB FAUCETS

---

VIOLATION: 705 QUANTITY: 1
DESCRIPTION: 705 EXTERMINATE FOR INSECTS DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
A FULL EXTERMINATION INSPECTION AND SERVICE MUST BE PERFORMED BY A CITY LICENSED EXTERMINATION FIRM. A COPY OF THE INSPECTION RESULTS AND SERVICE PERFORMED MUST BE SUBMITTED TO THIS OFFICE AT THE TIME OF REINSPECTION.

309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

ORDINANCE DESCRIPTION :
SECTION PM 309.1 INFESTATION

CORRECTIVE ACTION REQUIRED :
EXTERMINATE FOR ROACHES, ANTS AND/OR OTHER INSECTS

CASE NUMBER 10-00002577
PROPERTY ADDRESS 20 N NEW ST

---

VIOLATION: 602 QUANTITY: 1
DESCRIPTION: 602 INSTALL GFCI OUTLET(S) DATE: 10/29/10
LOCATION: BATHROOM

NARRATIVE :
AN OUTLET IS REQUIRED IN ALL BATHROOMS. PLEASE INSTALL A GFCI OUTLET IN THE UPSTAIRS BATHROOM. PLEASE ENSURE THE OUTLET OPERATES AS DESIGNED. THE OUTLET WILL BE TESTED AT TIME OF REINSPECTION.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter.
Every bathroom shall contain at least one receptacle.
Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

ORDINANCE DESCRIPTION :
SECTION PM 605.2 RECEPTACLES

CORRECTIVE ACTION REQUIRED :
INSTALL GROUND FAULT INTERUPTER OUTLET(S) IN BATHROOM(S) AND KITCHEN COUNTERTOP AREAS

---

VIOLATION: 0 QUANTITY: 1
DESCRIPTION: 0 DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
A LODGING DWELLING LICENSE MUST BE OBTAINED FOR THIS DWELLING. A LODGING DWELLING LICENSE MAY BE OBTAINED AT CITY HALL.

ORDINANCE DESCRIPTION :

CORRECTIVE ACTION REQUIRED :

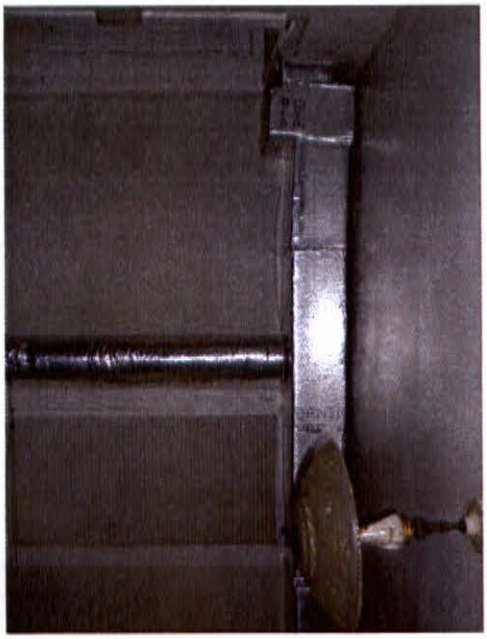

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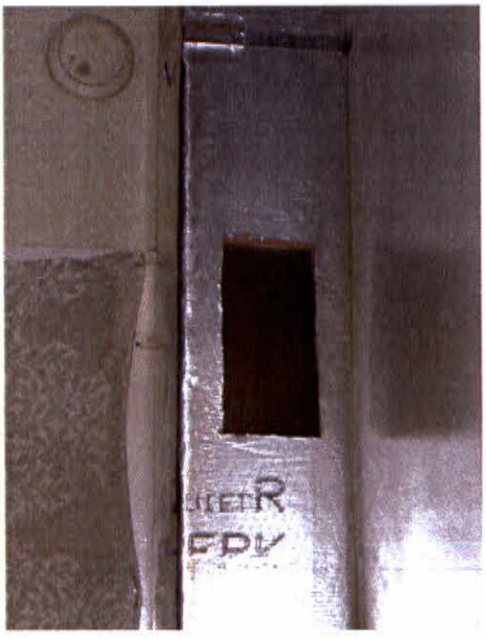

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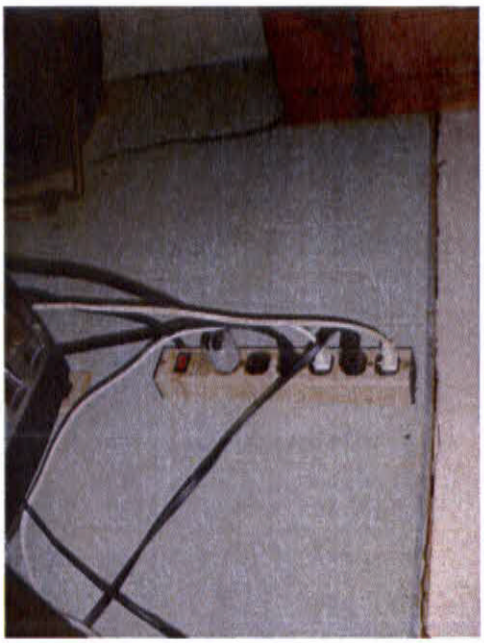
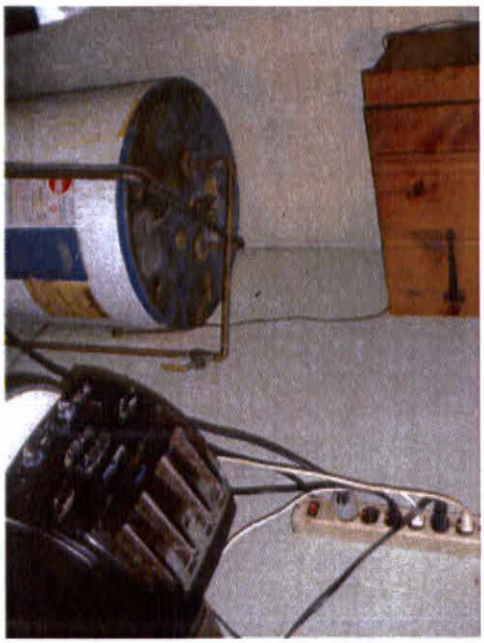






October 28, 2010







October 28, 2010





October 28, 2010




October 28, 2010

**Division of**
**Code Enforcement**
15 E. Loockerman St.
Dover, DE 19901

# City of Dover

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

**SECOND NOTICE**

January 5, 2011

HOUSE OF PRIDE INC
110 S NEW ST
DOVER DE 19904

RE: Property Address: 29 S NEW ST A
Tax Parcel Number: ED-05-077.05-03-100.000-000
Case Number: 10-00003075

Dear MS. MARIAN HARRIS:

On October 27, 2010, the City of Dover, Department of Inspections conducted an inspection at 29 S NEW ST A. The inspection revealed one or more City Code Violations on the property.

Attached are the violation(s) found.

A follow up inspection was conducted and the violation(s) still remain. Failure to have the property brought into compliance with the City Codes by February 04, 2011 will result in a citation being issued, and if the property is a rental unit, may result in suspension of the rental license. Fines may be as high as $1,000.00 per day for each day that the violation exists.

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

**If a citation is enclosed it must be paid within 14 days of issued date or it automatically doubles.**

Sincerely,

Edward D. Graves Jr.

EDWARD GRAVES JR.
Code Enforcement Officer

cc: File

CASE NUMBER 10-00003075
PROPERTY ADDRESS 29 S NEW ST A

---

VIOLATION: 0 QUANTITY: 1
DESCRIPTION: 0 DATE: 10/29/10
LOCATION: ATTENTION

NARRATIVE :
IN ADDITION TO VIOLATIONS FOUND DURING THIS INSPECTION, ALL VIOLATIONS FOUND BY THE CITY FIRE MARSHAL'S OFFICE MUST ALSO BE CORRECTED PRIOR TO THIS CASE BEING CLOSED.

ORDINANCE DESCRIPTION :

CORRECTIVE ACTION REQUIRED :

---

VIOLATION: 001 QUANTITY: 1
DESCRIPTION: 001 WORKMANSHIP DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
PLEASE ENSURE ALL WORK IS PERFORMED IN A WORKMANSHIP LIKE MANNER, ALL REPAIRS NEED TO BE COMPLETE WITH A FINISHED CONDITION OBTAINED.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer s installation instructions.

WORKMANLIKE: Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

ORDINANCE DESCRIPTION :
SECTION PM 102.5 ALL REPAIRS AND MAINTENANCE WORK IS TO BE DONE IN A WORKMANLIKE MANNER AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. TO BE WORKMANLIKE THE REPAIR MUST BE PERFORMED IN A MANNER CONSISTENT WITH WORK DONE BY A SKILLED CRAFTSMAN.

CORRECTIVE ACTION REQUIRED :
MAKE ALL REPAIRS IN A WORKMANLIKE MANNER.

---

VIOLATION: 009 QUANTITY: 1
DESCRIPTION: 009 INSTALL SMOKE DETECTOR(S) DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
ENSURE ALL SMOKE DETECTORS THAT ARE REQUIRED ARE PROPERLY INSTALLED AND OPERABLE. INSPECTION FOUND HARDWIRED SMOKE

CASE NUMBER 10-00003075
PROPERTY ADDRESS 29 S NEW ST A

NARRATIVE :
DETECTORS MISSING.

ORDINANCE DESCRIPTION :
SECTION PM 704.2 SMOKE ALARMS

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

---

VIOLATION: 409 QUANTITY: 1
DESCRIPTION: 409 PROP CONNECT TO SEWER DATE: 10/29/10
LOCATION: BATHROOM

NARRATIVE :
THE BATHROOM SINK IS NOT PROPERLY CONNECTED TO THE SEWER. PLEASE HAVE A PLUMBER REPAIR THE SINK DRAIN SYSTEM TO PLUMBING CODE REQUIREMENTS. A PLUMBING PERMIT WILL ALSO NEED TO BE OBTAINED.

506.1 General. All plumbing fixtures shall be properly connected to either a public sewer system or to an approved private sewage disposal system.

