PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

ADOPTION OF MINUTES OF MEETING of May 20, 2019

COMMUNICATIONS & REPORTS
1) Reminder: Ethics Training (for Elected/Appointed Officials) is scheduled TUESDAY, June 11, 2019 at 5:00pm in the City Council Chambers as part of the Council Committee of the Whole Meeting.

2) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, July 15, 2019 at 7:00pm in the City Council Chambers.

3) Update on City Council Actions

4) Department of Planning & Inspections Updates
   a. Education and Training Opportunities

OPENING REMARKS CONCERNING MEETING PROCEDURES

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW APPLICATIONS

1) C-19-02 Duplex at 106 Willis Road – Public Hearing and Review of a Minor Subdivision Plan and Conditional Use Site Plan Application to permit the subdivision of a 7,500 SF parcel of land into two lots (Lot 1 and Lot 2) of 3,750 SF each. The Conditional Use Site Plan application is to permit construction of one-story duplex to provide one dwelling unit on each of the newly subdivided parcels for 2 total dwelling units, as well as associated site improvements. The site is currently vacant. The subject area is 7,500 SF (0.17 +/- acres) located on the west side of Willis Road, north of East Division Street. The property is zoned RG-2 (General Residence Zone). The owner of record is 1944 Builder, LLC. Property Address: 106 Willis Road. Tax Parcel: ED-05-068.19-01-23.00-000. Council District 2. Two variances were approved by the Board of Adjustment at their March 2019 meeting. The variances are from Zoning Ordinance, Article 4 §4.3 pertaining to the bulk standards of the RG-2 zone: to reduce the minimum lot size from 5,000 SF to 3,500 SF: and to reduce the minimum side yard requirement from 10 feet to 5 feet. (V-19-03)
2) **S-19-10 Parking Area of Dover Community Pharmacy at 1035 South Governors Avenue** – Public Hearing and Review of a Site Development Plan Application for an additional 5,700 SF of pavement in the existing parking lot area at the rear of the building containing Dover Community Pharmacy. The project creates a total of seventeen (17) total parking spaces for the site. The subject property is 0.35 +/- acres located on the east side of South Governors Avenue, south of Wyoming Avenue. The property is zoned C-1A (Limited Commercial Zone). The owner of record is AK Investments, LLC. Property Address: 1035 South Governors Avenue. Tax Parcel: ED-05-077.17-07-09.00-000. Council District 2. *It is noted that construction commenced prior to authorization or permits. Waiver Requests:* Elimination of Curbing, Elimination of Fence Component of Opaque Barrier Requirement

3) **S-19-11 Lion of Judah Ministry Church at 951 White Oak Road** – Public Hearing and Review of a Site Development Plan Application to permit construction of one-story 5,000 SF place of public assembly (church) building and associated site improvements. The subject property is 1.14 +/- acres. The property is zoned IO (Institutional and Office Zone). The property is located on the north side of White Oak Road and east of Halsey Road. The owner of record is L & S Davis Properties, Inc. Property Address: 951 White Oak Road. Tax Parcel: ED-05-068.14-05-85.00-000. Council District 3. *This property was rezoned from CPO (Commercial and Professional Office Zone) to IO (Institutional and Office Zone) by City Council at their November 13, 2018 meeting (Z-18-02; Ordinance #2018-08). Waiver Requests:* Elimination of Fence Component of Opaque Barrier, Partial Elimination of Upright Curbing.

**NEW BUSINESS**

1) Project for Dover’s 2019 Comprehensive Plan
   a. Update on Project Activities

**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.

Posted Agenda: June 7, 2019
The Regular Meeting of the City of Dover Planning Commission was held on Monday, Monday May 20, 2019 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Adams, Mr. Roach, Ms. Edwards, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh, Ms. Maucher and Mr. Tolbert.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Julian Swierczek, Mr. Jason Lyon and Mrs. Kristen Mullaney.

APPROVAL OF AGENDA
Ms. Edwards moved to approve the agenda as submitted, seconded by Dr. Jones and the motion was unanimously carried 9-0.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF APRIL 15, 2019
Dr. Jones moved to approve the Planning Commission Meeting minutes of April 15, 2019, seconded by Mr. Baldwin and the motion was unanimously carried 9-0.

COMMUNICATIONS & REPORTS
Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Monday, June 17, 2019 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 22 and 23, 2019 and May 13 and 14, 2019.

Mrs. Melson-Williams stated that she was going to update the Commission on a legal matter. There was a case filed in Superior Court for the State of Delaware that involves the Planning Commission. This case is Race Track Car Wash LLC as the Petitioner versus the City of Dover Planning Commission, the City of Dover, Blue Sky Properties LLC and Kathleen J. Gray as the Respondents. The City received a Writ of Ce; basically, that process requests a certified copy of the records regarding that application and that is the Tommy Car Wash application. The City’s legal counsel is dealing with that matter. If the Planning Commission needs to be aware of anything else, Staff will advise them of that.

Mrs. Melson-Williams stated that in the packet there was information about training on “Creating a Flood Ready Community”. That was a training that was held on May 17, 2019. She doesn’t believe that they had anyone attend that one. The Commission has also in the recent week, been advised of the Annual Ethics Training that is scheduled for June 11, 2019 at 5:00PM in City Council Chambers. This is part of the required annual Ethics Training for all of the elected and appointed officials for the City of Dover. Please let Staff know of your availability to attend that training.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS
Mrs. Melson-Williams presented the audience information on policies and procedures for the
OLD BUSINESS
1) Request for Extensions of Planning Commission Approval: None

2) Re-evaluation Review of Conditional Use:
   a. C-17-04 House of Pride Offices at 45 South New Street – Re-evaluation Review including Public Hearing for a Conditional Use Permit to convert an existing one-family dwelling structure into a philanthropic use as the administrative facility (offices) for House of Pride. The application was reviewed by the Planning Commission on August 21, 2017 with approval of the use conditioned upon a one-year review among other conditions; the one-year review was completed on October 15, 2018 with continued approval subject to a six-month review. The property consists of a 9,090 SF +/- parcel. The property is zoned RG-1 (General Residence Zone). The property is located on the east side of South New Street, north of Reed Street, and south of Division Street. The owner of record is House of Pride, Inc. Property Address: 45 South New Street. Tax Parcel: ED-05-077.05-03-05.00-000. Council District: 4.

Representatives: Mr. Marion Lott, House of Pride

Ms. Edwards recused herself from this application. She just recently learned that she is the Relationship Manager at the clients’ bank.

Mr. Swierczek stated that on August 21, 2017, the Planning Commission granted approval of application C-17-04, a Conditional Use Plan for converting an existing one-family dwelling structure at 45 South New Street into a philanthropic use as the administrative offices for the House of Pride. As part of the approval by the Planning Commission, the project was required to return for a one-year review in 2018. This review was held on October 18, 2018. The review renewed the conditions of approval originally given at the August 2017 and additionally scheduled a second review for the April 2019 meeting of the Planning Commission. However, following improperly completed public notice, they were rescheduled to today. The first purpose of these reviews is to evaluate the project’s compliance with the conditions of the approval imposed by the Planning Commission as outlined in the DAC Report dated August 9, 2017. Secondly, the purpose of this review is to evaluate whether the project continues to meet the objectives of a Conditional Use process outlined in the Zoning Ordinance. The memo that was sent to the members of the Planning Commission dated May 7, 2019 gave an overview of the status of select City and State Code requirements as well as recommendations suggested as conditions of approval to meet the Code objectives adopted by the Planning Commission at the August 9, 2017 DAC Report and renewed in October 2018. From there, the Planning Staff has listed a series of recommendations regarding the one-year review of the Conditional Use Plan for C-17-04. First, Staff has recommended that the Planning Commission grant a second renewal to the conditional approval granted in August 2017 and renewed in October 2018 and require finalization of the Conditional Use Plan in a timely manner. Secondly, Staff recommends that the Commission require completion of the Building Permit process in a timely manner to formally establish the office use in the building. The Building Permit has not yet been applied for. Third, as the office has been operating for over a year and a half without the proper authorizations in
place, Staff recommends that the Commission direct the Planning and Inspections Department to keep open the Code Enforcement case related to the buildings currently unauthorized use so that action can be taken should progress toward the Conditional Use Plan and Building Permit not continue. Finally, the Planning Commission may wish to require and additional review so that compliance with the conditions of approval and Conditional Use objectives can be checked again in the future. Such review could be scheduled for one-year after the Conditional Use Plan is finalized and the use is implemented.

Mr. Lott stated that he serves as the Director of the House of Pride. At this time, they are back for the review because they needed to have a professional survey the property as well as for the floor plans. Mr. William Byler came out and took measurements and conversed with the City on the Codes that needed to be included. Colonial Surveying came out on Friday and surveyed the property. As of now they are waiting on the completion of the reports from the architect and surveyor. As soon as they get completion of those reports, they can turn that information into the City. They have done as much as they could as individuals to make sure that they are following the guidelines and that they have done everything that the City has asked of them. Now they are waiting on the professional aspect of it to be completed.

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

Ms. Maucher questioned what was needed to submit a Building Permit? Responding to Ms. Maucher, Mr. Swierczek stated that in this case the City was waiting for the plans to be finalized and that once finalized, they would need to be evaluated to assess the permit application.

Mrs. Melson-Williams stated that because this is a change of use, it does require a formal plan by an architect that outlines the floor plan of the house that is now becoming an office and any of the required Building and Fire Codes needed for access to that facility. That is the step in the process that they appear to be at, at this point. They did meet with Staff in the last month with their architect to go over the submission requirements that were necessary.

Mr. Holt questioned if they were maintaining the property as a residential property but they are going to use it as an office. Responding to Mr. Holt, Mr. Swierczek stated that the property is currently established as an office and it is the City working with the applicants to try and get that property into compliance that brings us here today. The office use is already established there.

Mr. Holt further questioned if they were having any problems with the neighborhood or neighbors regarding the property with the club or has everything been going along pretty smoothly? Responding to Mr. Holt, Mr. Swierczek stated that he does not believe that the City is aware of any complaints from the neighbors in regards to this specific project.

Mr. Tolbert questioned if at this point are they to understand that the applicant is not in full compliance as of yet. Responding to Mr. Tolbert, Mr. Swierczek stated that he does not believe that they are in full compliance yet.
Mr. Roach questioned if there were any issues in regards to the architect as to why it took so long for the applicant to start the process in obtaining that paperwork from the architect? Responding to Mr. Roach, Mr. Lott stated that they were constantly speaking by email; the architect went out of town and had some other things that came up. When he got back to them and he had everything that he needed in order to complete what the City wanted him to do. He was constantly in touch with the City, then he needed to wait until the surveyor completed his portion of the report. The surveyor didn’t inform them when they were able to get one that it would be three weeks out. They came by on Friday and completed the survey. When he spoke to the architect, he said he was waiting to get the information from the survey so that he could include the information in his report. It is a long drawn out process that he wasn’t familiar with himself but everyone is on board. They seem to be doing what is needed to be done so they can finalize the approval. For further clarification, prior to that they drew the plan.

Mr. Tolbert stated that that’s what he was wondering; if there were any issues with the property or with the actual architect because obviously it has been a year. Responding to Mr. Tolbert, Mr. Lott stated that when they drew it, they were under the impression that it was sufficient but they were informed that they needed a professional architect to do it and they also needed an updated survey to be done. He waited a year thinking that was sufficient.

Mrs. Welsh questioned if they knew when they would be finished? Responding to Mrs. Welsh, Mr. Lott stated no he does not; he just hopes that it is real soon. This is the first time that they have been able to get all of the information done based on the City guidelines.

Mrs. Welsh further stated that they just got the survey information as of Friday? Responding to Mrs. Welsh, Mr. Lott stated yes.

Mr. Tolbert stated that they need a motion. The motion can require that the review process be continued until such time that there is full compliance.

Ms. Maucher questioned if there needs to be a timeframe established for the length of the review period? Responding to Ms. Maucher, Mrs. Melson-Williams stated that it could be set for six months. They are coming up on what would be two years since the initial action of the application which was August 2017. You could certainly request that they return to the Commission in six months so that they can determine the progress that has been made, and hopefully completion of the activities that they need to complete to finalize both the Conditional Use Plan and the necessary Building Permits for their activity.

Ms. Maucher moved to approve C-17-04 House of Pride Offices at 45 South New Street for a second renewal to the Conditional Use granted in August 2017 and renewed in October 2018 for a period of six months so that the Commission can see the status of where things are, seconded by Mr. Holt and the motion was carried 8-0 by roll call vote with Ms. Edwards recused. Ms. Maucher voting yes. Mr. Adams voting yes. Mr. Roach voting yes. Mr. Holt voting yes. Mr. Baldwin voting yes. Dr. Jones voting yes. Mrs. Welsh voting yes. Mr. Tolbert voting yes.

NEW APPLICATIONS
1) Z-19-05 Lands of Harman Oil, Inc. at 53 N. West Street and 517 W. Division Street – Public Hearing and Review for Recommendation to City Council for a rezoning application for two parcels of land consisting of 0.20 acres (8,512 SF +/-) and 0.35 acres (15,278 SF +/-). The properties are zoned C-1A (Limited Commercial Zone). The proposed zoning is C-2A (Limited Central Commercial Zone). The properties are located on the northeast corner of the intersection of North West Street and West Division Street. The owner of record is Harman Oil, Inc. Property Addresses: 53 N. West Street and 517 W. Division Street. Tax Parcels: ED-05-076.08-04-02.00-000 and ED-05-076.08-04-01.00-000. Council District 4. Ordinance #2019-11.

