

**CITY OF DOVER PLANNING COMMISSION
AGENDA**

**Monday, August 19, 2019 – 7:00 P.M.
City Hall, City Council Chambers
15 Loockerman Plaza, Dover, Delaware**

PLEDGE OF ALLEGIANCE
ROLL CALL

APPROVAL OF AGENDA

ADOPTION OF MINUTES OF MEETING of July 15, 2019

COMMUNICATIONS & REPORTS

- 1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, September 16, 2019 at 7:00pm in the City Council Chambers.
- 2) Update on City Council Actions
- 3) Department of Planning & Inspections Updates

SPECIAL RECOGNITION

- 1) Resolution honoring Thomas Holt for his service on the Planning Commission

OPENING REMARKS CONCERNING MEETING PROCEDURES

OLD BUSINESS

- 1) Requests for Extensions of Planning Commission Approval:
 - a. C-17-03 Residence at 91 Saulsbury Road Conditional Use Review – A Request for a One-Year Extension of the Planning Commission approval granted August 21, 2017 for a Conditional Use Review to permit conversion of an existing 1,360 SF two-story structure into residential use. The property consists of an 8,036.6 S.F. +/- parcel (0.1845 acres). The property is zoned CPO (Commercial and Professional Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the east side of Saulsbury Road and north of Carver Road. The owner of record is 91 Saulsbury Rd, LLC. Property Address: 91 Saulsbury Road. Tax Parcel: ED-05-076.07-01-47.00-000. Council District 4.
 - b. C-17-04 House of Pride Offices at 45 South New Street – A Request for a One-Year Extension of the Planning Commission approval granted August 21, 2017 for a Conditional Use Review to convert an existing one-family dwelling structure into a philanthropic use as the administrative facility (offices) for House of Pride. 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. *This Application has been the subject of compliance reviews by the Planning Commission on October 15, 2018 and May 20, 2019. The next reporting review on compliance status is scheduled for November 18, 2019.*

NEW APPLICATIONS

- 1) Revised S-19-15 White Oak Road Property: Apartments and Townhouses on 3 parcels of land on White Oak Road – Public Hearing and Review of a Site Development Plan
Application to construct a three-story apartment building to contain twenty-four (24) dwelling units as well as eight (8) townhouse units, comprising thirty-two (32) total dwelling units and associated site improvements. The subject area of three parcels consists of 11.17 acres +/- and located north side of White Oak Road west of State Route 1. The properties are zoned C-2A (Limited Central Commercial Zone). The owner of record for all three (3) properties is Harman Brothers LLC. Property Addresses: 1317 White Oak Road and other not yet addressed properties on White Oak Road. Tax Parcels: ED-05-068.11-01-05.00-000, Tax Parcels: ED-05-068.11-01-03.00-000, and Tax Parcels: ED-05-068.11-01-01.00-000. Council District 3. *Waiver Requests: Reduction of Parking Requirement, Partial Elimination of Sidewalk, Rear Emergency Access Requirements, Consideration of Cash-in-lieu of Partial Recreation Area Construction.*
- 2) MI-19-04 Text Amendment: Industrial Park Manufacturing Zone – Technology Center IPM-2 – Public Hearing and Review for Recommendation to City Council of Text Amendments to the *Zoning Ordinance*, Article 3 – District Regulations, Section 20A - Industrial Park and Manufacturing Zone – Technology Center (IPM-2); Article 4 Section 4.16 - Zoning Bulk and Parking Regulations; and Article 12 - Definitions. The proposed Ordinance allows for a broader range of potential uses in the IPM-2 zone while retaining the emphasis on technology versus general manufacturing uses. It also adds definitions for the following terms: logistics, warehouse, and warehousing. Ordinance #2019-15.
 - A copy of the Proposed Ordinance #2019-15 is available on the City's website www.cityofdover.com under the Government Heading: Ordinances, Resolutions & Tributes. <https://www.cityofdover.com/ordinances-and-resolutions>
 - *The Legislative, Finance, and Administration Committee reviewed the proposed Text Amendments on June 11, 2019 and First Reading was held by City Council on June 24, 2019 where the Public Hearing dates were set for Planning Commission on August 19, 2019 and City Council on September 9, 2019.*

NEW BUSINESS

- 1) Nomination and Election of Officers (Chairman and Vice-Chairman)
- 2) Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 §2.28)
- 3) 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 Revised Agenda: August 9, 2019

CITY OF DOVER PLANNING COMMISSION
JULY 15, 2019

The Regular Meeting of the City of Dover Planning Commission was held on Monday, July 15, 2019 at 6:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Adams (*arrived at 6:18pm*), Mr. Roach, Ms. Edwards, Mr. Holt, Dr. Jones, Mrs. Welsh, Ms. Maucher and Mr. Tolbert. Mr. Baldwin was absent.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Julian Swierczek, Mr. Jason Lyon, Mrs. Tracey Harvey, Mr. Eddie Diaz and Mrs. Kristen Mullaney. Also present were Mr. Troy Adams, Bishop W. James Thomas, Mr. Harold Stafford, Mr. Charles Fletcher, Mr. Michael Sollazzo, Mr. Tolano Anderson, Mr. Kevin Minnich, Mr. Matt Spong, Ms. Sylvia Davis, Mr. K. James Taylor, Mrs. Theresa Berry, Ms. Lueaine Thaw, Mr. Lucsaint Joachim, Mr. Gary Coy and Ms. Dana Dunphy. Speaking from the public were Mr. Harold Stafford, Ms. Diane Murphy-Hill, Mr. Fred Borda, Mrs. Constance Borda, Mr. Eugene Ring and Mr. Collin Stevens.

APPROVAL OF AGENDA

Mr. Tolbert stated that he would like the motion of the agenda to include moving application C-19-06 Calvary Baptist Church of Dover at 2285 Forrest Avenue to number one of the New Applications.

Mr. Roach moved to approve the agenda with application C-19-06 in front of Old Business as the first item heard tonight, seconded by Dr. Jones and the motion was unanimously carried 7-0 with Mr. Adams and Mr. Baldwin absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JUNE 17, 2019

Mrs. Welsh moved to approve the Planning Commission Meeting minutes of June 17, 2019, seconded by Ms. Edwards and the motion was unanimously carried 7-0 with Mr. Adams and Mr. Baldwin absent.

COMMUNICATIONS & REPORTS

Mr. Hugg stated that the Annual Meeting of the Planning Commission that is typically held in July will be scheduled at a future meeting date at the completion of the appointment process for Commission members, including any possible new Commission members.

