

## **CITY OF DOVER PLANNING COMMISSION**

### **AGENDA**

**Monday, June 18, 2018 – 7:00 P.M.**

**City Hall, City Council Chambers  
15 Loockerman Plaza, Dover, Delaware**

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

- 1) Conditional Use Application C-17-06 Pride of Dover Elks Lodge at 217 North Kirkwood Street will not be heard by the Planning Commission on June 18, 2018 due to incomplete public notice. This Application and its Public Hearing will be rescheduled for a future Planning Commission meeting and will be subject to Public Notice requirements for the new meeting date.

ADOPTION OF MINUTES OF MEETING of May 21, 2018

### COMMUNICATIONS & REPORTS

- 1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, July 16, 2018 at 7:00pm in the City Council Chambers.
- 2) Update on City Council Actions
- 3) Department of Planning & Inspections Updates

### OPENING REMARKS CONCERNING APPLICATIONS

### OLD BUSINESS

- 1) Requests for Extensions of Planning Commission Approval: None
- 2) Update on Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 §2.28)
- 3) MI-18-03 Text Amendments: Manufactured Housing and Land Lease Communities (*Dover Code of Ordinances*, Chapter 66 and *Zoning Ordinance*, Article 3, Section 8 and Article 12) – The Planning Commission on March 19, 2018 tabled action and then on April 16, 2018 deferred action until June 2018 seeking additional information on the Review of Proposed Ordinance #2018-01 of Text Amendments to the *Dover Code of Ordinances*, Chapter 66 - Manufactured Homes, Mobile Homes, and Land Lease Communities; to *Zoning Ordinance*, Article 3, Section 8- Manufactured Housing (MH) Zone; and to *Zoning Ordinance*, Article 12- Definitions. *The Public Hearing was held on March 19, 2018. Planning Staff is working on the information requested by the Planning Commission and will provide an update report; continued review is recommended for a future meeting.*

### NEW APPLICATIONS:

- 1) AX-18-01 Lands of Jesse L. Allen at 3074 N. DuPont Highway – Public Hearing and Review for Recommendation of an Annexation Request and Rezoning Request for a parcel of land totaling 0.69 acres +/- located at 3074 N. DuPont Highway. The property is currently zoned BG (General Business District) in Kent County. The proposed zoning is C-4 (Highway Commercial Zone). The property is located on the east side of North DuPont Highway and north of but not adjacent to Woodford Street. This annexation will include the adjoining right-of-way of North DuPont Highway equal to the property's frontage width to connect the property to the existing City boundary on the west side of North DuPont Highway. The annexation category according to Dover's *2008 Comprehensive Plan* is Category 1: High Priority Annexation Areas and the land use designation is Commercial. The owner of record is Jesse L. Allen. Property Address: 3074 N. DuPont Highway. Tax Parcel: ED-00-057.02-01-04.00-000. Proposed Council District 3. Ordinance #2018-04.
- 2) C-18-03 Kidz Business Day Care Center at 65 North DuPont Highway – Public Hearing and Review of Application for Conditional Use to permit conversion of an existing 5,148 SF one-story building into a Child Day Care Center to serve 125 children. The application involves two separate properties. The property containing the building consists of 0.53 +/- acres and is zoned C-4 (Highway Commercial Zone). There is a second property of 0.37 acres zoned RG-2 (General Residence Zone) that contains an associated parking lot. The building is located on the east side of North DuPont Highway immediately south of Maple Parkway. To the east is the parking lot property located at the intersection of Maple Parkway and Edgemont Avenue. The owner of record is The Perry Group, Inc. and the applicant (lessee) is Donneisha Alston. Property Address: 65 North DuPont Highway. Tax Parcels: ED-05-068.18-05-01.00-000 and ED-05-068.18-05-12.00-000. Council District 2.

### NEW BUSINESS

- 1) MI-18-10 Eden Hill Farm TND Residential District: Architecture Concept – Request for Consideration by Planning Commission of an Architecture Concept for townhouse units and an Architecture Concept for single family detached dwellings (in a 55+ community format) with a request for removal of alleys within the Eden Hill Farm TND: Residential District. The property is zoned TND (Traditional Neighborhood Design Zone). The owner of record Eden Hill Residential, LLC. Property Address: area southeast of intersection Wemyss Road and POW-MIA Parkway. Tax Parcels: areas on map ED-05-076.04. Council District 2.
- 2) Project for Dover's 2019 Comprehensive Plan
  - a. Update on Project Activities
  - b. Evaluation of 2008 Goals and Recommendations

### ADJOURN

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

**CITY OF DOVER PLANNING COMMISSION  
MAY 21, 2018**

The Regular Meeting of the City of Dover Planning Commission was held on Monday, May 21, 2018 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Roach, Ms. Edwards, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh and Mr. Tolbert. Mr. Holden and Ms. Maucher were absent.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Jason Lyon, Mr. Julian Swierczek, Mrs. Tracey Harvey and Mrs. Kristen Mullaney. Also present were Ms. Latoya Boseman, Mr. Jason Yoder, Mr. LB Steele, Mr. Aly Prado, Mr. Jason Lyon and Captain David Spicer. Speaking from the public were Mr. Robert Hartman, Mr. John McCracken and Mrs. Diane McCracken.

**APPROVAL OF AGENDA**

Mr. Tolbert stated that application C-18-03 Kidz Business Day Care Center at 65 North DuPont Highway will not be heard by the Planning Commission on May 21, 2018 due to incomplete public notice. This application and its public hearing will be rescheduled for a future Planning Commission meeting and will be subject to public notice requirements for the new meeting date.

*Mrs. Welsh moved to approve the agenda as submitted, seconded by Dr. Jones and the motion was unanimously carried 7-0 with Mr. Holden and Ms. Maucher absent.*

**APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF APRIL 16, 2018**

*Mr. Holt moved to approve the Planning Commission Meeting minutes of April 16, 2018, seconded by Mr. Baldwin and the motion was unanimously carried 7-0 with Mr. Holden and Ms. Maucher absent.*

**COMMUNICATIONS & REPORTS**

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Monday, June 18, 2018 at 7:00pm in the City Council Chambers.

Mr. Hugg provided an update on the regular City Council and various Committee meetings held on April 23 & 24, 2018 and May 14 & 15, 2018.

**OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS**

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

**OLD BUSINESS**

- 1) Requests for Extensions of Planning Commission Approval: None
- 2) Update on Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 §2.28)

Mrs. Melson-Williams stated that they have no new information to report to the Commission.

**NEW APPLICATIONS:**

- 1) C-18-02 All Beautiful Children Learning Academy Day Care Center at 822 South State Street – Public Hearing and Review of Application for Conditional Use to permit conversion of an existing 3,526 SF one-story building into a Child Day Care Center to serve 52 children. The subject site contains three (3) separate buildings, and the Day Care Center is proposed to occupy only the southernmost structure which is the largest. The property consists of a 0.585-acre parcel and is located on the west side of South State Street, south of Gooden Avenue and north of Wyoming Avenue. The property is zoned C-1A (Limited Commercial Zone). The owner of record is TVEN3, LLC and the applicant (lessee) is Latoya Boseman. Location Address: 822 South State Street. Tax Parcel: ED-05-077.17-03-43.00-000. Council District 2.

**Representatives:** Ms. Latoya Boseman and Mr. Jason Yoder

Mrs. Harvey stated that this Conditional Use Plan is to permit the conversion of an existing vacant 3,500 SF one store building into child day care center. The property site area consists of over 25,000 SF located on the west side of South State Street, north of Wyoming Avenue. The existing parcel has a single family home addressed as 818 South State Street and a detached garage that will not be utilized as the child day care center. The applicant is proposing a child day care center that will serve 52 children with 28 children for the present use and 24 additional children that will be serviced in the future. A fence is proposed to surround the 1,200 SF playground area and the rear of the building. The property is zoned C-1A (Limited Commercial Zone). The property address is 822 South State Street. The owner of record is TVEN 3, LLC and the applicant lease is Latoya Boseman.

Day care centers require one parking space for every ten children and one parking space for every adult attendant. Based on the number of proposed children at 52 and 5 adult attendants, a total of 11 parking spaces are required. The Site Plan dated April 6, 2018 indicates that there are 14 parking spaces with 1 handicapped parking space on the property. The existing parking lot does not include curbing and Planning Staff will not require the installation of upright curbing due to proposed concrete parking bumpers to be installed at the head of each parking space. Based on the number of required parking spaces, one bicycle parking space is required. Bicycle parking for two has been identified on the plan at the northeast corner of the building. Sidewalks exist along the property's entire street frontage of South State Street connecting to the side of the building with the paved area connecting to the entrance of the child day care center. The applicant is not proposing any exterior improvements or additions to the existing building. A total of 4 trees are required to be planted per the Landscaping Plan with two existing trees in the yard by the dwelling.

To meet the Code requirements in accordance with *Zoning Ordinance*, Article 10 Section 1, Subsections 1.1-1.3, Planning Staff recommends the addition of traffic control signage and directional arrow striping in the parking lot drive aisles to establish one way circulation.

Mr. Yoder stated that they do not have any questions or statements to make at this time. They are

in complete agreement with what Mrs. Harvey has stated.

*Mr. Tolbert opened a public hearing.*

**Mr. Robert Hartman – 35 Lotus Street Dover, DE 19904**

Mr. Hartman stated that he hopes that the new business is successful. He questioned if the bright LED signs that are on the building right now will be coming down. Responding to Mr. Hartman, Ms. Boseman stated that she believes that the signs will be taken down because they will have to get permits for the signs that they want to use. Those signs were for the previous use.

Mr. Hartman stated that those existing signs were for Delmarva Repair and they have been out of business for a long time but those signs have continued to bother the neighborhood. Those are very bright signs and they should have never been approved for our neighborhood. He travels Pine Street and Lotus Street and he passes that building many times a day. At night when you are driving down State Street, those LED lights if they are set at a certain program, are distracting to traffic. The neighbors can see them all the way down to the end of Pine Street, almost all the way to the highway. He would encourage the applicant to take them down and he would encourage the Commission to consider the neighborhood the next time that they approve of those kinds of signs. The area where the business will be gets very busy at 8:00AM when traffic backs up at the school light at South Dover Elementary. There is traffic that backs up to Mom's Day Care Center. He knows that the existing parking lot is difficult to park in. He has parked in it many times and doesn't know where those 14 parking spaces are. Are they on the alley side of the building? Responding to Mr. Hartman, Mrs. Harvey stated that they are located along the side of the building and they are going to be striped. People are going to enter off of the alley to get into the parking lot.

Mr. Hartman stated that he can't imagine 14 parking spaces on the side of the building. It's difficult to back out of the parking lot when there are just 2 or 3 cars there because of the way the present parking is. He cautions the applicant on the traffic during school days and the parking lot because you have people trying to come out of Lotus Street and Pine Street and traffic backs up. He doesn't know if they have been to the location at 8:00AM on a school day but they might want to go down and take a look at it.

Mr. Tolbert questioned if Mr. Hartman had spoken to DelDOT about the traffic problem that he is anticipating? Responding to Mr. Tolbert, Mr. Hartman stated that he has talked to DelDOT and has been involved with some traffic studies before. He thinks this is more in the purview of the City and the applicant to talk to DelDOT about that traffic problem. He can avoid it because he is retired and can adjust his schedule to avoid it. But people that are dropping their children off for day care, people that are going to South Dover Elementary and people that are coming to Dover for work can't avoid that traffic.

Mr. Tolbert questioned if Mr. Hartman had spoken to his neighbors about it? Responding to Mr. Tolbert, Mr. Hartman stated that he was the lead for the neighborhood's Nextdoor site. The one thing that he brought up was the traffic problems and nobody really had a concern about it other than him.

*Mr. Tolbert closed the public hearing.*

Mr. Holt stated that one of the recommendations is about traffic control and directional arrows for the drive aisle for one way traffic. Is that okay with the applicant? Responding to Mr. Holt, Mr. Yoder stated yes, they would be willing to do that. They intend to do the angled parking and a one way in off of State Street and then back out to the alley because it is a tight space there.

Mr. Tolbert questioned if the applicant had the State license for the child care center? Responding to Mr. Tolbert, Ms. Boseman stated yes.

Mr. Tolbert further questioned how many children she anticipated having at this point. Responding to Mr. Tolbert, Ms. Boseman stated that they plan to begin operating with 28 children only with the future amount being 24 more children. There is a space in the building that is not renovated that they plan to use as future use.

Mr. Tolbert stated that he read somewhere that the limit is 50 children. Responding to Mr. Tolbert, Mrs. Harvey stated Child Care Licensing requires 50 children depending on the size of the day care. It's really up to Child Care Licensing on what they would allow based on the size (of the building). The City limits 50 but if Child Care Licensing establishes that they can have more children then they can increase that number.

Mrs. Melson-Williams stated that the City Code limits the number of children to 50 as a maximum in a residential zone. This property is not residentially zoned; it is zoned C-1A (Limited Commercial Zone). The City's *Zoning Ordinance* does not limit the number of children; it's more a caveat of how big is the building, what can you fit on the site parking wise and then in addition what your requirements are from the State.

Mr. Tolbert questioned the hours of operation? Responding to Mr. Tolbert, Ms. Boseman stated that the hours of operation will be 6AM to 6PM with extended hours available but with no one child's hours extending 12 hours. If a child comes in at 6AM they cannot stay later than 6PM.

Mr. Roach questioned if the responsibility would be on the applicant in regards to making sure the signage is removed since she is taking over the business. Responding to Mr. Roach, Mrs. Melson-Williams stated that with signs that are "abandoned" meaning that the business is no longer there, the sign regulations limit how long those old signs can be in place. Staff will check to see if we are at that threshold point where they need to be removed. In order to place new signage on the property, the applicant would be subject to Sign Permits. Even if they were to reface the existing signage that is there with the new business, it still requires a permit. The City's sign regulations do have requirements based on how frequently the LED changeable copy can change and there are also provisions in our Code about the illumination factor and how bright the sign is. There are a couple of things there that we can work to address even if they are choosing to continue with that type of sign format.