Representatives: Mr. John Paradee, Baird Mandalas Brockstedt; Mr. William Harmon Jr., Owner; Mr. Mark Strickland, Century Engineering

Mrs. Melson-Williams stated that this application is a request for rezoning involving two properties. The bright yellow on the screen (visual) shows the two properties which are addressed as 53 North West Street and 517 West Division Street. It is the corner of Division Street and North West Street just to the east of the railroad tracks. Currently, the two properties are zoned as C-1A (Limited Commercial Zone) and the applicants are making a request to rezone both properties to C-2A (Limited Central Commercial Zone). The properties are in total a little over a half acre in size. The surrounding area does have a variety of zoning classifications. Basically, to the north and east there are residential areas zoned RG-1 (General Residence Zone). Along the Division Street Corridor we do see other commercial zoning: both C-1A (Limited Commercial Zone) and C-2A (Limited Central Commercial Zone) as well. With any rezoning, we have to look to the Comprehensive Plan to see what it says regarding land use in that particular area. The 2008 Comprehensive Plan says that this subject area would have a land use classification of Mixed Use. With a Mixed Use land classification, there are a number of zones that would comply. Both the C-1A (Limited Commercial Zone) as it exists now and the C-2A (Limited Central Commercial Zone) are both eligible types of zoning under the Mixed Use land use classification. The Comprehensive Plan also talks about Mixed Use and presents a series of goals related to Mixed Use in the Downtown Dover area which does in fact place an emphasis on both residential and commercial activity. Looking at the C-2A (Limited Central Commercial Zone) zoning district itself, the report to the Planning Commissioner shows the different types of permitted uses. They do range from stores and other service type establishments, offices, places of public assembly, hotels, as well as some residential opportunities with a variety of different residential types that would be allowed in the C-2A (Limited Central Commercial Zone). The C-2A (Limited Central Commercial Zone) also includes several uses that could be considered under the Conditional Use application process which is a totally separate application review process. Those would include things like parking structures and parking lots as well as fuel pumps that would be accessory to a permitted use. With this, Staff always gives their recommendations or findings in regards to a rezoning. They do find that the proposed zoning to C-2A (Limited Central Commercial Zone) would be consistent with the Comprehensive Plan under the classification of Mixed Use. Both of the zones, its current one and the proposed one, are zones that allow for a mix of commercial and residential type uses. In comparing the two, perhaps the C-2A (Limited Central Commercial Zone) does allow for some more intense type uses on the commercial side of things. Both of them are very similar when it comes to residential uses that could be occurring in the zones. With the zones, any future development of the site would be subject to the bulk standards and those are things like setbacks, parking, height and the like for whatever the particular zone is. This is where you find
perhaps one of the more significant differences between the C-1A (Limited Commercial Zone) and the C-2A (Limited Central Commercial Zone) in that the C-2A (Limited Central Commercial Zone) does allow for up to a six story building. Whether or not you could actually design something to fit on the site is something else but that would be part of any kind of future development activity process. It is not subject to review tonight. The DAC Report also provides comments from the other DAC member agencies which include the City’s Public Works Office and Electric Department that have no objection to the rezoning but do provide some guidance about future redevelopment of the site. Likewise, the Fire Marshal’s Office has no objection but does offer some initial comments about planning for future activity. DelDOT as well offered no objection to the rezoning but any development of the property obviously has some processes involving DelDOT as Division Street is a State maintained road.

Mr. Roach questioned if the applicant knew what they planned on developing there already or is it just a general up in the air kind-of-thing right now? Responding to Mr. Roach, Mr. Harman stated that they do not know. Frankly, they are pursuing this just to enhance the flexibility of the site. As Mrs. Melson-Williams noted it’s a relatively small site so it is somewhat restricted in terms of what we can do but C-2A (Limited Central Commercial Zone) will give them a couple more options. They do not have any intended user at this point.

Mr. Paradee stated that is the simplest Rezoning application that he has ever presented to the City. As Mrs. Melson-Williams noted, it is consistent with the Comprehensive Plan and consistent with the character of the neighborhood. Staff has recommended approval. They have no objections to any of the DAC comments or Staff recommendations. They therefore respectfully request your favorable consideration.

Mr. Holt stated that this used to be the Harmon Oil site. He was wondering if there was anything underground like oil tanks that need to be removed or has that already been addressed? Responding to Mr. Holt, Mr. Paradee stated no and Mr. Harmon can address that in more detail if you wish but the property is clean.

Mr. Tolbert opened a public hearing.

Ms. Karen Speakman – NCALL, 363 Saulsbury Road Dover DE 19901
Ms. Speakman stated that she is the Executive Director of NCALL. They are located on 363 Saulsbury Road but they are also adjacent to this property in terms of 200 feet. They own four properties on North Kirkwood Street that they are building four houses that are for sale. Those houses will be finished in June. They certainly welcome new commercial development on Division Street and do not know what the Harman’s plan to do with this property; however, they do not support changing the zoning for these two parcels from C-1A (Limited Commercial Zone) to C-2A (Limited Central Commercial Zone). The biggest difference between the two zones is that C-2A (Limited Central Commercial Zone) allows for hotels, places of public assembly and drive throughs as well as Conditional Uses that include parking lots and fuel pumps. C-1A (Limited Commercial Zone) prohibits fuel pumps. Both zones allow retail stores, service establishments, restaurants and business offices as well as apartments and one family residences. C-2A (Limited Central Commercial Zone) also allows buildings up to six stories; whereas, C-1A (Limited Commercial Zone) only allows buildings up to two stories. They feel that the present zoning of C-1A (Limited
Commercial Zone) is more in keeping with the surrounding neighborhood and changing the zoning to C-2A (Limited Central Commercial Zone) could change the nature of the neighborhood. She doesn’t think allowing zoning to be changed that could allow fuel pumps, drive through or a parking lot on the property would enhance the neighborhood. She also does think that anything higher than three stories would not be in keeping with the surrounding community. Changing the zoning simply allows these things to occur. Not that they will do that or not do that but it opens the door to those additional uses. If the current zoning is retained, they could still have a buyer who wants to build a store or a restaurant. They would welcome things like a green grocer, a restaurant or apartments. They are also very willing to meet and discuss with everyone their Restoring Central Dover work and what’s happening in the community so that they could come up with something that would be sellable to others. They have a launcher program where they have young people pursuing businesses. A number of things are happening in Dover. NCALL is the lead agency on Restoring Central Dover so they really have a lot of involvement and are concerned about the neighborhood.

**Mr. Arnold Braunskill – 91 North West Street Dover, DE 19904**

Mr. Braunskill stated that he is located within the 200 feet limit to the property and he supports the zoning of C-1A (Limited Commercial Zone). The area there can get congested sometimes on Division Street. The tracks are right at the corner so it could be a problem at the same time. He feels that anything other than C-1A (Limited Commercial Zone) would cause more detriment to the area. As the young lady said, they are building more houses there and the community that is there aren’t looking for a multiplex or anything as far as hotels or larger than two stories. Right now, the way that area is developing with the new houses that are coming in, he thinks that anything other than a small store would cause problems. He is still wondering if they have any certification proving that the area has been cleaned up from the Harman Oil Company when they were there. He doesn’t know if that can be verified or not but he thinks that should be looked at or they should show some proof that it has been cleaned up. As far the community is concerned, he doesn’t think that they need anything higher than two stories. He thinks that they could be affected by extra traffic coming in and out of there so he is not for supporting this zoning change.

Mr. Tolbert questioned if Mr. Braunskill had spoken to his neighbors about his concerns? Responding to Mr. Tolbert, Mr. Braunskill stated that he has spoken to some of his neighbors and they are not crazy about the idea. On the next block over where they have the Depot gas station, they have additional traffic there and it also becomes a hangout. They are not looking for anymore hangouts. Maybe an office building could be looked at but they don’t want any more gathering spots.

Mr. Tolbert questioned if Mr. Braunskill knew how many neighbors that he had in the immediate area? Responding to Mr. Tolbert, Mr. Braunskill stated no he couldn’t say.

Mr. Tolbert stated that he would suggest that Mr. Braunskill talk to those neighbors because at this hearing, they will only deal with the zoning issue. That is the only thing that they are going to vote on tonight and their vote is only a recommendation to City Council. You should also attend the City Council meeting and tell your neighbors.

Mr. Braunskill stated they will do that but at the same time, he is saying that he doesn’t see the need for a change in zoning. He is not looking forward to seeing a six-story building or gas tanks in the area.
Mr. Tolbert stated that it would be advisable for you to tell your neighbors and find out where they stand on the issue also because it involves all of you in that area.

Mr. Charles Jackson – 126 North Kirkwood Street Dover, DE 19904

Mr. Jackson stated that he lives in the neighborhood and he is President of the Neighborhood Watch. At a past meeting that they had, there is a big concern about what is going to be done with this property. They would like to see the zone stay the same. They don’t need anything above two stories and people would be more comfortable with traffic not getting heavier than what it is now.

Mr. Tolbert closed the public hearing.

Mr. Adams questioned if the applicant had any responses to any of the comments from the public? Responding to Mr. Adams, Mr. Paradee stated that he thinks it is important for the Planning Commission to understand that due to the very small size of this property, it is extremely unlikely that anything substantial can be built here given the setback requirements and the parking requirements in the Code. For example, a six story hotel is never going to happen here but you couldn’t possibly get enough parking spots on this tiny parcel. They are not seeking and have no plans for any particular use but they are certainly not seeking to do something that would be out of character for the neighborhood. C-2A (Limited Central Commercial Zone) does give them a little flexibility that C-1A (Limited Commercial Zone) does not have as the Staff Report has recognized. He thinks some of the fears that you’ve heard tonight are candidly unfounded because he thinks given the physical constraints of the property, it’s just not realistic that something that is going to be an eye sore or something that is going to be out of character with the neighborhood would happen here. With regard to the traffic and other concerns, those are really Site Plan concerns and not zoning concerns. Obviously, they will have to come back to this body if the Rezoning is approved with any Site Plan application. The Code gives the Planning Commission and City Council plenty of leverage to restrict what they can do in terms of conditions that will address some of the concerns that you heard tonight. He hopes that you will bear that in mind.

Dr. Jones stated that she noticed that the present use is a vacant property. How long has it been vacant? Responding to Dr. Jones, Mr. Harman stated that the previous use of the property was an office for his grandfather’s heating oil distribution business. He had an office on that property. The tanks were above ground and they can verify that for you. Right now it is a vacant lot. What he thinks they are looking for is a little more flexibility. They have no interest in opening up a hotel and he doesn’t think that it would be possible for them to build a six story building. Their engineer from Century Engineering can verify that as well. It was his grandfather’s place of business since the 1930’s.

Dr. Jones stated that it has been noted by members of the public that there is some concern about the change to C-2A (Limited Central Commercial Zone) and you have indicated a couple of times that there is no intention to build a six story facility. Were you sorely restricted with C-1A (Limited Commercial Zone) in terms of your vision of the property which is the reason that you are now coming to have a change? Responding to Dr. Jones, Mr. Harman stated yes. It is impossible to building something that is more than three stories on this property because it is so small and you can’t possibly comply with all of the setback and parking requirements, let alone stormwater
management and so forth. They don’t have any intention of building a monstrosity like that. But C-2A (Limited Central Commercial Zone) does give you a number of additional uses that are not permitted in C-1A (Limited Commercial Zone). They are simply trying to maximize the highest and best use of the property but again it’s going to be severely restricted given the physical limitations of the property. As he stated, they are going to come back to the Planning Commission once they have a specific proposal with a Site Plan. They will be happy to engage the neighbors and address whatever concerns they have to make it as visually acceptable and nuisance-free to them. This body as well as City Council has all kinds of authority under the Code to impose conditions to ensure that.

Mr. Roach questioned what are the things that would be allowed to be done from a C-1A (Limited Commercial Zone) to C-2A (Limited Central Commercial Zone)? It seems to him that it is kind of contradicting to say that we know we are not building a six story building but we don’t know what we are building. What are the things that will open up for them to be able to do other than a gas station or six story building? Responding to Mr. Roach, Mr. Paradee stated gas pumps. Gas pumps are a Conditional Use but that is not something that they could do without coming back to the Planning Commission and getting Conditional Use approval. You cannot have gas pumps in C-1A (Limited Commercial Zone) but you can have them in C-2A (Limited Central Commercial Zone) so that is the obviously one.

Mr. Harman stated that one of the main reasons that they are pursing C-2A (Limited Central Commercial Zone) is because of the favorable setbacks. It allows them to utilize more of the property. The property is about 0.51 acres so that limits them with parking restrictions. They have actually reached out to NCALL. Previously, he thinks that they have done great work building single family homes within the area. One thought that they have is that on a ½ acre lot they could fit two or three family homes with enough of a back yard and enough parking. They certainly don’t want to change the character of the area but they have been active and been to Downtown Dover Development Committee meetings. He thinks that there is a chance to provide services and something that people need in the neighborhood. The real reason that they want to pursue C-2A (Limited Central Commercial Zone) is because of the favorable setbacks. They don’t want to build lot line to lot line but it also gives them more flexibility.

Mr. Paradee stated that if he had to guess what this would be and he represents a lot of real estate developers who look at sites like this, he would guess that it would end of being some sort of small retail location; maybe a small grocery store. Then it would be up to this body and City Council if somebody wanted to put a service station with gas pumps. That is something that they could certainly say no to. It’s not something that will automatically happen if you grant the flexibility that C-2A (Limited Central Commercial Zone) would give.

Mr. Tolbert stated that they are limited to just the Rezoning. They are only going to make a recommendation to City Council and then City Council will do what they wish so we don’t have to get into anything other than the zoning. Keep in mind that the zoning extends their uses of that land and all of them are not negative. Some of them are very positive. Keep that in mind as we proceed with questions, comments or a motion.