ORDINANCE DESCRIPTION :
SECTION PM 506.1 PLUMBING/SANITARY DRAINAGE/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
PROPERLY CONNECT PLUMBING FIXTURE(S) TO SEWER LINE

---

VIOLATION: 412 QUANTITY: 1
DESCRIPTION: 412 REPAIR FAULTY TOILET DATE: 10/29/10
LOCATION: BATHROOM

NARRATIVE :
REPAIR THE LOOSE TOILET AND ENSURE THAT THE TOILET IS PROPERLY SEATED TO THE FLOOR. IF THE WAX SEAL AND OR FLANGE IS DAMAGED DAMAGED REPLACE. A PLUMBING PERMIT MAY BE REQUIRED.

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

ORDINANCE DESCRIPTION :
SECTION PM 504.1 PLUMBING/FIXTURES/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE FAULTY TOILET OR TANK MECHANISMS

---

VIOLATION: 607 QUANTITY: 1
DESCRIPTION: 607 REPAIR LIGHT FIXTURE DATE: 10/29/10
LOCATION: DWELLING

CASE NUMBER 10-00003075
PROPERTY ADDRESS 29 S NEW ST A

NARRATIVE : CONTINUED

ENSURE ALL LIGHT FIXTURES WITHIN THE DWELLING HAVE GLOBES/COVERS INSTALLED.

THE SECOND INSPECTION IN 1/4/11 FOUND A MISSING GLOBE/COVER IN ROOM 4.

605.1 Installation. All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

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

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE FAULTY LIGHT FIXTURE

---

VIOLATION: 705 QUANTITY: 1
DESCRIPTION: 705 EXTERMINATE FOR INSECTS DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :

PLEASE HAVE A CITY LICENSED EXTERMINATION FIRM INSPECT AND PROVIDE SUFFICIENT EXTERMINATION SERVICE TO CONTROL THE ROACH INFESTATION WITHIN THE DWELLING. A COPY OF THE SERVICE REPORT MUST BE SUBMITTED TO THIS OFFICE DURING THE TIME OF REINSPECTION.

309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

ORDINANCE DESCRIPTION :
SECTION PM 309.1 INFESTATION

CORRECTIVE ACTION REQUIRED :
EXTERMINATE FOR ROACHES, ANTS AND/OR OTHER INSECTS

01/04/2011
ELECTRICAL
TAPE












October 28. 2010





October 28, 2010

Division of
Code Enforcement
15 E. Loockerman St.
Dover, DE 19901

# City of Dover

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

**SECOND NOTICE**

January 5, 2011

HOUSE OF PRIDE INC
110 S NEW ST
DOVER DE 19904

RE: Property Address: 29 S NEW ST B
Tax Parcel Number: ED-05-077.05-03-100.000-000
Case Number: 10-00003077

Dear MS. MARIAN HARRIS:

On October 27, 2010, the City of Dover, Department of Inspections conducted an inspection at 29 S NEW ST B. The inspection revealed one or more City Code Violations on the property.

Attached are the violation(s) found.

A follow up inspection was conducted and the violation(s) still remain. Failure to have the property brought into compliance with the City Codes by February 04, 2011 will result in a citation being issued, and if the property is a rental unit, may result in suspension of the rental license. Fines may be as high as $1,000.00 per day for each day that the violation exists.

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

**If a citation is enclosed it must be paid within 14 days of issued date or it automatically doubles.**

Sincerely,

Edward D. Graves Jr.

EDWARD GRAVES JR.
Code Enforcement Officer

cc: File

CASE NUMBER 10-00003077
PROPERTY ADDRESS 29 S NEW ST B

---

VIOLATION: 0 QUANTITY: 1
DESCRIPTION: 0 DATE: 10/29/10
LOCATION: ATTENTION

NARRATIVE :
IN ADDITION TO VIOLATIONS FOUND BY THIS OFFICE, THIS CASE WILL NOT BE CLOSED UNTIL ALL REQUIREMENTS SET FORTH BY THE CITY OF DOVER FIRE MARSHALS OFFICE ARE MET.

ORDINANCE DESCRIPTION :

CORRECTIVE ACTION REQUIRED :

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VIOLATION: 001 QUANTITY: 1
DESCRIPTION: 001 WORKMANSHIP DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
PLEASE ENSURE ALL WORK IS PERFORMED IN A WORKMANSHIP LIKE MANNER.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer s installation instructions.

WORKMANLIKE: Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

ORDINANCE DESCRIPTION :
SECTION PM 102.5 ALL REPAIRS AND MAINTENANCE WORK IS TO BE DONE IN A WORKMANLIKE MANNER AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. TO BE WORKMANLIKE THE REPAIR MUST BE PERFORMED IN A MANNER CONSISTENT WITH WORK DONE BY A SKILLED CRAFTSMAN.

CORRECTIVE ACTION REQUIRED :
MAKE ALL REPAIRS IN A WORKMANLIKE MANNER.

---

VIOLATION: 412 QUANTITY: 1
DESCRIPTION: 412 REPAIR FAULTY TOILET DATE: 10/29/10
LOCATION: BATHROOM

NARRATIVE :
PLEASE REPAIR AND PROPERLY SECURE THE TOILET TO THE BASE OF THE FLOOR. IF THE WAX SEAL OR FLANGE IS DAMAGED, REPLACE THE SEAL AND FLANGE. A PLUMBING PERMIT MAY BE REQUIRED.

CASE NUMBER 10-00003077
PROPERTY ADDRESS 29 S NEW ST B

NARRATIVE :

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

ORDINANCE DESCRIPTION :
SECTION PM 504.1 PLUMBING/FIXTURES/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE FAULTY TOILET OR TANK MECHANISMS

---

VIOLATION: 602 QUANTITY: 1
DESCRIPTION: 602 INSTALL GFCI OUTLET(S) DATE: 10/29/10
LOCATION: BATHROOM

NARRATIVE :
OUTLETS ARE REQUIRED IN ALL BATHROOMS. PLEASE INSTALL A GFCI OUTLET IN THE BATHROOM.

605.2 Receptacles. Every habitable space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one grounded-type receptacle or a receptacle with a ground fault circuit interrupter.
Every bathroom shall contain at least one receptacle.
Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection.

ORDINANCE DESCRIPTION :
SECTION PM 605.2 RECEPTACLES

CORRECTIVE ACTION REQUIRED :
INSTALL GROUND FAULT INTERUPTER OUTLET(S) IN BATHROOM(S) AND KITCHEN COUNTERTOP AREAS

---

VIOLATION: 610 QUANTITY: 1
DESCRIPTION: 610 SECURE OPEN ELEC PANEL BOX DATE: 10/29/10
LOCATION: PANEL BOX

NARRATIVE :
PLEASE REPLACE ALL MISSING KNOCK OUTS PLATES IN THE ELECTRIC PANEL.

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or

CASE NUMBER 10-00003077
PROPERTY ADDRESS 29 S NEW ST B

NARRATIVE :
damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

ORDINANCE DESCRIPTION :
SECTION PM 604.3 ELECTRICAL SYSTEM/HAZARDS

CORRECTIVE ACTION REQUIRED :
PROPERLY SECURE OPEN ELECTRICAL SERVICE PANEL BOX

---

VIOLATION: 705 QUANTITY: 1
DESCRIPTION: 705 EXTERMINATE FOR INSECTS DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
PLEASE HAVE AN INSPECTION AND EXTERMINATION SERVICE PERFORMED ON THE DWELLING BY A CITY LICENSED EXTERMINATION AGENCY. A COPY OF THE INSPECTION/SERVICE REPORT MUST BE SUBMITTED TO THIS OFFICE DURING REINSPECTION.

309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

ORDINANCE DESCRIPTION :
SECTION PM 309.1 INFESTATION

CORRECTIVE ACTION REQUIRED :
EXTERMINATE FOR ROACHES, ANTS AND/OR OTHER INSECTS

NEUTRAL
GROUND
TIGHTENING TORQUE
ACCESSORIES
DANGER
01/04/2011

October 28, 2010



October 28, 2010

Division of
Code Enforcement
15 E. Loockerman St.
Dover, DE 19901

# City of Dover

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

**SECOND NOTICE**

January 5, 2011

HOUSE OF PRIDE INC
110 S NEW ST
DOVER DE 19904

RE: Property Address: 37 S NEW ST
Tax Parcel Number: ED-05-077.05-03-080.000-000
Case Number: 10-00002579

Dear MS. MARIAN HARRIS:

On October 27, 2010, the City of Dover, Department of Inspections conducted an inspection at 37 S NEW ST. The inspection revealed one or more City Code Violations on the property.

Attached are the violation(s) found.

A follow up inspection was conducted and the violation(s) still remain. Failure to have the property brought into compliance with the City Codes by February 04, 2011 will result in a citation being issued, and if the property is a rental unit, may result in suspension of the rental license. Fines may be as high as $1,000.00 per day for each day that the violation exists.

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

**If a citation is enclosed it must be paid within 14 days of issued date or it automatically doubles.**

Sincerely,

Edward D. Graves Jr.

EDWARD GRAVES JR.
Code Enforcement Officer

cc: File

CASE NUMBER 10-00002579
PROPERTY ADDRESS 37 S NEW ST

---

VIOLATION: 0 QUANTITY: 1
DESCRIPTION: 0 DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
IN ADDITION TO INSPECTION FINDINGS, THIS CASE WILL NOT BE CLOSED UNTIL ALL CITY FIRE MARSHAL REQUIREMENTS ARE MET.

ORDINANCE DESCRIPTION :

CORRECTIVE ACTION REQUIRED :

---

VIOLATION: 001 QUANTITY: 1
DESCRIPTION: 001 WORKMANSHIP DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
PLEASE ENSURE ALL WORK PERFORMED IS COMPLETED IN A WORKMANLIKE MANNER.

102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer s installation instructions.

WORKMANLIKE. Executed in a skilled manner; e.g., generally plumb, level, square, in line, undamaged and without marring adjacent work.

ORDINANCE DESCRIPTION :
SECTION PM 102.5 ALL REPAIRS AND MAINTENANCE WORK IS TO BE DONE IN A WORKMANLIKE MANNER AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. TO BE WORKMANLIKE THE REPAIR MUST BE PERFORMED IN A MANNER CONSISTENT WITH WORK DONE BY A SKILLED CRAFTSMAN.