*Mrs. Welsh moved to approve C-18-02 All Beautiful Children Learning Academy Day Care Center, seconded by Dr. Jones and the motion was carried 7-0 by roll call vote. Mr. Roach voting yes; he wishes success for this business and he just hopes that even if children aren't as*

*appealing to the eye they will still be allowed to come to your day care. Ms. Edwards voting yes; based on the applicant's willingness to work with Staff's recommendations concerning the traffic control signage and the arrows and angled parking. Mr. Holt voting yes; hopefully all children beautiful or not beautiful will be accepted. Mr. Baldwin voting yes; it meets the required Code. Dr. Jones voting yes; based upon comments made. It takes a lot of courage to be with children all day. Also based on the comments from DAC and Staff. Mrs. Welsh voting yes; she thinks it's a good idea and very useful for the area. Mr. Tolbert voting yes; they are in complete compliance with the Code and regulations.*

- 2) SB-18-02 Minor Subdivision Plan for Leander Lakes Apartments at 100 Isabelle Isle – Public Hearing and Review of a Minor Subdivision Plan application to permit subdivision of the 28.67 +/- acre parcel of the Leander Lakes Apartment complex into two (2) new lots. Parcel A is proposed to have 22.94 acres (Buildings 1-8) and Parcel B is proposed to have 5.73 acres (Buildings 9 and 10). The property is zoned RM-2 (Medium Density Residence Zone) and is subject to the COZ-1 (Corridor Overlay Zone) requirements. The property is located on the southeast side of Forrest Avenue, and southwest of Dover High Drive. The owner of record is Leander Lakes, LLC. Property Address: 100 Isabelle Isle. Tax Parcel: ED-05-075.00-01-05.01-000. Council District 1.

**Representatives:** L.B. Steele, Leander Lakes, LLC; Mr. Aly Prado, Landmark Engineering

Mrs. Melson-Williams stated that this is an application for a Minor Subdivision Plan. It involves the property known as Leander Lakes Apartments. The main address is 100 Isabelle Isle which is actually the address of the Clubhouse Building. The complex has a series of internally named streets but it's basically located to the southwest of Forrest Avenue and is adjacent to Dover High Drive. The entire property is just over 28 acres and what they are proposing is to divide it into two parcels with the largest being Parcel A. Parcel A compasses what is the area of the Clubhouse and Buildings 1-8 and totals 22.94 acres. The second parcel that would be created is Parcel B and it encompasses the area that is where buildings 9 and 10 are currently under construction. The zoning of the property is RM-2 (Medium Density Residence Zone) that obviously allows for apartment construction. The portion of the property near Forrest Avenue is also subject to the COZ-1 (Corridor Overlay Zone). This project ultimately went through a Site Development Plan Review process back in 2012 and since that time, finalized that plan and has been under active construction. Buildings 1-8 are complete and are basically considered Phase 1 of the project. Buildings 9 and 10 are under active construction currently. The RM-2 (Medium Density Residence Zone) has some specific requirements for lot standards and the project seems to meet those. There are some requirements for the lot area. This project for the subdivision is really about striking property lines. They are doing this in order to address some finance issues with basically Buildings 1-8 already being constructed and complete versus the two that are still under construction. There are no changes to the site considerations for the property. The access to the site remains from Dover High Drive. There will be cross access easements put in place to ensure that Buildings 9 and 10 can still access Dover High Drive because they would have to cross over Parcel A to do so. There are also easements related to a number of utilities that cross back and forth between the proposed properties as well. There are no changes to the parking. Both of the areas include parking to need the buildings that are located on those sites and there is bicycle parking as well. The existing properties do have the street frontage sidewalks with a

multi-use path along Forrest Avenue and the sidewalk system along the Dover High Drive area of the frontage. The applicant has been working on their plan and has actually already addressed a number of the comments that the Planning Office had to create what is more of their formal Record Plan version. Staff presented that to the Commission but also included the colored version because it's a little easier to figure out the two properties that are being created with this project. The Planning Staff notes that the properties will remain zoned as RM-2 (Medium Density Residence Zone) and this is just the process to divide the large tract of land into two parcels. It was reviewed by the Development Advisory Committee. Most of the agencies had no objection to the subdivision as their main items of issues are related to construction and that has already been approved. The Public Works Office did note that there are a number of easements that they need to make sure carry forward with the subdivision.

Mr. Steele stated that he doesn't have any questions at this time. He appreciates the work of the Commission and the Development Advisory Committee for helping them put this together.

Mr. Tolbert questioned if the applicant would work collaboratively with Planning Staff? Responding to Mr. Tolbert, Mr. Steele stated yes.

*Mr. Tolbert opened the public hearing.*

**Mr. John McCracken – 644 Artis Drive Dover, DE 19904**

Mr. McCracken stated that he would like to know how far west they are going with this subdivision. Responding to Mr. McCracken, Mr. Steele stated that they are not making any functional change to the site right now other than a subdivision line. We are not adding, subtracting or changing anything that they have started building since the original Site Plan came out. To over simplify this, it is strictly paperwork.

Mr. McCracken further questioned how many buildings that they planned on putting up. Responding to Mr. McCracken, Mr. Steele stated that they have two more that are under construction and after that they are finished.

Mr. McCracken questioned if the last two that are being built right now would be it. Responding to Mr. McCracken, Mr. Steele stated yes, they are building what they were approved to build. What they are doing right now is strictly a paperwork subdivision.

Mr. McCracken questioned if this was considered city limits. Responding to Mr. McCracken, Mr. Steele stated yes.

Mr. McCracken stated that it just seems like the City is coming out further and further. We moved down here from up north to get away from all of this building. We are against the high school. We live on Artis Drive and every time that they have a football game going on it's impossible to get out of our driveway.

Mr. Tolbert questioned if Mr. McCracken has spoken to his neighbors about his concerns? Responding to Mr. Tolbert, Mr. McCracken stated that this has been an ongoing thing. All of the neighbors agree about the high school traffic.



Mr. Tolbert questioned if Mr. McCracken was speaking for himself or the community? Responding to Mr. Tolbert, Mr. McCracken stated that he was speaking for himself. These cars fly up and down this road and the speed limit is only 35 MPH. He would like a State Police Officer to come out and observe the traffic.

Mr. Tolbert stated that Mr. McCracken would need to talk to the State Police about his concerns.

Mr. McCracken stated that there have been telephone poles in front of their house replaced because cars have run into them. There have been a couple of people killed on that curve and it's just a mess. The tractor trailers going down the road because of the Kraft Foods construction are messing up the paving of their road.

Mr. Tolbert stated that he would suggest getting the neighbors to join with them when they speak to the police so they will know that it is a community concern.

**Mrs. Diane McCracken – 644 Artis Drive Dover, DE 19904**

Mrs. McCracken stated that her issue with the development is the traffic. There is too much traffic and it is hard to get up and down Route 8. She knows that they put in a road to take everyone to Hazlettsville Road but that's not doing it. They are flying down Artis Drive and it can't withstand the traffic. They are speeding and we have two dogs that we like to walk but there are no shoulders on the streets. There are kids that live on that road. We were here when the Par 3 Gold Course wanted to develop and we fought back because of this issue. We moved down here to get away from it and now it's moving out. How far out are you planning on bringing this? She knows that there is more farmland out there that is being farmed but how far out is the City coming? Are they going to take up the other farm as well? There is a church that was just built and then there is the church close to Leander Lakes. There is also a site for another church where this farmland is. Is the City planning to take over that farmland too? Responding to Mrs. McCracken, Mrs. Melson-Williams stated that there are two churches that would actually show up on the map on the screen. There is the small one that has just finished construction and then the one that is surrounded by Leander Lakes Apartments. Both of those properties are within the city limits of Dover. To the west of this property is a property that is owned by a church. They did have a development plan at one point in the County but that has expired. If they are to move forward with any development of that farm field into some type of church facility, that will require a public hearing Site Plan process through this Commission. If you are a property owner within 200 feet you would receive notice of it. That land that is owned by the church is the western boundary of the City of Dover as it exists today. The City has an overall Annexation Plan; it does not go out as far as picking up everything on Artis Drive at this point in time.

Mrs. McCracken questioned what Mrs. Melson-Williams means by her statement of picking up everything on Artis Drive? Would it be the same side as the high school or would it be the side across the street? Responding to Mrs. McCracken, Mrs. Melson-Williams stated that as part of the City's Comprehensive Plan they are required to lay out what would be potential annexation areas. Areas being annexed into the City have to directly adjacent to land that's already in the City. The Annexation Plan does show properties along the east side (of Artis Drive), meaning the

side closer to the City as being Category 2, which would be areas for annexation within a 10 year planning horizon so they could potentially request annexation. It is something that the property owner would have to come through a very specific process to become part of the City of Dover if they are contiguous. The area on the west side of Artis Drive is considered to be a Category 3 which would be areas to be considered for long term annexation. The only way that lands on the west side of Artis Drive could even become part of the City would be if areas on the east actually became part of the City. It is actually near our boundary. The City is going through just starting their new Comprehensive Plan update where they will be looking at annexation and what that means for the future in the City. Staff would be happy to understand the concerns in that area about future annexation.

Mrs. McCracken stated that basically what is being said is that the east side would be the side where the high school is on so that would be their property that the City wants to annex. Responding to Mrs. McCracken, Mrs. Melson-Williams stated that it is shown on the plan that it could be potentially annexed. The City does not go after properties to annex. It has to be the request of the property owner to make that application.

Mrs. McCracken questioned if that would be in 10 years? Responding to Mrs. McCracken, Mrs. Melson-Williams stated that they have to provide a planning timeframe, a horizon of when you would expect that to potentially be considered. It does not mean that it will happen in that timeframe.

Mrs. McCracken stated that as far as contacting DelDOT, she has been on DelDOT for years about the traffic issues and people speeding up and down the road. She did speak to the State Police in Camden about coming out and sitting in their driveway because they could make a lot of money. They have had many accidents and to be honest, she does not want to be annexed into the City. They did not move down here for that. Responding to Mrs. McCracken, Mr. Tolbert stated that they can't do anything about that but he wants to make sure that you understand that the more of you that speak to DelDOT and the State Police and agencies of that sort, the more interest they will give you in solving your problem. You may want to talk to Mrs. Melson-Williams further because the issues involved are technical and you want to make sure you have a good understanding of the Code requirements and the Comprehensive Plan requirements. You also want to get a good understanding of your neighbors and where they really stand on the issues that you are expressing now.

Mrs. McCracken stated that some of them it won't affect but on our side it will affect everyone. It's not going to affect the people on the other side of the road, so what do they care? When it's going to affect you and you only have so many people on your side, what good is that going to do to get a petition? She doesn't want to be annexed. They did not move down here to be in the City. They moved down here to be in the country and now everything is moving out and there is too much traffic on Route 8, Artis Drive, and Hazletville Road. There is too much development. It's like the farmland is disappearing and every animal and every critter that lives in the woods that are being taken down are coming out to where they live. They are being overburdened by cats, skunks, foxes and everything. Animal control does not take care of that. Responding to Mrs. McCracken, Mr. Tolbert stated that she must make sure to the extent that you can, that DelDOT hears your complaint and your concerns.

Mr. Tolbert questioned if Mrs. McCracken has talked to your County Commissioner about it? Responding to Mr. Tolbert, Mrs. McCracken stated that she is pretty sure that they know all about it.

Mr. Tolbert stated not to be so sure. You make sure that they understand. He is not sure what they know but if you tell them then you can make sure that they know.

Mrs. McCracken stated that if the City does come out there would they be willing to buy properties? Responding to Mrs. McCracken, Mr. Tolbert stated that he is not sure.

Mrs. McCracken stated that she would just as soon sell it than be annexed into the City. She knows that once it's done and the sewer and water and all of that is run through, when they go to sell the new owners would have to connect. Is that correct? Responding to Mrs. McCracken, Mr. Tolbert stated that the difficulty is that some of the issues that you are raising, the City has no control over. You have to get your neighbors together and speak to DelDOT and the State Police and the people that you need to speak to.

Mrs. McCracken stated that she understands that but what she is asking is once the sewer and water comes down Artis Drive, if they sell their property will the new owner then have to connect to the City utilities? Responding to Mrs. McCracken, Mr. Lyon stated he wanted to make one thing clear. As Mrs. Melson-Williams mentioned, the City can't make you annex. That is a direction made by the homeowner. With regards to your question about the hookup, he assumes that you currently have a septic tank and a well. The State of Delaware DNREC is not interested in having septic tanks since it's not good for the groundwater. If they ever fail they will generally say hookup to centralized sewer and water if available. If you are not annexed in there is no force to that.

Mrs. McCracken stated that there is if you have a new well and septic and if you have a loan through DNREC. Responding to Mrs. McCracken, Mr. Lyon stated that he cannot speak to the loan situation.

Mrs. McCracken stated that she used to work for a title company and a bunch of attorneys. She knows that once the City comes in and you sell that property it has to be hooked into City utilities. Responding to Mrs. McCracken, Mr. Lyon stated that the City does not force you to hookup to City water and sewer unless you are annexed in.

Mrs. McCracken stated that she doesn't want to pay City taxes. They pay enough in County taxes. All of the farmland is just disappearing and nobody cares. Why? Are more apartments and houses going to do any good? These apartments are so expensive so what's going to happen when they can't rent them out anymore and they just become abandoned or they start falling apart? You have a lot of properties in the City itself that can't be fixed. Why do you have to keep on building? Responding to Mrs. McCracken, Mr. Tolbert stated that some of the things that you are bringing up cannot be dealt with in this hearing. It's not that they want to disrespect what you are saying but for much of what you are saying there is nothing that they can do here.

Mrs. McCracken stated that she understands but in Delaware, you can't move. Everybody worries about the pollution as far as the wells here and downstate. If the development would stop and they would just leave land out there, maybe there wouldn't be so many wells. Responding to Mrs. McCracken, Mr. Tolbert stated that she may be right, but development in itself is not a bad thing.

Mrs. McCracken stated that it's not a bad thing. But when you have too many cars on the road you can't move on Route 8 like when there is a function like Firefly or the race. It's bad enough when they have a game at the high school. Responding to Mrs. McCracken, Mr. Tolbert stated that they appreciate what she is saying but there is not much that this Commission can do with that and we do have to move on.

Mrs. McCracken questioned who she needed to talk to in order to stop it? She is not trying to be disrespectful, she is just trying to get the point across that the development needs to stop. This is why everything is contaminated; it's ridiculous. Responding to Mrs. McCracken, Mr. Tolbert stated that he understands what she is saying but we do want to move on with the hearing and we can't solve the problems that you are stating. It's not within our purview.

*Mr. Tolbert closed the public hearing.*

*Dr. Jones moved to approve SB-18-02 Minor Subdivision Plan for Leander Lakes Apartments at 100 Isabelle Isle, seconded by Mr. Holt and the motion was carried 7-0 by roll call vote. Mr. Roach voting yes. Ms. Edwards voting yes. Mr. Holt voting yes; he thinks that it's a reasonable extension of what they already built. Mr. Baldwin voting yes. Dr. Jones voting yes; it's a very attractive complex. Mrs. Welsh voting yes; as it clarifies the necessary requirements of the parcels of land. Mr. Tolbert voting yes; it's a very worthwhile undertaking and he is pretty sure that this time they are going to complete the project.*

- 3) S-18-04 Dover Police Department Impound Lot at 401 West Water Street – Public Hearing and Review of a Site Development Plan application to permit construction of a 11,940 S.F. Impound Lot for the Dover Police Department as a fenced area for motor vehicle storage. The site is located on the north side of Water Street between West Street and South Queen Street. The property is zoned IO (Institutional and Office Zone) and is 0.78 +/- acres. The owner of record is the City of Dover. Property Address: 401 W. Water Street. Tax Parcels: ED-05-076.12-04-35.00-000, ED-05-076.12-04-39.00-000 and ED-05-076.12-04-40.00-000. Council District 4.