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Monday, August 19, 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 June 24 and 25, 2019, July 1, 2019 and July 8 and 9, 2019.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

NEW APPLICATIONS

- 1) C-19-06 Calvary Baptist Church of Dover at 2285 Forrest Avenue – Public Hearing and Review of a Conditional Use Site Plan Application to permit the construction of a 40,026 +/- SF place of worship and associated site improvements at 2285 Forrest Avenue. The subject property is 75.51 acres +/- and is located on the south side Forrest Avenue west of Dover High Drive. The property is zoned R-10 (One Family Residence Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Calvary Baptist Church of Dover Inc. Property Address: 2285 Forrest Avenue. Tax Parcel: ED-05-075.00-01-06.00-000. Council District 1. *Waiver Request: Partial Elimination of Upright Curbing; Reduction of Bicycle Parking Requirement; Partial Elimination of Sidewalk.*

Representatives: Mr. Troy Adams, Mountain Consulting; Bishop W. James Thomas, Calvary Baptist Church; Mr. Harold Stafford, Calvary Baptist Church; Mr. Charles Fletcher, Calvary Baptist Church; Mr. Michael Sollazzo, William Byler Jr. Architects

Mrs. Melson-Williams stated that this is application C-19-06. It is a Conditional Use Site Plan for Calvary Baptist Church. This is a property that is located on Forrest Avenue on the western side of the City. It in total is 75 acres of land. It is zoned R-10 (One Family Residence Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The proposal before us tonight is a place of worship. It has a building area of 40,026 SF. There is a series of parking spaces that flank the building. The building is set back some distance from Forrest Avenue. With a church, parking is based on a seat count. The requirements for this building based on its seat count would require 235 parking spaces. They are actually in their plan, proving more than that. They are providing a total of 326 parking spaces which includes handicapped parking spaces and also a requirement for bicycle parking. This project because of it being in a residential zone is a Conditional Use. For a Conditional Use, the Planning Commission must look at its accessibility for emergency response, the harmony of its location in size and character, and other concerns with it being in a residential neighborhood area. The property is also subject to the COZ-1 (Corridor Overlay Zone). This occurs along the frontage of the property along Forrest Avenue. It is the first just over 500 feet into property that is subject to this COZ-1 (Corridor Overlay Zone). With that, there are some additional design considerations for the project. In this case, most of them pertain to landscaping type elements and some of the design of the parking lot. The building itself is not located in the COZ-1 (Corridor Overlay Zone) but it is making efforts to meet some of the requirements for buildings as if it were. They are only dealing with the northeast portion of the property. Access is from Route 8 only. There is a farm lane that comes in off of Artis Drive, but it is not intended to serve the church building. For traffic circulation, you can circulate entirely around the building and the parking lot areas. There are several waiver requests that the applicants have made. One is a reduction in the bicycle parking requirement. The second is the elimination of sidewalk for the frontage of the property west of the farm lane along Artis Drive citing wetland concerns and lack of other public sidewalks in that area. Staff has already granted approval to a partial elimination of curbing which is in some areas of the parking lot as well as drive aisles to facilitate stormwater management. With this review, Planning Staff had a number of comments. They are supportive of the waiver requests as mentioned. The curbing as already been approved by Planning Staff. They also recommend the reduction in the bicycle parking spaces from what would be a requirement of nineteen down to a requirement of six and the

waiver request for the elimination of sidewalk. They are creating a multi-use path along most of the frontage but the portion of the sidewalk on Artis Drive is where the waiver is sought. The DAC Report also includes information from the City's Public Works Office, the Fire Marshal's Office as well as DelDOT. They are working with DelDOT in regards to a Traffic Impact Study and have made some significant progress with that. Their entrance design will be subject to DelDOT review. There are also comments from the Kent Conservation District.

Mr. Troy Adams stated that based on what Mrs. Melson-Williams said, they agree. They have had conversations about all of these comments and he has no objections to anything that she has stated. They agree to adhere to the DAC Comments.

Mr. Tolbert opened a public hearing.

Mr. Harold Stafford – Calvary Baptist Church 2285 Forrest Avenue Dover, DE 19904

Mr. Stafford stated that he is not sure how many of you believe in divine intervention but the fact that Calvary Baptist Church was last on the agenda and then moved to first is divine intervention. He and his wife have been members of Calvary Baptist Church for about forty years. They have raised three of their children at this great church. They have raised three of their four grandchildren at this church and they are now pleased to have the honor of raising their two-year old great-grandchild at this church. They have a very vested and long-term interest in the outcome of operations today as they look to moving the church to another level. He would first like to thank the Planning Commission for putting their application on the agenda tonight. It's interesting how God works. Sometimes they look at it as we are last but not least so they would to thank the Commission for making that adjustment. He wants to salute all of the members of the Commission for all of the hard work that they do. They have some difficult tasks that they face day by day. For the record, in December 2006 Calvary's plan to build a new church at 2285 Forrest Avenue was approved by Kent County prior to the annexation of that land into the City of Dover. The Planning Office subsequently accepted approval of the Site Plan by Kent County after the 76 acres of land were annexed into the City. In September 2007, the Planning Office granted approval of the Site Plan and a Building Permit was also issued in 2007. Since Calvary Baptist Church did not take action to proceed with the construction of the new facility due to other prevailing circumstances, the Site Plan and Building Permit expired. Fast forward to today, they appear before the Commission tonight with plans for approval for Calvary Baptist Church to proceed with construction of their new facility. As you reflect on the content of the plans, he is sure that you have noticed that the footprint of the building is basically the same footprint that the City Planning Office approved in 2007. The only significant change is that the new design includes new orientation of the sanctuary which now faces north toward Forrest Avenue and the pulpit faces south. To say that we at Calvary Baptist Church are badly in need of space would be an understatement. At his last count, Calvary Baptist Church has over twenty auxiliaries operating, numerous ministers at their current Queen Street location, in addition to countless community outreach initiatives for which Calvary Baptist Church is traditionally known to conduct throughout the greater Dover community. They are literally bulging at the seams and experiencing a daily management challenge to logistically make it all work. Yesterday, they celebrated their 600th new member. During the last year, they have also had an approximate growth rate of about 20%. Not including about 100 additional members waiting in the pipeline waiting to complete requirements to become active members of Calvary Baptist Church. Their

new sanctuary will seat over 900 members and that time can't come soon enough as they are currently having two services to try to accommodate their members. Finally, they stand here tonight on the shoulders of legendary giants in their church, none other than Mr. Williams and Mrs. Iris Wilson and many others of that generation who have been anchors at their church on Queen Street. The late Apostle, Mr. Richard Avant who had the vision to move them at Calvary Baptist Church to higher ground. In November of this year, Calvary Baptist Church will celebrate its 135th anniversary. Mr. Wilson, who is now 91 years old, has served at Calvary Baptist Church for most of those 91 years and Apostle Avant served as Pastor for almost 35 years. Now the torch has been passed on to Bishop W. James Thomas as well as the present members of all of the members of this church who are standing in this room tonight. The torch has been passed on to all of us. The message that the Bishop had on Sunday was "We usually always think about being present. It is more than simply being present. It is finishing those tasks that have been assigned to our hands. How you start matters but how to finish is just as important." Tonight, they stand before the Commission because their intent is to strongly finish the project that their predecessors started to lead Calvary Baptist Church to higher ground. They at Calvary Baptist Church respectfully request the Commission's approval of their plans so that they can finish the task at hand which is to proceed with construction of their church at 2285 Forrest Avenue so that they can continue their mission to be soldiers in army for their Lord in Savior Jesus Christ.