CORRECTIVE ACTION REQUIRED :
MAKE ALL REPAIRS IN A WORKMANLIKE MANNER.

---

VIOLATION: 242 QUANTITY: 1
DESCRIPTION: 242 REPAIR WALL SIDING DATE: 10/29/10
LOCATION: EXTERIOR

NARRATIVE :
INSPECT AND REPAIR ALL EXTERIOR WALL SIDING. ENSURE A WATER RESISTANT / PROOF BARRIER IS OBTAINED. A PERMIT WILL BE REQUIRED TO BE OBTAINED AT CITY HALL PRIOR TO THE START OF REPAIRS.

CASE NUMBER 10-00002579
PROPERTY ADDRESS 37 S NEW ST

NARRATIVE :

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

ORDINANCE DESCRIPTION :
SECTION PM 304.2 EXTERIOR SURFACES

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE WALL SIDING

---

VIOLATION: 245 QUANTITY: 1
DESCRIPTION: 245 REPAIR FASCIA/BARGE BOARD DATE: 10/29/10
LOCATION: EXTERIOR

NARRATIVE :
INSPECT AND REPLACE/REPAIR ALL DETERIORATED FASCIA AND BARGE BOARD FROM THE DWELLING. ENSURE A FINISHED APPEARANCE IS OBTAINED. A PERMIT WILL BE REQUIRED PRIOR TO THE START OF REPAIRS.

304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decayresistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment.
Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

ORDINANCE DESCRIPTION :
SECTION PM 304.6 EXTERIOR SURFACES

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DAMAGED OR ROTTED FASCIA OR BARGE BOARDS

---

VIOLATION: 251 QUANTITY: 1
DESCRIPTION: 251 REPAIR TUB ENCLOSURE DATE: 10/29/10
LOCATION: 2ND FLOOR BATH

NARRATIVE :

CASE NUMBER 10-00002579
PROPERTY ADDRESS 37 S NEW ST

NARRATIVE :
REPAIR THE TUB/SHOWER ENCLOSURE AND WALL ADJACENT FROM THE TUB/SHOWER ENCLOSURE. AN INSPECTION FOUND A HOLE IN THE WALL THAT GOES DIRECTLY TO THE EXTERIOR. A PERMIT WILL NEED TO BE OBTAINED PRIOR TO THE START OF REPAIRS. ENSURE A WATER TIGHT SEAL IS OBTAINED.

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

ORDINANCE DESCRIPTION :
SECTION PM 504.1 PLUMBING FIXTURES

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DAMAGED/DETERIORATED SHOWER/TUB ENCLOSURE

---

VIOLATION: 260 QUANTITY: 1
DESCRIPTION: 260 CORRECT DAMP COND IN WALLS DATE: 10/29/10
LOCATION: BATHROOM

NARRATIVE :
AFTER REPAIRS ON THE EXTERIOR ARE COMPLETED, ENSURE THAT ALL LEAKS AND OPENINGS ARE ADDRESSED AND NO DAMP CONDITION REMAINS IN THE WALL.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roofwater shall not be discharged in a manner that creates a public nuisance.

ORDINANCE DESCRIPTION :
SECTION PM 304.6/305.3 INTERIOR/EXTERIOR WALLS

CORRECTIVE ACTION REQUIRED :
CORRECT THE CAUSE OF DAMP CONDITION IN WALLS

---

VIOLATION: 375 QUANTITY: 1
DESCRIPTION: 375 MAKE WINDOW OPERABLE DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :

CASE NUMBER 10-00002579
PROPERTY ADDRESS 37 S NEW ST

NARRATIVE :
INSPECT ALL WINDOWS AND ENSURE THAT THEY PROPERLY OPERATE AND ALL LOCKING HARDWARE IS INSTALLED. WINDOWS MUST BE ABLE TO REMAIN OPEN WITHOUT ANY ASSISTANCE. WINDOWS CANNOT BE PAINTED OVER.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

ORDINANCE DESCRIPTION :
SECTION PM 304.13.2 BUILDING/EQUIPMENT

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

---

VIOLATION: 607 QUANTITY: 1
DESCRIPTION: 607 REPAIR LIGHT FIXTURE DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
PLEASE INSTALL LIGHT COVERS/GLOBES ON ALL LIGHT FIXTURES. ALSO ENSURE THAT THE LIGHT FIXTURE IN THE SECOND FLOOR BATHROOM IS PROPERLY INSTALLED AND IN OPERABLE CONDITION.

CODE REFERENCE;
604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the International Building Code.

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

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE FAULTY LIGHT FIXTURE

---

VIOLATION: 705 QUANTITY: 1
DESCRIPTION: 705 EXTERMINATE FOR INSECTS DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
AN INSPECTION FOUND ROACHES WITHIN THE DWELLING. A FULL INSPECTION AND EXTERMINATION SERVICE MUST BE PERFORMED BY A CITY LICENSED EXTERMINATION AGENCY. A COPY OF THIS INSPECTION/SERVICE REPORT MUST BE SUBMITTED TO THIS OFFICE AT TIME OF REINSPECTION.

CASE NUMBER 10-00002579
PROPERTY ADDRESS 37 S NEW ST

NARRATIVE :
309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

ORDINANCE DESCRIPTION :
SECTION PM 309.1 INFESTATION

CORRECTIVE ACTION REQUIRED :
EXTERMINATE FOR ROACHES, ANTS AND/OR OTHER INSECTS

---

VIOLATION: 717 QUANTITY: 1
DESCRIPTION: 717 RMV JUNK AND DEBRIS DATE: 10/29/10
LOCATION: EXTERIOR

NARRATIVE :
AN INSPECTION OF THE EXTERIOR FOUND LOOSE TRASH AND DEBRIS ON THE EXTERIOR OF THE PROPERTY. PLEASE REMOVE ALL ACCUMULATION OF TRASH AND DEBRIS AND ENSURE A NEAT APPEARANCE IS OBTAINED AND MAINTAINED.

308.1 Accumulation of rubbish or garbage. All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.

ORDINANCE DESCRIPTION :
SECTION PM 302.1 GENERAL REQUIREMENTS/SANITATION

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

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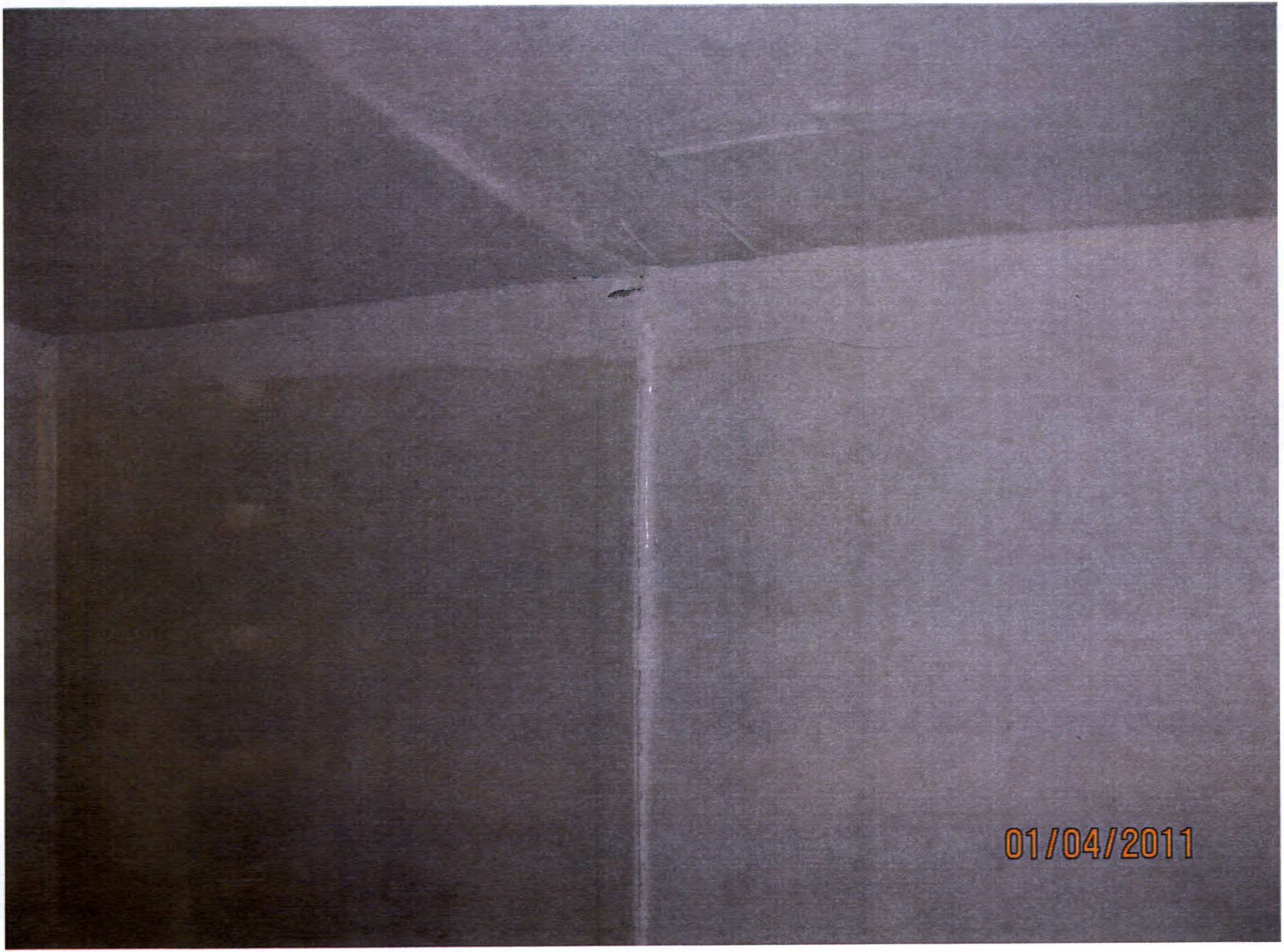
VIOLATION: 734 QUANTITY: 1
DESCRIPTION: 734 DCO VIOLATION DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
A LODGING DWELLING LICENSE IS REQUIRED. A LODGING DWELLING LICENSE CAN BE OBTAINED AT CITY HALL.