**Representatives:** Mr. Jason Lyon, City of Dover Department of Public Works; Captain David Spicer, Dover Police Department

Mr. Diaz stated this application is for a Police Impound Lot on the grounds of the Dover Police Station. There are three parcels involved; two addressed as 401 and 415 West Water Street and one that doesn't have an address. The project site is at the corner of West Water Street and South Queen Street and is zoned IO (Institutional and Office Zone). The Police currently have their Impound Lot at Schutte Park and they are looking to move it closer to the Police Station so that they can observe it more directly. Planning Staff had some conversations with the Public Works

Department which designed the project and the Police Department which will ultimately own it about the design. One concern that they had was that the lot's originally proposed location might have been in conflict with the *2011 Dover Transit Center Neighborhood Plan* which calls for mixed use development around the Dover Transit Center next door to the site. Following our conversations with them, they redesigned the Lot so that it is no longer adjacent to either of the two streets. It's basically rotated 90 degrees along the existing drive aisle for the Police Station. With this change to the design then in the future a building could still be built at the street corner that would face out onto the Transit Center. At the time of this Commission hearing, they would still like the Commissioners to consider a few other things about the design of the lot. The current project calls for gravel surfacing, chain link fence with barbed wire and a light vegetative screening in the form of the five Red Maple trees along the south side of the Impound Lot. The Commission should consider that a combination of hard quality materials and more robust screening might improve the appearance of the project and make the neighborhood easier to redevelop in the long run in accordance with the goals of the *Transit Center Neighborhood Plan*. If the Planning Commission does not make a specific request related to the design of the site tonight, the Police Department will be able to use the design currently shown as it does otherwise meet Code.

Mr. Holt questioned if they had any idea of the number of cars that would be impounded there and how long would they be in the lot before they were moved or sold or whatever happens to them. Responding to Mr. Holt, Mr. Lyon stated that on average there are about fifteen vehicles. The time varies because things could be hung up in evidence.

Mr. Tolbert questioned if this lot was just for impounded vehicles or if it would also be a parking lot. Responding to Mr. Tolbert, Mr. Lyon stated that it would strictly be an Impound Lot.

Mr. Lyon stated that this was a City Council directive plan. This is located in our Capital Investment Plan project series for the Police Department. As mentioned by Mr. Diaz, the reason was higher efficiency for having this closer to the headquarters of the Police Department as well as increased security. The location of the current Impound Lot is in Schutte Park and it's not all that secure back there. As Mr. Diaz mentioned, they did rotate the original plan 90 degrees. They did have it perpendicular to Water Street for the possibility of extending the warehouse which is to the west further into the properties. He is sure that most of the Commission knows that the City purchased these properties about three years ago. There was an old residential building on it some time ago. As far as the materials go, Mr. Diaz mentioned that they do have a chain link fence with slats as well as barbed wire which is the identical material to what they have at Schutte Park currently. The reason for that is for the security of the evidence and the vehicles that are in the Impound Lot. Putting up a different type of fence or something without barbed wire, it is possible that someone could get in there and tamper with evidence. They are not opposed to screening it with landscaping but the landscaping must be built of such a height that security cameras can look into the lot. They can't put fifty foot tall Leyland Cypresses or huge Bald Cypresses or any types of trees like that. There could be a potential for a waiver request which revolves around the curbing on the entrance off of the existing drive aisle. That will be dictated by the Department of Public Works once we finalize our Stormwater Plan with the Kent Conservation District. That is going to dictate what size pipe goes under that driveway entrance. They reserve the right for that in the future.

Captain Spicer stated that he thinks that Mr. Lyon did a very nice job designing the project and he had a chance to listen to the Development Advisory Committee's concerns and they made some adjustments to the plan. He thinks that with the implementation of the trees along the side would conceal a lot of the fence and would be more pleasing to the eye. We have to have a certain type of material to protect the integrity of our evidence that we have there. It's not being very well protected now and they have had some issues at Schutte Park. Having this facility close to the Dover Police Department would be beneficial for us and the people involved in the cases that they handle. They have plans moving forward of putting some video surveillance in or around the area to help protect that area as well.

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

Mr. Baldwin questioned in this area will there be just confiscated vehicles or will there also be wrecked vehicles in there also? Responding to Mr. Baldwin, Captain Spicer stated that a lot of the cars that they impound are impounded for a variety of different reasons. Some of them being motor vehicle accidents or fatality accidents and those vehicles have to be maintained and protected for future litigation in court hearings down the road. Once those hearings are dealt with then we can dispose of those vehicles. Other vehicles could be from people involved in a homicide. Those vehicles would also be kept in this area and be secured for future litigation. There are a variety of different reasons why they have vehicles towed back there. It could be that they arrest somebody who has been involved in multiple burglaries and the vehicle is stolen or the person is driving this vehicle. That vehicle would be taken back to this Impound Lot, stored there until it's properly processed and then eventually out of there.

Ms. Edwards questioned if the slats that would be in the chain link fence make it so that the interior of the lot is not visible from the street? Responding to Ms. Edwards, Mr. Lyon stated yes, it's almost like a woven plastic slat that fits between the holes in the chain link. It makes it essentially opaque.

Ms. Edwards further questioned if there is any other material that can be used to make it secure like you need it to be and more aesthetically pleasing for the area? Responding to Ms. Edwards, Mr. Lyon stated that there is a black wrought iron fence that is around our substations but the problem is that you cannot put anything in there to make it opaque. There is probably a three inch gap between the iron fences. To put something up that would just put a façade up to it, it's probably not going to stay very long. They also considered the idea of a solid white vinyl fence but that certainly does not have the type of security that is needed in this type of situation. They have looked but this is the one that tends to be most effective.

Ms. Edwards stated that Staff made a recommendation to place a thick hedge as screening to make it more aesthetically pleasing. Is that part of the plan? Responding to Ms. Edwards, Mr. Lyon stated yes, that is something that is under consideration. He failed to mention that there will be another meeting with the Chief of Police, the Planning Director and the City Manager to discuss this. He wants to make sure that everyone realizes that they are working together as a team to get this hashed out. They are not opposed to having more of a hedge. They do know that they still have to meet a tree count regardless of the hedge.

Mr. Diaz stated that is correct. One format for screening that is suggested by our Code is a hedge that is interspersed with trees. You basically have a portion of hedge and then an evergreen and then another portion of hedge. You would have spaced evergreens rather than a continuous screen of them and then hedge between to fill in the gaps. Responding to Mr. Diaz, Mr. Lyon stated that like he said they are not opposed to that but they would be willing to work with Staff to come to a final compromise.

Mrs. Welsh stated she's in favor of that being a screening device because if you are going to have the slats in the chain link fence anyway it's all going to be closed off which will make it opaque. She thinks the hedge would not impact the security there. Responding to Mrs. Welsh, Mr. Lyon stated that the primary view point that they are all looking at is the southern side of this fence which is facing Water Street. The northern side would be facing the internal complex of the Police Department; they would not be able to put a hedge there because there is an existing swale so that would impede the stormwater runoff. On the eastern side, there is also a stormwater retention pond. There are trees currently over there that give it a little bit of a screening but that may have to be kind of massaged a little bit on that side of the road.

Mr. Tolbert stated that this application is not requesting any waivers but says that waivers may be requested in the future. Mr. Diaz, how will that be handled? Responding to Mr. Tolbert, Mr. Diaz stated that the possible waiver that Mr. Lyon is talking about is a waiver for curbing on the driveway connection between the Impound Lot and the existing driveway. This is a type of waiver that used to come before the Planning Commission but recent Code amendments transferred responsibility over that to the Planning Office as an Administrative Waiver because the thought was that the curbing considerations are often of a very technical nature related to the stormwater. They didn't want to basically burden the Planning Commission with them. When they are ready to submit a waiver request they will submit it directly to the Planning Office and it will be approved administratively.

Mrs. Welsh questioned how high the fence would be? Responding to Mrs. Welsh, Mr. Lyon stated it would be eight feet tall and the barbed wire would be on top of that eight feet.

Mr. Roach questioned what the capacity of the space would be? Responding to Mr. Roach, Captain Spicer stated that he doesn't know if there really figured that out. He knows that it is around 11,000 SF of area. He doesn't think that number has really been decided. It probably varies based on vehicle sizes but he would say that it would be no more than 15-20 cars at a time and probably 15 or less.

Mr. Lyon stated that the size was based on the existing footprint. To our knowledge there hasn't been any issue with overflow of that situation and as Captain Spicer alluded to, different vehicles could take of different amounts of space.

Mr. Roach stated that if there is now only space for 20 vehicles and 25 vehicles end up happening, what are we going to do with that? Responding to Mr. Roach, Mr. Lyon stated that there is room for surplus.

*Mr. Holt moved to approve S-18-04 Dover Police Department Impound Lot at 401 West Water Street along with the elimination of the curbing requirements that will be dealt with by the Planning Office at a later date, seconded by Mrs. Welsh and the motion was carried 7-0 by roll call vote. Mr. Roach voting yes; he hopes by moving it closer it increases security and puts less stress on our great Police Department. Ms. Edwards voting yes; she certainly does understand the need for bringing it from the outskirts in so that it's more readily monitored by the Police Department. Mr. Holt voting yes; he thinks that it's a needed asset to the City. Mr. Baldwin voting yes; efficiency is always key. Dr. Jones voting yes; for all of the reasons previously mentioned. Mrs. Welsh voting yes; for all of the reasons previously stated. Mr. Tolbert voting yes; for all of the reasons previously stated and the City does need an adequate Impound Lot.*

**NEW BUSINESS****PROJECT FOR DOVER'S 2019 COMPREHENSIVE PLAN**

Mrs. Melson-Williams questioned how many people have done their homework and turned in their homework? At last month's meeting, they started involving the Commission in their discussion of the 2019 Comprehensive Plan. Staff continues to meet weekly. They have actually been focusing on developing a questionnaire series that they hope to go out to the public with. They have been working very diligently on that and also working on their homework for seeing how they have done on the action items from the *2008 Comprehensive Plan*. They do hope to bring both of those items to the Planning Commission at a future meeting. They ask that the Planning Commission evaluate the 2008 Goals and Recommendations. There were two charts for the Commissioners to fill out. She has been trying to track who has turned it in and who has not. If you have not turned it in, she will take it tonight or you can drop it by the office. There are five members who have completed the Goals section and we have three members who have completed the Recommendations section. We did also send an email to the Commissioners which had the electronic version of the spreadsheets. She would encourage the Commissioners to try to get their homework done and turned into the Planning Office. She does have extra copies of both of the charts. If you can't remember what you have done or not done, please see her after the meeting. They also gave this same task to the Historic District Commission at their meeting last week.

**Update on Project Activities**

Mrs. Melson-Williams stated that Mr. Hugg has been working extensively on what will be an economic development symposium for June 13, 2018 that Wilmington University is helping host. There will be invitations going out for that. They helped bring together a number of individuals in more of a panel discussion to talk about economic development in Dover and what the future holds in a number of topic areas. They will certainly be sharing that information with the Commission. You are going to be hearing a lot about the Comprehensive Plan as we move forward in the upcoming months.

**Evaluation of 2008 Goals and Recommendations**

Mr. Hugg stated that they really do want the Commission's input. They are approaching the 2019 Comprehensive Plan as kind of a report card and progress document as opposed to rewriting the thing as if it didn't exist. There is a lot of really good information in the *2008 Comprehensive Plan*. There are a lot of good recommendations: some of which were implemented and some of



which were not. They want to understand better which of those are still relevant and what priorities should be assigned to each of them so that they know where to focus our efforts. If you have done your homework, thank you very much. If you need help, call Mrs. Melson-Williams.

Mrs. Melson-Williams stated that they had mentioned the Ethics Training sessions. This is a reminder that each Commissioner needs to be signed up for attending one of those sessions. The first session actually starts on Wednesday of this week. There are a series of dates running through May and into June. As of earlier today, there are still four Commissioners that need to sign up for Ethics Training. The training is required of all City staff and elected and appointed officials.

**Meeting adjourned at 8:26 PM.**

**Sincerely,**

**Kristen Mullaney**  
**Secretary**



# MEMORANDUM

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

DATE: June 8, 2018

TO: Members of the Planning Commission

FROM: Planning Office

SUBJECT: **MI-18-03 Text Amendment: Manufactured Housing and Land Lease Communities**  
**Update on revisions to proposed Ordinance and recommendation for further postponement**

---

At its March 30, 2018 meeting, the Planning Commission reviewed and held a public hearing for proposed Ordinance #2018-01: Manufactured Housing and Land Lease Communities. This Ordinance is intended to make improvements to the previous ordinance regarding manufactured housing adopted in August 2016, by reorganizing Chapter 66 of the *Dover Code of Ordinances*, clarifying processes and enforcement, and ensuring the Code's compliance with State law. The Planning Commission chose to table the Ordinance, citing concerns expressed during the public hearing as well as their own concerns with the Ordinance. On April 16, 2018, when the Commission lifted the Ordinance from the table, they did so to postpone further review of it until their June meeting. The Commission asked Planning Staff to address the outstanding concerns before bringing the Ordinance back for reconsideration.

The Commission was concerned that the proposed Ordinance did not adequately address maintenance issues where homeowners or homeowners' associations lacked resources to perform it. Meanwhile, Mr. Michael Morton, representing the First State Manufactured Housing Association during the public hearing, cited several sections of the proposed Ordinance that allegedly did not meet the goal of achieving compliance with State law.

Following further research on the *Delaware Code*, Title 25, Chapter 70- Manufactured Homes and Manufactured Communities, and Title 24, Chapter 44- Manufactured Home Installation, plus detailed review of written and verbal testimony given at the public hearing, Planning Staff began work on a substantial Staff Amendment #2 to the Ordinance (Staff Amendment #1 being a smaller amendment already proposed by the time of the March meeting). Staff also met with Mr. Morton on June 6, 2018 to receive feedback on the proposed changes. A list of changes currently under consideration is as follows:

1. Adding an intent statement stating outright that the Ordinance is intended to supplement, and not replace, the State regulations.
2. Rewriting some definitions so they are based on the State definitions and to better address the distinction between Manufactured Home Parks and Land Lease Communities.
3. Updating terminology throughout the Ordinance to reflect the new definitions.