Ms. Diane Murphy-Hill – 668 Artis Drive Dover, DE 19904

Ms. Murphy-Hill stated that they have been waiting since 2006; welcome to our neighborhood. They kept waiting and waiting. They saw the signs and then all of a sudden you are here. She has questions in regards to keeping the farmland in the back tilled because their ducks live there. She is happy to hear that they won't be using the farm lane off of Artis Drive. How are they going to help the church-goers get in and out on Artis Drive? It is horrendous on a Sunday. Will the City provide Police to let them in and out? That is a large amount of cars that are probably going to be coming out. Responding to Ms. Murphy-Hill, Mrs. Melson-Williams stated that the access onto Forrest Avenue is a State maintained road so the review and the design of that entrance is subject to DelDOT. They have required a Traffic Impact Study. That study will identify if there are road improvements that would be necessary for that entrance. That may include dedicated turn lanes going into the site. She doesn't know if the traffic generation is enough to trigger any kind of signalization at this point. That entrance is certainly under DelDOT review and if there are issues she is sure that there are a variety of approaches that can be taken if there is a peak hour needs for a certain day of the week.

Ms. Murphy-Hill stated that they heard that they are not going to put up the curbing because of runoff. For those of you who have been in that area, it floods a lot so she is happy to hear that you are not putting up curbs because it is just going to keep the water in your area. In looking at the plot plan, in the back there is a road going out to the existing road that is already there for the other church. Is that where the road is going to? Responding to Ms. Murphy-Hill, Mrs. Melson-Williams stated that if you are looking at the screen (displaying the plan) it looks like a road but it is not a road. It is a location of sanitary sewer lines that will connect to this church property.

Ms. Murphy-Hill questioned where the entrance is going to be? Responding to Ms. Murphy-Hill, Mrs. Melson-Williams stated that in the upper left corner of the screen is where the entrance is. It

comes directly into a parking lot area that is on the east side of the building.

Ms. Murphy-Hill stated that their main concern was if they were going to have issues getting in and out of Artis Drive but that looks perfect. They are very happy with all of the arrangements that they are hearing.

Mr. Tolbert questioned if she had been in contact with DelDOT regarding her concerns? Responding to Mr. Tolbert, Ms. Murphy-Hill stated no, because they noticed that they put those counter tapes out and they were thinking that they would hear something at this meeting.

Mr. Tolbert stated that if her concerns remain, he would suggest that she contact DelDOT to find out what they are doing.

Ms. Murphy-Hill questioned if the existing waterway would remain? Responding to Ms. Murphy-Hill, Mrs. Melson-Williams stated that there is a stream that crosses the property as well as ditch network. It is kind of zigzag that is across the screen. That is actually in an area that is wetlands and also partially wooded so they are not doing anything with that area at all.

Ms. Murphy-Hill questioned if the services for the church were set times? Responding to Ms. Murphy-Hill, Bishop Thomas stated that currently their services are at 8:00AM and 10:30AM but when they move to the new location they will probably combine both of those services into one service so it will be an early morning service but they have not determined a time for that yet.

Ms. Murphy-Hill stated that the pulpit will be facing south. Most of them on Artis Drive are south so they will be listening for you.

Mr. Tolbert closed the public hearing.

Ms. Edwards moved to approve C-19-06 Calvary Baptist Church of Dover at 2285 Forrest Avenue as submitted to include all three waiver requests, seconded by Dr. Jones and the motion was carried 8-0 by roll call vote. Ms. Edwards voting yes; she believes that it is going to be a great addition to the community, there is community support and they obviously need to space to grow. She is excited for the church. Mr. Holt voting yes; he too sees that there is good community support for the church. Dr. Jones voting yes; she is so excited that Calvary is getting ready to build. Mrs. Welsh voting yes; it is a very well thought out plan and it looks like it will be a good addition in that area. Ms. Maucher voting yes; based on previous comments and it's a good addition to the community. Mr. Adams voting yes; and he wishes the church the best of luck. Mr. Roach voting yes; he hopes that you all move on quickly because there is a neighboring church that would like some of their parking spots back. Mr. Tolbert voting yes; from the rendering that they have the church will be a beautiful building and it is going to go near or right beside another beautiful building, the Dover High School and it is going to do a lot for that area.

OLD BUSINESS

1) Request for Extensions of Planning Commission Approval:

- a. S-17-18 Frito Lay Building at Tudor Business Park – A Request for a One-Year Extension of the Planning Commission approval granted July 17, 2017 for a Site Development Plan, its Performance Standards Review Application, and an associated waiver to eliminate upright curbing to permit construction of a 4,278 S.F. one-story warehouse/office building and associated site improvements. This is to be an additional building within the Tudor Business Park. The proposed use was found to conform to the applicable performance standards as outlined in *Zoning Ordinance*, Article 5 §8 Performance Standards. The property is zoned C-3 (Service Commercial Zone). The property is located on the south side of South Little Creek Road and is served by Otis Drive. The owner of record is Tudor Enterprises, LLC. Property Address: multiple addresses in Tudor Business Park on South Little Creek Road. Tax Parcel: ED-05-077.12-01-02.00-000. Council District 2.

Representative: None

Mrs. Melson-Williams stated that this is a request from S-17-18 Frito Lay Building for a one-year extension of the Planning Commission approval. The Planning Commission granted approval to this Site Plan on July 17, 2017 as well as its Performance Standards Review Application and associated waivers. It was a project to construct a one-story warehouse and office building. They received a letter of request from the project engineer seeking a one-year extension. She is happy to report that they are fairly close to getting full approvals from all agencies if they have not done that in the last week; however, they will not be in full construction by the end of July hence their request for a one-year extension.

Mr. Holt moved to approve S-17-18 Frito Lay Building at Tudor Business Park for a one-year extension, seconded by Mrs. Welsh and the motion was carried 8-0 by voice vote.