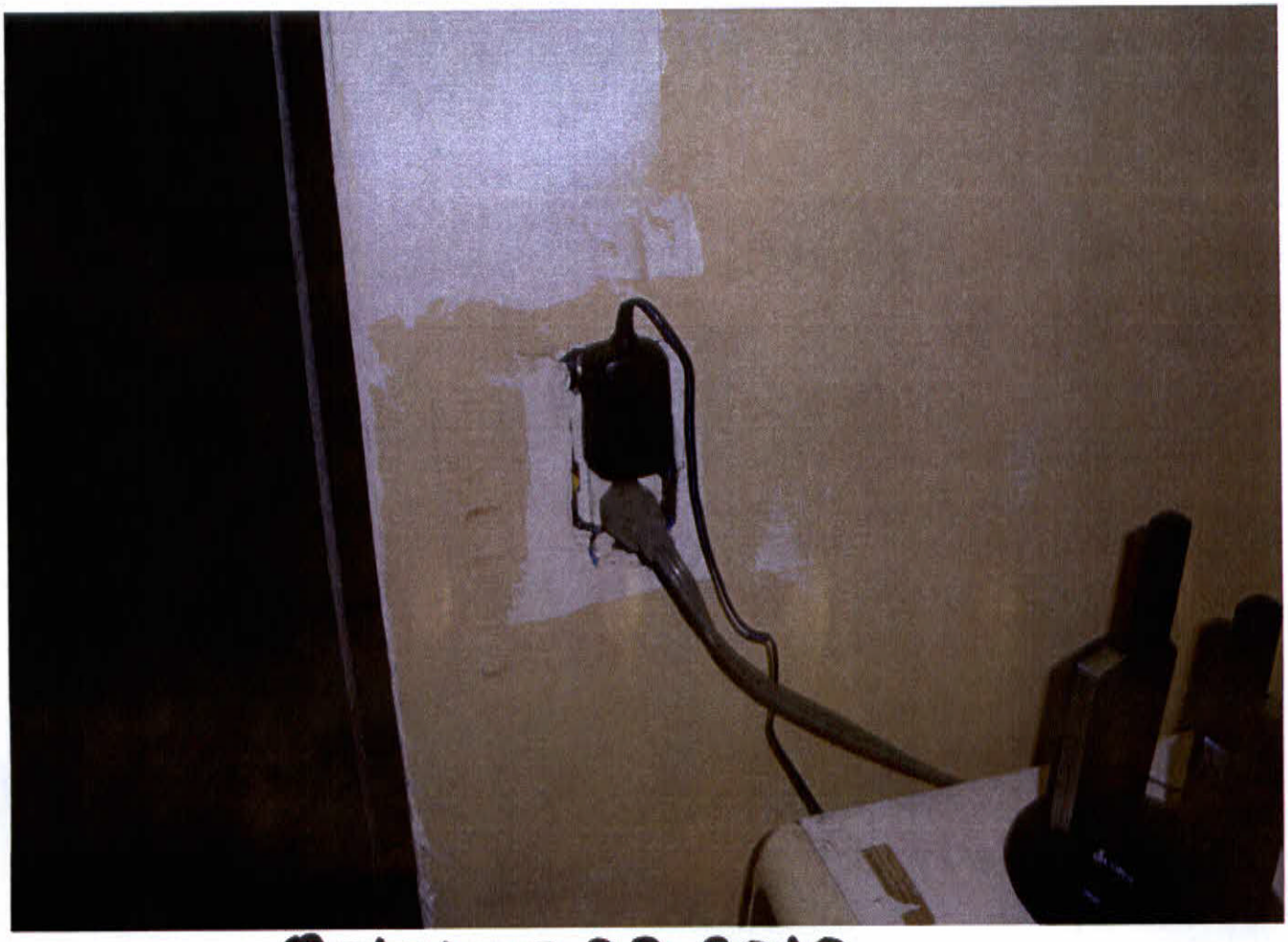
ORDINANCE DESCRIPTION :

CORRECTIVE ACTION REQUIRED :