4. Clarifying that City Building Inspectors must be licensed by the State, and that installation shall be by a State-licensed installer.
5. Rewriting the provisions on Landscaping and Utilities so they are based on State requirements.
6. Clarifying delegation of maintenance duties to specify that this may be done through rental agreements and property management contracts.
7. Removing the implication that a community's office must be at the site of the manufactured home community. This would reduce the burden on small parks that may not be able to support an on-site office. There must still be an office of some kind accessible to residents.
8. Clarifying the intent of the "lease record," possibly to be called the "homeowner record" instead. The intent of this section is to allow the City to identify homeowners, rather than make their private contracts available for review.
9. Clarifying the process for subjecting the business running a community to a Provisional Order, or determining if another process commonly available to the City would be appropriate in extreme cases where other Code Enforcement measures have failed.
10. Adding a new subsection addressing preemption and severability.
11. Duplicating the new definitions in Chapter 66 to also be in the *Zoning Ordinance*.

Planning Staff will continue to develop Staff Amendment #2 and proposes to bring the text of the Amendment before the Commission when it is ready for review. Planning Staff continues its research and refinement to address the matters previously identified by the Planning Commission and from the public hearing; staff requests additional time to complete this task.



## PETITION TO ANNEX AND REZONE PROPERTY

Public Hearing Before the Planning Commission

June 18, 2018

<b>File Number:</b>	AX-18-01
<b>Ordinance Number:</b>	2018-04
<b>Applicant:</b>	Jesse L. Allen
<b>Owner of Record:</b>	Jesse L. Allen
<b>Property Address:</b>	3074 North DuPont Highway (Also referenced as 1643 North DuPont Highway)
<b>Tax Parcel ID #:</b>	ED-00-057.02-01-04.00-000
<b>Lot Size:</b>	0.69 acres
<b>Present Zoning:</b>	BG (General Business District)
<b>Proposed Zoning:</b>	C-4 (Highway Commercial Zone)
<b>Comprehensive Plan Designation:</b>	Category 1: High Priority Annexation Areas
<b>Comprehensive Plan Land Use Designation:</b>	Commercial
<b>Present Use:</b>	Commercial (Vacant Building)
<b>Proposed Use:</b>	No Use Specifically Identified in Application
<b>Utility Availability:</b>	<i>Electric:</i> 3074 North DuPont Highway is located on the east side of Route 13 and is currently served by City of Dover Electric. <i>Water and Sanitary Sewer:</i> It is not served by City of Dover Water or Sanitary Sewer. City of Dover Water and Sanitary Sewer are available on the west side of Route 13. While they are within 200 feet of the property, installation of services would be costly and require DelDOT approval. It should be noted that Water and Sanitary Sewer are also available through Tidewater within 600 feet of the property to the east. It appears as though

the property may be served by a private well and an on-site septic. These amenities should be evaluated by the applicant in conjunction with DNREC to determine the Water and Sanitary Sewer needs for the property. This is critical as utility crossings of Route 13 are strongly discouraged by DelDOT and only approved with special approval by District Public Works. The applicant should coordinate with the City, DNREC and DelDOT to ensure their ultimate goal can be obtained and to determine the best path forward.

### Summary

This application is for the annexation and rezoning of property 3074 N. DuPont Highway, Dover. It is a parcel of land totaling 0.69 acres +/- . The owner of record is Jesse L. Allen. Tax Parcel: ED-00-057.02-01-04.00-000.

It is noted that there are some records that reference the subject property by the address of 1643 N. DuPont Highway. These records included the City's Customer Service file for Electric services.

### Existing Property

The property is located on the east side of North DuPont Highway and north of but not adjacent to Woodford Street. The boundary of the City of Dover is currently across North DuPont Highway. This annexation will include the adjoining right-of-way of North DuPont Highway equal to the property's frontage width to connect the property to the existing City boundary on the west side of North DuPont Highway.

The property includes an existing one-and-a-half story building likely constructed in the 1960s as a residence. The property is currently zoned BG (General Business District) in Kent County. The building most recently was utilized as offices; however, it is currently vacant. There is an asphalt paved area between the building and the highway spanning most of the length of the street frontage. There is no designated curbed entrance to the site and no sidewalk system along the street frontage.

### Surrounding Land Uses

Immediately surrounding uses on this east side of North DuPont Highway (Route 13) include other commercial businesses such as offices, service establishments, and retail establishments. To the east of the parcels fronting Route 13, is a residential area consisting of single family dwellings and a mobile home/manufactured home park. These properties are in Kent County. On this east side of Route 13, the closest properties within the City limits are: to the south the WAWA at the intersection with Rustic Lane and to the north the campus of Wilmington University. The west side of Route 13 is within the City of Dover boundaries and includes the Dover Town Center with multiple retailers, the Outback Restaurant, the Bob Evans Restaurant, a hotel, and the Delaware State University Learning & Living Commons facility.

### Comprehensive Plan

In the *2008 Comprehensive Plan* (as amended), the Potential Annexation Areas (Map 13 -1) identifies the property in the Category 1: High Priority Annexation Areas. The Growth and

Annexation Plan Chapter (Chapter 13) notes that “Lands in this category are primarily enclaves of unincorporated territory mostly surrounded by the City of Dover. In all or most of these cases, the City provides these parcels with one or more essential service (sewer, water, police, fire, trash).” For Category 1: High Priority Annexation Areas, it notes in the Recommendation that “the City will not extend sewer and/or water infrastructure to Category 1 areas unless the property owners annex into the City” with consideration given for issues of health, safety and welfare.

The *Comprehensive Plan* also sets the review criteria for the review of zoning for parcels being proposed for annexation. Chapter 13, pages 170-171 note that the Zoning Review may include:

- Proposed zoning be in compliance with the land use category shown on Map 13-2 and used in conjunction with Table 12-1: Land Use and Zoning Matrix;
- Character and compatibility of the surrounding land uses and properties;
- The street type and capacity serving the property;
- Environmental concerns and conditions that may influence land use and zoning;
- Market concerns and conditions;
- The compatibility with the overall goals of the Comprehensive Plan.

Map 13-2: Potential Land Use for Annexation Areas identifies the Land Use for this property to be Commercial. The Land Development Plan Chapter (Chapter 12) makes the following recommendation for Commercial Land Use in this Route 13 area of the City:

*US Route 13/113 Corridor*

The US Route 13/113 corridor is dominated by highway commercial development. For the most part, the Comprehensive Land Development Plan proposes to continue US Route 13/113 as the major commercial corridor in Central Delaware.

Few vacant developable parcels exist within this area. However, potential exists for the redevelopment of older retail stores and strip shopping centers. The Comprehensive Plan encourages the renovation and adaptive reuse of older structures within the highway corridor as means of restoring property value, preventing blight and demolition by neglect, and enhancing the overall image of the highway environment. In some cases the demolition of older structures may be beneficial, and should be supported, to enable redevelopment to occur within the corridor.

As part of the Land Development Plan, Table 12-1: Land Use and Zoning Matrix specifies that the following zones are compatible with this land use classification of Commercial.

C-1 (Neighborhood Commercial)  
C-1A (Limited Commercial)  
C-2 (Central Commercial)  
C-2A (Limited Central Commercial)  
C-3 (Service Commercial)  
C-4 (Highway Commercial)  
SC-1 (Shopping Center Commercial)  
SC-2 (Shopping Center Commercial)  
SC-3 (Shopping Center Commercial)  
RC (Recreational and Commercial)  
RGO (General Residence and Office)  
CPO (Commercial/Professional Office)  
IO (Institutional and Office)

Request for C-4 (Highway Commercial Zone)

The applicant has requested the zoning of C-4 (Highway Commercial Zone). The types of permitted uses in the C-4 (Highway Commercial Zone) are given in Article 3 §16 of the *Zoning Ordinance*. See the following Code excerpt:

**Article 3, Section 16. - Highway commercial zone (C-4).**

16.1 *Uses permitted.* In a highway commercial zone (C-4), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

- (a) Retail stores.
- (b) Business, professional or governmental offices.
- (c) Restaurants.
- (d) Personal service establishments.
- (e) Service establishments.
- (f) Hotels and motels.
- (g) Places of public assembly.
- (h) Bus terminal.
- (i) Wholesale, storage, warehousing, and distribution establishments.
- (j) Indoor or outdoor recreation and amusement establishments.
- (k) Hospitals and medical centers.
- (l) Drive-throughs.
- (m) Motor vehicle, boat, or farm equipment sales or service:
  - (1) The minimum lot size for such establishments shall be 20,000 square feet, and the minimum street frontage shall be 150 feet.
  - (2) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than ten feet from any property line and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.
  - (3) Vehicle lifts or pits, dismantled and disabled automobiles, and all parts or supplies shall be located within a building enclosed on all sides.
  - (4) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
  - (5) The storage of gasoline or flammable oils in bulk shall be located fully underground in accordance with applicable provisions of the National Fire Protection Association Code.
  - (6) No fuel pumps shall be located nearer than 15 feet to any street line.
  - (7) Fuel pumps shall not be permitted closer than 100 feet from a property line of any school, day care, church, hospital, nursing home, or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons.
- (n) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products for sale on or off the premises, provided that not more than 25 persons shall be engaged in such activity; and provided further, that any such use shall be subject to the performance standards procedure as set forth in article 5, section 8.
- (o) Mini-storage facilities, subject to the following regulations:
  - (1) No unit shall be placed within 30 feet of a residential property line.

- (2) No outside storage, except for recreational vehicles, boats, or personal automobiles when completely parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.
- (3) No individual unit may be used for retail, garage sale, or any other commercial activities.
- (4) No storage of flammable, explosive, corrosive, or other hazardous products may occur in the individual unit.
- (5) Parking must be provided at a ratio of one space for each 25 rental units, plus a minimum of three spaces for an office.
- (p) Adult entertainment establishments, subject to the provisions stated in article 5, section 13.

16.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:

- (a) Apartments and multi-family dwellings.
- (b) Crematory, subject to the following requirements:
  - (1) The building lot line upon which a crematory is to be established shall be located at least 100 feet from any residential zone.
  - (2) Where adjacent to residential zones, all landscape buffers shall be required. The buffer shall consist of a landscape screen no less than six and one-half feet high. All landscaping shall be properly maintained throughout the life of the use on lot.
  - (3) Loading operations shall be conducted within a completely enclosed building. Location of loading doors shall be at the side or rear of the building.
  - (4) The crematory shall comply with the Delaware Incinerator Regulations. A copy of the approved air pollution permit issued by the State of Delaware Department of Natural Resources and Environmental Control shall accompany the application for a certificate of occupancy.

16.3 *Enclosed buildings.* All permitted uses and all storage accessory thereto, other than offstreet parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

16.4 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

16.5 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

#### Recommendation of Planning Staff:

Staff recommends the annexation of the property and rezoning to C-4 (Highway Commercial Zone) be approved as submitted. The subject property is in the City's Annexation Plan of the 2008 *Comprehensive Plan* as Category 1: High Priority Annexation Areas with a Land Use Designation as Commercial. The C-4 zoning is consistent with the development in the area and is consistent with the Land Use Designation of Commercial.

This recommendation is being made without the 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) From the agency comments received, it appears that ability to provide City water and sanitary sewer service to this property may be challenging due to the location of existing City infrastructure in the area. The applicant is encouraged to discuss service options with the Department of Public Works, other utility providers, DNREC, and DelDOT.
- 2) Upon annexation into the City of Dover, the property will be subject to the provisions of the *Dover Code of Ordinances*. This includes procedures such as review processes for plans and permits for construction activities, the City of Dover Business Licenses, etc.
- 3) Prior to establishing any use or commencing with any construction on the subject property, including within the existing buildings, the applicant shall contact the Planning Office so that the appropriate review process can be determined and coordinated with other reviewing entities including the Fire Marshal's Office, Public Works/Utilities, and the Chief Building Inspector.
- 4) The applicant shall be aware that approval of any Annexation & 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 to establish a use on the property. A separate Record Plan must be submitted and approved if changes to existing property lines are proposed.
- 5) The applicant shall be aware that approval of any Annexation & 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.
- 6) All businesses operating in the City of Dover are required to obtain a City of Dover Business Licenses from the Licensing and Permitting Division located in City Hall. Certain types of uses also require a Public Occupancy permit.

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

**CITY OF DOVER**  
**DEVELOPMENT ADVISORY COMMITTEE**  
**APPLICATION REVIEW COMMENTARY**  
**STAFF D.A.C. MEETING DATE: MAY 30, 2018**

**CITY OF DOVER**  
**Electric &**  
**Public Works**  
**Departments**

**APPLICATION:** LANDS OF JESSE L. ALLEN AT 3074 N. DUPONT HWY

**FILE #:** AX-18-01

**REVIEWING AGENCY:** City of Dover Electric and Public Works Departments

**CONTACT PERSON:** Paul Waddell - Electric  
Jason A. Lyon, P.E. – Public Works

**CONTACT PHONE #:** Electric - 302-736-7070 Public Works – 302-736-7025

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 / STORMWATER / SANITATION / STREETS / GROUNDS**

1. Our office has no objections to the proposed annexation of tax parcel ED-00-057.02-01-04.00-000.

**WATER / WASTEWATER**

1. The Department of Public Works recommends that the Water and Sanitary Sewer connection strategy be resolved prior to annexation of tax parcel ED-00-057.02-01-04.00-000.

**RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES**

**ELECTRIC / WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS**

1. None

**ADVISORY COMMENTS TO THE APPLICANT**

**ELECTRIC / WATER / WASTEWATER**

1. As per the Petition to Annex and Rezone Property, as heard by the Council Committee of the Whole, June 12, 2018, please find the following:
  - a. 3074 North Dupont Highway is located on the east side of Route 13 and is currently served by City of Dover Electric. It is not served by City of Dover Water or Sanitary Sewer. City of Dover Water and Sanitary Sewer are available on the west side of Route 13. While they are within 200 feet of the property, installation of services would be costly and require DelDOT approval. It should be noted that Water and Sanitary Sewer are also available through Tidewater within 600 feet of the property to the east. It appears as though the property may be served by a private well and on-site septic. These amenities should be evaluated by the applicant in conjunction with DNREC to determine the Water and Sanitary Sewer needs for the property. This is critical as utility crossings of Route 13 are strongly discouraged by DelDOT and only approved with special approval by District Public Works. The applicant should coordinate with the City, DNREC and DelDOT to ensure their ultimate goal can be obtained and to determine the best path forward.

**SANITATION**

1. The solid waste on this property shall be served by a private contractor.

**STORMWATER / STREETS / GROUNDS**

1. None.

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

## CITY OF DOVER

## DEVELOPMENT ADVISORY COMMITTEE

## APPLICATION REVIEW COMMENTARY

**D.A.C. MEETING DATE:** 06/06/18**APPLICATION:** Lands of Jesse L. Allen at 3074 N DuPont Hwy**FILE #:** AX-18-01REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire MarshalPHONE #: (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is needs to be determined.
2. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.
3. The installation of natural gas and LP gas meters, regulators, valves, and LP gas bottles shall be protected from impact damage by impact protection. Natural gas and LP gas meters, regulators, and valves located inside structures shall have impact protection, except when located in separate protected utility rooms.