- b. S-17-20 Bay Road Commercial at 560 and 600 Bay Road – A Request for a One-Year Extension of the Planning Commission approval granted July 19, 2017 for a Site Development Plan and associated waiver to reduce the Arterial Street Buffer to permit construction of a 120,046 S.F. of commercial development on a 12.9366 acre+/- parcel currently named Bay Road Commercial. The development is proposed to include two restaurants of 4,200 S.F. and 6,400 S.F., a 70,646 S.F. grocery store, a 18,000 S.F. multi-tenant building segment and a 20,800 S.F. multi-tenant building segment. The property is zoned C-4 (Highway Commercial Zone). The property is located on the southwest side of Bay Road. The previous owner of record was S H E Holdings, LLC c/o Mike Longwill and the current owner now is Bayroadcap, LLC. Property Addresses: 560 Bay Road and 600 Bay Road. Tax Parcels: ED-05-077.00-01-09.00-000 and ED-05-077.00-01-10.00-000. Council District 2.

Representatives: None

Mrs. Melson-Williams stated that this is a request for a one-year extension. This is a project known as Bay Road Commercial. It was reviewed by the Planning Commission in July 2017 and it was for a series of commercial development at 560 and 600 Bay Road. Several retail buildings were proposed with the project. She can tell you that they have been working diligently on their final plan approvals and the Final Plans are sitting in her office; they arrived last week. She

believes that they are wrapping up all of the agency approvals that they need. Likewise, they will not be under permit by the end of July, so they are seeking a one-year extension. They did provide us with a letter and gave some outlined information about their project status.

Mrs. Welsh moved to approve S-17-20 Bay Road Commercial at 560 and 600 Bay Road for a one-year extension, seconded by Ms. Edwards and the motion was carried 8-0 by voice vote.

- c. S-17-15 Dover Station at 655 West North Street –A Request for a One-Year Extension of the Planning Commission approval with conditions granted July 19, 2017 for a Site Development Plan and associated waivers to permit construction of a 20,000 S.F. two-story office building and a 6,000 S.F. group home as well as associated site improvements. The waivers approved are related to a partial elimination of the Opaque Barrier Fence Component and alternative format of the Opaque Barrier. This project adds to the existing development at 645 West North Street and will share site access. The property is zoned IO (Institutional and Office Zone) and is located on the north side of West North Street, east of Clarence Street. The owner of record is Faithworks, LLC. Property Address: 655 West North Street. Tax Parcel: ED-05-076.12-04-08.00-000. Council District 4.

Representatives: Mr. Tolano Anderson, Faithwork, LLC

Mrs. Melson-Williams stated that this was a project all reviewed in July 2017 for a Site Development Plan. It proposed a two-story office building and another building to be used as an emergency shelter facility at that property. They submitted a request via email for a one-year extension. They have somewhat of a complicated site when it comes to stormwater management and environmental concerns at the property; and they have been working through those items. They are not quite as close on the final plan approval, so they have some work cut out for them.

Mr. Anderson stated that Mrs. Melson-Williams summarized everything quite adequately. It is a very complex site with a lot of issues to work through concerning the Brownfield and the State Department of Transportation as well as the Kent Conservation District. They are working through them, but they just need an extension to get this to the finish line.

Mr. Roach questioned how far they are in regards to the process before you start actually moving forward? Responding to Mr. Roach, Mr. Anderson stated that they are actually preparing their final submission to the Kent Conservation District and DelDOT. The engineers are actually in process now. They received some requests for modifications, and they have already started working through them. He would say within the next 30-60 days, those submissions will be made back to those agencies.

Mrs. Welsh moved to approve S-17-15 Dover Station at 655 West North Street for a one-year extension, seconded by Ms. Edwards and the motion was carried 8-0 by voice vote.

2) Development Applications (Continued Review):

- a. S-19-10 Parking Area of Dover Community Pharmacy at 1035 South Governors Avenue – Continued 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 revised total of fourteen (14) 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.*

- *The Planning Commission conducted a Public Hearing and began consideration of S-19-10 at the June 17, 2019 meeting and deferred action pending submission of additional information.*

Representatives: Mr. Kevin Minnich, Minnich Engineering; Mr. Matt Spong, Landscape Architectural Services, LLC

Mr. Diaz stated that this application is returning from last month. The applicants are seeking to gain approval of a parking area at the rear of the pharmacy which has already been constructed. Last month, the Commission requested that the applicant revise the Site Plan to show the removal of some pavement that was encroaching on the property to the north that is on the left hand side of the screen and also to address a possible landscaping conflict on the property on the south to the right which the neighbor who owns that property brought to the Commission's attention. The applicant did revise the Site Plan and the Landscape Plan to address both of those issues. Staff recommendation remains for approval of the project inclusive of the waiver request for the elimination of the Opaque Barrier which would have been needed on the south side of the property. The applicant is here for any questions about the specifics of the Landscape Plan that they submitted.

Mr. Minnich stated that they were here last month with the plan and they have met with the property owners to the south and revised the plan. He thinks that she is in accordance with what they have on the plan. They talked about some of the landscaping issues and how they could address her concerns and they did a good job revising the plan. As far as the property to the north, there was a question regarding the impervious area that was on the neighbor's property. They have addressed that by taking at least a one-foot strip off of the existing paving off of their property. He feels like they have addressed everything that the Planning Commission wanted and that the homeowners wanted from the north and south.

Mr. Tolbert questioned if they agree to continue working with Planning Staff? Responding to Mr. Tolbert, Mr. Minnich stated yes.

Mr. Spong stated that they submitted a letter by email last Friday as well as a copy of the letter to the Planning Commission explaining that because of additional sanitary sewer outlets and lines on the south property line they would have to have the tree density requirement just for the 5,700 SF of new parking lot paving which is really what the issue is here. The Revised Plan shows that. They also have a copy of a letter that was sent to Ms. Donna Hutchins last Friday and he summarized the discussion at the meeting with her, the owner and Mr. Kevin Minnich on July 9,

2019. She was concerned about water coming onto her property but with adding the precast concrete curbing, which is a requirement anyway around the planting, none of the water can go onto her property. There is a planting proposed in an island to meet the tree density requirement and also the buffer requirement against her existing fence. When the water hits that it will run around to the northeast and will not go on her property. They also saw a couple of rotted timbers which he has placed along the bottom of her fence. As an extra measure they offered to replace those in case the water ever got over the curb which he hopes that doesn't happen or we will be like Louisiana. They have the proposed Hollies that she was concerned about because she didn't really know what they were. They will stay compact, but they will also give the required buffer.

Ms. Edwards moved to approve S-19-10 Parking Area of Dover Community Pharmacy at 1035 South Governors Avenue, seconded by Mr. Holt.