Mrs. Melson-Williams stated that she wanted to remind the Commissioners that when they are voting they will need to provide comments and reasons for whichever way they happen to be voting.
Ms. Maucher questioned if Planning Staff could comment on the setback issue? Responding to Ms. Maucher, Mrs. Melson-Williams stated that the differences in setbacks are really a difference in the front yard setback which would be from the street and in this case two streets. C-1A (Limited Commercial Zone) has a front yard setback of twenty five feet and C-2A (Limited Central Commercial Zone) has a front yard setback of fifteen feet. C-2A (Limited Central Commercial Zone) would allow a building to be built closer to the street. The side yard setbacks are the same in both zones being none but a five foot minimum if it is provided. That would be the area along the alley; the eastern property line of the sites. The rear yard setback in the case of C-1A (Limited Commercial Zone) is fifteen feet and C-2A (Limited Central Commercial Zone) requires five feet at the ground floor and twenty feet above that. In the C-2A (Limited Central Commercial Zone), it becomes a stepped back situation. You could do the math and draw what the shape of the buildable area looks like on both of those lots. It is somewhat comparable but it certainly in C-2A (Limited Central Commercial Zone) allows a building to be closer to the street. As we already mentioned, there is a difference in maximum height. C-1A (Limited Commercial Zone) is two story, thirty feet and C-2A (Limited Central Commercial Zone) is six story, seventy-five feet. The other thing that will govern how much building versus the site you can have is something called the Floor Area Ratio which is the ratio of the total floor area of the building to the lot size. In C-1A (Limited Commercial Zone) that is 0.5 and C-2A (Limited Central Commercial Zone) is 4.0. For example, in C-2A (Limited Central Commercial Zone) the building can be four times the size of your lot and you typically achieve that by multiple floors. In her experience here in the Planning Office, typically most designs don’t get close to what that maximum is just because of the other requirements for building and parking and those types of things on the site. There are certainly in either case, tree planting requirements and perhaps some buffer requirements as well depending on the use.

Dr. Jones questioned if changing the zoning from C-1A (Limited Commercial Zone) to C-2A (Limited Central Commercial Zone), would that perspective change minimize the number of requests for variances that we often get? Responding to Dr. Jones, Mrs. Melson-Williams stated that it really depends on the project whether there would be a need for variances. In this corridor, there has been a recent request for a variance involving a C-1A (Limited Commercial Zone) property in regards to height. It really depends on the design of the project and the Board of Adjustment is the body that would deal with variances for things like bulk standards.

Mr. Adams moved to recommend approval to City Council for Z-19-05 Lands of Harman Oil, Inc. at 53 N. West Street and 517 W. Division Street to change the zoning from C-1A (Limited Commercial Zone) to C-2A (Limited Central Commercial Zone) as the proposed zoning is consistent with the Comprehensive Plan for the land use classification of Mixed Use. He would further encourage the applicant to continue their work with both NCALL and the neighbors to develop a plan that makes the most sense for both the property and the neighborhood at large, seconded by Dr. Jones and the motion was carried 7-2 by roll call vote. Mr. Adams voting yes. Mr. Roach voting yes; he also wants to echo that they work with NCALL and that the public continue to work and show up to the City Council meeting to express concerns with them as well. With him being a resident of Dover, he has been staring at that vacant lot for his entire life and he would much rather see development in that area to be able to bring some things into our city that could help out the residents as opposed to it being a vacant lot where Dover PD sits and gives people tickets. Ms. Edwards voting no; to Ms. Speakman’s earlier point that it opens the door for opportunity that is being opposed by nearby
residents. Mr. Holt voting yes; he thinks it gives them the opportunity to build with the new zoning. Mr. Baldwin voting yes; it is consistent with the Comprehensive Plan for that area. Dr. Jones voting yes; with the full understanding that there will be a concerted effort to work with NCALL and the residents. The other thing that she would add is that whatever is finally developed would be of wholesome benefit for residents in that neighborhood. Mrs. Welsh voting yes; it is consistent with the Comprehensive Plan and she echoes Dr. Jones’ concerns. There is also the opportunity to address any specific issues once there is a finalized design for the property because that will come back to the Planning Commission and that any concerns could be addressed at that point. Ms. Maucher voting no; once the zoning changes it is difficult to claw back. She thinks the zoning should remain as it is. Mr. Tolbert voting yes; the approval of this application increases the utilization of the area which is needed and is consistent with the Comprehensive Plan. At this point, we are only dealing with the zoning of the property. If anything goes up on that site it has to come back before the Commission. Those that have problems with it certainly have an obligation that when it goes before City Council to make their views known there regarding the change but at this point he doesn’t see anything wrong with changing the zoning.

Mr. Paradee stated that they appreciate and respect the concerns that were expressed here tonight and it is their commitment to address them.

2) Z-19-06 Lands of AID in Dover, Inc. at 731 and 801 W. Division Street – Public Hearing and Review for Recommendation to City Council for a rezoning application for two parcels of land consisting of 11,350 SF +/- and 8,400 SF +/- . The properties are zoned C-2A (Limited Central Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is IO (Institutional and Office Zone) subject to the COZ-1 (Corridor Overlay Zone). The properties are located on the north side of West Division Street and east of but not adjacent to Weston Drive. The owner of record is AID in Dover, Inc and the equitable owner is Central Delaware Housing Collaborative. Property Addresses: 731 and 801 W. Division Street. Tax Parcels: ED-05-076.08-01-34.00-000 and ED-05-076.08-01-32.00-000. Council District 4. Ordinance #2019-12.

Representatives: Mr. Dan Houghtaling, Central Delaware Housing Collaborative

Ms. Edwards recused herself from this application as she was directly involved in raising money for this project.

Mrs. Melson-Williams stated that this application involves two properties further west on Division Street. As you see on the screen, the bright yellow identifies the two properties that are addressed as 731 W Division Street and 801 W Division Street. The property owner is AID in Dover, Inc and there is an equitable owner of the Central Delaware Housing Collaborative. Currently on the site there are several vacant buildings. The property is zoned C-2A (Limited Central Commercial Zone) and is also subject to the COZ-1 (Corridor Overlay Zone) which is the dark green shown on the Exhibit Map. They are requesting rezoning of the property to IO (Institutional and Office Zone) with it remaining subject to the COZ-1 (Corridor Overlay Zone). Their request to rezone is to allow for a proposed use of at least one of the buildings as a shelter facility. The DAC Report did note some previous history of these properties. They were previously operated in the dormitory style facility as a shelter and that at the time it was a legal non-conforming use in the C-2A (Limited Central Commercial Zone). She thinks the zoning of these properties has changed over
the years. However, the shelter ceased operations and their legal non-conforming status to operate as a shelter expired in January of this year. There is a new potential property owner here that is seeking to take the property to a zone that would allow for that shelter type facility as a permitted use. The zoning in this area is predominantly commercial in nature. There is a variety of C-2A (Limited Central Commercial Zone) and C-1A (Limited Commercial Zone). Across Division Street is a laundromat and car wash which is zoned C-3 (Service Commercial Zone) and then a little further west across Weston Drive is the campuses of Booker T. Washington and William Henry (schools) as part of the Capital School District. Looking at the Comprehensive Plan for this area, it is currently on the Land Development Plan Map as Commercial. They do note that the Preliminary Draft for the Comprehensive Plan shows these properties potentially going to the land use classification of Mixed Use. In either case, the IO (Institutional and Office Zone) is compatible with the commercial land use classification. In the Report is the full text of what types of uses are allowed in the IO (Institutional and Office Zone). It ranges from offices, medical type facilities, a series of different public and institutional type uses and day care center facilities. There are some Conditional Uses that are allowed in the IO (Institutional and Office Zone) and accessory uses once you get into more of a campus like setting. For this application, their focus is on the fact that that IO (Institutional and Office Zone) does allow for emergency shelters. “Emergency shelters” and “transitional housing” in the IO (Institutional and Office Zone) both have very specific definitions and they were included in the packet for reference. The COZ-1 (Corridor Overlay Zone) is not necessarily related to use but related to more of a site design requirement. Should anything additional be built on these properties then they would be subject to those provisions as well. Planning Staff is recommending that the Rezoning be granted to the IO (Institutional and Office Zone) zoning classification as it is consistent with the 2008 Comprehensive Plan and the Commercial Land Use Classification. They do recommend that the property remain subject to the COZ-1 (Corridor Overlay Zone) because they do have prominent frontage on the corridor that is the focus of that special zone with it being West Division Street which also becomes Forrest Avenue and the Route 8 Corridor. The other thing that they would note is that this is a high traffic corridor and any of the redevelopment in it would be subject to additional review processes. Like the last Rezoning, our agencies participating the DAC the Public Works Office and the Electric Department as well as the Fire Marshal’s Office have no objection to the Rezoning; however, do offer some guidance on future redevelopment or renovations associated with the project sites. The applicant has been meeting with the Fire Marshal’s Office in regards to any kind of future use of the existing buildings on the site. DelDOT has no objection to the Rezoning; however, redevelopment may cause requirements for submissions to that agency as well.

Mr. Houghtaling stated that he chairs the Central Delaware Housing Collaborative. They are in agreement with the DAC. There are some things that they have to do and there are some things that are already done. They are moving forward. This zoning hinges on the fact that they can buy the property or not with the prearranged agreement with the Delaware State Housing Authority. Right now, it is going to be a homeless shelter for approximately twenty women. They are taking the building that was abandoned almost two years ago and trying to bring it back to life.

Mr. Tolbert questioned if the applicant had no problem working further with the Planning Staff? Responding to Mr. Tolbert, Mr. Houghtaling stated no, they have been very helpful so far and hope to continue the relationship.
Mr. Roach stated that the plan is to possibly house twenty women. Responding to Mr. Roach, Mr. Houghtaling stated yes.

Mr. Roach questioned if it would be a women and children shelter? Responding to Mr. Roach, Mr. Houghtaling stated no, they have to be separated. At this stage of their growth, they were advised by the Housing Authority that Dover and Kent County needs a shelter for homeless women.

Mr. Roach questioned if it would have restrictions in regards to operating hours as it pertains to when the women are allowed to be in the shelter? Responding to Mr. Roach, Mr. Houghtaling stated that they have a very strict Code that they have to follow to be in the shelter.

Mr. Roach stated that he doesn’t mean in regards to a time restriction because he knows that there are several shelters already here in Dover where during the day they are not allowed to be there. They can come at night for housing so therefore you see a lot of them hanging out around the shelter. Since he works at Booker T. Washington, he definitely has a vested interest because the kids walking from Booker T. Washington and William Henry come right down that street in front of that building every single day. He knows that they are discussing the zoning right now but he is looking at the bigger picture. If they say from the hours of 8AM to 4PM, you should be out looking for a job but women are standing out in front of the building that is a concern to him in regards to the safety of the children that are leaving school and walking across that street. Regardless of whatever they are housed in that shelter for, whether it is because of domestic violence, drug abuse or homelessness, it seems like a concern to him if we don’t know the operating hours. Responding to Mr. Roach, Mr. Houghtaling stated that he is right because they come to the shelter for 30-90 days. They can be asked to leave if they are not going to conform with the program that they have to offer. Part of that program says that while they are with us they have to be looking for a job. They will be taking classes like certain classes with us on how to manage money, how to find a job and how to complete a resume. But there is a point where they have to be out looking for jobs. They will not lock the women out during the day time. They will be allowed to use their rooms. That is the one big difference from the men’s shelter.

Mr. Holt questioned if these homeless women are local or are they from another area? Responding to Mr. Holt, Mr. Houghtaling stated that there are probably some of both. There are 4 tent villages now and there are women occupying every one of them. This is relatively new. There are a few shelters now that take in women and children but there is no dedicated women’s shelter. From the numbers that they are told, twenty would be a good number to build off of.

Mr. Adams stated that the expectation would be to start with twenty but does the property allow for opportunity to grow beyond that size? Responding to Mr. Adams, Mr. Houghtaling stated no, they would start with eight and work their way up to twenty. There is a lot next door to them that they want to develop into some type of transitional or supportive housing. They already have transitional housing; they rent homes in the community. But when you rent a home and don’t own it and you put the utilities on top of it and break it down into three women that are living there, it’s almost unaffordable at that stage of the game. If you live somewhere and have a home, the Social Security Office gives you $700.00 a month. If you are homeless you only get $450 a month to live on and you bring them into transitional housing, $450.00 doesn’t begin to cover their cost of a
A three bedroom place shared by three women.

Mr. Houghtaling stated that they agree with the overview and they are happy with this stage that they are at right now.

Mr. Tolbert opened a public hearing.

Ms. Karen Speakman – NCALL, 363 Saulsbury Road Dover DE 19901

Ms. Speakman stated that she is in favor of this proposed change in zoning. Very much we need more housing that is affordable for families and for women. There is a desperate need for housing that would house homeless women. As said, we don’t have a shelter right now for that and the homeless population is only growing unfortunately. We do not have enough affordable housing.

Mr. Holt questioned if these women have ever been married? Responding to Mr. Holt, Mr. Houghtaling stated that they could be divorced; they could be battered or they could be addicts.

Mr. Holt further questioned if they can’t go after the husbands? Responding to Mr. Holt, Mr. Houghtaling stated again, they have very strict rules. If they come in that house, there is no male contact on the premises and they discourage it off the property. They have a limited number of days to work with them to get them on their feet and get them into the next stage of housing. They get all kinds of people. You have some that want to be there and then there are some that are just looking for a place to stay. If they are not part of their program then we are going to move them aside real quick especially with the number of people that are out there.

Mr. Tolbert questioned how long the women can stay in this shelter? Responding to Mr. Tolbert, Mr. Houghtaling stated ninety days but under certain circumstances they will extend to one hundred twenty days if they are making progress toward the end game.

Mr. Roach stated that he knows the staff to kid ratio but what is the staff to adult ratio in regards to working the shelter? Responding to Mr. Roach, Mr. Houghtaling stated that the Collaborative will have a full time house manager living in the house 24/7. They are a collaborative so they work with other agencies. Currently, they have no plans for case managers. Every person that is referred to them is referred by another agency. That case manager has to stay with that person for the duration of time that they are in the house with us. They actually have a proposed office for these case managers that will be coming in and out and other service providers will also be coming in and out.

Mr. Tolbert closed the public hearing.