*Dimensions of bollards.* Bollards shall be a minimum of six-inch diameter filled with concrete. The bollard shall be set into the ground at a depth of at least 36 inches (three ft.) embedded in concrete at a minimum of 18 inches surrounding the bollard. The bollards must be a least 48 inches (four ft.) in height above the finish grade elevation. Any deviation of the stated requirements must be approved by the fire marshal and/or chief building inspector. The above dimensions shall serve as the requirement for installation; however, the fire marshal and/or chief building inspector shall have the authority to require more stringent dimensions to fit the needs of devices warranting impact protection.

*Color of bollards.* Bollards should be of the following colors; yellow, amber or orange. All colors shall be of fluorescent or have a reflective coating. Any deviation of the stated requirements must be approved by the fire marshal and/chief building inspector.  
(City of Dover Code of Ordinances, 46-4)

4. Every house, building or structure used or intended for use as living quarters or as a place for conducting business, and having any wall facing or abutting any public or private street or alley, shall have displayed on that wall, in legible, easily read characters which are of contrasting color to the background, the proper street number for such house, building, or structure in accordance with the following:

*One-family and two-family residential structures, height*, the number shall measure a minimum of four inches in height, *location*, the number shall be placed on the house above or to the left or right of the front entrance, *color*, the number shall be contrasting to the background color, *Arabic numerals*, all numbers shall be Arabic numerals.

*Multiple-family dwellings, measurements*, the number shall measure a minimum of six inches when identifying individual apartments with exterior doors, and 12 inches when identifying buildings with apartment complexes where there are two or more buildings not assigned street addresses. Individual buildings with street addresses shall have numbers measuring six inches, *location*, numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot, *color*, numbers shall be contrasting to the background color, *Arabic numerals*, all numbers used shall be Arabic numerals.

*Commercial, industrial and office buildings, height*, the numbers shall measure a minimum of 12 inches in height, *location generally*, numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot,

*property line or driveway*, should the building be located far enough from a public or private road so that the numbers are not clearly visible from the street, then the street address shall also be posted on the property at or near the property line or driveway to said building,

*color; each building*, numbers shall be contrasting to the background color and shall be placed on each building in the complex,

*Arabic numerals*, all numbers used shall be Arabic numerals,

*Shopping centers*. Shopping centers consisting of two or more stores shall have a tenant or suite number affixed to the front of the tenant space and on the outside of the rear door which corresponds with that tenant space. Numbers shall measure six inches in height.  
(City of Dover Code of Ordinances, 98-344)

5. Project to be completed per approved Site Plan.
6. Full building and fire plan review is required.
7. Construction or renovations cannot be started until building plans are submitted and approved.
8. Fire alarm systems, fire suppression systems, hoods, and hood suppression systems require a fire permit from the Fire marshal's Office. This work cannot be started until the permit is approved.
9. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

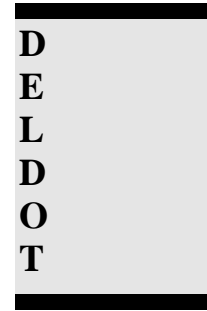
1. This office has no objections
2. If approved, a meeting would need to take place with Planning and Zoning, the Chief Building Inspector, and the Fire Marshal to discuss the buildings occupancy classification/use. At that time, additional code requirements in regard to the building occupancy classification/use may be required.

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2015 NFPA 1 Fire Code (NFPA; National Fire Protection Association)  
2015 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)  
2013 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)  
2013 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)  
2009 IBC (International Building Code)  
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations  
2015 Delaware State Fire Prevention Regulations  
City of Dover Code of Ordinances

\*If you have any questions or need to discuss any of the above comments, please call the above contact person listed.

CITY OF DOVER  
DEVELOPMENT ADVISORY COMMITTEE  
APPLICATION REVIEW COMMENTARY  
D.A.C. MEETING DATE: May 30, 2018



=====

APPLICATION: Lands of Jesse L. Allen (3074 N. DuPont Highway)

FILE#: AX-18-01

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Joshua Schwartz

PHONE#: (302) 760-2768

=====

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:

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

No Comments.



# 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 2018

---

**APPLICATION:** *Lands of Jesse L. Allen*

**FILE #:** *AX-18-01*

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

**CONTACT PERSON:** *Jessica L. Verchick, EIT*

**PHONE #:** *741-2600 ext.3*

---

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

Source: 2014 Delaware Sediment and Stormwater Regulations

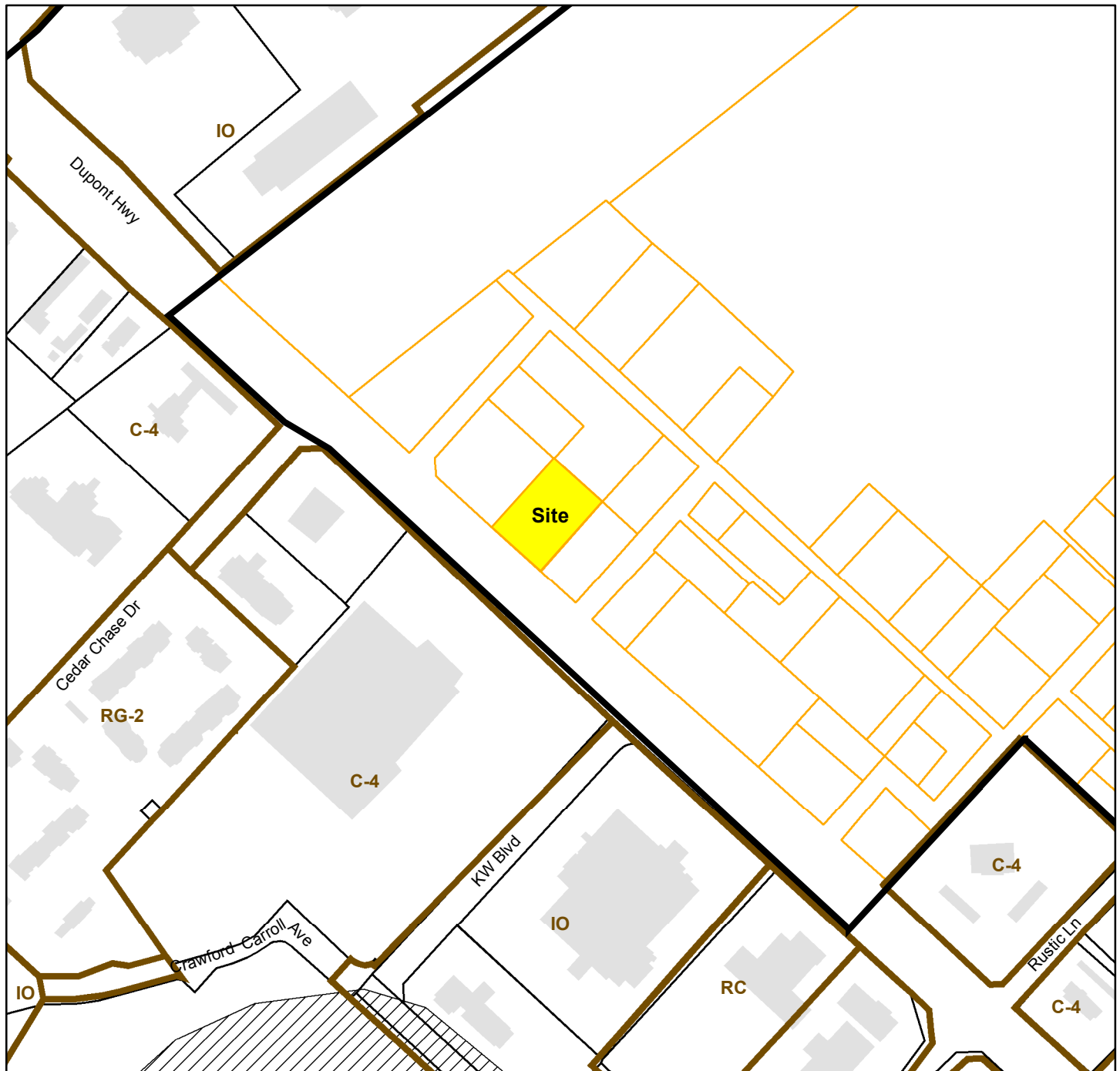
### CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the annexation of the above referenced site.

### ADVISORY COMMENTS TO THE APPLICANT:

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.











Title: Lands of Jesse L. Allen  
Address: 3074 North DuPont Highway  
Parcel ID: ED-00-057.02-01-04.00-000  
Zoning: C-4 (proposed)  
Owner: Jesse L. Allen  
Date: 4/26/2018



0 200 400 800 Feet

### Legend

-  Subject Property
-  Kent County Parcels
-  Dover Parcels
-  Zoning
-  Dover Boundary
-  2012 Buildings







## DATA SHEET FOR CONDITIONAL USE REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF May 2, 2018

PLANNING COMMISSION MEETING OF June 18, 2018

Plan Title:	Kidz Business Daycare C-18-03
Plan Type:	Conditional Use Plan
Property Address:	65 North DuPont Highway
Property Location:	East side of North DuPont Highway, immediately south of Maple Parkway, on either side of Edgemont Avenue.
Tax Parcels:	ED-05-068.18-05-01.00-000 ED-05-068.18-05-12.00-000
Owner:	The Perry Group, Inc.
Lessee:	Donneisha Alston
Site Area:	0.53 acres +/- (main parcel with building) 0.37 acres +/- (secondary parcel of parking) 0.90 acres +/- (combined total)
Proposed Use:	Child Day Care Center
Building Area:	5,148 SF
Off Street Parking:	Required – 31 (1 space per 10 children + 1 per adult attendant) Proposed – 75 (already existing)
Sewer & Water:	City of Dover
Zoning Classification:	C-4 (Highway Commercial Zone) RG-2 (General Residence Zone)



## CITY OF DOVER

## DEVELOPMENT ADVISORY COMMITTEE

## APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 2, 2018

---

APPLICATION: Kidz Business Day Care: 65 North DuPont HighwayFILE #: C-18-03REVIEWING AGENCY: City of Dover PlanningCONTACT PERSON: Julian Swierczek, Planner IPHONE #: (302) 736-7196

---

**I. PLAN SUMMARY:**

This is an application for a Conditional Use Review to permit conversion of an existing 5,148 SF one-story building into a Child Day Care Center to serve 125 children. The application involves two separate parcels. The parcel containing the building consists of 0.53 +/- acres and is zoned C-4 (Highway Commercial Zone). There is a second parcel of 0.37 acres zoned RG-2 (General Residence Zone) that contains an associated parking lot. The building is located on the east side of North DuPont Highway immediately south of Maple Parkway. To the east is the parking lot property located at the intersection of Maple Parkway and Edgemont Avenue. The owner of record is The Perry Group, Inc. and the applicant (lessee) is Donneisha Alston. Property Address: 65 North DuPont Highway. Tax Parcels: ED-05-068.18-05-01.00-000 and ED-05-068.18-05-12.00-000.

**Previous Applications**

The existing building has been utilized for a number of uses. These two parcels were most recently the office building of Dover Dental, which was subject of Site Plan Application S-01-36 which completed Administrative Site Plan Review in November 2001 and was approved. The building has sat vacant since 2015.

**II. PROJECT DESCRIPTION:**

The project proposes using two sites: one east of Edgemont Avenue containing only a parking lot, and the main site adjacent to North DuPont Highway containing the existing 5,148 SF building. This building is proposed to be utilized as a Child Day Care Center for an estimated 125 children and 18 adult staff. The plan does not indicate the location of an outdoor play area, but the applicant has stated that it will be located at the rear, or eastern side, of the parcel with frontage on North DuPont highway. The Play area will have direct access to the main building and be fenced off. A City of Dover Business License and a Public Occupancy Permit are required. Child day care facilities must meet State licensing standards and must be inspected by the City of Dover Fire Marshal's Office.

**III. ZONING REVIEW:**

The main property is zoned C-4 (Highway Commercial Zone). With the proposal, the existing building footprint is not changing or enlarging. According to *Zoning Ordinance*, Article 5 Section 14.12 a Child Day Care Facility is permitted in all zones provided a need can be demonstrated. The Child Day Care facilities type of land use requires Conditional Use approval by the Planning Commission based on the requirements for a Day Care Center when located in a place other than an unoccupied residence and providing services to more than 13 children. This is noted in Article 5 §14 and Article 10 §1. The requirements for child day care facilities are given below:

**Article 5 Section 14. Child Day care facilities.**

14.1 *General.* In order to promote the development of quality child care outside of the home (day care facilities), the following two basic assumptions have been made:

14.11 The establishment of child day care services and facilities, wherever there is a need, is a necessary public objective; and

14.12 Day care programs for children shall be treated as community facilities and shall be permitted to locate in any zoning district, provided that need has been demonstrated, state licensing requirements have been met and no physical hazard to children can be reasonably anticipated.

14.2 Definitions.

*Child day care facility.* For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by a parent or guardian, for periods of less than 24 hours per day shall be defined as follows:

14.21 *Child day care center.*

(a) Any place, other than an occupied residence, which receives children for compensation for day care or large family day care home; and

(b) Any occupied residence which receives 13 or more children for compensation for day care.

Child day care centers shall be required to obtain conditional use approval by the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10 and to any specified requirement set forth in subsection 14.3 below, except in zoning districts where listed as a permitted use.

14.22 *Family day care home-children.* An occupied residence in which a person provides care for children other than his/her own family and the children of close relatives for compensation. Such care in a family day care home is limited to that care given to six or fewer children with a maximum of three children allowed for after school care. Such child care facility shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit and site plan approval.

14.23 *Large family day care home-children.* A facility which provides child care for more than six, but less than 13 children with a maximum of three children allowed for after school care. This care may be offered in a private home or in a property converted to the purpose of providing child day care. This form of day care facility requires the submission of a site plan application in accordance with the procedures and subject to article 10, section 2 of the zoning ordinance. If a large family day care home is not to be located in an occupied residence, then a conditional use site plan application shall be required in accordance with article 10 section 1 of the zoning ordinance.

14.3 Zoning criteria.

14.31 *Number of children.* Day care centers shall be limited to a maximum of 50 children in all residential zones.

14.32 *Outdoor play area.* Must meet the state requirement for day care centers.

14.33 *Off-street parking/loading.* One space per each adult attendant, plus one space for every ten children.

14.34 *Signage for child day care facilities*

(a) Signs in residential zones.

i. *Family day care homes-children and large family day care homes-children.* One wall-mounted sign limited to two square feet.

ii. *Child day care center.* One sign, wall-mounted or freestanding, limited in area to 12 square feet. The planning commission shall consider the location of such sign as part of the conditional use review and may approve a lesser amount of sign area if deemed necessary by the commission to protect the general health, safety and welfare of the public in general and the residents of the immediate neighborhood in particular.