Mrs. Melson-Williams questioned if the motion included the waivers that were part of this application? The waivers were for the elimination of the fence component of the Opaque Barrier and the elimination of curbing which is something that Staff can waive. Are you also recognizing the revised information that was provided tonight?

Ms. Edwards moved to approve S-19-10 Parking Area of Dover Community Pharmacy at 1035 South Governors Avenue to include the waivers for the elimination of the fence component of the Opaque Barrier and the elimination of curbing and the revised information that was provided at tonight's meeting, seconded by Mr. Holt and the motion was carried 8-0 by roll call vote with Mr. Baldwin absent. Ms. Edwards voting yes; they have worked with the neighbors on both sides of the property to address their concerns so she thinks that they have done everything that they can to accommodate those concerns. Mr. Holt voting yes; it looks like everybody is going to be satisfied with the way that everything is going to be handled with the property. Dr. Jones voting yes; it appears that there has been satisfactory communication about the issues at hand. Mrs. Welsh voting yes; everything seems to be addressed and they are taking care of the issues by correcting everything with the parking lot being constructed. Ms. Maucher voting yes; for reasons previously stated. Mr. Adams voting yes. Mr. Roach voting yes; thank you for working cooperatively with Staff. Mr. Tolbert voting yes.

- b. S-19-11 Lion of Judah Ministry Church at 951 White Oak Road – Continued 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.*
- *The Planning Commission conducted a Public Hearing and began consideration of S-19-11 at the June 17, 2019 meeting and deferred action pending submission of additional information.*

Representatives: Mr. Troy Adams, Mountain Consulting; Ms. Sylvia Davis, L&S Davis Properties

Mr. Swierczek stated that this is a review of a Site Development Plan Application to permit construction of a one story 5,000 SF place of public assembly or church building and associated site improvements. The site is currently vacant. The Planning Commission review of this application was continued from the June meeting seeking additional information. Specifically, the Planning Commission was seeking further clarification as to the exact location of an existing chain-link fence located near the north property line. The applicant has submitted further plans dated July 5, 2019 identifying the location of said fence. As a reminder to the Commission members, the applicant has noted two waiver requests with their plans. The first is a waiver request from the *Zoning Ordinance*, Article 5, Section 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 was from Article 6, Section 3.6B requiring that all permanent parking areas shall be enclosed with the upright concrete curbing. 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 parking will be provided along the exterior of the perimeter of the parking lot. Staff has recommended approval of both of the waiver requests. Any motion should address the waivers.

Mr. Troy Adams stated that upon request of the Planning Office, they did resubmit this Property Boundary Exhibit to further express more clarity with the location of the fence. It is on the Lion of Judah property. In regards to the Opaque Barrier waiver, if he recalls he stated that he wanted to put a low lying evergreen bush along the west side of North Halsey Road just for visual purposes so that the building would not be blocked. He just wants to make sure that he is able to do that.

Mr. Holt moved to approve S-19-11 Lion of Judah Ministry Church at 951 White Oak Road with the waiver elimination of the fence component of the Opaque Barrier and the partial elimination of the upright curbing.

Mr. Roach questioned if the applicant had further communication with the young lady who had the issue with the fence? What are you going to do with the fence? Were there any issues concerning the tree line in conjunction with the fence? Responding to Mr. Roach, Mr. Troy Adams stated that he did speak to Ms. Marie Hudson. They spoke at least twice and he believes that their intention was not to build a fence. Their waiver still stands as it was previously written. In regards to the property itself, he has spoken to their surveyor so there has been communication.

Mr. Roach questioned if they planned on leaving the existing chain-link fence up? Responding to Mr. Roach, Mr. Troy Adams stated no he needs to take it down because it is in the way of his tree plantings. It doesn't meet any type of Opaque Barrier requirement anyway.

Mr. Holt moved to approve S-19-11 Lion of Judah Ministry Church at 951 White Oak Road with the waiver elimination of the fence component of the Opaque Barrier and the partial elimination

of the upright curbing, seconded by Ms. Maucher and the motion was carried 8-0 by roll call vote. Mr. Holt voting yes. Dr. Jones voting yes; with the full understanding that all of the issues that were raised at the previous meeting have been appropriately resolved. Mrs. Welsh voting yes; she concurs with Dr. Jones' comments. Ms. Maucher voting yes; based on Staff recommendations and the new information brought tonight. Mr. Nick Adams voting yes. Mr. Roach voting yes; with the understanding that the issue at hand in regards to the chain-link fence and the barrier is on the property of the owner of Lion of Judah so they can kind of do what they want. Ms. Edwards voting yes; based on reasons previously stated. Mr. Tolbert voting yes; because all of the issues have been addressed.

3) Development Applications – Revised:

- a. S-19-03 Retail Center at 747 N. DuPont Highway: Master Plan REVISED – Update on a Revised Site Development Master Plan to permit phased construction of a retail center now known as DuPont Plaza. The center is to consist of four buildings totaling 52,196 SF and is to be constructed in three phases. The buildings proposed include three multi-tenant structures of 12,036 SF (Bldg. A, Phase 1), 9,775 SF (Bldg. C, Phase 2) and 19,200 SF (Bldg. D, Phase 3) as well as a freestanding restaurant of 11,185 SF (Bldg. B, Phase 1). New information shows five (5) retail spaces and one (1) restaurant space in Building A. The property is zoned SC-2 (Community Shopping Center Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone). The property is located on the east side of North DuPont Highway and south of Leipsic Road. The owner of record is Rojan 15 DD, LLC. Property Address: 747 North DuPont Highway. Tax Parcel: ED-05-068.05-01-15.01-000. The REVISED project no longer includes reconfiguration of the property lines and parking for the hotel located at 764 Dover Leipsic Road. This property owned by Delmarva Hotels LLC (Tax Parcel #ED-05-068.05-01-14.00-000) is no longer considered part of the application. Council District 3. PLUS #2018-02-02. *This site is subject to Minor Subdivision Application SB-18-01, approved by the Planning Commission on February 20, 2018 and granted a one-year extension on February 19, 2019. The Subdivision proposed dividing the existing parcel of 25.01 +/- acres into two parcels of 10.007 +/- acres and 15.004 +/- acres. This proposal deals exclusively with the 10.007 +/- acre parcel to the south. The Planning Commission granted approval of the Master Plan on March 18, 2019 subject to conditions.*