01/04/2011


01/04/2011



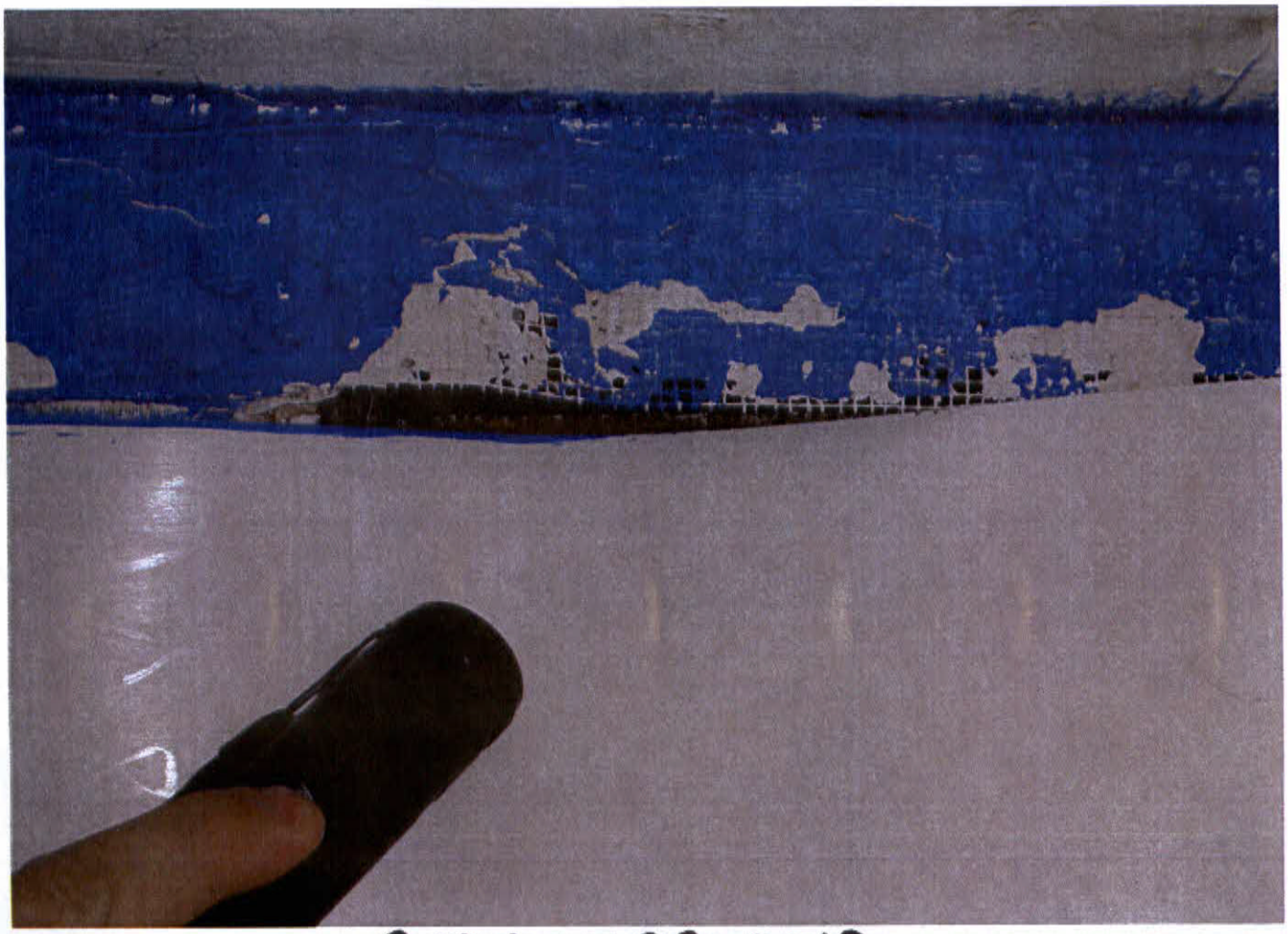
October 28, 2010



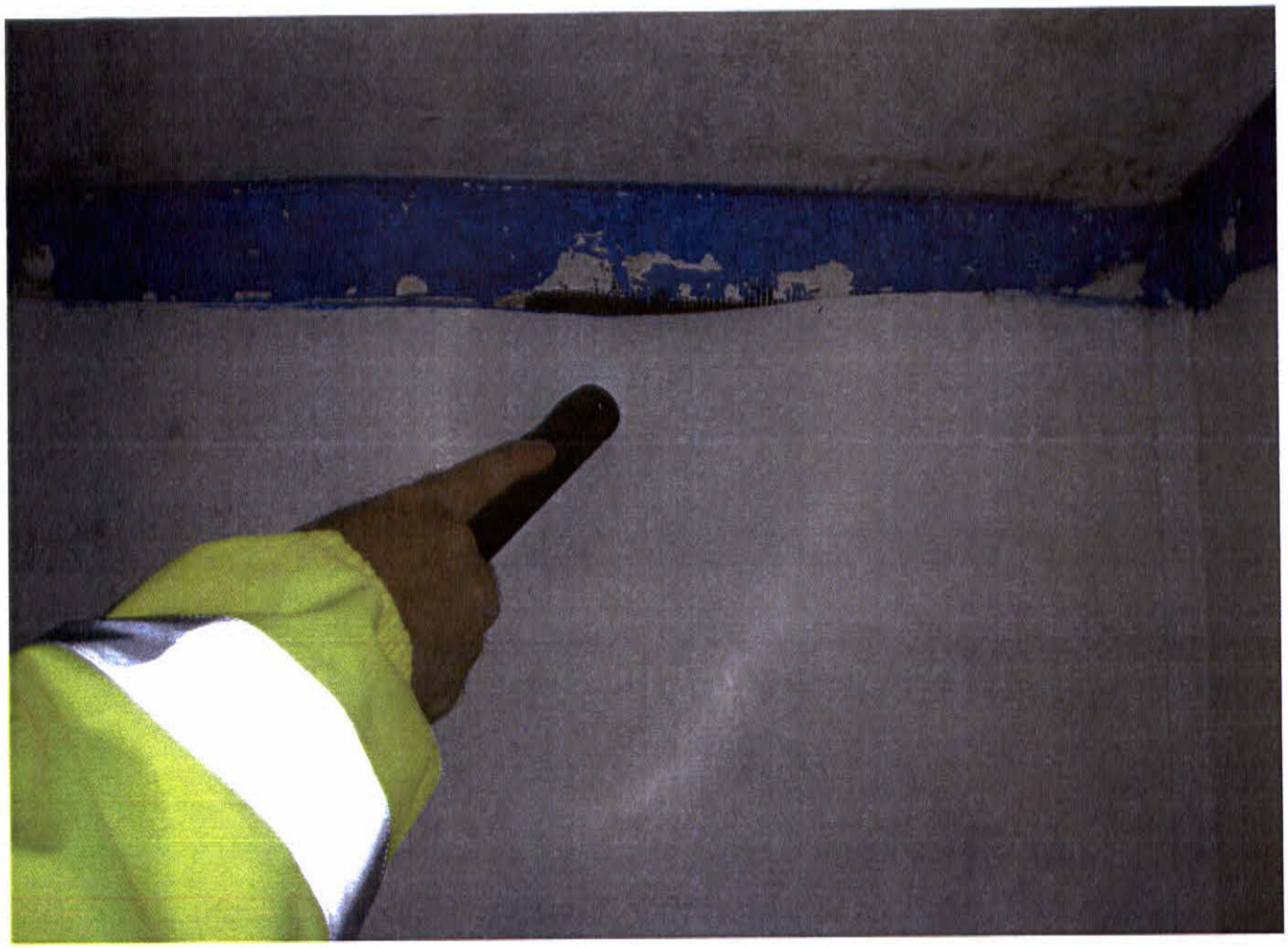


October 28.2010





October 28, 2010





October 28, 2010

**Division of**
**Code Enforcement**
15 E. Loockerman St.
Dover, DE 19901

# City of Dover

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

January 5, 2011

HOUSE OF PRIDE INC
110 S NEW ST
DOVER DE 19904

RE: Property address: 37 S NEW ST
Tax Parcel Number: ED-05-077.05-03-080.000-000
Case Number: 11-00000028

Dear MS. MARIAN HARRIS:

On January 04, 2011, the City of Dover, Department of Inspections conducted an inspection at 37 S NEW ST.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by February 04, 2011, to ensure compliance.

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

**If a Citation is enclosed it must be paid for within 14 days of issued date or it automatically doubles.**

Sincerely,

Edward D. Graves Jr.

EDWARD GRAVES JR.
Code Enforcement Officer

cc: File

CASE NUMBER 11-00000028
PROPERTY ADDRESS 37 S NEW ST

---

VIOLATION: 778 QUANTITY: 1
DESCRIPTION: 778 OBTAIN BUILDING PERMIT DATE: 1/05/11
LOCATION: DWELLING

NARRATIVE :
A BUILDING PERMIT IS REQUIRED TO BE OBTAINED FOR SECOND FLOOR BATHROOM REPAIRS AND EXTERIOR WALL SIDING.

ORDINANCE DESCRIPTION :
SECTION IRC R105 PERMIT REQUIRED

CORRECTIVE ACTION REQUIRED :
PRIOR TO THE BUILDING PERMIT BEING OBTAINED, APPROVAL IS NEEDED FROM THE PLANNING AND INSPECTIONS STAFF. A BUILDING PERMIT APPLICATION IS REQUIRED TO BE SUBMITTED AT DOVER CITY HALL. PLEASE ATTACH A COPY OF THIS VIOLATION NOTICE TO THE APPLICATION.

Division of
Code Enforcement
15 E. Loockerman St.
Dover, DE 19901

# City of Dover

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

**SECOND NOTICE**

January 5, 2011

HOUSE OF PRIDE INC
110 S NEW ST
DOVER DE 19904

RE: Property Address: 105 S NEW ST
Tax Parcel Number: ED-05-077.09-01-370.000-000
Case Number: 10-00002580

Dear MS. MARIAN HARRIS:

On October 27, 2010, the City of Dover, Department of Inspections conducted an inspection at 105 S NEW ST. The inspection revealed one or more City Code Violations on the property.

Attached are the violation(s) found.

A follow up inspection was conducted and the violation(s) still remain. Failure to have the property brought into compliance with the City Codes by February 04, 2011 will result in a citation being issued, and if the property is a rental unit, may result in suspension of the rental license. Fines may be as high as $1,000.00 per day for each day that the violation exists.

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

**If a citation is enclosed it must be paid within 14 days of issued date or it automatically doubles.**

Sincerely,

Edward D. Graves Jr.

EDWARD GRAVES JR.
Code Enforcement Officer

cc: File

CASE NUMBER 10-00002580
PROPERTY ADDRESS 105 S NEW ST

---

VIOLATION: 0 QUANTITY: 1
DESCRIPTION: 0 DATE: 10/29/10
LOCATION: ATTENTION

NARRATIVE :
IN ADDITION TO VIOLATION FOUND FOR THIS INSPECTION, THIS CASE WILL NOT BE CLOSED UNTIL ALL CITY FIRE MARSHAL REQUIREMENTS ARE MET.

ORDINANCE DESCRIPTION :

CORRECTIVE ACTION REQUIRED :

---

VIOLATION: 001 QUANTITY: 1
DESCRIPTION: 001 WORKMANSHIP DATE: 10/29/10
LOCATION: ATTENTION

NARRATIVE :
PLEASE ENSURE ALL REPAIRS ARE CONDUCTED IN A WORKMANSHIP LIKE MANNER. ENSURE ALL PERMITS IF REQUIRED ARE OBTAINED.

ORDINANCE DESCRIPTION :
SECTION PM 102.5 ALL REPAIRS AND MAINTENANCE WORK IS TO BE DONE IN A WORKMANLIKE MANNER AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. TO BE WORKMANLIKE THE REPAIR MUST BE PERFORMED IN A MANNER CONSISTENT WITH WORK DONE BY A SKILLED CRAFTSMAN.

CORRECTIVE ACTION REQUIRED :
MAKE ALL REPAIRS IN A WORKMANLIKE MANNER.

---

VIOLATION: 242 QUANTITY: 1
DESCRIPTION: 242 REPAIR WALL SIDING DATE: 10/29/10
LOCATION: STRUCTURE

NARRATIVE :
LEASE REPAIR THE DAMAGED SIDING LOCATED ON THE EXTERIOR OF THE PROPERTY. ENSURE A EVEN APPEARANCE AND WATER TIGHT BARRIER IS OBTAINED. A EXTERIOR WALL SIDING PERMIT MAY BE REQUIRED BY THE CITY. FOR CLARIFICATION, PLEASE CONTACT THE CITY INSPECTION OFFICE AT 302-736-4457.

CODE REFERENCE;

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

ORDINANCE DESCRIPTION :

CASE NUMBER 10-00002580
PROPERTY ADDRESS 105 S NEW ST

ORDINANCE DESCRIPTION :
SECTION PM 304.2 EXTERIOR SURFACES

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE WALL SIDING

---

VIOLATION: 705 QUANTITY: 1
DESCRIPTION: 705 EXTERMINATE FOR INSECTS DATE: 10/29/10
LOCATION: INTERIOR

NARRATIVE :
ROACHES WERE FOUND DURING THE INSPECTION. PLEASE HAVE A INSPECTION/SERVICE PERFORMED BY A CITY LICENSED EXTERMINATION FIRM. A COPY OF THE INSPECTION/SERVICE REPORT MUST BE SUBMITTED TO THIS OFFICE AT THE TIME OF REINSPECTION.

309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

ORDINANCE DESCRIPTION :
SECTION PM 309.1 INFESTATION

CORRECTIVE ACTION REQUIRED :
EXTERMINATE FOR ROACHES, ANTS AND/OR OTHER INSECTS

Division of
Code Enforcement
15 E. Loockerman St.
Dover, DE 19901

# City of Dover

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

**SECOND NOTICE**

January 5, 2011

HOUSE OF PRIDE INC
110 S NEW ST
DOVER DE 19904

RE: Property Address: 110 S NEW ST
Tax Parcel Number: ED-05-077.09-01-310.000-000
Case Number: 10-00002581

Dear MS. MARIAN HARRIS:

On October 27, 2010, the City of Dover, Department of Inspections conducted an inspection at 110 S NEW ST. The inspection revealed one or more City Code Violations on the property.

Attached are the violation(s) found.

A follow up inspection was conducted and the violation(s) still remain. Failure to have the property brought into compliance with the City Codes by February 04, 2011 will result in a citation being issued, and if the property is a rental unit, may result in suspension of the rental license. Fines may be as high as $1,000.00 per day for each day that the violation exists.

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

**If a citation is enclosed it must be paid within 14 days of issued date or it automatically doubles.**

Sincerely,

Edward D. Graves Jr.

EDWARD GRAVES JR.
Code Enforcement Officer

cc: File

CASE NUMBER 10-00002581
PROPERTY ADDRESS 110 S NEW ST

---

VIOLATION: 0 QUANTITY: 1
DESCRIPTION: 0 DATE: 10/29/10
LOCATION: ATTENTION

NARRATIVE :
IN ADDITION TO VIOLATIONS FOUND DURING INSPECTION, THIS CASE WILL NOT BE CONSIDERED COMPLETE UNTIL ALL CITY OF DOVER FIRE MARSHAL CORRECTIONS ARE MADE.

DURING THE SECOND INSPECTION CONDUCTED ON 1/4/11, ADDITIONAL VIOLATIONS WERE DISCOVERED AND NOW INCLUDED ON THIS REPORT.

ORDINANCE DESCRIPTION :

CORRECTIVE ACTION REQUIRED :

---

VIOLATION: 001 QUANTITY: 1
DESCRIPTION: 001 WORKMANSHIP DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
PLEASE ENSURE ALL WORK IS COMPLETED IN A WORKMANSHIP LIKE MANNER.

ORDINANCE DESCRIPTION :
SECTION PM 102.5 ALL REPAIRS AND MAINTENANCE WORK IS TO BE DONE IN A WORKMANLIKE MANNER AND INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS. TO BE WORKMANLIKE THE REPAIR MUST BE PERFORMED IN A MANNER CONSISTENT WITH WORK DONE BY A SKILLED CRAFTSMAN.