(b) *Signs in nonresidential zones.* Child day care centers within nonresidential zoning districts shall be governed by the sign regulations in effect for the particular nonresidential zoning district in which the day care center is located.

14.35 *Licensing requirements.* Child day care facilities must meet state licensing standards and must be inspected by the City of Dover Fire Marshal's Office. A City of Dover Business License and a Public Occupancy Permit is required.

(Ord. of 5-14-1990; Ord. of 4-25-1994; Ord. of 4-23-2007(3))

The property located east of Edgemont Avenue, contains a parking lot and is zoned RG-2 (General Residence Zone). The RG-2 zone allows off-street parking facilities as a conditional use. The existing parking lot currently in place is paved and is estimated to provide parking for up to 54 cars. The date of construction of the parking is unknown; aerial mapping suggests between 1968 and 1992.

### Conditional Use Review

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

Article 10 §1:

1.1 *Accessibility for emergency response.* That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;

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

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

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

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

1.4 *Conditional use permits.*

1.41 *Conditional use approval.* 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 article under which such permit was issued is still in effect;
- (B) Such permit was issued in conformity with the provisions of this article; and
- (C) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

1.42 *Periodic renewal of conditional use permit.* The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following public notice and hearing in accordance with subsection 1.53. The commission may withhold approval of the renewal upon a determination by the city planner 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.

If the Planning Commission approves a Conditional Use, the use is granted as a Conditional Use Permit. Such permits may be permanent, subject to limitations outlined in *Zoning Ordinance* Article 10 §1.41 or be required by the Commission to undergo periodic renewal, using the procedure described in Article 10 §1.42. Any Conditional Use Permit, permanent or not, may be revoked using the procedure described in Article 10 §1.43 if the conditions prescribed by the Commission in conjunction with the issuance of the Conditional Use Permit have not been, or are no longer being complied with.

For a property seeking Conditional Use approval which does not need associated Site Development Plan approval (due to occupying an existing building), Article 10 §1.8 outlines the submission requirements. These requirements include a map of the property showing existing conditions with the appropriate legal data and information on the elements of the proposed use.

#### IV. PARKING SUMMARY

The number of required parking spaces for a child day care facility is given in Article 5 §14.33, which requires one space per ten (10) children plus one space per adult attendant. Since this facility proposes 125 children and 18 adult attendants, the site would require 31 parking spaces. The plan states 75 parking spaces are provided. All parking spaces need to be identified in the Plans. The main parcel appears to include nineteen (19) regular spaces and two (2) handicapped spaces. The number of spaces on the parking lot parcel is estimated to be fifty-four (54) based on the overall total of spaces noted; however, the exact layout is unknown as no plan of that parcel

has been provided.

#### Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one (1) for every twenty (20) parking spaces. Based on the number of required parking spaces, four (4) bicycle parking spaces are required. The location of the bike rack needs to be identified on the Site Plan.

### V. SITE CONSIDERATIONS

#### Access

The North DuPont Highway parcel is currently accessed by a one-way drive with both the entrance and the exit onto Edgemont Avenue to the east. There is no direct access from North DuPont Highway. The parking lot parcel site to the east appears to have full access also to Edgemont Avenue but also to an alley to the east that connects north to Maple Parkway and south to Spring Garden Lane.

#### Dumpsters

Dumpsters for trash and recycling collection are required for the property. The Plan which dates from 2001 indicates a site for a “future dumpster pad location;” it was not constructed. To serve the Day Care Center use, the applicant needs to identify the dumpster pad and enclosure location on the site.

#### Sidewalks

There is a paved area between the travel lanes and onsite curbing along the property’s street frontage of North DuPont Highway, though they do not appear to meet ADA requirements. There is no sidewalk along the North DuPont Highway frontages of the adjacent properties to the south or north of the subject site, nor is there any pedestrian crossing facilities. There is currently no sidewalk along the Maple Parkway frontage nor the Edgemont Avenue frontage. There is no specific pedestrian access to the main building property. *Zoning Ordinance*, Article 5 Section 18 provides the guidelines for pedestrian, bicycle, and multi-modal access requirement, which states when sidewalks or other pathways shall be installed on a property by the property owner or developer. This is a Conditional Use application which does not require site development plan review (based on the current proposal format) and therefore is not required to install sidewalks. However, as a Conditional Use, the Planning Commission may prescribe appropriate conditions for establishment of the use.

### VI. BUILDING ARCHITECTURE

The submission does not require Architectural Elevation drawings since the existing building will be utilized. The site has an existing one-story building with a partial mansard-style roof feature and a flat roof line. The roof is a light color and placed over 5 widely-spaced columns. There are two (2) separate building entrances that both face North DuPont Highway. There is another door on the south-facing side of the building, and two (2) other doors at the rear or Edgemont Avenue elevation. The main entrance to the building is unclear.

### VII. TREE PLANTING AND LANDSCAPE PLAN

Based on the total site area of 23,086 +/- S.F., eight (8) trees would be required on the main



parcel on North DuPont Highway. The plan shows the presence of eight (8) existing trees. No description or plan was provided for the landscaping of the parcel on the east side of Edgemont Avenue, but based on its square footage of 16,117 +/- S.F., four (4) trees would be required.

#### VIII. CITY AND STATE CODE REQUIREMENTS:

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:

- 1) Please provide a site plan showing the parking lot layout and features of the parcel east of Edgemont Avenue. This parcel also requires four (4) trees.
- 2) Identify the main entrance to the building for evaluation of pedestrian circulation.
- 3) The data columns will need to be updated prior to Final Approval with the following:
  - a) Any updates to the data column resulting from changes to the site layout.
  - b) Any changes recommended, or approvals granted by the Planning Commission.
- 4) Dumpsters for Property: Identify location for pad and storage location of trash and recycling cans. An enclosure or screening may be required.
- 5) Parking is required for at least four (4) bicycles. Please identify where the bicycle parking will be provided.
- 6) Please identify the locations of the outdoor play area and bicycle racks on the site plans.

#### IX. RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

In accordance with the *Zoning Ordinance*, Article 10 §1, the Planning Commission in considering and acting upon Conditional Use Plans may prescribe appropriate conditions and safeguards so that the public health, safety, and welfare, the comfort and convenience of the public in general, and the residents of the immediate neighborhood in particular shall be taken into consideration. These safeguards may to the maximum extent possible further the expressed intent of the *Zoning Ordinance* and the accomplishment of several objectives in particular listed in subsections 1.1 to 1.3. To meet these code objectives, Planning Staff recommends the Planning Commission prescribe the following conditions and safeguards:

- 1) To further subsection 1.31 related to pedestrian traffic not being hazardous or inconvenient to, or incongruous with the neighboring residential district, Staff recommends that sidewalks be added along the Maple Parkway frontages of the properties and along Edgemont Avenue at least to a point of access to sidewalks that will lead to the entrance of the building.
- 2) Restripe all parking areas and ensure traffic circulation striping and signage are in place.

**ADVISORY COMMENTS TO THE APPLICANT:**

- 1) Following Planning Commission approval of the Conditional Use Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff and to each DAC participant providing comments. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.
- 2) In the event, that major changes and revisions to the Conditional Use Plan occur in the finalization of the Plan contact the Department of Planning and Inspections. Examples include building additions, relocation of site components, and increases or changes in the number of children. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.
- 3) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.
- 4) The applicant shall be aware that Conditional Use Plan approval does not represent a Building Permit, Business and Occupancy Licenses, and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover. At a minimum an Administrative Building Permit will be required to establish this Child Daycare Center facility use in the building.
- 5) The applicant shall be aware that Conditional Use Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign shall require a Sign Permit from the City of Dover prior to placement of any such sign.

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

**CITY OF DOVER**  
**DEVELOPMENT ADVISORY COMMITTEE**  
**APPLICATION REVIEW COMMENTARY**  
**STAFF D.A.C. MEETING DATE: MAY 2, 2018**

**CITY OF DOVER**  
**Electric &  
Public Works  
Departments**

---

**APPLICATION:** Kidz Business Day Care Center 65 N. DuPont Highway  
**FILE #:** C-18-03  
**REVIEWING AGENCY:** City of Dover Electric and Public Works Departments  
**CONTACT PERSON:** Paul Waddell - Electric  
Jason A. Lyon, P.E. – Public Works  
**CONTACT PHONE #:** ELECTRIC - 302-736-7072 PUBLIC WORKS – 302-736-7025

---

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

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

**CITY AND STATE CODE REQUIREMENTS**

**ELECTRIC**

1. Owner is responsible for locating all water, sewer, and storm sewer lines.
2. Owner is responsible for site and/or street lighting.
3. Any relocation of existing electrical equipment will be engineered by the City of Dover Electric Department. Developer may be required to perform a quantity of the relocation. Any work performed by the City of Dover will be at the owner's expense.
4. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
5. Prior to the completion of any/all designs and estimates, the owner is responsible for providing the Electric Engineering Department with a physical address of the property.
6. All Engineering and design for Dover Electric will be engineered upon receipt of final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

**WATER**

1. Our office has no objection to the conditional use proposed for the subject property.
2. Due to the fact that this property is changing uses, water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan, if an upgrade is required. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.

**WASTEWATER**

1. Our office has no objection to the conditional use proposed for the subject property.
2. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met. All proposed wastewater utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

**STORMWATER / SANITATION / GROUNDS / STREETS**

1. None

**GENERAL**

1. The final site plan must be submitted in a digital format compatible with AutoCAD 2010 (.dwg format) and Adobe Reader (.pdf format).

**RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES**

**ELECTRIC**

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

**STREETS**

1. None

**WATER / WASTEWATER**

1. If a change in plumbing fixtures, either increase or decrease, is proposed for this project, please provide an existing and proposed fixture count prior to plan approval. Site visits can be scheduled to obtain an accurate existing plumbing fixture count.

**STORMWATER / GROUNDS / STREETS / GENERAL**

1. None

**ADVISORY COMMENTS TO THE APPLICANT**

**ELECTRIC**

1. City of Dover will need proposed load sheets to validate current electrical equipment is adequate. Load sheets can be found on the at the following location: <https://evogov.s3.amazonaws.com/media/27/media/13110.pdf>

**WATER**

1. Water impact fees may be associated with this project.
2. This lot shall be served by a single water service line, which shall be furnished and installed by the property owner. In the event a property contains multiple principal structures, the property shall be served by a single water main where a water service line may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate water facilities.

**WASTEWATER**

1. Wastewater impact fees may be associated with this project.
2. This lot shall be served by a single sanitary sewer lateral, which shall be furnished and installed by the property owner. In the event a property contains multiple principal structures, the property shall be served by a single sanitary sewer main where a sanitary sewer lateral may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate wastewater facilities.

**STORMWATER/ GROUNDS /GENERAL**

1. None

**STREETS**

1. The current City of Dover standard street section provides for a 3' grass strip between the curb and sidewalk. This standard was administratively revised to meet ADA and FHA compliance with cross slope requirements and to prevent cars from scrapping at driveways. The revised standard utilizes a five feet (5') wide public sidewalk with a five feet (5') wide grass strip behind the curb.

## **SANITATION**

1. The solid waste on this property shall be served by a private contractor.

## **GENERAL**

1. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial Plan Submission Checklist, which can be obtained from the following website: [https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal\\_1.pdf](https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal_1.pdf), page 88.

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:** 05/09/18

C F  
I I  
T R  
Y E  
  
O M  
F A  
R  
D S  
O H  
V A  
E L  
R

**APPLICATION:** Kidz Business Day Care Center at 65 N DuPont Hwy

**FILE #:** C-18-03      **REVIEWING AGENCY:** City of Dover, Office of the Fire Marshal

**CONTACT PERSON:** Jason Osika, Fire Marshal

**PHONE #:** (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is Child Day Care Center. This is an existing building with a change of occupancy.
2. Building Access shall be no further than 50 feet from a primary entrance

Where buildings are provided with an automatic sprinkler system installed in accordance with NFPA 13, access shall be no further than 100 feet from the primary entrance.  
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3)

3. Parking shall be prohibited in front of the primary entrance for a width of not less than 1.5 times the width of the door(s) or for 10 feet, whichever is greater.  
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.2)
4. Perimeter access shall be 50% (25% if sprinklered) and clearly shown on the plans.

Perimeter Access minimum width shall be 15 feet measured from the face of the building at grade with a maximum slope of ten percent (10%). Plantings and utility services (includes condenser units, transformers, etc.) shall be permitted within the perimeter access, and shall not interfere with emergency services fire ground operations.

If a physical barrier (fence, pond, steep slope, etc.) prevents access, that portion of the building perimeter shall not be included in the calculation of Percent of Perimeter Access.  
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3)

5. Fire Alarm System required per occupancy code requirements.

6. The installation of natural gas and LP gas meters, regulators, valves, and LP gas bottles shall be protected from impact damage by impact protection. Natural gas and LP gas meters, regulators, and valves located inside structures shall have impact protection, except when located in separate protected utility rooms.

*Dimensions of bollards.* Bollards shall be a minimum of six-inch diameter filled with concrete. The bollard shall be set into the ground at a depth of at least 36 inches (three ft.) embedded in concrete at a minimum of 18 inches surrounding the bollard. The bollards must be a least 48 inches (four ft.) in height above the finish grade elevation. Any deviation of the stated requirements must be approved by the fire marshal and/or chief building inspector. The above dimensions shall serve as the requirement for installation; however, the fire marshal and/or chief building inspector shall have the authority to require more stringent dimensions to fit the needs of devices warranting impact protection.

*Color of bollards.* Bollards should be of the following colors; yellow, amber or orange. All colors shall be of fluorescent or have a reflective coating. Any deviation of the stated requirements must be approved by the fire marshal and/chief building inspector.  
(City of Dover Code of Ordinances, 46-4)

7. Every house, building or structure used or intended for use as living quarters or as a place for conducting business, and having any wall facing or abutting any public or private street or alley, shall have displayed on that wall, in legible, easily read characters which are of contrasting color to the background, the proper street number for such house, building, or structure in accordance with the following:

*One-family and two-family residential structures, height,* the number shall measure a minimum of four inches in height, *location,* the number shall be placed on the house above or to the left or right of the front entrance, *color,* the number shall be contrasting to the background color, *Arabic numerals,* all numbers shall be Arabic numerals.

*Multiple-family dwellings, measurements,* the number shall measure a minimum of six inches when identifying individual apartments with exterior doors, and 12 inches when identifying buildings with apartment complexes where there are two or more buildings not assigned street addresses. Individual buildings with street addresses shall have numbers measuring six inches, *location,* numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot, *color,* numbers shall be contrasting to the background color, *Arabic numerals,* all numbers used shall be Arabic numerals.