Dr. Jones moved to recommend approval to City Council for Z-19-06 Lands of AID in Dover, Inc. at 731 and 801 W. Division Street to change the zoning from its present zoning to IO (Institutional and Office Zone) with the COZ-1 (Corridor Overlay Zone), seconded by Mr. Holt and the motion was carried 8-0 with Ms. Edwards recused. Dr. Jones voting yes; it’s a great project. Mrs. Welsh voting yes; it’s a great project and it complies with the Comprehensive Plan. Ms. Maucher voting yes; it is consistent with the Comprehensive Plan and the rezoning matches
this intended purpose. Mr. Adams voting yes; he is supportive of the project and wishes the applicant good luck. Mr. Roach voting yes; somewhat hesitantly because he has seen projects like this in the area but he is going to have faith that they will do it the right way because it serves a great need to community service to homeless women in our area. Mr. Holt voting yes; there is a great need and he wishes the applicant luck for success. Mr. Baldwin voting yes; it is consistent with the land use classification. Mr. Tolbert voting yes; we are in need of such shelters and he wishes them success with this shelter. He hopes that they can get it going quickly.

Ms. Edwards returned to the meeting.

3) C-19-01 Lands of Kent Del Properties, LLC: Apartments at 589 North DuPont Highway –
Public Hearing and Review of a Conditional Use Application to permit the rear building on the property to be converted into apartments to contain two (2) dwelling units. The subject property consists of 0.32 +/- acres (12,900 SF) located on the northeast side of North DuPont Highway (US Rt. 13) north of Townsend Boulevard. The property is zoned C-4 (Highway Commercial) and subject to the SWPOZ (Source Water Protection Overlay Zone): Tier 3 – Excellent Recharge Area. The owner of record is Kent Del Properties, LLC. Property Address: 589 North DuPont Highway. Tax Parcel: ED-05-068.09-01-25.00-000. Council District 3.

Representatives: Mr. Glenn Mandalas, Baird Mandalas Brockstedt

Mr. Swierczek stated that this is a Conditional Use application to permit the rear building on the property addressed as 589 North DuPont Highway to be converted into apartments to contain a total of two dwelling units. The property is located on the northeast side of North DuPont Highway, north of Townsend Boulevard and is zoned C-4 (Highway Commercial Zone) and is subject to the SWPOZ (Source Water Protection Overlay Zone): Tier 3 – Excellent Recharge Area. The rear building which is two stories currently contains an apartment unit on the second floor with a commercial use on the first floor. The applicant wishes to convert the lower level to also contain an apartment unit so there will be a total of two apartments in the building. The building at the front of the property is to continue as a commercial use. According to the Zoning Ordinance, Article 3 Section 16.2A, apartments are an acceptable Conditional Use in the C-4 (Highway Commercial Zone). The current application for review is based on the Site Plan with a submission date of May 9, 2019 as well as the original letter and a series of photographs with the date of April 5, 2019. The applicant has noted that they intend to maintain a low intensity commercial use in the building at the front of the property. The commercial use of the building at the front of the property must comply with the regulations regarding the SWPOZ (Source Water Protection Overlay Zone): Tier 3 – Excellent Recharge Area as found in the Zoning Ordinance. A series of photographs were provided and the applicant has confirmed that there will be no major alterations in appearance to either of the buildings. The applicant has however noted that five new trees would be provided along the southern boundary of the site behind the rear building. Furthermore, it should be noted that the Delaware Department of Transportation is currently working on a program to introduce sidewalks along the north side of North DuPont Highway from Townsend Boulevard north to Jefferic Boulevard. This would include the frontage along the southwest edge of the property subject to this application. The plan that is provided by the applicant does not note this (sidewalks) project nor the inclusion of any other new sidewalks. The applicant has also identified that a new enclosure for the required two
dumpsters will be built upon the gravel surface at the rear of the property. While Staff is satisfied that the gravel surface is sufficient to meet Code requirements, more details on the vertical screening elements of the dumpster enclosure to be provided are required. It should be noted that there was a slight error in the Report submitted to the Planning Commission for review in that there were only two Recommendations Suggested as Conditions of Approval to meet Code objectives. These would be numbers 3 and 4, not numbers 1 and 2 listed under the Recommendations. Therefore, Staff recommends the following two recommendations. Recommendation #3 states that the applicant should delineate parking spaces to ensure site circulation and fire protection needs are maintained around the buildings. The parking spaces must be clearly defined from the drive aisles to ensure proper traffic flow and limit any potential obstructions. Staff recommends accomplishing this with the use of parking bumpers, the restriping of parking spaces as well as adding any additional directional arrows or signage necessary for traffic circulation. Recommendation #2 which again is #4 listed in the Recommendations, Staff recommends a designated bicycle parking facility on the property. The applicant has indicated that they will provide such a facility and noted its location on the Site Plan but additional detailed information as to its form is still needed. If the Planning Commission approves the Conditional Use, the use is granted as a Conditional Use Permit, not unlike the C-17-04 House of Pride application that was reviewed earlier. Such Permits may be permanent subject to limitations outlined in the Zoning Ordinance, Article 10, Section 1.41 or be required by the Commission to undergo periodic renewal like the one reviewed earlier this evening using the procedure described in Article 10, Section 1.42.

Mr. Mandalas stated that they are in agreement with the Staff recommendations. They are good ones and they are happy to comply with those. The application is for the back building. There are two buildings on this property. The rear building previously had a massage parlor and a spa in it on the first floor. The second floor was an apartment; we think as recently as 2014 since that is the last Rental License that they can find for it. That top floor has had that residential use and the bottom floor had a residential use at one time. In fact, the building was constructed to be two apartments but was converted some time later to a massage parlor and spa. If the Commission approves this use, they will be returning that back building to its original intended purpose of a residential use. There has been a little bit of discussion tonight about affordable housing and he thinks this would accommodate some of those needs in the City. It’s only two units but they are relatively small units and he anticipates that they would be in an affordable class of residential property. Concerning the legal standard, they think that granting the residential use would not be a detriment to the health, safety or welfare of the public or the residents of the immediate neighborhood. It has adequate access from North DuPont Highway; the structure already exists and there is nothing planned to change the configuration of the structure that would adversely impact the character of the neighborhood. In fact, they think that it’s going to enhance it since they have already replaced the roofs on both of the buildings on the property and they are doing some other site improvements. The proposed use is residential and what they have to the rear of the property is residences behind it; so, this is more in kind with what is already there. Although their residences are going to be about fifty feet off of their property line so there will be a fair amount of buffering even between the residential uses. The property does easily accommodate the five required parking spaces for the residential use and then there are three spaces required for the front commercial building. They are planting trees on the southeastern portion of the property to comply with the tree requirement. They are doing the parking delineation with the
parking bumpers. They will have the bicycle rack installation as recommended. They think that this is a good project. Granting this Conditional Use will allow for the revitalization of an otherwise vacant property along the City corridor.

Mr. Tolbert stated that Staff has made some recommendations regarding parking, is the applicant in agreement with those things and will they continue to work with Planning Staff? Responding to Mr. Tolbert, Mr. Mandalas stated that he is in agreement and will comply and will continue to work with Planning Staff. The Site Plan is no Picasso and they are having that redone in connection with the Certificate of Occupancy that will be needed for this property. He is sorry that he doesn’t have something better for the Commission this evening but there is something in the works.

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

Mr. Roach moved to approve C-19-01 Lands of Kent Del Properties, LLC: Apartments at 589 North Dupont Highway for a Conditional Use and to include Staff recommendations and comments, seconded by Mrs. Welsh and the motion was carried 9-0 by roll call vote. Mr. Roach voting yes; for reasons previously stated. Ms. Edwards voting yes; it was an apartment at one point and she does believe that it will stay in compliance with the surrounding area. Mr. Holt voting yes. Mr. Balding voting yes; it’s consistent with the rest of the neighborhood. Dr. Jones voting yes; for reasons previously stated. Mrs. Welsh voting yes; for reasons previously stated. Ms. Maucher voting yes; based on Staff recommendations. Mr. Adams voting yes; he is supportive of the project and also the affordable housing component as well. Mr. Tolbert voting yes; for all reasons stated.

NEW BUSINESS

1) Project for Dover’s 2019 Comprehensive Plan
   a. Update on Project Activities

Mrs. Melson-Williams stated that they have very busily been rewriting a whole series of different chapters at this point. They do remind the Commission to check the City’s webpage that has what they have released to the public: Preliminary Draft #2A of the Goals and Recommendations. They have set a somewhat ambitious deadline for themselves as they would like to have a rough rough draft of all of the chapters by the end of the month. They have made significant progress but they are still working away when they find moments here and there. With that, they are still probably looking at September for its formal review. They will release a Draft this summer. If the Commissioners have thoughts as they look at applications or drive around the City and want to make sure that Staff is thinking about something, please let them know. It is easier to tell them now then for them to amend it later on the floor. They are working away but she will be happy to try to address any questions from the Commission.

Mr. Tolbert stated that he noticed the project that is going up at Division Street and Route 13 where the Aldi store is. Starbucks is already open and they are still building there. They already have a license for occupancy and to operate and yet they are still building on that site.
Responding to Mr. Tolbert, Mrs. Melson-Williams stated that he is talking about what is known as the Capital Station site which is the old Playtex Building. Its address is 10-50 North DuPont Highway. Yes, the first tenant is occupying one of the tenant spaces in the front middle building and that is Starbucks. They opened within the last two weeks. Each building has its own Building Permit and each tenant space also has its own Building Permit; so, you will slowly see parts of that property take occupancy and begin to operate. She can tell you that Staff, both in the Planning Office and in a number of the other City offices, did have to work very closely to allow the first tenant to open, meaning that they had to make sure that the entrances from Division Street and Route 13 were granted their blessing by DelDOT in order for the public to use them as well as making sure that the areas immediately around that building were ready to receive the public. When you have a property such as that, that has multiple buildings, you can expect that some of it may be occupied while other areas are still under construction. She thinks that the fifth building which is Building 3 will hopefully be getting underway soon. The Aldi is close; Red Robin is going crazy which is the piece closest to Wells Fargo and then the back building is another multi-tenant building. It’s a project and it can get complicated when you talk about construction versus people coming to partake in the services.

Mr. Tolbert stated that his concern was that they are still under heavy construction but you have the public coming on that site. That poses a dangerous situation.

Mr. Holt questioned the Ethics course on June 11th. Responding to Mr. Holt, Mrs. Melson-Williams stated that an email went out last week. There is a required Ethics Training session that has been scheduled for June 11th. As far as she knows, there is only one session scheduled. They have not been advised that there are others. This time last year there was a series of dates and times that you could be pick and choose from. It is a requirement and attending it does count as a meeting so you will get paid for that. Please let Staff know of your attendance. If you are coming great, if you have a particular reason for a conflict, please let Staff know that as well so they can let the office conducting the training know.

Mr. Tolbert questioned the time? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that it is a 5PM in Council Chambers.

Meeting adjourned at 8:47 PM.

Sincerely,

Kristen Mullaney
Secretary
<table>
<thead>
<tr>
<th>Plan Title:</th>
<th>Duplex at 106 Willis Road C-19-02</th>
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<tr>
<td>Plan Type:</td>
<td>Conditional Use Plan with Minor Subdivision Plan</td>
</tr>
<tr>
<td>Property Location:</td>
<td>On the west side of Willis Road, north of East Division Street</td>
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<tr>
<td>Property Address:</td>
<td>106 Willis Road</td>
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<tr>
<td>Applicant:</td>
<td>1944 Builder, LLC</td>
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<tr>
<td>Tax Parcel:</td>
<td>ED-05-068.19-01-23.00-000</td>
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<tr>
<td>Zoning:</td>
<td>RG-2 (General Residence Zone)</td>
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| Proposed Lots:   | Lot 1: 3,750 SF  
|                  | Lot 2: 3,750 SF |
| Current Use:     | Vacant lot |
| Proposed Use:    | A duplex of 2 dwelling units on 2 separate lots (one unit per lot) |
| Site Area:       | 7,500 SF (0.17 +/- acers) |
| Sewer & Water:   | City of Dover |
| Related Application: | V-19-03: Variances granted related to setbacks and lot area in RG-2 |
I. PLAN SUMMARY
This is Review of a Conditional Use application to construct one (1) duplex building for a total of two one-story units. The project includes a Minor Subdivision Plan to permit the subdivision of a 7,500 SF (0.17 +/- acres) parcel into two (2) lots of 3,750 SF each. The total property is 7,500 SF (0.17 +/- acres) and is zoned RG-2 (General Residence Zone). The property is located on the west side of Willis Road, north of East Division Street. The owner of record is 1944 Builder, LLC. Property Addresses: 106 Willis Road. Tax Parcel: ED-05-068.19-01-23.00-000. Two variances were approved by the Board of Adjustment at their March 2019 meeting. The variances are from Zoning Ordinance, Article 4 §4.43 pertaining to the bulk standards of the RG-2 zone: to reduce the minimum lot size from 5,000 SF to 3,500 SF: and to reduce the minimum side yard requirement from 10 feet to 5 feet. (V-19-03).

II. PROJECT DESCRIPTION
The project is located on the west side of Willis Road, north of Division Street. Across Willis Road to the north and the east are the Mapleton Square Apartments zoned RG-2 (General Residence Zone), and the properties to the south of the subject site contain townhouses and duplexes zoned RG-3 (Group Housing Zone).

The Minor Subdivision Plan and Conditional Use Plan proposes to subdivide a 7,500 SF parcel of land into two (2) lots: Lot 1 and Lot 2 of 3,750 SF each. The Conditional Use Plan is to permit the construction of a one story duplex unit to provide one dwelling unit on each of the subdivided parcels for a total two (2) dwelling units. The applicant has provided example floor plans for the units (Model A 788 SF and Model B 909 SF each). The front of the dwelling units will face Willis Road with sidewalks and a front porch leading to the entrance of the dwelling unit. Each lot will have access off the alley for one paved off-street parking space.

Application V-19-03 was approved by the Board of Adjustment at its meeting of March 17, 2019 to approve two variances from the requirements of Zoning Ordinance, Article 4 §4.3 pertaining to the bulk standards of the RG-2 (General Residence Zone). One variance reduces the minimum lot size from 5,000 SF to 3,500 SF. The second variance granted to reduce the minimum side yard requirement from 10 feet to 5 feet.
III. CONDITIONAL USE:
The proposed use as a duplex/one-family semi-detached dwellings is permitted as a Conditional Use subject to Planning Commission approval in the RG-2 zone as outlined in Zoning Ordinance Article 3 §2.4b. (excerpted).