Representatives: Mr. K. James Taylor, PE; Duffield Associates

Mr. Diaz stated that this application is returning from March 2019. The applicant is seeking to develop 52,196 SF retail center on the site in four buildings. They revised their Site Plan because of the Comfort Inn & Suites which is on the property just to the left of the main property shown on the screen. Previously, they had proposed to connect that property into the shopping center with a couple of drive aisles but that property is no longer part of the application. Because of the revisions, Staff asked the applicant to bring an update to the Planning Commission to share the progress that has been made and to explain the design changes that have been made. They also wrote a memo containing Planning Staff's overview of the changes. They do have some new recommendations for the project that would be in addition to those previously heard and adopted at the March 2019 meeting. First is that the Planning Commission approve the architecture of Building A; that is the building closest to the street towards the bottom of the screen. That

architectural information was not provided at the March 2019 meeting so the Commission now has the chance to review and approve it. Staff also recommends that the Commission ask for additional evergreen trees in the Landscape Plan just to the rear of Building A. This would be for the purpose of screening the loading area side of the building that doesn't have quite the architectural articulation that the other three sides do. Finally, Staff is recommending that the Commission ask for additional future cross-access locations which could be accomplished with the recordation of a cross-access easement. This would be to substitute for the actual physical cross-access that is lost with the removal of the hotel property from the application.

Mr. Taylor stated that they have been working with the Planning Office as well as Mr. Diaz to go forward with this project. As Mr. Diaz mentioned, unfortunately an agreement couldn't be reached with the hotel. There were a lot of plans that they were going through for eight months of back and forth. They thought that they had gotten to a spot but it kind of fell through. Unfortunately, the hotel property had to be removed. As far as the Staff recommendations, they have no objection to the approval of the architecture of Building A. They have no problem with providing evergreen screening behind the rear of Building A to kind of provide a better visual. As far as the future cross access locations, they can show those on plans before they get final approval of the Site Development Master Plan.

Mr. Tolbert questioned if there will be enough parking on the site? Responding to Mr. Tolbert, Mr. Taylor stated yes, currently the parking requirements for the site based upon the known uses only require 241 spaces and they are providing 422 parking spaces.

Mrs. Melson-Williams stated that this was an update that was not significant enough where it would require a review of the plan in the same manner of the initial application. They did take the opportunity to bring the architecture for Building A back to the Commission. She believes that in the original approval it was noted that it needed to come before the Commission at a future date. With the removal of the hotel piece, that necessitated the two other recommendations that Staff outlined in the Memo regarding the evergreen screening and the cross-access opportunities to the adjoining properties.

Mr. Tolbert questioned if the applicant knew what restaurant would be coming to this location? Responding to Mr. Tolbert, Mr. Taylor stated that the restaurant in the center is planned to be a Golden Corral. He believes that they got approval from upper management on this Revised Plan. He knows that there is also a restaurant planned for Building A that would be a burger joint but that has not been authorized to say who that is yet.

Mrs. Melson-Williams stated that it would be appropriate to have a motion to recognize the update received on the Revised Plans and the acceptance of the Memo which included some Staff recommendations in regards to the project as well.

Mrs. Welsh moved to approve S-19-03 Retail Center at 747 N. DuPont Highway: Master Plan REVISED inclusive of the Staff recommendations for the approval of the architecture of Building A, the landscaping change for Building A to evergreen trees and the additional future cross access locations, seconded by Ms. Edwards and the motion was carried 8-0 by voice vote with Mr. Baldwin absent.

NEW APPLICATIONS

- 1) S-19-13 Office Building at 223 and 225 West Division Street – Public Hearing and Review of a Site Development Plan and Lot Consolidation Plan Application to construct a three-story 7,671 SF office building together with associated site improvements. The subject properties to be combined total 5,120 feet and are located north side of West Division Street east of North New Street. The property is zoned C-1A (Limited Commercial Zone). The owner of record is NCALL, Inc. Property Addresses: 223 West Division Street and 225 West Division Street. Tax Parcels: ED-05-076.08-05-28.00-000 and ED-05-076.08-05-29.00-000. Council District 4. *Waiver Requests: Elimination of Upright Curbing, Consideration of Tree Mitigation Plan. Two variances were approved by the Board of Adjustment at their April 2019 meeting. The variances are from Zoning Ordinance, Article 4 §4.14 pertaining to the bulk standards of the C-1A zone: to allow an increase in the maximum permitted number of stories from two (2) to three (3), and to allow an increase in the maximum permitted building height from thirty (30) feet to thirty-four (34) feet (V-19-04).*

Representatives: Troy Adams, Mountain Consulting, Inc

Mr. Swierczek stated that this is both a review of a Site Development Plan and a Lot Consolidation Plan Application to construct a three-story 7,671 SF office building together with associated site improvements at 223 and 225 West Division Street. The properties are zoned C-1A (Limited Commercial Zone) and the previous structures have been demolished. The applicant had previously requested two variances on this property under V-19-04. Both variances were for the requirements of Article 4, Section 4.14 of the *Zoning Ordinance* pertaining to the bulk standards in the C-1A (Limited Commercial Zone). The first variance was seeking to allow the maximum number of stories in the C-1A (Limited Commercial Zone) to be permitted to be increased from two to three and the second variance was to permit the maximum height of the building in the C-1A (Limited Commercial Zone) to be increased from thirty feet to thirty-four feet. Both variances were approved. It is with these variances that the project is presented. The applicant has noted two waiver requests with their plans. The first is a waiver request from Article 6, Section 3.6b requiring upright curbing for all parking areas and access drives, stating that curbing will not benefit or enhance the conveyance of stormwater runoff. The applicant is instead asking that they be permitted to only install bollards as to ensure that vehicles remain a safe distance from the building. The second waiver asked for is a request for consideration of a Tree Mitigation Plan as permitted by Article 5, Section 16.91a which allows the Planning Commission to grant a waiver to mitigate the trees required to be planted to achieve the tree density requirements. This mitigation is requested because primarily the site leaves little to no space for tree planting. The concept of the Tree Mitigation Plan is to plant one tree each at both 18 and 28 North Kirkwood Street which are residential properties that NCALL owns. NCALL is constructing a new one family detached dwelling on each of these lots. Staff has recommended approval of both of these waiver requests. Just as a note, the members of the Planning Commission should act upon the requested waivers as part of any motion regarding this project application or as a separate motion as necessary.

Mr. Roach stated that the proposed parking spaces would be three spaces but it seems like from the rendering that there will be six spaces. He didn't know if there was a change in the plan; either the

number or the picture is off. Responding to Mr. Roach, Mr. Swierczek stated that the renderings that were proposed were drafted when the applicants went to the Board of Adjustment to ask for the variances. It was later in the more formal design process when they realized that they did not have quite enough room to accommodate the six spaces.

Mr. Adams stated that the summary that Mr. Swierczek stated was accurate. The last rendition that the architect shared with him shows four parking spaces now. He was able to move some of those structural columns to accommodate four spaces. Other than that, everything else is the same at this point and they agree to work with Planning Staff and agree with the DAC Comments.