CORRECTIVE ACTION REQUIRED :
MAKE ALL REPAIRS IN A WORKMANLIKE MANNER.

---

VIOLATION: 109 QUANTITY: 1
DESCRIPTION: 109 REPAIR DEFECTIVE STAIRS DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
INSPECT AND REPAIR ANY DAMAGED DREAD OR RISER LOCATED WITHIN THE STAIRWAYS. INSPECTION NOTED SOME DAMAGED STAIRS DURING THE INSPECTION. PLEASE ALSO PAINT THE STAIRS AND ENSURE A FINISHED AND EVEN APPEARANCE IS OBTAINED.

305.4 Stairs and walking surfaces. Every stair, ramp, landing,balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

ORDINANCE DESCRIPTION :

CASE NUMBER 10-00002581
PROPERTY ADDRESS 110 S NEW ST

ORDINANCE DESCRIPTION :
SECTION PM 304.10/305.4 STAIRS AND WALKING SURFACES.

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DEFECTIVE STAIRS

---

VIOLATION: 250 QUANTITY: 1
DESCRIPTION: 250 REPAIR/REPLACE WOODWORK DATE: 10/29/10
LOCATION: PORCH

NARRATIVE :
PLEASE INSPECT THE FRONT PORCH AND REPAIR/ REPLACE ANY DAMAGED OR DETERIORATED WOODWORK. ENSURE THAT THE WOODWORK IS PROPERLY PROTECTED AGAINST THE OUTSIDE ELEMENTS.

Code Reference;

304.9 Overhang extensions. All overhang extensions including,but not limited to canopies, marquees, signs, metal awnings,fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

ORDINANCE DESCRIPTION :
SECTION PM 304.6/305.3 EXTERIOR/INTERIOR SURFACES/MAINT.

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DAMAGED AND/OR DETERIORATED WOODWORK

---

VIOLATION: 412 QUANTITY: 1
DESCRIPTION: 412 REPAIR FAULTY TOILET DATE: 10/29/10
LOCATION: BATHROOM

NARRATIVE :
PLEASE REPAIR THE FAULTY TOILET LOCATED IN THE BATHROOM ADJACENT TO THE DOWNSTAIRS KITCHEN AREA. AN INSPECTION FOUND THE TOILET TO BE LOOSE AND NOT SECURED TO THE BASE OF THE FLOOR.

CODE REFERENCE;

504.1 General. All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept

CASE NUMBER 10-00002581
PROPERTY ADDRESS 110 S NEW ST

NARRATIVE :
free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

ORDINANCE DESCRIPTION :
SECTION PM 504.1 PLUMBING/FIXTURES/MAINTENANCE

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE FAULTY TOILET OR TANK MECHANISMS

---

VIOLATION: 705 QUANTITY: 1
DESCRIPTION: 705 EXTERMINATE FOR INSECTS DATE: 10/29/10
LOCATION: DWELLING

NARRATIVE :
PLEASE HAVE A FULL INSPECTION AND EXTERMINATION PERFORMED ON ALL AREAS OF THE DWELLING, INCLUDING LIVING UNITS AND APARTMENTS BY A CITY LICENSED EXTERMINATION FIRM. AN INSPECTION/SERVICE REPORT MUST BE SUBMITTED TO THIS OFFICE AT THE TIME OF REINSPECTION.

CODE REFERENCE;

309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

ORDINANCE DESCRIPTION :
SECTION PM 309.1 INFESTATION

CORRECTIVE ACTION REQUIRED :
EXTERMINATE FOR ROACHES, ANTS AND/OR OTHER INSECTS

---

VIOLATION: 103 QUANTITY: 1
DESCRIPTION: 103 REPAIR DETERIORATED FLOOR DATE: 1/05/11
LOCATION: INTERIOR

NARRATIVE :
REPAIR ALL DETERIORATED FLOORING LOCATED IN THE COMMON AREAS OF THE DWELLING. THIS INCLUDES THE AREA NEAR THE SECOND FLOOR COMMON KITCHEN. ENSURE A FINISHED APPEARANCE IS OBTAINED.
305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

ORDINANCE DESCRIPTION :

CASE NUMBER 10-00002581
PROPERTY ADDRESS 110 S NEW ST

ORDINANCE DESCRIPTION :
SECTION PM 305.4 STAIRS AND WALKING SURFACES.

CORRECTIVE ACTION REQUIRED :
REPAIR OR REPLACE DETERIORATED FLOOR(S)

Division of
Code Enforcement
15 E. Loockerman St.
Dover, DE 19901

# City of Dover

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

January 5, 2011

HOUSE OF PRIDE INC
110 S NEW ST
DOVER DE 19904

RE: Property address: 110 S NEW ST
Tax Parcel Number: ED-05-077.09-01-310.000-000
Case Number: 11-00000025

Dear SIR / MADAM:

On January 04, 2011, the City of Dover, Department of Inspections conducted an inspection at 110 S NEW ST.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by February 04, 2011, to ensure compliance.

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

**If a Citation is enclosed it must be paid for within 14 days of issued date or it automatically doubles.**

Sincerely,

Edward D. Graves Jr

EDWARD GRAVES JR.
Code Enforcement Officer

cc: File

CASE NUMBER 11-00000025
PROPERTY ADDRESS 110 S NEW ST

---

VIOLATION: 717 QUANTITY: 1
DESCRIPTION: 717 RMV JUNK AND DEBRIS DATE: 1/05/11
LOCATION: EXTERIOR

NARRATIVE :
PLEASE REMOVE AND PROPERLY DISPOSE OF ALL ACCUMULATING TRASH, JUNK AND DEBRIS FROM EXTERIOR PROPERTY AREAS. ENSURE A NEAT AND CLEAN APPEARANCE IS OBTAINED AND MAINTAINED.

ORDINANCE DESCRIPTION :
SECTION PM 302.1 GENERAL REQUIREMENTS/SANITATION

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

Division of
Code Enforcement
15 E. Loockerman St.
Dover, DE 19901

# City of Dover

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

January 5, 2011

HOUSE OF PRIDE INC
110 S NEW ST
DOVER DE 19904

RE: Property address: 106 S NEW ST
Tax Parcel Number: ED-05-077.09-01-330.000-000
Case Number: 11-00000024

Dear SIR / MADAM:

On January 04, 2011, the City of Dover, Department of Inspections conducted an inspection at 106 S NEW ST.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by February 04, 2011, to ensure compliance.

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

**If a Citation is enclosed it must be paid for within 14 days of issued date or it automatically doubles.**

Sincerely,

Edward B. Graves Jr.

EDWARD GRAVES JR.
Code Enforcement Officer

cc: File

CASE NUMBER 11-00000024
PROPERTY ADDRESS 106 S NEW ST

---

VIOLATION: 717 QUANTITY: 1
DESCRIPTION: 717 RMV JUNK AND DEBRIS DATE: 1/05/11
LOCATION: EXTERIOR

NARRATIVE :
PLEASE REMOVE AND PROPERLY DISPOSE OF THE TRASH, JUNK AND DEBRIS LITTERING EXTERIOR PROPERTY AREAS. ENSURE A CLEAN AND NEAT APPEARANCE IS OBTAINED AND MAINTAINED.

ORDINANCE DESCRIPTION :
SECTION PM 302.1 GENERAL REQUIREMENTS/SANITATION

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

Division of
Code Enforcement
15 E. Loockerman St.
Dover, DE 19901

# City of Dover

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

January 4, 2011

HOUSE OF PRIDE INC
110 S NEW ST
DOVER DE 19904

RE: Property address: 106 S NEW ST
Tax Parcel Number: ED-05-077.09-01-330.000-000
Case Number: 11-00000009

Dear SIR / MADAM:

On January 04, 2011, the City of Dover, Department of Inspections conducted an inspection at 106 S NEW ST.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by January 20, 2011, to ensure compliance.

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

**If a Citation is enclosed it must be paid for within 14 days of issued date or it automatically doubles.**

Sincerely,

Edward D. Graves Jr.

EDWARD GRAVES JR.
Code Enforcement Officer

cc: File
ORIGINAL - USPS CERTIFIED MAIL
COPY - USPS 1ST CLASS MAIL
TIM TARAILA - CHIEF CODE ENFORCEMENT OFFICER
ANN MARIE TOWNSHEND - DIRECTOR OF PLANNING & COMMUNITY DEVELOPMENT

CASE NUMBER 11-00000009
PROPERTY ADDRESS 106 S NEW ST

---

VIOLATION: 000 QUANTITY: 1
DESCRIPTION: 000 HSG/BLDG CONDEMNATION DATE: 1/04/11
LOCATION: STRUCTURE

NARRATIVE :
THIS STRUCTURE HAS BEEN DETERMINED TO BE UNSAFE AND DANGEROUS. THE BUILDING CANNOT BE OCCUPIED OR ENTERED UNTIL A STRUCTURAL ENGINEERING INSPECTIONS IS PERFORMED AND CORRECTIONS MADE TO THE STRUCTURE. FAILURE TO COMPLY WILL WITHIN 15 DAYS OF THIS NOTICE WILL RESULT IN FURTHER ACTION BY THE CITY TO HAVE THE STRUCTURE REPAIRED OR DEMOLISHED.

ORDINANCE DESCRIPTION :
NOTICE
THIS BUILDING IS HEREBY "CONDEMNED" AS
"UNFIT FOR HUMAN OCCUPANCY", AND MUST BE
VACATED IMMEDIATELY AND/OR ALL CODE VIOLATIONS
CAUSING THIS ACTION CORRECTED IMMEDIATELY
SECTION PM 108.1.3 STRUCTURE UNFIT FOR HUMAN OCCUPANCY.

CORRECTIVE ACTION REQUIRED :

---

VIOLATION: 004 QUANTITY: 1
DESCRIPTION: 004 STRUCTURAL REPORT NEEDED DATE: 1/04/11
LOCATION: STRUCTURE

NARRATIVE :
A CERTIFIED REPORT OF FINDINGS FROM THE STRUCTURAL ENGINEERING FIRM CONDUCTING THE INSPECTION MUST BE SUBMITTED TO THIS OFFICE WITH 15 DAYS OF THIS MAILING.