**Duplex:** A one family, semi-detached dwelling unit having only one dwelling unit from ground to roof and only one wall in common with another dwelling unit.

**Zoning Ordinance** amendments (Ordinance #2015-13, adopted October 12, 2015) made townhouses and duplexes permitted dwelling types in the RG-1 and RG-2 zones, subject to Conditional Use approval and specific restrictions.

Article 3, Section 2

2.4 **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) Townhouses subject to the following restrictions:
   i. No more than one dwelling unit shall be permitted upon a lot.
   ii. No more than four dwelling units shall be permitted in a group of townhouses.
   iii. Each group of townhouses shall be physically separated from another by no less than two dwelling units of a different housing type from other groups of townhouses on the same side of the street.
   iv. Townhouse groups shall be designed to minimize points of access to the public street and to take access from an alley or other shared access where such access is available.

(b) Duplex dwellings subject to the following restrictions:
   i. No more than one dwelling unit shall be permitted upon a lot
   ii. Duplex dwellings shall be designed to minimize points of access to the public street and to take access from an alley or other shared access where such access is available.

Guidelines for infill development were also included in the 2015 amendments to direct the design of façade orientation, sidewalks and landscaping as noted in Zoning Ordinance, Article 5 §1.12:

Article 5, Section 1

1.12 **Infill Standards.** In locations where a lot or group of lots lies within a developed area, the following standards shall apply to the development of the infill lots:

(a) Sidewalks. Standard City of Dover sidewalk, per chapter 98, shall be required to be installed along public street frontage of every infill property by the property owner or developer.

(b) Landscaping. Infill structures shall be designed to minimize the impact on existing, mature trees when practical. All residential lots shall include landscaping to include plants and shrubs along the portions of the house that front a public street. No form of vegetation shall be planted on a property in a way that blocks more than half of the front façade(s) from public view.

(c) Primary facade. All buildings shall include a primary entry along the property’s street frontage and shall also include a porch or other entry feature.

**ARTICLE 10. PLANNING COMMISSION**

**Section 1. - Approval of conditional uses.**

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

1.1 *Accessibility for 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.

**IV. SITE CONSIDERATIONS**

**Parking**

*Zoning Ordinance* Article 4 §4.3 "Zoning Bulk and Parking Regulations" for RG-2 requires a minimum of one (1) parking space per dwelling unit. The proposed lots include 13x12 driveways from the alley at the rear of each lot as a parking space that meets the required size for one (1) parking space.

**Sanitation Services/Recycling**

Trash/Recycling collection will be serviced by the City of Dover likely at the rear of the building along the alley.

**Sidewalks**

Sidewalks are required along the property street frontages of each lot on Willis Road. There is no existing sidewalk along Willis Road. Sidewalks are shown on the plan along the frontage and connecting to the dwelling from the street frontage sidewalk. Other departments may require detail sheet(s) related to paving & curbing. Refer to *Zoning Ordinance* Article 5 §18 for requirements and construction standards.
Building layout and siting
The proposed one-story building has two dwelling units. A rendering of the building model/floorplan was provided. It has not been determined which model will be constructed. The structure appears to be a conventional wood frame building with horizontal siding and asphalt shingle roofs.

Infill standards found in Zoning Ordinance, Article 5 §1.12 related to the development of infill lots require the primary façade along the property's street frontage and shall also include a porch or other entry feature. The renderings presented show a porch spanning over the front facade. Such structures are permitted encroachments into required setbacks if they meet size conditions found in Zoning Ordinance, Article 5 §1.5.

V. TREE PLANTING AND LANDSCAPE PLAN
Landscaping requirements are subject principally to the regulations found in the Zoning Ordinance, Article 5, Section 15 and 16 and are also addressed in other various sections of the code related to buffering, screening, and open space.

All development in non-woodland areas requiring approval of the Planning Commission are required to submit a tree preservation and planting plan as set forth in Article 5 §16.6. The submitted plan includes the required landscaping details. Required tree density for each property is one (1) tree per 3,000 SF of lot area or fraction thereof. Based on the lot sizes in the proposed Minor Subdivision of 3,750 SF for each lot, two (2) trees per lot is required and are identified on the Plan.

Infill standards in Article 5 §1.12 require landscaping to include plants and shrubs along portions of the house that front a public street. Additionally, refer to landscape guidelines found in Article 5 §15. Any existing trees planned for removal should be identified on the required tree preservation, planting, and selective clearing plan as specified in Article 5 §16.8.

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

VI. CITY AND STATE CODE REQUIREMENTS:

1) Data Sheet: Please add/correct the following:
   a. Add the tree planting requirement in Article 5 Section 16.62 that requires one tree for every 3,000 SF or fraction thereof.
   b. Add a note to the data column with the off-street parking required and the parking provided with the dimensions of the parking spaces.
   c. Add a note to the data column with a brief narrative description of the proposed Conditional Use.
   d. In the data column revise lot coverage maximum requirement from 45% to 50%.
   e. Show impervious surface calculation.
   f. Conformation will be needed on the design of the units that will be constructed.
VII. RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

Staff recommends approval of Conditional Use for the duplex unit of one dwelling unit per lot.

1) Add Conditional Use statement Infill Standards in Article 5 Section 1.12 of the Zoning Ordinance on the Plan.

Infill Standards. In locations where a lot or group of lots lies within a developed area, the following standards shall apply to the development of the infill lots:

(a) Sidewalks. Standard City of Dover sidewalk, per chapter 98, shall be required to be installed along public street frontage of every infill property by the property owner or developer.

(b) Landscaping. Infill structures shall be designed to minimize the impact on existing, mature trees when practical. All residential lots shall include landscaping to include plants and shrubs along the portions of the house that front a public street. No form of vegetation shall be planted on a property in a way that blocks more than half of the front façade(s) from public view.

(c) Primary facade. All buildings shall include a primary entry along the property's street frontage and shall also include a porch or other entry feature.

2) Add location for the trash/recycling can storage.

VIII. ADVISORY COMMENTS TO THE APPLICANT:

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

2) Planning Commission approval of the Conditional Use Review, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted.

3) A permanent dwelling unit placed on a permanent foundation and designed and intended for use by only one family is defined as dwelling for one family in the Zoning Ordinance. One family dwellings shall not include manufactured homes or mobile homes but shall include modular homes constructed to the standards of the Dover Code of Ordinances, Chapter 22-Buildings and Building Regulations.

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

5) For building new construction, the requirements of the building code and the fire code must be complied with. Consult with the Chief Building Inspector and City of Dover Fire Marshal for these requirements. The resolution of these items may impact the site design including
such items as building dimensions and height, building openings, and fire protection needs, etc.

6) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate Site Plan approvals, Pre-Construction meetings, site inspections and permits are required.

7) When the Building Permit is submitted to the Planning and Inspections Office, the applicant must confirm the model and square footage of the unit to be constructed on each lot. A permit is required for each lot.

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

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.
APPLICATION: Duplex at 106 Willis Road
FILE #: C-19-02

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. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
   a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
   b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be
held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.

3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.

4. Water service lines shall be shown for each residential lot meeting the following requirements: The water services shall be one-inch (1") diameter Type K copper tubing, and installed five feet (5') to the right of the sewer lateral as viewed from the center line of the street. Curb stops shall be installed one foot (1') outside of the right-of-way for each lot. A water meter and meter pit must be installed on the domestic water service, in a non-traffic bearing location just downstream of the curb stop.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

2. The following notes must be added to the plans:
   a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that “no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer”, this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as “…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage.” The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.

3. The minimum size of all sanitary sewer laterals shall be six-inch (6”).

4. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures, including cleanouts.

5. Sanitary sewer laterals shall be shown for each residential lot meeting the following requirements: The sewer laterals shall be six-inch (6”) diameter schedule 35 PVC and, where practicable, installed to the center of each lot. Sewer laterals shall be connected directly to the main, not manholes, unless impracticable. Sewer laterals are to be installed one foot (1’) beyond the right-of-way line at a typical depth of three feet (3’), preferably not exceeding five feet (5’). Cleanouts shall be installed one foot (1’) outside of the right-of-way for each lot.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District submitted to our office.

GROUNDS / STREETS

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District submitted to our office.

SANITATION

1. Every person occupying a residence or duplex and every owner of an apartment shall provide such premises with a sufficient number of solid waste containers to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers.

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. Please provide one (1) continuous road patch for the utility connections, not two (2) separate road patches.
2. Please locate on the site plan the location of the alley pavement with relation to the property lines. If the pavement is located on private property, the City will request an easement to utilize the pavement for vehicles utilizing the alley.

**WATER / WASTEWATER / 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. The City of Dover water system is available to this site. The developer is responsible for all costs associated with extending and providing service to the proposed development.
2. Water impact fees will be associated with this project.

**WASTEWATER**

1. The City of Dover sanitary sewer system is available to this site. The developer is responsible for all costs associated with extending and providing service and capacity to the proposed development.
2. Wastewater impact fees will be associated with this project.

**STORMWATER / STREETS / GROUNDS / SANITATION**

1. None

**GENERAL**

1. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial Plan Submission Checklist, which can be obtained from the following website: https://imageserv9.teamlogic.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.**
APPLICATION: Duplex at 106 Willis Rd

FILE #: C-19-02 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 occupancy classification is one and two family dwelling.

2. 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)

3. Project to be completed per approved Site Plan.

4. Full building and fire plan review is required.

5. Separate building permits/plans submission will be required for each building and/or tenant fit out. If the permit submission is for a “shell” a Certificate of Occupancy will not be issued. Separate plans and permits submissions will be required for each “tenant fit out” at which time a Certificate of Occupancy will be issued upon compliance/completion of each “tenant fit out”.

Each “shell” will require a fire permit for sprinkler and fire alarm if applicable. Those systems (for the “shell”) must be accepted into service prior to any “tenant fit out” fire permits being issued.

6. Construction or renovations cannot be started until building plans are approved.

7. 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.

8. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):
2015 NFPA 1 Fire 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.
APPLICATION: Duplex at 106 Willis Road
FILE #: C-19-02

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: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

1. For this project, KCD will require two standard applications, one for each lot disturbed. Feel free to contact with any questions.
**DATA SHEET FOR SITE DEVELOPMENT PLAN REVIEW**

**DEVELOPMENT ADVISORY COMMITTEE MEETING OF June 5, 2019**

**PLANNING COMMISSION MEETING OF June 17, 2019**

<table>
<thead>
<tr>
<th>Plan Title:</th>
<th>Dover Community Pharmacy Parking Lot, S-19-10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Plan Type:</td>
<td>Site Development Plan</td>
</tr>
<tr>
<td>Owner of Record:</td>
<td>AK Investments LLC</td>
</tr>
<tr>
<td>Location:</td>
<td>On the east side of South Governors Avenue, south of Wyoming Avenue</td>
</tr>
<tr>
<td>Address:</td>
<td>1035 South Governors Avenue</td>
</tr>
<tr>
<td>Tax Parcel:</td>
<td>ED-05-077.17-07-09.00-000</td>
</tr>
<tr>
<td>Site Area:</td>
<td>15,266 SF (0.35 acres)</td>
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<tr>
<td>Zoning:</td>
<td>C-1A (Limited Commercial Zone)</td>
</tr>
<tr>
<td>Existing Use:</td>
<td>Pharmacy with existing, previously paved front parking lot and existing, newly paved rear parking lot (rear lot paved without a permit)</td>
</tr>
<tr>
<td>Proposed Use:</td>
<td>No change; review required to permit paving of rear parking lot</td>
</tr>
<tr>
<td>Building Area:</td>
<td>Existing – 2,478 SF</td>
</tr>
<tr>
<td>Impervious Areas:</td>
<td>Existing – 15,266 SF</td>
</tr>
<tr>
<td></td>
<td>Proposed – 14,426 SF (6% removal)</td>
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<td>Off Street Parking:</td>
<td>Required – None</td>
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<td></td>
<td>Proposed – 14</td>
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<td>Sanitary Facilities:</td>
<td>City of Dover</td>
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<td>Water Supply:</td>
<td>City of Dover</td>
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<tr>
<td>Waivers Requested:</td>
<td>Partial Elimination of Opaque Barrier Requirement</td>
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<tr>
<td></td>
<td>Partial Elimination of Curbing Requirements</td>
</tr>
</tbody>
</table>
APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 5, 2019

APPLICATION: Dover Community Pharmacy Parking Lot at 1035 South Governors Avenue

FILE #: S-19-10              REVIEWING AGENCY: City of Dover Planning Office

CONTACTS: Eddie Diaz, AICP, Planner I              PHONE #: (302) 736-7196

I. PLAN SUMMARY
Review of a Site Development Plan Application for an additional 5,700 SF of pavement in the existing parking lot area at the rear of the building containing Dover Community Pharmacy. The project creates a total of fourteen (14)* total parking spaces for the site. The subject property is 0.35 +/- acres and located on the east side of South Governors Avenue, south of Wyoming Avenue. The property is zoned C-1A (Limited Commercial Zone). The owner of record is AK Investments, LLC. Property Address: 1035 South Governors Avenue. Tax Parcel: ED-05-077.17-07-09.00-000. Council District 2.

II. PROJECT DESCRIPTION
The property is located on the east side of South Governors Avenue, south of Wyoming Avenue. Adjacent properties include a vacant former doctor’s office to the north, lands of the Delaware Solid Waste Authority to the east, an occupied residential dwelling to the south, a multifamily residential complex across the street, and an office complex also across the street. The property and its neighbors to the north and south are part of a string of properties along South Governors Avenue also zoned C-1A. The Delaware Solid Waste Authority is zoned RGO (General Residential and Office Zone), while the multifamily complex is zoned R-8 (One-Family Residence Zone) and the office complex is zoned CPO (Commercial and Professional Office Zone).