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

Mr. Roach stated that it seems like a large building with only four parking spaces. Do they plan on utilizing street parking or do they have an idea of who might be occupying the tenant space? Responding to Mr. Roach, Mr. Adams stated that in regards to the parking, under this particular zoning, zero spaces are required. Street parking will be used anywhere that we can find it.

Ms. Maucher moved to approve S-19-13 Office Building at 223 and 225 West Division Street inclusive of the two waiver requests of the elimination of upright curbing and the consideration of the Tree Mitigation Plan, seconded by Mrs. Welsh and the motion was carried 8-0 by roll call vote. Ms. Maucher voting yes; based on Staff comments and recommendations. Mr. Nick Adams voting yes. Mr. Roach voting yes; he thinks that it is a beautiful building that is going to add some more visual aesthetics to Division Street. Ms. Edwards voting yes; she agrees that the building is beautiful and will add to the Downtown Area. Mr. Holt voting yes; he approves the building. Dr. Jones voting yes; for the previously mentioned comments. Mrs. Welsh voting yes; it is a great building for that particular lot Downtown. Mr. Tolbert voting yes; the applicant is presenting a building that is going to do a lot for that area but there is also a tremendous service that will be provided by that building.

- 2) C-19-03 Lands of TDM, LLC: Student Home at 230 North Governors Avenue – Public Hearing and Review of a Conditional Use Plan Application to permit the conversion of an existing one-family residential dwelling into a Student Home for four (4) persons at 230 North Governors Avenue. The subject property consists of 3,458 SF and is located on the west side of North Governors Avenue, south of Mary Street. The property is zoned RG-1 (General Residence Zone). The owner of record is TDM, LLC. Property Address: 230 North Governors Avenue. Tax Parcel: ED-05-076.08-02-70.00-000. Council District 4.

Representatives: Theresa Berry, TDM, LLC

Mrs. Harvey stated that this Conditional Use Review is to permit the use of an existing one family residential dwelling into a Student Home for four persons. The property is zoned RG-1 (General Residence Zone). The property consists of 3,458 SF and is located on the west side of South Governors Avenue south of Mary Street. The owners of record are TDM, LLC. The property is addressed as 230 North Governors Avenue. The proposed use for student housing under the *Zoning Ordinance* provisions within the RG-1 (General Residence Zone) zoning district in Article 3, Section 2d may be permitted as a Conditional Use with approval by the Planning Commission. *Zoning*

Ordinance amendments adopted January 13, 2003 made Student Homes in the RG-1 (General Residence Zone) and RG-2 (General Residence Zone) zones subject to Conditional Use approvals and specific restrictions. Student homes are subject to the following siding and bulk criteria: No Student Home shall be located closer than 500 feet from any other Student Home. The maximum allowable occupancy shall be four persons or the occupancy limit is determined by the Building and Fire Codes adopted by the City of Dover; whichever is less. Two off-street parking spaces shall be provided per dwelling unit. A Student Home shall not be permitted to be established within any semi-detached dwelling, duplex dwelling, group dwelling or townhouse dwelling unit. Building or groups of buildings on the same lot with fifteen or more units on a lot shall not be subject to the Student Home regulations. Student Homes shall be licensed under Chapter 10 Housing Code, Chapter 22 Building and Building Regulations. Student Homes shall be subject to the provisions of Chapter 10 Housing Code, Chapter 22 Building and Building Regulations. This is the first student home to be considered under these Conditional Use provisions. While there may be other dwelling units housing students, they may have been established prior to 2003; therefore, are considered legal nonconforming properties. The parking regulations for student housing requires two off-street parking spaces. The site will utilize the two nine by eighteen existing parking spaces located on the site. The parking is located in the rear of the property off of the alley. Staff recommends approval of the Conditional Use for the conversion of an existing single-family home into a Student Home for a maximum of four persons. The *Zoning Ordinance* allows up to five unrelated people to occupy a dwelling unit in any other residential zone without a Conditional Use. There may be existing residential and student housing units in the RG-1 (General Residence Zone) that were established prior to 2003 before the amendment was adopted to require a Conditional Use in the RG-1 (General Residence Zone) for Student Homes. To deny a Conditional Use for a Student Home could single out a group or people in a zoning district that allows the use for other groups or persons within the zone. This property has been a rental unit as single family dwelling since October 2016 per our Rental Dwelling Permit licensing records. The new owner seeks to utilize it as a Student Home based on the proposed tenants.

Dr. Jones questioned if this proposed student housing is leased directly to individual students or will there be an agreement with the College? Responding to Dr. Jones, Mrs. Harvey stated that it is with individual students.

Mrs. Berry stated that their daughter is one of the occupants in the house and the other tenants will be paying them directly. The house that they bought is primarily for their daughter to live off-campus. She is majoring in special education at Wesley College. They live in Townsend but she loves this area just as much as we do and she plans to become a teacher here for the District. So, they bought this property as an investment property to help us right now for her to live in off-campus and with the long term goal of her ultimately living in the house.

Mr. Tolbert questioned where their daughter wants to teach? Responding to Mr. Tolbert, Mrs. Berry stated in Dover. Right now she is torn between elementary but they do a lot of volunteering with adults with disabilities so she is interested in the 18-21 programs as well.

Mr. Tolbert opened a public hearing.

Mr. Fred Borda – 235 North Governors Avenue Dover, DE 19904

Mr. Borda stated that he lives across the street and two houses over from the proposed property. They oppose this use of student housing. They have had incredible difficulty in the neighborhood around Wesley College with the students. They have not been good neighbors, especially on Friday and Saturday nights. During the week they are not too bad but it's incredible on the weekends. Back in 2005, the residence zoning RG-1 (General Residence Zone) and RG-2 (General Residence Zone) there was some conditional information given by the Zoning Department restricting the use of houses for students. The College can't fill the dormitories that they have. We do not need more housing for students in the neighborhood. He has information that they collected at the time that the changes were made to the *Zoning Ordinance*. They are four pages of Police reports in only five months time of loitering, fireworks, loud music, students being loud in the streets, turning over trash cans, and irregular parking by either being half on the sidewalks or a foot or two from the curbs. They are not so bad during the week but on the weekends they are murder. They oppose it and some of the neighbors also oppose it. One man is a guard at the prison and he was not able to come tonight. Another man works on the Base in a civilian capacity and he had to be out of town. Is it possible to have this application postponed?

Mr. Tolbert questioned if they had a community organization that he is speaking for? Responding to Mr. Tolbert, Mr. Borda stated no. He knows what their intention is but he is here speaking on behalf of himself and his wife. They live across the street and they don't want to see it happen.