*Commercial, industrial and office buildings, height,* the numbers shall measure a minimum of 12 inches in height, *location generally,* numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot,

*property line or driveway,* should the building be located far enough from a public or private road so that the numbers are not clearly visible from the street, then the street address shall also be posted on the property at or near the property line or driveway to said building,

*color; each building, numbers shall be contrasting to the background color and shall be placed on each building in the complex,*

*Arabic numerals, all numbers used shall be Arabic numerals,*

*Shopping centers.* Shopping centers consisting of two or more stores shall have a tenant or suite number affixed to the front of the tenant space and on the outside of the rear door which corresponds with that tenant space. Numbers shall measure six inches in height.  
(City of Dover Code of Ordinances, 98-344)

8. A lock box (Knox) containing any and all means necessary for fire department access shall be provided at the following occupancies: any occupancy that contains a fire alarm signaling system that is monitored off-site, or any occupancy that contains an automatic sprinkler system.  
(2015 Delaware State Fire Prevention Regulations 705, Chapter 5, 2.4)

*Secured key systems. When required; exemption.* A secured key system shall be required for any new or existing building where a fire alarm or sprinkler system is being installed. It shall be the responsibility of the owner or occupant to keep a set of keys in the secured key box that are current to the locks of the protected occupancy. Buildings with 24-hour staffing or guard service shall be exempt from this subsection.

*Location.* The secured key system shall be located as close to the main entrance as possible. Should the building design not allow the secured key system to be located by the main entrance, the fire marshal and fire chief shall come to an agreement as to an alternate location for the key box. A secured key system, once installed, shall not be obstructed from view or obstructed by any means that would delay the fire department access to the box.

*Required keys.* Keys to be secured in the key box shall include keys to all points of ingress or egress, whether on the interior or exterior of the building, and keys to locked mechanical rooms, electrical rooms, elevator rooms, fire alarm and sprinkler controls and any area protected by automatic fire detection. Keys to individual residential apartment units are not required.

*Ordering responsibility.* It shall be the responsibility of the general contractor to order the key box for new buildings. It shall be the responsibility of the owner or tenant to order the key box for existing buildings.

*Installation before testing.* No acceptance test for sprinklers or fire alarms shall be conducted before the installation of a key box.  
(City Code of Ordinances 46-127)

Knox Box to be mounted 6 feet above ground level

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



10. Project to be completed per approved Site Plan.
11. Full building and fire plan review is required.
12. Construction or renovations cannot be started until building plans are approved.
13. Fire alarm systems, fire suppression systems, hoods, and hood suppression systems require a fire permit from the Fire marshal's Office. This work cannot be started until the permit is approved.
14. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

**ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:**

1. State of Delaware Daycare Licensing approval needed
2. The ratio of employees to children need to be confirmed between State of Delaware Daycare Licensing and this office

**NFPA 101, A.16.1.1 Staffing in New and Existing Day-Care Occupancies**

Staff to Client Ratio	Age (months)
1:3	0-24
1:4	25-36
1:7	37-60
1:10	61-96
1:12	97 plus
1:3	Clients incapable of self-preservation

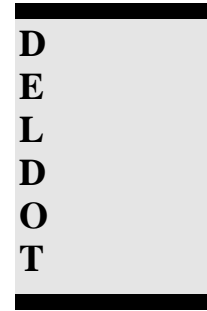
3. It needs to be confirmed or denied if cooking will be taking place
4. Fire Alarm System required
5. Knox Box required
6. A building permit is needed for any construction or renovations which will require plans

**APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):**

2015 NFPA 1 Fire Code (NFPA; National Fire Protection Association)  
 2015 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)  
 2013 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)  
 2013 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)  
 2009 IBC (International Building Code)  
 Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations  
 2015 Delaware State Fire Prevention Regulations  
 City of Dover Code of Ordinances

**\*If you have any questions or need to discuss any of the above comments, please call the above contact person listed.**

CITY OF DOVER  
DEVELOPMENT ADVISORY COMMITTEE  
APPLICATION REVIEW COMMENTARY  
D.A.C. MEETING DATE: May 2, 2018



=====

APPLICATION: Kids Business Daycare

FILE#: C-18-03

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Joshua Schwartz

PHONE#: 760-2768

=====

*The reasons and conditions applied to this project and their sources are itemized below:*

**Comment:**

1. DelDOT's Development Coordination Manual states access shall be from the lower functional classification road. Access to the property shall be from Edgemont Avenue. The site access must be designed in accordance with DelDOT's Development Coordination Manual.
2. ADA compliant Pedestrian facilities are required along the property DuPont Highway as per Delaware State Strategies.



# 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  
May 2018**

---

**APPLICATION:** *Kidz Business Day Care Center*

**FILE #:** *C-18-03*

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

**CONTACT PERSON:** *Jessica L. Verchick, EIT*

**PHONE #:** *741-2600 ext.3*

---

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

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

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 to, reviewed by and approved by The Kent Conversation District.

CITY OF DOVER  
DEVELOPMENT ADVISORY COMMITTEE  
APPLICATION REVIEW COMMENTARY  
D.A.C. MEETING DATE:

**Dover/Kent  
County  
Metropolitan  
Planning  
Organization**

---

APPLICATION: Kidz Business Day Care Center at 65 North DuPont Highway

FILE #: C-18-02

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Jim Galvin, AICP

PHONE #: (302) 387-6030

---

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

**City of Dover Planning Commission 5/21/2018**

Project Review

C-18-02\_Kidz Business Day Care Center at 65 North DuPont Highway

The subject site is a empty building on US13. Staff at DelDOT are looking at this side of US13 to add sidewalks as there is no frontage sidewalk on the site, just parking. We will defer to DelDOT Plan Review staff to identify requirements for access and amenities, like sidewalks. The MPO trusts that sidewalks will be installed and changes in parking, sidewalks, and other amenities will be required. There are transit stops on Division Street and White Oak Road within a block from the site. If a closer stop is warranted, please contact DTC/DART Planning. Bicycle lanes were added to US13 when it was repaved and remarked a few years ago, but only from White Oak Road and north. There are no bike lane on US13 at the front of the site, but there are neighborhood streets connecting to the middle of the two lots that are a part of this application. There is ample bike access to the site.

A question for the Planning Commission is whether it is advisable to allow parking to intrude into the neighborhood.

**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.**



DATA SHEET and REQUEST REVIEW COMMENTARY  
Consideration of Architecture Concept for Residential District

PLANNING COMMISSION MEETING OF June 18, 2018

---

**Project:** Eden Hill Farm – Traditional Neighborhood Design: Residential District

**Associated Plans:** Eden Hill Farm TND, Z-05-03  
Residential District Implementation Plan, SB-06-03  
Residential District Administrative Subdivision Plan: Record Plan and Construction Plans, SB-07-01  
Eden Hill Farm TND: Residential District - Lot Revisions to Townhouses, MI-08-03  
Eden Hill Farm TND: Residential District - Lot 1 Revision (Condominium Lot to Duplex Lots), MI-08-20  
Eden Hill Farm TND: Residential District – Duplex Lot setbacks, MI-09-03  
Eden Hill Farm TND: Residential District - Lots 4 and 5 Revisions (Condominium Lots to Townhouse Lots), MI-09-13  
Eden Hill Farm TND: Residential District - Revisions to Lots 2F, 2G, and 2H (Minor Lot Line Adjustment Plan), MI-10-04  
Eden Hill Farm TND: Residential District - Townhouse Styles for Phase 2 and Pattern Book Revisions for Duplex Lots, MI-10-14  
Eden Hill Farm TND: Residential District - Phase 2 Lot Revisions, MI-10-20  
Eden Hill Farm – Traditional Neighborhood Design: Residential District Revised Implementation Plan, S-15-07  
Residential District – Revised Active Recreation Plan S-15-10

**Request:** **MI-18-10 Eden Hill Farm TND Residential District: Architecture Concept** – Request for Consideration by Planning Commission of an Architecture Concept for townhouse units and an Architecture Concept for single family detached dwellings (in a 55+ community format) with a request for removal of alleys

**Location:** Resident District: Area southeast of intersection Wemyss Road and POW-MIA Parkway

**Tax Parcel:** Areas on map ED-05-076.04

**Area of TND:** 272.04 acres +/-  
**Area of Residential District:** 109.2049 acres +/-

**Zoning:** TND (Traditional Neighborhood Design Zone)

Request Description:

The applicant has requested Planning Commission consideration of an Architecture Concept for townhouse units and an Architecture Concept for single family detached dwellings (in a 55+ community format) with a request for removal of alleys within the Eden Hill Farm TND: Residential District. See the following attachments:

- Email Request (of 5/11/2018) for Planning Commission consideration
- Letter from Ryan Homes dated April 26, 2018 with attachments of building elevations

The following report will provide background information on the Eden Hill Farm TND: Resident District. Also noted is a summary of the Planning Staff's response to the Concept.

Traditional Neighborhood Design Zone Process

The *Zoning Ordinance*, Article 3, Section 28 outlines the requirements for the Traditional Neighborhood Design Zone (TND) including the development criteria and procedure. The first step of the Traditional Neighborhood Design Zone is an application for rezoning to TND which includes review of a Master Plan. The subject property Eden Hill Farm has achieved the zoning classification of TND (Traditional Neighborhood Design) and approval of the General Overall Master Plan. Next reviews of the Implementation Plans for each District of the TND for compliance with the approved General Overall Master Plan occur. Then is review of Administrative Site Plans for individual building development or Subdivision Plans for recordation of lots.

Eden Hill Farm TND: Previous Application Reviews and Plan Approvals

The following provides a summary of the project review process to date for the Eden Hill Farm TND: Residential District.

Date	Application Number	Plan Type	Action	Description
June 20, 2005	Z-05-03	Rezoning Application	Planning Commission recommendation of approval for rezoning to TND	Rezoning to TND including acceptance of the General Overall Master Plan and the Master Comprehensive Development Standards Manual (Pattern Book) with its Addendum of 6/9/05 for the project in accordance with the conditions of approval outlined in the Development Advisory Committee (DAC) comments
July 22, 2005	Z-05-03	Rezoning Application	City Council approval of rezoning to TND	Property rezoned to TND with General Overall Master Plan and Pattern Book
June 19, 2006	SB-06-03	Implementation Plan – Residential District	DAC May-June 2006; Planning Commission approval	Implementation Plan and Pattern Book Amendments
2007	SB-07-01	Administrative Subdivision Plan	Staff & Agency Review	Residential District – Record Plan and Construction Plan Set

<b>Date</b>	<b>Application Number</b>	<b>Plan Type</b>	<b>Action</b>	<b>Description</b>
September 10, 2007	SB-07-01	Record Plan – Residential District	Staff approval 9/6/07; Record Plan recorded	Record Plan: Sheets 1-6 with parcels and street layout
July 29, 2008	MI-08-03	Record Plan Revisions in Phase 1; Construction Plan revisions; Pattern Book Addendum on Townhouse Lots	Planning Commission approval 4/21/2008 and 5/19/2008	Established a series of lot widths for townhouse units (20 ft, 22 ft, 24 ft, and 25 ft) (Addendum III) Included review of architecture for the initial townhouse units Revisions to lots in Phase 1 - Record Plan recorded; Revised Final Construction Plan sheets
March 16, 2009	MI-09-03	Pattern Book Revisions on Duplex Lots	Planning Commission approval 3/16/2009	Reduced Duplex Building Restriction Line (setback) to 15 feet Pattern Book sheet (page 40) to be revised (Addendum IV)
October 26, 2009	MI-09-13	Record Plan Revisions to Lots 4 and 5: Condo into Townhouse Lots, Construction Plan revisions	Staff and Agency Review and approval; Record Plan recorded	Record Plan recorded; Revised Final Construction Plan sheets
March 3, 2010	MI-10-04	Record Plan Revisions to Lots 2F, 2G, and 2H	Staff Review and Approval	Minor Lot Line Adjustment Plan affecting three lots; Record Plan recorded
November 15, 2010	MI-10-14	Pattern Book Implementation for Townhouses and Revisions for Duplex Lots	Planning Commission approval with conditions on 11/15/2010	Request to continue use of Phase 1 Townhouse Architecture Styles into Phase 2; Series of Pattern Book Revisions for Duplex Lots (Addendum V)
December 10, 2010	MI-10-20	Phase 2 Lot Revisions	Staff and Agency Review of Record Plan and associated Site Plan revisions; Comments issued	Minor Lot Line Adjustment Plan to reconfigure single units to duplex units and revise townhouse lots from 25 ft. width to 20 ft. width. Also, revisions to Site Plan for infrastructure construction.
February 22, 2011	MI-10-20 Interpretation	Phase 2 – Townhouse Setbacks	Planning Commission consideration of Pattern Book Guidelines; PC action 2/22/2011  Record Plan of Phase 2 area recorded 3/1/2012	Action to establish required side yard setbacks for townhouses in Phase 2 area when more than two groupings of building occur. Requirement to complete a final version of the Pattern Book.  Record Plan of Phase 2 recorded and updates to Construction Plans of Landscape Plans and Utilities Plans.
May 18, 2015	S-15-07	Implementation Plan – Residential District	DAC April-May 2015; Planning Commission approval with conditions 5/18/2015 Check Print Review in 2017	Revised Implementation Plan – Sheet Submission of Concept Plan: Increase in dwelling unit count; Change in mix of unit types; Revised open space design; and Revisions to street layout

August 2015	S-15-10	Revised Active Recreation Area Plan – Residential District	Planning Commission approval with conditions 8/17/2015 Check Print Review in 2017	Revised Active Recreation Area and Open Space Plan to create large area with clubhouse building and amenities Associated with S-15-07
-------------	---------	--	---	--

### RESIDENTIAL DISTRICT SUMMARY

The Implementation Plan reviewed as SB-06-03 Eden Hill Farm TND: Residential District Implementation Plan consisted of 665 dwelling units. The Plan Set for the *Residential District* depicted the development and the associated elements such as the subdivision entrance access, public street and alley network and street section design, pedestrian network, building sites, parking areas, stormwater management, Active Recreation Area (parks and Community Center building), open space and landscaping. As approved the development offered several housing types including single family detached units in three styles: courtyard lots, carriage house lots, and cottage lots; duplex units; townhouse units in four lot widths; and condominium units in two types: 12 unit buildings and 24 unit buildings. The lot sizes were developed on a module system which would allow for the mixing of unit types within a given street block. This Implementation Plan for the *Residential District* received Planning Commission approval on June 19, 2006 and Final Plan approvals on September 10, 2007 (Record Plan) and December 10, 2007 (Construction Plan). During 2008-2012, several revisions to the *Residential District* were made affecting the Record Plan relating to lot revisions in the Phase 1 area including approvals for the subdivision of five condominium lots into duplex and townhouse lots. The Record Plan (as revised and recorded in 2012) shows the *Residential District* consisting of a total of 651 residential units. (See Attachment Record Plan sheet exhibit.)