Before May 2018, the property consisted of a 2,478 SF pharmacy building, a nine (9) space paved parking lot in front of the building, and a gravel and grass parking area at the rear of the building. In May 2018, an inspection by City Code Enforcement determined that the rear parking area had been paved without a permit, adding twelve (12) new parking spaces, for a total of 21 spaces. Code Enforcement opened a Case (#18-1535) and told the property owner to obtain a permit for the work done. The property owner submitted a permit application (#18-895), and upon its review by Planning Staff, Staff determined that the amount of impervious coverage added warranted the project’s review by the Planning Commission.

The Site Plan submitted for Planning Commission review aims to bring the work done in 2018 into compliance with the Zoning Ordinance. Though the front parking lot is considered an
existing condition and therefore legal nonconforming to several requirements of the Zoning Ordinance, the new work in the back must comply with the Ordinance. Accordingly, the Site Plan proposes removing 840 SF of pavement in the back, including four (4) parking spaces, in order to make room for required landscape areas. Three parking spaces are also to be removed from the front, though without removing the underlying paving. This results in a final total of fourteen (14) parking spaces. The Site Plan for this project upon receiving Final Approval will be attached to Permit #18-895, and the Permit will be approved in order to allow both the paving already done and the necessary site changes.

*The applicant submitted a revised plan set on June 7, 2019, which has been provided to the Planning Commission. Changes between the original and current submission include reducing the final parking space count from seventeen (17) to fourteen (14), adding the necessary landscape component of the required Opaque Barrier, adding a bike parking space, and providing additional requested information about existing site features, including dumpsters and lighting.

III. ZONING REVIEW
C-1A Zoning District
The property is zoned C-1A (Limited Commercial Zone) and subject to the regulations of the Zoning Ordinance, Article 3 §12. A pharmacy is considered a type of retail use and permitted under the zoning. The C-1A Zone also does not have a maximum impervious surface coverage; therefore, a parking lot that occupies most of the property area (other than that taken up by the building) would also be permitted, subject to stormwater and landscaping requirements.

IV. PARKING SUMMARY
According to the Zoning Ordinance, Article 4 §4.14, The C-1A Zone does not have a minimum parking requirement. Retail uses also do not have a separate parking requirement listed under Zoning Ordinance, Article 6 §3.1. The pharmacy currently has nine (9) parking spaces in front of the building (including one ADA space) and twelve (12) parking spaces in the rear of the building, for a total of 21. The Site Plan proposes removing seven (7) parking spaces, for a new total of fourteen (14), partially in order to meet landscaping requirements.

Loading Spaces
Loading spaces are required for retail uses at a rate of one (1) berth for the first 8,000 to 25,000 SF of floor area and one (1) additional berth for each additional 25,000 SF of floor area thereafter. The pharmacy at 2,478 SF is too small to require a loading space.

Bicycle Parking
Bicycle parking is required at a rate of one (1) space for every twenty (20) vehicular parking spaces. Because this site will ultimately have fourteen (14) vehicle parking spaces, one (1) bicycle parking space is required for the site. One bike parking space is proposed to be provided in front of the building.

V. SITE CONSIDERATIONS
Entrances, Drive Aisles, and Site Circulation
The front parking lot features two access points to South Governors Avenue, an entrance-only point to the south about 35 feet wide, and an exit-only point to the north about 31 feet wide. There is a striped traffic movement pattern within the front parking lot indicating the route from the entrance to the exit. DelDOT may ask for improvements to the site entrance and exit as part
of this Site Plan; however, this has not been confirmed.

Because almost the whole lot is paved, the drive aisles to the rear parking lot are merely the spaces between the building and the north and south property lines. This access is sixteen (16) feet wide at its narrowest point on the north side of the building, and eight (8) feet wide at its narrowest point on the south side of the building (accounting for the water meter pit). It is not clear that the south drive aisle will always be traversable. Though it appears that access around the building to the rear parking lot will be one-way, like the front parking lot, there isn’t a striped traffic movement to confirm this. The applicant has indicated the rear parking is reserved for employees.

When the rear parking lot was paved, it was not provided with upright curbing. Upright curbing is a requirement for all paved parking areas under Zoning Ordinance, Article 6 §3.6(a). Where paving is to be removed under the Site Plan, the edge between the paving and the new landscape areas is proposed to be curbed.

Waiver Request: Elimination of Upright Curbing
According to the Zoning Ordinance, Article 6 §3.6(b), the City Planner may relax the upright curbing requirement for a portion of a parking or drive area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. The applicant has provided a written waiver request for Planning Office review.

Pedestrian, Bicycle, and Transit Considerations
The property is connected to the City’s bicycle network via bicycle lanes located on both sides of South Governors Avenue. There are no known City or DelDOT plans to improve the bicycle network in the immediate area.

The property nominally has sidewalk along the road frontage. However, the drive entrance and exit together take up most of the frontage width. What’s left is taken up by a 27-foot long, 4-foot wide concrete island, which can be debatably characterized as sidewalk. Improvements to the sidewalk in front of the property are possible but would require DelDOT approval if proposed as these areas are located within the right-of-way of South Governors Avenue.

There is a bus stop located just north of the property in a pull-off from South Governors Avenue. This project is not expected to impact that stop.

Lighting
The Site Plan shows two existing pole mounted lights, one to the south of the building and one to the east of the building. Also shown are six building-mounted lights, two each on the south, east, and north sides. According to the Zoning Ordinance, Article 5 §7.1, a minimum lighting of 1.5 footcandles at grade is required for commercial uses. Lighting must also be directed away from adjacent residential areas. The Site Plan demonstrates compliance with this requirement.

Dumpsters
According to Zoning Ordinance, Article 5 §6.12, retail uses less than 50,000 SF must provide at least two (2) dumpsters for the first 16,000 SF of floor area, and an additional dumpster for every 16,000 SF of floor area thereafter. Therefore, this site must provide two (2) dumpsters, one for trash and one for recycling. There is a fenced concrete pad at the rear of the building which is
being used as a dumpster enclosure; however, there is only one dumpster in it used for trash. An additional receptacle for recycling is required. The Site Plan proposes two receptacles.

VI. BUILDING ARCHITECTURE
The existing pharmacy building is a one-story brick building with a standing-seam metal roof. It features a door and one window on the front of the building. There were also previously two additional windows that have now been bricked up, though the frames remain. There is a shingled canopy with a narrow sign band on the front of the building as well. No changes to the building are proposed or required as part of this Site Plan.

VII. TREE PLANTING AND LANDSCAPE PLAN
The Site Plan submitted for the application includes a Landscape Plan. New trees are required at a rate of one tree for every 3,000 SF of development area. The total development area is 15,266 SF; based on this six (6) trees are required to meet the tree density requirements of the project. The applicant is proposing twelve (12) new trees on the property, including two (2) Willow Oak trees, three (3) Emerald Green Arborvitae trees, and seven (7) Steeds Holly trees. One of the oak trees would be in the proposed landscape area just behind the pharmacy. The other oak tree as well as the arborvitae trees and the holly trees would be in the landscape area at the southeast corner of the property.

Opaque Barrier Requirement
According to Article 5, §7.2 of the Zoning Ordinance, screening is required wherever a non-residential use abuts a residential use. This screening must consist of an opaque barrier (a fence, wall, or berm) at least six feet in height, accompanied by landscaping consisting of an evergreen screen or hedge. This requirement applies to the eastern portion of the southern property line; screening is not required for the legal nonconforming front parking lot, but the changes to the rear parking lot do require screening.

There is an existing fence along the southern property line which meets the standards for an opaque barrier, but it belongs to the neighboring residential property. The applicant must therefore still provide both the fence component and the landscape component of the Opaque Barrier. The landscape component is provided through the arborvitae trees and the holly trees, but the fence component is not shown on the plan.

Waiver Request: Partial Elimination of Opaque Barrier
The Planning Commission may waive the requirement for the opaque barrier and require only landscaping as described above in cases where noise is not a concern and the vegetation alone is considered a desirable aesthetic alternative. The applicant has submitted a written waiver request to the Planning Office for Planning Commission review.

Parking Lot Screening
According to Article 5, §7.23 of the Zoning Ordinance, whenever a parking lot is located across the street from a residential use, it shall be screened from view of such land by a thick hedge drawn parallel to the street. This requirement will not be applied because it would require changes to the legal nonconforming front parking lot, and there is no place to put landscaping between the front parking lot and the street.
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 move the provided bicycle parking space so it is not in front of the striped aisle for the ADA space, as its current location may obstruct the required clear path from the ADA space into the building.

2) The required Opaque Barrier shall be furnished with both fencing and landscaping unless a waiver is granted by the Planning Commission.

3) The curbing proposed on the Site Plan is administratively approved. Please see the “Advisory Comments to the Applicant” section of this Report for details. Please also include a note on the plan documenting that this waiver was approved on June 7, 2019.

4) The Site Plan must be updated with changes required or approvals granted, including note of any waivers granted by the Planning Commission, prior to Final Plan Approval. (This will mean including a note for the Opaque Barrier partial waiver like that asked for in #3 above, should this waiver be approved.)

5) Any Sediment & Stormwater Management Plans granted approval by the Kent Conservation District must reflect the Site Plan layout and design conditionally approved by the Planning Commission and comply with the Zoning Ordinance and technical review requirements of other agencies.

IX. RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES
In accordance with the Zoning Ordinance, Article 10 §2.2, the Planning Commission in considering and acting upon Site Development 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 2.21 to 2.28.

1) In accordance with subsection 2.25 related to landscaping, staff recommends approval of the waiver request to eliminate the fencing component of the Opaque Barrier. Because there is already a fence belonging to the neighbor, fulfilling the complete Opaque Barrier Requirement would result in either two fences right up against each other, or a row of trees sandwiched in between two fences. Staff believes that having just one fence and the required landscaping would be the desirable aesthetic alternative.

X. ADVISORY COMMENTS TO THE APPLICANT

1) Staff grants Administrative Approval of the waiver request to relax the curbing
requirements for the site. This waiver is granted considering the small size and low impact of the new parking area. Currently, stormwater simply runs off the edges of the rear parking lot. Enclosing the rear lot will require a more elaborately designed stormwater system where water must drain to a specific point. This need not be required considering the small amount of stormwater draining off the lot.

Staff will also not require that parking bumpers be required in lieu of curbing, as the fencing enclosing the parking lot serves to prevent cars from driving over the edges of the parking lot.

2) The Planning Commission should act upon any non-administrative waiver requests for the project as part of any motion to approve this project, or as a separate motion if necessary. Note: Waivers brought before the Planning Commission are at their discretion. The Commission may approve or deny waiver requests.

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

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

5) If major changes and revisions to the Site Development Plan occur in the finalization of the Site Plan, contact the Planning Office. Examples include relocation of site components or site entrances and large increases in impervious surface coverage. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations regarding the plan.

6) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections, Pre-Construction meetings, and permits are required.

7) Construction may affect adjacent property owners and nearby travel lanes. Any work requiring the closing or rerouting of potential customers or visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience to the adjacent property owners.

8) The applicant shall be aware that Site Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign shall require a Sign Permit from the City of Dover prior to placement of any such sign. Site Plan approval also does not confer approval of any existing signs on the property which may be placed against city code, such as the vehicle sign that is known to be in front of the building.
9) The applicant shall be aware that Site Plan approval does not represent a Building Permit, Demolition Permit, and associated construction activity permits. A separate application process is required for issuance of these Permits from the City of Dover. A Demolition Permit will be required prior to demolition of any existing building remaining on the site.

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

DEVELOPMENT ADVISORY COMMITTEE MEETING OF June 5, 2019

PLANNING COMMISSION MEETING OF June 17, 2019

Plan Title: Lion of Judah Ministry Church, S-19-11

Plan Type: Site Development Plan

Location: North side of White Oak Road and east of Halsey Road

Address: 951 White Oak Road

Tax Parcel: ED-05-068.14-05-85.00-000

Owner/Applicant: L & S Davis Properties, Inc.

Site Area: 1.14 +/- acres

Zoning: IO (institutional and Office Zone)

Present Use: Vacant parcel

Proposed Use: Place of Public Assembly (Church)

Building Area: 5,000 SF

Parking Required: 37 spaces
Parking Proposed: 44 spaces

Sewer & Water: City of Dover

Waivers Requested: Elimination of Fence Component of Opaque Barrier
Partial Elimination of Upright Curbing
CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: June 5, 2019

APPLICATION: Lion of Judah Ministry Church at 951 White Oak Road

FILE #: S-19-11 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Julian Swierczek, Planner I PHONE #: (302) 736-7196

I. PLAN SUMMARY
Review of a Site Development Plan Application to permit construction of one-story 5,000 SF place of public assembly (church) building and associated site improvements. The subject property is 1.14 +/- acres. The property is zoned IO (Institutional and Office Zone). The property is located on the north side of White Oak Road and east of Halsey Road. The owner of record is L & S Davis Properties, Inc. Property Address: 951 White Oak Road. Tax Parcel: ED-05-068.14-05-85.00-000. Council District 3.

Previous Applications
In 2018, the applicant for this project submitted to the Planning Office an application for rezoning of 951 White Oak Road (Application #Z-18-02). The rezoning application proposed changing the zoning of this property from the then-designation of CPO (Commercial and Professional Office Zone) to a new designation of IO (Institutional and Office Zone). The Planning Commission held a Public Hearing for the Rezoning application on October 15, 2018 and recommended the rezoning to City Council for approval. City Council held a Public Hearing and Final Reading of the application on November 13, 2018 and approved the rezoning to IO as Ordinance #2018-10.

II. PROJECT DESCRIPTION
The Site Development Plan shows one main structure to be utilized as a place of public assembly (church), along with associated site improvements. The property is located on the north side of White Oak Road. The property along both the north and west of the site is zoned RG-2 (General Residence Zone) and contains an apartment complex. The properties immediately adjacent to the east are zoned R-8 and contain one-family residences. Across White Oak Road to the south are a series of properties zoned R-7 which further contain one-family dwellings.