ORDINANCE DESCRIPTION :
A full structural engineering inspection is to be performed on the structure. This inspection needs to be performed by a state licensed structural engineering firm. 105.3 Required Testing.

CORRECTIVE ACTION REQUIRED :
A certified copy of the inspection results must be forwarded to this department. All inspection deficiencies must be corrected to the structural engineering report recommendations.


106
01/04/2011


01/04/2011


01/04/2011


01/04/2011


01/04/2011


01/04/2011

01/04/2011


01/04/2011

01/04/2011

Division of
Code Enforcement
15 E. Loockerman St.
Dover, DE 19901

# City of Dover

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

January 5, 2011

HOUSE OF PRIDE INC
110 S NEW ST
DOVER DE 19904

RE: Property address: 106 S NEW ST
Tax Parcel Number: ED-05-077.09-01-330.000-000
Case Number: 11-00000010

Dear SIR / MADAM:

On January 04, 2011, the City of Dover, Department of Inspections conducted an inspection at 106 S NEW ST.

Attached are the Code violations found during the inspection.

A follow up inspection must be conducted by January 15, 2011, to ensure compliance.

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

**If a Citation is enclosed it must be paid for within 14 days of issued date or it automatically doubles.**

Sincerely,

Edward D. Graves Jr

EDWARD GRAVES JR.
Code Enforcement Officer

cc: File

CASE NUMBER 11-00000010
PROPERTY ADDRESS 106 S NEW ST

---

VIOLATION: 724 QUANTITY: 1
DESCRIPTION: 724 REMOVE ABD/UNREG VEHICLE DATE: 1/05/11
LOCATION: YARD

NARRATIVE :
PROPERLY REPAIR AND REGISTER THE 2 ABANDONED VEHICLES LOCATED ON THE REAR OF THE PROPERTY.
Veh 1: brown/tan Subaru Legacy, DE PC47443 exp 6/15/10, VIN: 4S3BJ633OP9943395
Veh 2: Black Ford Ranger, DE C68021 exp 8/31/09, VIN: UNREADABLE.
IF THE VEHICLES ARE NOT PROPERLY REGISTERED AND REPAIRED THEY WILL BE TOWED AND STORED BY THE CITY AT THE OWNERS EXPENSE.

ORDINANCE DESCRIPTION :
SECTION DCO 106-130(b) ABANDONED/UNREGISTERED VEHICLES

CORRECTIVE ACTION REQUIRED :
REMOVE OR PROPERLY REGISTER VEHICLE

01/04/2011


01/04/2011


01/04/2011


01/04/2011

***FIRE MARSHAL***
***Dave Truax, FM 1***

***DEPUTY FIRE MARSHALS***
***Sam Gonzalez, FM 2***
***Tim Mullaney, FM 4***
***Ed Graves, FM 5***

# Fire Marshal

***City Of Dover***
***Fire Marshal's Office***
***15 Loockerman Plaza***
***Dover, DE 19903***

***(302) 736-4457***
***(302) 736-4217 - FAX***

***January 4th, 2011***

***Marian Harris, House of Pride***
*105 S. New Street*
*Dover, De 19901*
*302-677-0116*

ATTACHMENT C

***Ref:*** *1/4/11 Reinspections*

*On January 4th, 2011 reinspections were conducted with Code Enforcement Inspector Ed Graves at the various House of Pride properties. House of Pride staff was present during these reinspections. Listed below are the inspections results, please review these items and ensure that the corrective measures are made to come into compliance with the City of Dover.*

***16 N. New Street***

1) *Hardwired smoke detectors need to be operational throughout the entire property.*
2) *All bedroom doors must have self closing devices sufficient to positively close and latch.*
   **Next 3 year Electrical Inspection required will be by 2/17/12.*
   **Fire Extinguishers need to be inspected by a licensed inspection agency by 2011 annual inspections.*

***20 N. New Street***

1) *Hardwired smoke detectors need to be operational throughout the entire property.*
2) *Rear second floor bedroom door needs to be solid core type.*
3) *All bedroom doors must have self closing devices sufficient to positively close and latch.*
   **Next 3 year Electrical Inspection required will be by 2/17/12.*
   **Fire Extinguishers need to be inspected by a licensed inspection agency by 2011 annual inspections.*

***29 S. New Street***

1) *Hardwired smoke detectors need to be operational throughout the entire property.*
2) *All bedroom doors must have self closing devices sufficient to positively close and latch.*
3) *Room # 3- needs a solid core type door.*
4) *Room # 1- needs a solid core type door.*
5) *Please ensure tenant of Room # 3 understands that the hardwired smoke detector within the room needs to be operational at all times or fines could be issued.*
6) *All gaps within door frames need to be filled/solid core type door needs to secure tight to framework.*
7) *All microwave units, refrigeration units must be removed from the individual apartment rooms.*
   **Next 3 year Electrical Inspection required will be by 2/17/12.*
   **Fire Extinguishers need to be inspected by a licensed inspection agency by 2011 annual inspections.*

***35 N. New Street****- It was noted during the inspection that there is a large amount of storage within the structure. Gross violations were noted. There is still evidence of a fire that occurred in 2002 within the first floor of the structure. There are structural concerns with interior walls/flooring. Exposed wall studs and possible foundation concerns were present.*

- *As of 1/4/11 a correspondence from Public Services Manager Scott Koenig was sent explaining the current status of the property.*

***37 S. New Street***

1) *Hardwired smoke detectors need to be operational throughout the entire property.*
2) *Entrance door to the first floor unit needs a solid core type, with self closing hardware.*
3) *All bedroom doors must have self closing devices sufficient to positively close and latch.*
4) *All gaps within door frames need to be filled/solid core type door needs to secure tight to framework.*
5) *All microwave units, refrigeration units must be removed from the individual apartment rooms.*
   **Next 3 year Electrical Inspection required will be by 2/17/12.*
   **Fire Extinguishers need to be inspected by a licensed inspection agency by 2011 annual inspections.*
   - *Rear 1st floor bedrooms. In order to exit from the rear 1st floor bedrooms you must travel through a kitchen area per NFPA 101 Life Safety Code this is not permitted. A kitchen area is classified as a hazard area and exit access through a hazard area is not permitted.*

   ***Solution/Options-***
   1) *De Commission the rear bedrooms and not use the rooms as an occupiable space.*
   2) *Rooms stay as is and a Domestic Sprinkler Head is installed in the kitchen area. (Permits needed).*
   3) *Rooms stay as is and an exit door is created in the rear hallway outside the rooms. (Permits needed).*

***45 S. New Street****- It was noted during the inspection that there is a large combustible load within the structure. No LP Gas container storage should be within the structure. Access in structure is restricted due to product storage.*

- *As of 1/4/11 some storage was removed from the interior of the property, however a large amount of combustibles still remain present.*
- *The above property is currently zoned as General Residential (RG-1) as 1 & 2 family dwellings. Currently the way that House of Pride is using this property is Storage. After discussing the above with Janelle Cornwell and Ann Marie Townshend, this use change is not permitted per the City of Dover Planning Department. All storage needs to be eliminated from the structure.*

***105 S. New Street***

1) *Emergency/Exit Lighting is needed on second floor gathering area as well as first floor front office area.*
2) *Battery operated smoke detectors are being required throughout.*

***106 S. New Street****- It was noted during the inspection that there is a large amount of product within the structure, however the product is neatly stored and access is accessible throughout. No gross violations existed during inspection.*

- *As of 1/4/11 the storage condition within the property remains in the same conditions as previous inspection; however numerous structural concerns were present in the basement foundation of the structure. The property as been posted and condemned by City of Dover Inspections as a result.*
- *The above property is currently zoned as General Residential (RG-1) as 1 & 2 family dwellings. Currently the way that House of Pride is using this property is Storage. After discussing the above with Janelle Cornwell and Ann Marie Townshend, this use change is not permitted per the City of Dover Planning Department. All storage needs to be eliminated from the structure.*

***110 S. New Street***

1) *Battery operated smoke detectors in each living area need to be checked periodically and in proper working condition.*
2) *Door to Room# 6 needs to be of solid core type.*
3) *All bedroom/unit doors must have self closing devices sufficient to positively close and latch.*
4) *All gaps within door frames need to be filled/door needs to secure tight to framework.*
5) *Emergency/Exit Lighting is needed on all floors of the structure.*
6) *Entrance door to business area (1st floor) needs to self close and positively latch.*
7) *Date of last Electrical Inspection needed, if not within 3 years, an inspection needs to take place.*
8) *Fire Extinguishers need to be inspected by a licensed inspection agency by 2011 annual inspections.*
9) *All microwave units, refrigeration units must be removed from the individual apartment rooms.*

- *Room # 5- On the 2nd floor of the structure there is a kitchen area located on the east end of the structure. In order to exit from Room #5 you must travel through this kitchen area per NFPA 101 Life Safety Code this is not permitted. A kitchen area is classified as a hazard area and exit access through a hazard area is not permitted.*
  ***Solution/Options-***
  4) *De Commission Room #5 and not use this room as an occupiable space.*
  5) *Room stays as is and a Domestic Sprinkler Head is installed in the kitchen area.*

- *Room # 3- On the 2nd floor of the structure there is a fire escape located on the south side of the structure. The only access to this fire escape is through Room #3. If Room # 3 is locked and an emergency exists then there will not be any access available to the fire escape.*
  ***Solution/Options-***
  1) *De Commission Room #3 and not use this room as occupiable space. A solid core door will need to be in place with self closing hardware, however not locking hardware will be permitted.*
  2) *Room stays as is if a new fire escapes per code off of the North Side of the structure accessible for both 2nd and 3rd floor residents.*
  3) *Room stays as is if the Fire Alarm System is extended into all rooms with notification devices in each room/unit.*

*The above items noted during the reinspection conducted on today's date need to be corrected by Friday February 4th, 2011.*

*In regards to the items noted at 37 & 110 S. New Street. The correction work in regards to the items with solution/options; a decision on these needs to be made no later January 14th, 2011. At that point a correction deadline will be established.*

*Please review the above information and take the necessary corrective measures to ensure that the above work is completed no later than the deadlines set. If you have any questions, comments or concerns please feel free to contact this office at 302-736-4457.*