A *Residential District* REVISED Implementation Plan S-15-07 was granted conditional approval by the Planning Commission on May 18, 2015 for a revised plan consisting of 742 residential units (single family detached units, duplexes, townhouses, and multi-family units), the redesign open space areas, a community center, and revised street layout. This Revised Implementation Plan and its Revised Active Recreation Area Plan has not been finalized.

### Comprehensive Development Standards Manual (Pattern Book)

As part of the Traditional Neighborhood Design process, the Implementation Comprehensive Development Standards Manual (Pattern Book) consists of a written and graphic description of the owner/developer's proposed approach to each of the items listed in *Zoning Ordinance*, Article 3 §28.84. The purpose of the Pattern Book is to set the standards and guidelines for the design, construction, and maintenance of the land and buildings in the *Residential District*. Any development within the *Residential District* must comply with the Pattern Book.

The Pattern Book sets the guidelines for development within the Traditional Neighborhood Design project acting as a portion of the code requirements for development. The Pattern Book is intended to present the 'general character' of the project with the images in the Pattern Book giving examples of the precedents to aspire to and concepts and guidelines of the new buildings to be constructed. The Pattern Book describes the architectural precedents for each housing type



in Section A: Introduction. Then the Pattern Book in Section C: Community Patterns: Residential describes the concepts for each housing type. These pages establish the standards for the building restriction lines and porch restriction lines thus creating the buildable area on each lot; garage placement options of detached and attached garages with alley access, etc. The Pattern Book in Section D: Architectural Patterns describes the various design elements for the Residential District, specifically elements including Windows & Doors, Dormers & Bay Windows, Porches, Materials, and Accessory Structures. For each specific element, the Required, Encouraged, and Prohibited elements are given.

The approved Final Pattern Book for the *Eden Hill Farm Residential District* consists of the Eden Hill Farm Pattern Book 1<sup>st</sup> Edition 5/6/2005 with Addendum I of 6/9/2005 and Addendum II of 5/5/2006; and by reference the Townhouse Lot Revisions of March 7, 2008 (Addendum III: townhouse unit lot widths), Revised page 40 (Addendum IV: Duplex Building Restriction Line revisions) of May 21, 2009, the Duplex Lot Revisions as approved by the Planning Commission on November 15, 2010 (Addendum V), and Interpretation of Setbacks for Townhouse units by Planning Commission on February 22, 2011. After consideration of multiple revisions to the Pattern Book, the Planning Commission prescribed the requirement that a version of the Final Pattern Book for the *Residential District* be prepared (this has not been completed to date). The complete Eden Hill Farm: Pattern Book and Addendums submitted to date are on file at the Department of Planning and Inspections.

#### Construction Activity in Residential District

In Phase 1 of the *Residential District*, a total of 83 Building Permits have been issued and dwellings completed. The predominate house type constructed has been townhouse units on 20-foot-wide lots. The townhouse units currently built are a three-story unit with attached (included) garage and a two-story unit with a detached garage. In Phase 1, the townhouse units have been constructed in groups: one set of three units, 10 sets of six units, and 2 sets of seven units. Three sets of duplex units have been constructed. A portion of the street network has been completed and dedicated to the City of Dover. These streets include Lloyd Street, Wemyss Road, and portions of South Greenberry Lane, Ruth Way, Ann Moore Street, and Ridgely Boulevard.

#### **Summary of Applicant's Request for Consideration of Architecture Concept:**

During 2017 and 2018 Planning Staff met with a potential owner and the housing unit developer to discuss their proposal for continuation of the build-out of Eden Hill Farm TND Residential District. Their proposal focuses on two concepts:

- Architecture Concept for townhouse units
- Architecture Concept for single family detached dwellings (in a 55+ community format) with a request for removal of alleys for this specific area.

Planning Staff determined significant compliance issues for these Concepts as related to the provisions for the Traditional Neighborhood Design project and with the design documents (the Implementation Plan and Comprehensive Design Standards Manual (Pattern Book)) currently approved for the Eden Hill Farm TND. These items were discussed with the applicants who then requested that the Concepts be presented to the Planning Commission for consideration and discussion.

### Action of the Planning Commission

As the Applicant has proposed development Concepts alternative to the currently approved plan of the *Residential District*, this Request has been forwarded to the Planning Commission for consideration and discussion. The Planning Commission should take action provide guidance regarding these Concepts based on their interpretation of the Implementation, Pattern Book and the objectives of the Traditional Neighborhood Design Option (*Zoning Ordinance*, Article 3 §28). This Consideration is for preliminary feedback on the Concepts. A formal application for a Revised Implementation Plan and Revised Comprehensive Design Standards Manual would need to be made in order to complete the detailed review and Public Hearing process for implementation of these Concepts.

### Review of the Concepts by Planning Staff

The TND option was designed and adopted to facilitate the development of a neighborhood of mixed uses that encouraged walkability, human scale, exceptional design, etc. that was different from the typical development patterns previously seen in Dover. It was intended to have an identity and form that showcased how traditional neighborhoods developed historically while allowing increased flexibility on the part of the developer(s) within the parameters and options set forth in “design” documents (the Pattern Book and Implementation Plans).

While we understand that the market has changed since the TND was adopted, and that there are fewer potential builders in play for lots, the simple fact is that the TND, by its intention, allows such flexibility to mix and allows the developer to adjust how the development occurs. We don’t believe that time or market conditions are such that a pretty much wholesale abandonment of the currently approved TND plan is necessary. The following are the key elements identified by Planning Staff where the proposed Concepts conflict with or do not meet the approved design documents for the Eden Hill Farm TND:

- The Concepts in some respects do not coincide with the purpose and intent statement for the Traditional Neighborhood Design Zone (TND). These aspects include as variety of housing styles, walkability, street and alley layout, garage placement, etc.
- Corner units are to be given special consideration and thus avoiding the “blank wall” appearance.
- Required use of materials to make shutter appear as or function as operable. Existing construction has utilized shutter dogs/brackets to achieve this requirement.
- Lack of variation in general appearance of housing units. Variation in the house architectural style and design, color, materials, and detailing create the variations seen in the traditional residential areas of the City and also avoid uniformity of design
- Placement of the garage in prominent locations i.e. front loaded, street-oriented formats rather than the prescribed secondary placements as required.
- The request for the elimination of alleys which are intended to be service and access areas, and which are a key circulation component of the TND.
- A proposal for reduction in density; density in the City is encouraged where there is infrastructure and services.

There are a variety of approaches than can be taken to address these compliance issues. This Report does not detail specific changes to the proposed Concepts.

# City of Dover, Delaware

## 2019 Comprehensive Plan

Project Update June 2018

---

### Overview

The current Comprehensive Plan for the City of Dover is the *2008 Comprehensive Plan* (as amended) as adopted February 9, 2009 and certified. *Delaware Code*, Titles 22 and 29 prescribe the requirements for comprehensive plans including the requirement for an update every ten years.

Comprehensive plan means a document in text and maps, containing at a minimum, a municipal development strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land within the community, and critical community development and infrastructure issues. – *22 Del. Code §702(b)*

For communities with a population over 2,000 persons, there are additional elements to be included in the plan. See attached “State of Delaware Comprehensive Plan Checklist.”

The development of the *2019 Comprehensive Plan* is a major goal of the Planning Office (Department of Planning & Inspection) for 2018-2019. This project is being completed in-house by City Staff. The approach to this project begins with the premise that the *2008 Comprehensive Plan* was a very good plan that was implemented over the years and that its policies and recommendation are still relevant. Efforts with the new plan for 2019 will report on the status of the 2008 plan; add components of the studies from the intervening years; assess any significant data, demographic and economic changes; identify accomplishments; and reflect on any impending factors.

### Project Schedule

The Comprehensive Plan is due on or before February 9, 2019. If the planning process is behind schedule, an extension may be requested of the Cabinet Committee on State Planning Issues by letter due by December 12, 2018. In order to achieve Certification, the Comprehensive Plan must complete the PLUS Review process and be adopted by the Planning Commission and City Council.

The project schedule consists of five basic phases: Information Gathering, Plan & Map Development, Consideration of Plan Recommendations, Formal Review & Adoption Process, and Plan Implementation.

The Project Team consists of Planning Staff who began meeting in February to initiate work on the project. The project is in the Information Gathering Phase. See the following table summarizing the Project Phases and Activities. The approximate timeframe is also given.

Information Gathering	<ul style="list-style-type: none"> <li>• Data Gathering</li> <li>• Analysis of 2008 Plan</li> <li>• Pre-Update Review at PLUS</li> <li>• Meetings with Agencies, Stakeholders, etc.</li> <li>• Engagement Events</li> </ul>	February – September 2018
Plan & Map Development	<ul style="list-style-type: none"> <li>• Chapter Writing</li> <li>• Review &amp; Preparation of Map set</li> <li>• Development of Goals, Recommendations, &amp; Actions</li> </ul>	July – September 2018
Consideration of Plan Recommendations	<ul style="list-style-type: none"> <li>• Engagement Events</li> <li>• General Endorsement of DRAFT Plan by Planning Commission and City Council</li> </ul>	September 2018
Formal Review & Adoption Process	<ul style="list-style-type: none"> <li>• PLUS Review/ PLUS Letter</li> <li>• Plan Revisions</li> <li>• Planning Commission Hearing &amp; Action</li> <li>• City Council Hearing &amp; Action</li> <li>• Plan Certification</li> </ul>	October 2018 – February 2019
Plan Implementation	<ul style="list-style-type: none"> <li>• Final Publication</li> <li>• Implementation Work on Action Items</li> </ul>	February 2019 and ongoing

## Tasks to Date

As part of the Information Gathering Phase, the following tasks are noted:

- Biweekly and weekly meetings of the Project Team: Assignment of key topic area chapters for research

- Created package of *2008 Comprehensive Plan* including all text and maps as amended between 2009-2017.
- Submitted the *2008 Comprehensive Plan* (as amended) document for Pre-Update Review by PLUS.
- Participated in PLUS Meeting of March 28, 2018 and received PLUS Review comment letter dated April 20, 2018.
- Outreach to Department of Public Works and Electric Department on project for data/info gathering.
- Meeting with DelDOT Regional Systems Planning Office Staff on March 19, 2018
- Presentation on the Plan4Health: *Guidance for Incorporating Health into the City OF Dover's Comprehensive Plan* to the Planning Commission on April 2018.
- Submission of Certified Local Government grant application on May 11, 2018 to State Historic Preservation Office for FFY2018 grant to focus on the development of "Update of Historic Preservation Chapter for Dover's *2019 Comprehensive Plan*." Awaiting status of grant application.
- Discussion of Questionnaire survey questions on the topic of Housing with the Housing Working Group of the Restoring Central Dover Plan at their meeting of May 16, 2018.

## Engagement Activities

### Events & Activities:

- Evaluation of Goals & Recommendations from 2008 Plan: Evaluation task assignment to members of Planning Commission, Historic District Commission, and City Council. (*City Council will be receiving information on their participation in this task; see attached.*)
- Evaluation of Status of 2008 Action Items and Plan Implementation
- Survey Questionnaire: A Questionnaire on various topic areas being developed; it will be available on-line and paper copy formats.
- Event: "Dover Economic Development Forum: An Economist Vision of Dover" on June 13, 2018, 10:00am-1:00pm at Wilmington University. A panel presentation and discussion on the future of Dover's economy.

### Information Sources:

- Ensure City's website includes the *2008 Comprehensive Plan* document (plan text and map series)
- Create page on City's website for the *2019 Comprehensive Plan* Project
- Activate email for comments on Comprehensive Plan
- Guidance and assistance from the Office of State Planning Coordination

### To Be Scheduled:

- Other outreach opportunities to public and stakeholders
- Meetings with City Departments focusing on specific topics of expertise
- Meetings with relevant State agencies as needed
- Meetings with adjacent jurisdictions to discuss Plan: Kent County, Camden, and Wyoming

## State of Delaware Comprehensive Plan Checklist

Municipal Code Requirements

Adapted from 22 Del. C. § 702 (b), except where otherwise noted

Municipality:

Population (2010 Census):

22 Del. C. § 702 (b) Comprehensive plan means a document in text and maps, containing at a minimum, a municipal development strategy setting forth the jurisdiction's position on population and housing growth within the jurisdiction, expansion of its boundaries, development of adjacent areas, redevelopment potential, community character, and the general uses of land within the community, and critical community development and infrastructure issues. The comprehensive planning process shall demonstrate coordination with other municipalities, the county and the State during plan preparation. The comprehensive plan for municipalities of greater than 2,000 population shall also contain, as appropriate to the size and character of the jurisdiction, a description of the physical, demographic and economic conditions of the jurisdiction; as well as policies, statements, goals and planning components for public and private uses of land, transportation, economic development, affordable housing, community facilities, open spaces and recreation, protection of sensitive areas, community design, adequate water and wastewater systems, protection of historic and cultural resources, annexation and such other elements which in accordance with present and future needs, in the judgment of the municipality, best promotes the health, safety, prosperity and general public welfare of the jurisdiction's residents.

### Comprehensive Plan Requirements for ALL Communities

<i>Elements of Delaware Code</i>	<i>Page #s / Section</i>
Position on Population Growth	
Position on Housing Growth	
Position on Expansion of Boundaries	
Position on Development of Adjacent Areas	
Position on Redevelopment Potential	
Position on Community Character	
Position on the General Use of Land	
Position on Critical Community Development Issues	
Position on Key Infrastructure Issues	
Demonstrate coordination with State, County and other Municipalities	

### Additional Elements of the Comprehensive Plan Required for Communities with more than 2000 persons

<i>Elements of Delaware Code</i>	<i>Page #s / Section</i>
Description of Physical, Demographic and Economic Conditions	
Policies, Statements, Goals and Planning Components for Public and Private Uses of Land	
Policies, Statements, Goals and Planning Components for Transportation	
Policies, Statements, Goals and Planning Components for Economic Development	
Policies, Statements, Goals and Planning Components for Affordable Housing	
Policies, Statements, Goals and Planning Components for Community Facilities	
Policies, Statements, Goals and Planning Components for Open Space and Recreation	
Policies, Statements, Goals and Planning Components for Protection of Sensitive Areas	
Policies, Statements, Goals and Planning Components for Community Design	
Policies, Statements, Goals and Planning Components for Adequate Water and Waste Water Systems	
Policies, Statements, Goals and Planning Components for Protection of Historical and Cultural Resources	
Policies, Statements, Goals and Planning Components for Annexation	
Policies, Statements, Goals and Planning Components for other Elements which in the opinion of the community best promotes health, safety prosperity and general public welfare.	

### Other Code Requirements Linked to the Comprehensive Plan

<i>Elements of Delaware Code</i>	<i>Page #s / Section</i>
Sourcewater Protection (7 Del. C. § 6083), required for population of 2,000 or more	
Municipal Boundaries accurately depicted on maps, and recorded in county if applicable (City / Town Charters). Required for all municipalities.	