The applicant has noted two waiver requests on their plans. The first is a Waiver Request from Zoning Ordinance, Article 5 §7.21 for the Fencing Component of the Opaque Barrier Requirements, asking that they be permitted to only install a six foot evergreen hedge along the north, east, and west property lines, that will be approximately eight feet in width. The second Waiver Request asked for by the applicant is from the requirements of Article 6 §3.6(b) requiring
that all permanent parking areas shall be enclosed with upright concrete curbing at least six inches in height. The applicant has stated that this waiver is needed to better facilitate stormwater management. Parking bumpers will be provided in the parking spaces adjacent to the building and curbing will be provided along the exterior perimeter of the parking lot.

III. ZONING REVIEW
IO (Institutional and Office Zone) and Lot & Bulk Standards
The development site is zoned IO (Institutional and Office Zone) and is subject to the regulations of Zoning Ordinance, Article 3 §10 and Article 4 §4.15. The proposed use on the site as a Church is considered a place of public assembly which is listed as a permitted use in the IO zone. The proposed development meets the setback and lot coverage requirements of the IO zone; the IO zone has a maximum lot coverage of 85%. The standards for IO, compared with the project proposal, are listed below:

<table>
<thead>
<tr>
<th>Table 1: Required and Proposed Bulk Standards</th>
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<tbody>
<tr>
<td>IO (Institutional and Office Zone)</td>
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<td>--------------------------------------</td>
</tr>
<tr>
<td>Lot area</td>
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<tr>
<td>Lot width (ft.)</td>
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<tr>
<td>Lot depth (ft.)</td>
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<td>Front yard (ft.)</td>
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<tr>
<td>Side yard (ft.)</td>
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<tr>
<td>Rear yard (ft.)</td>
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<tr>
<td>Side or rear yards which adjoin a Residence zone (ft.)</td>
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<tr>
<td>Off-street parking spaces</td>
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<td>Per 300 sq. ft. floor area or</td>
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<td>Per employee (whichever is greater)</td>
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<td>Maximum permitted:</td>
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<td>Stories</td>
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<tr>
<td>Feet</td>
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<tr>
<td>Floor Area Ratio</td>
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<td>Lot Coverage</td>
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</tbody>
</table>

IV. PARKING SUMMARY
Off-street parking in the IO zone (as noted above in Table 1) must be provided at a rate of one (1) space per 300 SF of floor area. However, Article 6 §3 requires parking spaces for a place of worship to be provided at a rate of one (1) per 200 SF of floor area, but not less than one (1) space for each four (4) seats where provided. The applicant has stated that they plan to accommodate a maximum of 148 persons* at the facility which would have a requirement of thirty-seven (37) parking spaces. The applicant is proposing forty-four (44) parking spaces. (* Seating Capacity is subject to compliance with the Fire Code and Building Code provisions.)
Bicycle Parking
Bicycle parking is required at a ratio of one (1) space for every twenty (20) parking spaces. Based on the proposed (44) regular spaces, three (3) bicycle parking spaces must be provided. The plan notes that two (2) bicycle spaces will be provided which is insufficient, nor does it note their location.

V. SITE CONSIDERATIONS
Site Entrance
Site Access is proposed directly from White Oak Road. The applicant is showing that a single drive aisle is proposed. It is full access and circles around the building providing access the rear parking and dumpsters to the north of the building.

Pedestrian Considerations
The site is currently served by an existing frontage sidewalk along White Oak Road. The Applicant is proposing a new sidewalk to connect from White Oak Road into the site, providing connected access to the building. The applicant is also showing that a new sidewalk will be provided along the west, south (front), and east sides of the building bordering the parking lot.

Lighting
Article 5 §7.1 stipulates that lighting shall provide no less than 1.5 foot-candles at grade. Light shall also be deflected away from adjacent residential areas and shall not be distracting to traffic on adjacent roads. The plans submitted include details on the proposed lighting scheme that includes twelve (12) fixtures mounted on the exterior of the building as well as three (3) light posts, located at the front of the building, along the White Oak Road frontage.

Waiver Requested: Partial Elimination of Curbing
The Zoning Ordinance, Article 6 §3.6(b) requires upright curbing for all parking areas and access drives. The plan does not include curbing for the inner perimeter of the parking lot areas to facilitate proposed stormwater management. A written waiver request for the elimination of curbing on the inside of the parking lot was submitted to the Planning Office for consideration by the City Planner. The plan does show that upright curbing will be provided along the outside perimeter of the parking lot.

Dumpsters
The plan does not specifically identify dumpster pads but seems to show that (1) dumpster pad will be provided at the rear of the building. The plan also does not indicate the number of dumpster units to be provided or the type of enclosure to be built. Zoning Ordinance, Article 5 Section 6.12 requires that a building containing an institutional use provide a minimum of two (2) dumpsters for the first 80,000 SF of gross floor area, and one (1) additional dumpster for each additional 24,000 SF of gross floor area thereafter. As the building is proposed to be 5,000 SF a minimum of two (2) dumpster units will need to be provided.

A Dumpster enclosure is required to screen the dumpster from view whenever these units are situated so that they will be visible from any public right-of-way or from an adjacent property, as identified in Article 5 Section 6.11. No details for any such enclosure for the dumpster pad are provided.
Signage
A separate Sign Permit application is required to be submitted for review prior to the installation of signage on the property pertaining to the building/site.

VI. BUILDING ARCHITECTURE
The applicant has submitted some architectural information for the building in the forms of one elevation drawing, showing all four (4) elevations of the building. The proposed structure is one-story in height and topped by a gabled roof. The front (south) elevation seems to show the main entrance covered by a gabled overhang, as well as three (3) windows. The rear façade also contains three (3) more windows as well as one (1) entrance door and one (1) door that appears to be an emergency exit. The west façade contains three windows and the east façade contains no windows or doors. The elevations show that a vertical metal siding is to be utilized on all four (4) facades as well as a metal material used for the roofing. The plan notes a change in color of the metal siding used as wainscoting an all four facades as well; the colors were not identified.

Building and architectural design guidelines may be found in Article 5 Section 19 of the Zoning Ordinance and are provided to be used in the design of buildings and their architectural characteristics for the purposes of meeting the intent of the Zoning Ordinance, Article 10 Section 2.28.

VII. TREE PLANTING AND LANDSCAPE PLAN
The submitted plan set includes a concept for the Landscaping Plan. The total lot area is 49,658 SF; based on this area, seventeen (17) trees are required to meet the tree density requirements of the site. The applicant is currently showing that seventeen (17) trees including six (6) Red Sunset Maples, six (6) Hightower Willow Oaks, three (3) Eastern Redbuds and two (2) Sugar Tyme Crabapple placed throughout the property. Additionally, a series of evergreen tree plantings are proposed along the north and east property lines. The proposed landscape plan therefore meets the requirements as stipulated in Code.

Opaque Barrier
Waiver Request: Fencing Component of the Opaque Barrier
The Zoning Ordinance requires a buffer between a residential use and a non-residential use (Article 5 Section 7.2). The buffer has two components: an opaque barrier consisting of a wooden fence, a masonry wall or an earthen berm and a landscape component. For this project, a buffer is required along the north, west and east property lines of the parcel.

According to Zoning Ordinance, Article 5 §7.24, the Planning Commission can consider a waiver request to eliminate the opaque barrier (fence component) and require only landscaping in cases where noise is not a concern and the vegetation alone is considered a desirable aesthetic alternative:

7.33 Planning commission waiver. The planning commission may waive the requirement for the opaque barrier (wood fence, masonry wall, or earthen berm) and require only landscaping as required by section 7.22—Landscaping options in cases where noise is not a concern and the vegetation alone is considered a desirable aesthetic alternative.

The applicant has submitted a written letter requesting a waiver from the requirements of the
Fencing Component of the Opaque Barrier requirements from the Planning Commission. The Applicant has requested this waiver to apply to the requirements for fencing along the east, north, and west boundaries of the site. The landscape component is proposed as a series of evergreen trees on the north and east property line boundaries and a hedge planting along the west property lines adjacent to the drive aisle area with trees in the large spaces at the property corners.

IX. 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) An Opaque Barrier shall be provided in accordance with the provisions of the *Zoning Ordinance* as described in Article 5 Section 7 along all perimeters of the property that are immediately adjoining a residential property. The Planning Commission may only waive the opaque barrier (fence, wall or berm) portion of the buffer; the continuous 6-foot-tall landscape component shall be planted along all residential boundaries. A written waiver request was submitted by the applicant for review by the Planning Commission pertaining to the north, east, and west boundaries of the site.

2) The applicant must provide parking for at least three (3) bicycles and show these facilities on the plans.

3) Sheet 1/Cover Sheet:
   a. Please include the actual setbacks as proposed.
   b. Please include the tree density calculations.
   c. Please confirm that the location map marked as being 1200 feet to one inch is to scale.
   d. Please correct the wording between Project notes #7 and #8.

4) Sheet 3/Site Development Plan Sheet
   a. Please provide the proposed building setback lines.
   b. Please note the dimensions of the proposed sidewalks.

5) Sheet 5-1/Landscape Plan:
   a. Please show the location of soil types.
   b. Please add a note as to the acreage of the site.

6) It is noted that on the Architectural Elevation Sheet the labeling of the left and right elevation drawing is mislabeled (reversed).

X. RECOMMENDED ADDITIONAL CONSIDERATIONS TO MEET CODE OBJECTIVES
In accordance with the *Zoning Ordinance*, Article 10 §2.2, the Planning Commission in considering and acting upon Site Development 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 2.21 to 2.28.

1) **Waiver Request for the Opaque (fence, wall, or berm) Component of the Opaque Barrier Requirement:** Staff recommends approval of the waiver of the fencing component of the opaque barrier requirement for the north, east, and west property lines.
   a) The applicant has shown that they will provide the landscaping component which should adequately shield the parking lot area from neighboring residential properties to the north and east. To the north and east, the applicant proposes a series of several varieties of evergreen trees at 6-foot height to provide the visual barrier. The applicant has also noted the planned stormwater management facility in the eastern portion of the site which should further help in shielding the parking lot area from neighboring residential uses to the east.
   b) To the west is a private drive aisle (N. Halsey Road) which is part of the parcel to the north containing the apartment dwelling units. As there are no residential units specifically located to the west, the applicant notes the desire to maintain some visibility of this frontage from White Oak Road. Staff supports their waiver request for fence component along the west property line and the proposed hedge planting format given corner visibility concerns with the N. Halsey Road (the private drive aisle to the apartments) intersection with White Oak Road and its adjacent sidewalk (to the apartment complex). The hedge planting will be easier to maintain from encroachment into the sidewalk and church drive aisle as it matures.

2) **Waiver Request: Partial Elimination of Curbing:** The City Planner grants approval of the partial elimination of curbing on the inside of the parking lot area as it will facilitate the management of stormwater, and because the applicant has noted they will be providing parking bumpers in all parking spaces. This is for the series of parking spaces adjacent to the building.

3) **Architecture:** To further subsection 2.28 related to architectural characteristics of proposed buildings, Staff recommends that the proposed building elevations include some added architectural features. The inclusion of some horizontal elements to break the vertical features, different material types or simulated window elements, alternative wall finish materials, etc. would help to increase the visual appeal. This would be particularly true of the east and west elevations which are highly visible from White Oak Road and the neighboring properties.

*Other agencies may recommend additional considerations to meet code objectives in accordance with their areas of expertise. Action on all considerations identified in this section and by other agencies is at the discretion of the Planning Commission.*

**XI. ADVISORY COMMENTS TO THE APPLICANT**

1) The Planning Commission should act upon the request for waivers as part of any motion regarding this project application, or as a separate motion as necessary. Note: All waivers are at the discretion of the Planning Commission. The Commission may approve or deny
waiver requests.

2) In the event that major changes and revisions to the Site Development Plan occur in the finalization of the Plan, contact the Planning Office. Examples include reorientation of the building, relocation of site components like stormwater management areas and site entrances and increases in floor area. 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) In the event that there are changes to the architecture, building footprints, layout or square footage of the building contact the Planning Office. These changes may require review by the Planning Commission.

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

5) Following Planning Commission approval of the Site Development Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted.

6) For building new construction, the requirements of the building code and the fire code must be complied with. Consult with the Chief Building Inspector and City of Dover Fire Marshal for these requirements. The resolution of these items may impact the site design including such items as building dimensions and height, building openings, and fire protection needs, parking requirements, etc.

7) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate Site Plan approvals, Pre-Construction meetings, site inspections and permits are required.

8) Construction may have an effect on the adjacent property owners. Any work requiring the closing or rerouting of residents or visitors should be coordinated as to offer the least amount of inconvenience.

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

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.
June 6, 2019

Dave Hugg
City of Dover Planning & Inspections
P.O. Box 475
Dover, DE 19903

RE: Request for Opaque Barrier Waiver
Lion of Judah Ministry - 951 White Oak Road

Dear Mr. Hugg:

On behalf of the applicant, Ms. Sylvia Davis, we are hereby requesting that the Planning Commission eliminate the opaque barrier portion of Article #5, Section 7.21 of the zoning code along the north, east, and west property lines for the following reasons:

1. The property has been vacant for years and has not always been maintained on a regular basis. The applicant’s goal of constructing a church on the site along with adding new trees and landscaping will dramatically improve the overall appearance and general upkeep of the property.

2. The proposed landscape plan will add a 6-foot high evergreen hedge along the north and east property lines that will be approximately eight feet in width. Instead of a 6-foot high evergreen hedge along the west property line adjacent to N. Halsey Road (a private road) we propose to plant 3-foot high shrubs to not block the west side of the building. The building needs to be clearly seen by vehicular traffic heading east on White Oak Road.

3. The distance from the neighboring residential properties and the closest parking area is 54 feet. Within the 54’ wide area we are proposing an eight-foot-wide landscape buffer and a 40’ wide stormwater management area. The remaining 6’ wide area contains existing underground utilities which will make installing an opaque barrier in this area very difficult.
For these reasons, we respectfully request that a waiver be granted from the requirement to install an opaque barrier along the north, east, and west boundary lines and a 6-foot high hedge along the west property line. Please feel free to give me a call with any questions. I can be reached directly at 302-465-5567 or by email at tadams@mountainconsultinginc.com. Thank you for your cooperation.

Sincerely,

MOUNTAIN CONSULTING, INC.