*Sincerely,*

***Timothy P. Mullaney Jr.***
***Deputy Fire Marshal***

*CC:*
File/TPM
Ann Marie Townshend, Director of Planning & Community Development
Dave Truax, Fire Marshal
Janelle Cornwell, Planner II
Ed Graves, Code Enforcement/Deputy Fire Marshal

***FIRE MARSHAL***
***Dave Truax, FM 1***

***DEPUTY FIRE MARSHALS***
***Sam Gonzalez, FM 2***
***Tim Mullaney, FM 4***
***Ed Graves, FM 5***

# Fire Marshal

***City Of Dover***
***Fire Marshal's Office***
***15 Loockerman Plaza***
***Dover, DE 19903***

*(302) 736-4457*
*(302) 736-4217 - FAX*

***January 4th, 2011***

***Marian Harris, House of Pride***
*105 S. New Street*
*Dover, De 19901*
*302-677-0116*

***Ref:*** *1/4/11 Reinspection Fees*

*On January 4th, 2011 reinspections were conducted with Code Enforcement Inspector Ed Graves at the various House of Pride properties. House of Pride staff was present during these reinspections. Attached to this letter is the correspondence concerning the outstanding items still noted during the reinspection that took place this morning.*

*Please review the following code from the City of Dover Code of Ordinances;*

**Sec. 46-168. Reinspection fee.**
(a) Amount. There is hereby created a reinspection fee as provided for in Appendix F--Fees and Fines that shall be charged for any repeated violation cited by the fire marshal, determined to be a violation and which requires a follow up inspection to confirm the correction of the violation.
(b) Sending of bill. Reinspections for the above referenced violations shall cause the fire marshal to direct a bill to be sent to the operator having had such violations.
(c) Failure to pay. Failure to pay the reinspection fee within ten days from the receipt of such bill may permit the city's fire marshal to suspend, without warning, notice or hearing, any permit to operate a public occupancy for noncompliance with the requirement of this section.
(Code 1981, § 7-69; Ord. of 11-22-1993; Ord. No. 2009-09, 6-22-2009)

**Sec. 46-168- Fee**
$25.00 for any repeated violation cited by the fire marshal, determined to be a violation and which requires a follow-up inspection to confirm the correction of the violation.

*Per the above code, reinspection fees in the amount of $225.00 (9 Buildings at $25.00 each) are required; however this office has discussed the above with City of Dover Director of Planning & Community Development Ann Marie Townshend and the decision made was to waive the above reinspection fees if correction is achieved by February 4th, 2011. What this means is that when the second reinspection occurs if the attached items are not corrected and new items exist the reinspection fees will be issued as well as additional fees.*

*Please feel free to contact this office with any questions, comments or concerns regarding the above at 302-736-4457. Thank you for your attention regarding this matter.*

*Sincerely,*

Timothy Mullaney Jr.

***Timothy P. Mullaney Jr.***
***Deputy Fire Marshal***

CC:
File/TPM
Ann Marie Townshend, Director of Planning & Community Development
Janelle Cornwell, Planner II
Dave Truax, Fire Marshal
Ed Graves, Code Enforcement/Deputy Fire Marshal

# City of Dover

December 15, 2010

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

**Re: Reconsideration of Conditional Use Plan**
**C-08-01: House of Pride properties located on North and South New Street, Dover, Delaware**

| | |
|---|---|
| 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 |

Dear Ms. Harris:

**Due to the outstanding code violation case and other information presented to the City on the condition of the House of Pride facilities a public hearing regarding the reconsideration of the Conditional Use is to be held by the Planning Commission at their meeting on Tuesday January 18, 2011 at 7:00pm.** The Planning Commission may revoke the Conditional Use as a philanthropic use for these properties. Your attendance is encouraged at this hearing.

As part of the Conditional Use approval by the Planning Commission compliance with the Building and Life Safety Codes was to be met. The Conditional Use Site Plan has not been finalized due to noncompliance with the Fire Marshal's Office and Code Enforcement Division inspections regarding the Building and Life Safety Codes for all of the properties. Failure to comply with these conditions is considered violation of the Conditional Use permit granted by the Planning Commission.

The City has also been made aware of possible health and other violations affecting the House of Pride properties.

Public notice for the public hearing on Tuesday January 18, 2011 will be completed by the City.

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

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Planning and Community Development Director

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

# City of Dover

September 10, 2010

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

**Re: Non- Compliance of Conditional Use Plan**
**C-08-01: House of Pride properties located on North and South New Street, Dover, Delaware**

| | |
|---|---|
| 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 |

Dear Ms. Harris:

As a part of the approval of the Conditional Use granted by the Planning Commission the aforementioned properties are required to have an annual housing inspection and the Conditional Use Site Plan shall be finalized. (See notice of Decision Letter dated 12-17-08) As of this date, housing inspections have not been scheduled on all of the properties and there are outstanding issues with 110 South New Street.

The Conditional Use Site Plan will not be finalized until the Fire Marshal's Office and Code Enforcement Division confirm full compliance with the Building and Life Safety Codes for all of the properties. Failure to comply with these conditions is considered violation of the Conditional Use permit granted by the Planning Commission.

According to Code Enforcement records, an electrical inspection was due to be performed at 110 South New Street by August 31, 2010. To date, the city has received no record of such an inspection. If the electrical inspection is not completed and the other items for 110 South New Street complied with by **September 30, 2010** this matter will be referred to the Planning Commission on October 18, 2010 for consideration of the revocation of the Conditional Use permit. Documentation of compliance with the electrical inspection and other items shall be provided to the Planning Office by September 30, 2010.

The deadline of September 30th relates to the Conditional Use permit and does not prevent the Fire Marshal's Office or Code Enforcement from issuing fines if compliance is not met per the notices issued by those offices.

The properties are also required to have the appropriate Public Occupancy and Rental Dwelling Permits as stated in letters dated August 7, 2008 and August 12, 2008. Currently, we have no record of these permits for any of the subject properties.

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

Sincerely,
Department of Planning & Inspections

Ann Marie Townshend

Ann Marie Townshend, AICP
Planning and Community Development Director

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

# City of Dover

August 20, 2009

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

**Re: Failure to Comply with Conditional Use**
**C-08-01: House of Pride properties located on North and South New Street, Dover, Delaware**

| | |
|---|---|
| 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 |

Dear Ms. Harris:

As a part of the conditional approval of the Conditional Use granted by the Planning Commission the aforementioned properties are required to have an Annual Housing Inspection and the Conditional Use Site Plan shall be finalized. (See notice of Decision Letter dated 12-17-08) As of this date, Housing Inspections have not been scheduled and the Conditional Use Site Plan has not been finalized. Failure to comply with these conditions is considered violations of the Conditional use permit granted by the Planning Commission and shall result in referring the matter back to the Planning Commission and the possible revocation of the Conditional Use permit.

These items shall be complied with **prior to September 30, 2009** or the Conditional Use will be taken back to the Planning Commission for their review in October 2009.

Should you have any questions, or require further assistance, please contact the plan reviewer Janelle Cornwell at (302) 736-7196.

Sincerely,
Department of Planning & Inspections

Ann Marie Townshend

Ann Marie Townshend, AICP
Planning and Community Development Director

cc: Sandra Dean
Janelle Cornwell, AICP, Planner II
C-08-01

**FIRE MARSHAL**
Dave Truax

**DEPUTY FIRE MARSHALS**
Sam Gonzalez
Wayne Hutchison

Fire Marshal

**PHONE: (302) 736-7011**
**FAX: (302) 736-4217**

October 27, 2008

Mrs. Ann Marie Townshend
Director, Inspections and Planning
15 E. Loockerman Street
Dover, DE 19901

Dear Mrs. Townshend:

I am responding to your request to establish an Occupancy classification for properties used by the House of Pride to house individuals who are in treatment and recovery from drug and alcohol addiction. The Classification of Occupancy chapter of the Life Safety Code is not a one size fits all document. The document is applied based on design features, usage patterns, and unique life safety needs of the occupants.

NFPA 101 Life Safety Code defines Dwelling Unit as "One or more rooms arranged for complete, independent housekeeping purposes with space for eating, living, and sleeping; facilities for cooking and provisions for sanitation."

As I understand it, the occupancies being used now are one and two family dwellings. If House of Pride clients are being housed in buildings having three or more dwelling units with independent cooking and bathroom facilities, the building will be classified as an Apartment Occupancy per the NFPA 101 Life Safety Code. Any building classified as an apartment building would have to meet the life safety requirements for apartment occupancy and have a smoke detection system per Title 16 Chapter 66; Subsection 6633 of the Delaware Code.

House of Pride clients who are being housed in buildings where each client is assigned a bedroom within a dwelling unit for sleeping accommodations with or without meals, but without separate cooking facilities for individual occupants, the building will be classified as Lodging and Rooming per the NFPA 101 Life Safety Code. Any building classified as Lodging and Rooming House would be required to have a hard wired smoke detection system per Title 16 Chapter 66; Subsection 6633 of the Delaware Code.

It would be the position of the Fire Marshal that existing House of Pride properties that house clients in dwelling units of not more than two and where one unit is separated from the other by building construction, be considered as an existing condition and is acceptable to use battery powered single station smoke detectors. It is a strong recommendation of this office that a hard wired smoke detection system, interconnected with battery backup, be installed in each existing dwelling unit with a smoke detector being placed in each bedroom and between the living unit and bedrooms of each dwelling unit. This would greatly enhance the fire protection of the occupancy at a reasonable cost.

Any new properties acquired by the House of Pride whether owned by the House of Pride or leased from others for the purpose of housing clients or for use as any other occupancy, will be subject to full Building and Fire Code plan review prior to occupancy. Any properties presently owned by the House of Pride that will require a change in use or require renovation, will be subject to a full Building and Fire plan review.

All properties classified as Lodging and Rooming shall come into compliance no later than March 1, 2009. Plans shall be submitted to the Fire Marshals Office showing the location of the proposed smoke detectors and no installation work is to be done without approved plans from the Fire Marshal. All electrical wiring shall be done by a licensed electrical contractor.

Sincerely

David Truax
Fire Marshal