Troy L. Adams, P.E.
Vice President
APPLICATION:  Lion of Judah Ministry Church at 951 White Oak Road
FILE #:  S-19-11
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**

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

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

2. The following notes must be added to the plans:
   a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
   b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.

3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.

4. A curb stop shall be installed one foot (1') outside the right-of-way line.

5. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.

6. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

2. The following notes must be added to the plans:
   a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
   b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "…any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.

3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures, including cleanouts.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5’) of the building, one foot (1’) outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.

5. 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.

6. The minimum size of all sanitary sewer laterals shall be six-inch (6”).

7. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.

**STORMWATER**

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District is submitted to our office.

2. The size, length, slope, type and flow directions must be shown on all existing and proposed storm sewer lines. Rim and invert elevations must be labeled on all stormwater structures.

**STREETS**

1. Final site plan approval will not be granted until a copy of the approved entrance plan, signed by DelDOT is submitted to our office.

**SANITATION / GROUNDS**

1. None

**GENERAL**

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.

2. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. 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/](http://www.cityofdover.com/departments/electric/documents/).

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

1. None.

**ADVISORY COMMENTS TO THE APPLICANT**

**ELECTRIC**

1. The proposed entrance will be installed above current underground electric facilities. In the event the White Oak Road entrance requires relocation of the utilities the developer is responsible for all costs associated with the relocation in addition to the primary fees.

**WATER**

1. The City of Dover water system is available to this site. The developer is responsible for all costs associated with extending and providing service to the proposed development.
2. Prior to plan approval, the water system plans must be submitted to the Division of Public Health, Office of Drinking Water for review and approval. The owner/developer will be responsible for providing all completed forms and plan sets to the City of Dover as required for submission to the Office of Drinking Water. Plans will not be submitted to the Office of Drinking Water until review has been completed by our office.

3. Hydrant flow testing is currently only performed during the spring and fall. The applicant must call the Department of Public Works directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.

4. Water impact fees will be required for this proposed site plan.

**WASTEWATER**

1. The City of Dover sanitary sewer system is available to this site. The developer is responsible for all costs associated with extending and providing service and capacity to the proposed development.

2. Prior to plan approval, the sanitary sewer system plans may be required to be submitted to the DNREC, Division of Water Resources, Surface Water Discharges Section for review and approval. The owner/developer is responsible for providing all application fees, completed forms and plan sets directly to DNREC.

3. Wastewater impact fees will be required for this proposed site plan.

4. The methodology and location of the sanitary sewer lateral connection will be required to be coordinated with the City of Dover and DelDOT. Please contact our office to discuss in more detail.

**STORMWATER / GROUNDS / STREETS**

1. None.

**SANITATION**

1. Every institutional customer shall provide such premises with a sufficient number of solid waste containers to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers. The City of Dover shall provide institutional customers with a maximum of two (2), 90-gallon trash containers and two (2) 90-gallon recycling containers.

2. Trash collection site shall be oriented for side-loading pick-up if customer is utilizing City of Dover sanitation services.

3. Any commercial customer requiring more containers, or larger containers, than provided above, must utilize private service.

**GENERAL**

1. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.

2. 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, 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.
APPLICATION: Lion of Judah Ministry Church at 951 White Oak Rd

FILE #: S-19-11  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 occupancy classification is assembly.

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. Multiple Access Roads shall be provided when a fire department access road (fire lane) is determined by the Fire Marshal to be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access such as placement of fire hose from fire equipment.
6. Street width shall be in accordance with City of Dover Code of Ordinances, Appendix A, Article VII, Section A. 13,

Residential areas
24 feet wide with no parking,
30 feet wide with parking on one side, or
36 feet wide with parking on both sides

Commercial areas
26 feet wide with no parking,
32 feet wide with parking on one side, or
38 feet wide with parking on both sides

Alley
12 feet wide

Any dead-end road more than 300 feet in length shall be provided with a turnaround or cul-de-sac as outlined in the 2015 Delaware State Fire Prevention Regulations 705, chapter 5, 2.3.

7. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.

8. Gated Areas: Fire Department access shall be provided to the property through the use of a system or device approved by the Fire Marshal. The system or device required shall be located in an area accessible to the fire department and approved by the Fire Marshal. All gates shall be either automatic or manual.

An automated system shall consist of one manual and one automated means to open the gate. The owner or their representative shall meet with the Fire Marshal prior to submission to agree on the system. A letter of agreement shall be created and signed by both parties. The letter shall include a detailed description of both the manual and automated means.

A manual gate shall consist of one manual means to open the gate. The owner or their representative shall meet with the Fire Marshal prior to submission to agree on the means to open. A letter of agreement shall be created and signed by both parties. The letter shall include a detailed description of the manual means to open.

To be considered accessible for fire department apparatus the actual clear openings shall be not less than 14 feet, the paved surface through the gate shall be not less than 12 feet, and the gate shall be setback from the perpendicular street by at least 50 feet.

Please contact this office to discuss options available to comply with this requirement. (2015 Delaware State Fire Prevention Regulations 705, Chapter 5, 2.6)

9. All fire hydrants shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation.

All fire hydrants shall have minimum of four-inch (4") solid yellow demarcation lines to define specific areas, where fire hydrants are located along a curb line with permitted parking, the area between the fire hydrant and the street or fire lane shall be stenciled with four inch (4") demarcation lines and the words ‘NO PARKING’, demarcation lines shall be measured from the center line of the fire hydrant and extend for a distance 15 feet on both sides.

Where fire hydrants are located in parking lots or other areas susceptible to blockage by parked vehicles they shall be treated as follows: fire hydrants shall be protected in all directions for a
distance of seven feet (7') with barriers or curbing. Minimum four-inch (4") diameter steel bollards filled with concrete and marked yellow shall be installed at the outermost corners of the fire hydrant demarcation area. The minimum height of the bollard shall be 36 inches above the finished grade of the adjacent surface, and the steamer connection of all fire hydrants shall be positioned so as to be facing the edge of the street, or traffic lane.

(2015 Delaware State Fire Prevention Regulations, 705, Chapter 6, 2)
The owner is responsible if the hydrant is private.

10. Hydrant barrels shall be provided with reflective material, such as paint, durable for highway/roadway markings or a reflective tape of a minimum of 2" in width around the barrel under the top flange, hydrant bonnets shall be color coded based on the following criteria: class AA 1500 GPM - painted light blue, class A 1,000 GPM -1499 GPM - painted green, class B 500 -999 GPM - painted orange, class C 250 - 499 GPM - painted red, class D under 250 GPM - painted black.

(2015 Delaware State Fire Prevention Regulations 703, Chapter 3. 4)
The owner is responsible if the hydrant is private.

11. Fire Alarm System required per occupancy code requirements.

Fire alarm in place of assembly. Fire alarm required. Any new occupancy or new portion of an occupancy determined to be a place of assembly by the fire marshal and is capable of receiving an occupant load of 75 persons or greater, shall be required to install a fire alarm in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Fire alarm system required. Any existing occupancy or portion of an existing occupancy determined to be a place of assembly by the fire marshal, and is undergoing renovations in excess of 50 percent of the assessed value of the building and is capable of receiving an occupant load 75 persons or greater or is being enlarged to receive an occupant load of 75 persons or greater, shall be required to install a complete fire alarm system in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Public mode audible requirements. To ensure that audible public mode signals are clearly heard by occupants of a structure, they shall have a sound level at least 15 decibels (dB) above the average ambient sound level or five decibels (dB) above the maximum sound level having a duration of at least 60 seconds, whichever is greater, measured five feet (1.5m) above the floor in the area required to be served by the system using the A-weighted scale dBA. In the event the stated requirement cannot be met a shunt trip relay/switches shall be the approved method of meeting the intent of this section of the Code.

(City Code of Ordinances 46-171)

12. Sprinkler system TBD (appears to be required). System is to be monitored by an approved Fire Alarm System.

This chapter shall apply to all buildings, structures, marine vessels, premises, and conditions which are modified by more than 50% after the effective date of these Regulations. The 50% figure shall be calculated utilizing the gross square footage of the building, structure, marine vessel, premises and conditions as to arrive at the correct application.

Any proposal that is presented to the Office of the State Fire Marshal for review and approval for a building rehabilitation as defined in the 101 Life Safety Code, for less than 50% of the gross square footage of a non-sprinklered building, may not have another such project for the same building submitted for review and approval any sooner than three (3) years after the date of the final inspection unless sprinkler projection is provided throughout the entire building.
In all buildings exceeding 10,000 square feet of aggregate, gross floor area.
In all buildings in excess of 40 feet in height or more than four (4) stories in height.

In all buildings or areas thereof used for the storage, fabricating, assembling, manufacturing, processing, display or sale of combustible goods, wares, merchandise, products, or materials when more than two (2) stories or 25 feet in height.

In all basement areas exceeding 2,500 square feet floor area.

In residential occupancies when of: Type V (0,0,0) or Type III (2,0,0) construction and exceeding two (2) stories or 25 feet in height. Type V (1,1,1) and Type III (2,1,1) or Type IV (2,H,H) construction exceeding three (3) stories or 3.

In all buildings used as health care occupancies as defined in the Life Safety Code, NFPA 101, as adopted and/or modified by these Regulations. In all buildings or areas classified as 'high hazard' under the Life Safety Code, NFPA 101, or 'extra hazard' under the Standard for the Installation of Sprinkler Systems, NFPA 13, as adopted and/or modified by these Regulations.

All buildings used as dormitories, in whole or in part, to house students at a public or private school or public or private institution of higher education. (16 Del.C. Ch. 88) This applies to all such dormitories regardless if new or existing.
(2015 State of Delaware fire Prevention Regulations, 702, Chapter 4)

Places of assembly shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply:

All new indoor places of assembly with an occupant load of 150 persons or greater.

Any interior renovations of 50 percent or more to an existing place of assembly with an occupant load greater than 150 persons.

Any additions or increase in interior size to an existing place of assembly that would create an occupant load of 150 persons or greater.

Places of assembly where alcohol is served for consumption on the premises shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply:

All new indoor places of assembly with an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises.

Any interior renovation of 50 percent or more to an existing place of assembly with an occupant load greater than 100 persons and where alcohol will be served for consumption on the premises.

Any additions or increase in interior size to an existing place of assembly which would create an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises.

New educational occupancies of 5,000 square feet or greater shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13.
(City of Dover Code of Ordinances 46-162)
13. Fire Department Connection is to be a 5-inch stortz connection on a 30-degree elbow located within 50 feet of main entrance. Access to the Fire Department Connection must be clear unobstructed access as defined by the AHJ.

14. Parking and/or obstructions shall be prohibited in front of fire department connections for a distance measuring from the center line and extending four feet on both sides. (2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.4)

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

16. 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/or chief building inspector.

*(City of Dover Code of Ordinances, 46-4)*

17. 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)

18. 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

19. 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.

20. All new passenger elevators in a building shall be provided with a car sized to accommodate an ambulance cot 24 inches (609 mm) by 84 inches (2133 mm) in its horizontal open position. Where two or more new passenger elevators are located in a single hoist way and serve all or the same portion of the building, only one elevator car that provides a car sized to accommodate an ambulance cot 24 inches by 84 inches in its horizontal position for each hoist way shall be
required. Elevator cars required to comply with 15.1 or 15.2 shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoist way door frame. Firefighter recall keys shall be provided in a manner acceptable to the local fire department. (2015 Delaware State Fire Prevention Regulations 705, Chapter 1, 15)

21. Project to be completed per approved Site Plan.

22. Full building and fire plan review is required.

23. Separate building permits/plans submission will be required for each building and/or tenant fit out. If the permit submission is for a “shell” a Certificate of Occupancy will not be issued. Separate plans and permits submissions will be required for each “tenant fit out” at which time a Certificate of Occupancy will be issued upon compliance/completion of each “tenant fit out”.

   Each “shell” will require a fire permit for sprinkler and fire alarm if applicable. Those systems (for the “shell”) must be accepted into service prior to any “tenant fit out” fire permits being issued.

24. Construction or renovations cannot be started until building plans are approved.

25. 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.

26. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Proper occupancy classification needs to be listed at which time a proper occupant load can be determined per code. Currently states 148 sanctuary seats. The occupant load is based on several factors to include, but not be limited to ft2. If the occupant load is 150 or greater, a sprinkler system is required.

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2015 NFPA 1 Fire 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
Hi Maretta,

Please excuse the form of this email as I do not have the DAC agenda in front of me and I did not see an agenda emailed out. Please see DelDOT’s comments below for the projects discussed Wednesday May 29, 2019.

106 Willis Road

1. DelDOT has no comments. Access to this property is from a city maintained road.

Dover Community Pharmacy

1. DelDOT is currently reviewing this project through the subdivision section. The review will be completed by June 11, 2019.

Lion at Judah Ministry

1. The church and design engineer shall schedule a pew-submittal meeting with DelDOT subdivisions.
2. The project will be required to obtain Record plan and Entrance Plan approval through the subdivision section.
3. The ADT for the Church shall be calculated based on Sunday ADT and Sunday peak hour.

Thank you,

Joshua Schwartz, P.E.
Subdivision Manager
Division of Planning
Delaware Department of Transportation
Phone (302) 760-2768
joshua.schwartz@delaware.gov
APPLICATION: Lion of Judah Ministry
FILE #: S-19-11

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: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:
1. As the disturbance for this site will exceed 5,000 square feet, a detailed sediment and stormwater management plan must be reviewed and approved by our office prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to our office. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction.
2. The following notes must appear on the record plan:
   • The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
   • The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
   • A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.
3. A soils investigation in the proposed Stormwater facility area(s) is required to determine impacts of the seasonal high groundwater level and soils for any Best Management Practice (BMP) design.
4. A SAS (Stormwater Assessment Study) submittal and pre-application meeting are required unless waived.

ADVISORY COMMENTS TO THE APPLICANT:
1. Green Technologies (infiltration, bio retention, bio swales, filter strips etc.) must be implemented to comply with the Delaware Sediment and Stormwater Regulations.
2. The preferred methods of Stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
3. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
4. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.