Mr. Tolbert questioned why they didn't try to bring other neighbors to the meeting tonight? Responding to Mr. Tolbert, Mr. Borda stated that they did but they are on vacation.

Mr. Tolbert stated that he had students living next door to him and they were the quietest people that you have ever seen. They never made a peep and the house was full. There was about four or five people living in that house and never once did they make a sound.

Mrs. Berry stated that professionally she is an HR Manager. Her husband is a Supervisor with a construction company and her brother-in-law who also owns the home with us is a Delaware State Police Officer and he is the Adjutant General for the National Guard. She can assure you that this Student House will be like no other. All of the girls are high honor roll students. They have known them for a number of years. She would bet her personal home mortgage that you will not have one single complaint from them or their activities or their personal character. They specifically chose this house and its location because they have been here for several years looking at it because they like being in the residential area. Their girls do not like to go to parties. They do not go to activities. Their College coach will tell you this as well. They intentionally stayed away from those other areas where the student housing is currently existing for those purposes. They don't want and we don't want to be around that kind of rift raft. She can assure you that this is going to be like no other student housing that you have probably experienced.

Mr. Tolbert questioned if they were only going to have four students in this house? Responding to Mr. Tolbert, Mrs. Berry stated yes and one of them is their daughter.

Mr. Tolbert further questioned if they would operate the home just on their own and not in association with the school. Responding to Mr. Tolbert, Mrs. Berry stated that was correct. They happen to go to Wesley College and they have to list that on the application.

Mr. Tolbert questioned if they have any contact with the school with regard to overseeing that building or getting students? Responding to Mr. Tolbert, Mrs. Berry stated no; these girls are all of their daughter's friends and their daughter.

Mr. Borda stated that it might be as this lady says and they will be fine as long as they are there. When they leave, they are going to have different students coming in. Responding to Mr. Borda, Mrs. Berry stated not there.

Mr. Tolbert questioned that when you have problems in your community with students, has it been your habitat to get the Police involved? Responding to Mr. Tolbert, Mr. Borda stated yes.

Mr. Tolbert further questioned what their response has been so far? Responding to Mr. Tolbert, Mr. Borda stated that the problem is that if you have twelve teenage or early twenties kids at 1:30AM who are really drunk and knocking things over in the driveway. By the time that the Police arrive, they are already gone but they have awakened them. They didn't dream this up. He can leave the Police reports with the Commission and the photos. They get up on a Saturday morning and you find pizza boxes in your front lawn or cars that are parked up on the sidewalk. He accepts that this lady's daughter is perfect but sooner or later she will graduate and when she does, someone else will be living in there.

Mr. Tolbert questioned that when they call the Police do they also notify their Councilman and the Mayor who is over the Police Department? They should have a meeting with the Police Department and all of the neighbors. Responding to Mr. Tolbert, Mr. Borda stated that they did this and that is how they got the Ordinance changed to where you can only have one student house within 500 feet. That is what they had to go through at that current time but he is trying to void occurrences like that. The neighborhood doesn't need more student housing because they can't even fill the dormitories so what is the point.

Mr. Tolbert stated that he made the statement that he has not had that problem and not all students are disruptive and noisy. Some of them are and some of them aren't. As community people, they are going to have to stay on top of it and sometimes that gets to be a burden but that is what you must do. It is very important that you stay on top of the issues that are giving you concerns. Responding to Mr. Tolbert, Mr. Borda stated that is why he is here tonight. This is a way to stay on top of it. They request that the Commission does not approve this request.

Mr. Tolbert stated that the problem that he personally has with it is that he is only one person but you say that the whole community is opposed to it. They should be here also.

Mrs. Constance Borda – 235 North Governors Avenue Dover, DE 19904

Mrs. Borda stated that she has witnessed males urinating out of second floor windows at some of the rentals on our street. Maybe you might not want to do this as a permanent change. After your daughters are finished with the house, do not let it go on as a permanent Student House. Is there a way to limit the use for like four years? After these girls are gone, they will have the football house or the frat house. They need to go to sleep; they work. When the students are out they are raging; maybe not their girls.

Mr. Tolbert questioned if she had talked to the owner of this home? Responding to Mr. Tolbert, Mrs. Borda stated no, nobody ever came over to talk to them. They just got a notice on their door.

Mr. Tolbert stated that they can initiate the talk with them and let them know what your concerns are.

Mrs. Berry stated that she would be willing to give Mrs. Borda her cell phone number but the only request that she would make is that she call her 20 minutes before calling 911. Responding to Mrs. Berry, Mrs. Borda stated not if someone was getting beaten up outside.

Mrs. Berry stated that if Mrs. Borda had an issue with their house, she could call her cell phone and she guarantees her that it would be a one and done situation. She is not saying that her daughter is perfect because she is not. Responding to Mrs. Berry, Mrs. Borda stated that they are not on the street to make enemies but they have been so abused in the last fifteen years.

Mrs. Berry stated that she would have the same concerns because her daughter is living in this house.

Mr. Tolbert stated that the reason that he suggested that was because he did that with his neighbor who purchased the house beside him. They had a good conversation and he has never had one moment trouble with the students in that house.

Mrs. Borda stated that being blindsided like this, they have had five or six years of solitude in their neighborhood.

Mrs. Berry stated that they talked to the people who they bought the house from and they said that they didn't have any issues at the house. They were not going to buy a house that had issues in the community because this is where their daughter is planning to live long term. They would never put her anywhere where they would expect her to not feel comfortable.

Mrs. Borda stated that they still ask that this not become a permanent approval on this residence.

Mr. Tolbert closed the public hearing.

Dr. Jones stated that as a former college administrator in charge of student housing, when she asked the question initially she was wondering if there was a reason for not communicating with Wesley College to have this house listed as off-campus housing. With that, there would be some kind of protection or some kind of intervention with campus security and college rules and regulations as the individuals are concerned. As you have indicated, there are no problems now and you don't anticipate any but sometimes we don't anticipate. She has worked with a lot of college students and high school students. She thinks that she is a pretty good judge of character and they are good students but sometimes things happen. Did they ever give any consideration to have the benefit of having the connection with Wesley? She thinks that they would still have the opportunity to charge what they want to charge since it was indicated that it was an investment. She is wondering why there is no communication with the college because there would not be any need for State Troopers

or anyone else to come in if the student housing had some connection with the college. Responding to Dr. Jones, Mrs. Berry stated that this is the first time that they have ever bought a house. It was never thought of to do that. The field hockey coach for Wesley knows that this is what they are doing and she never mentioned anything about connecting with the college. The girls have not had a great experience in the dorms; its just like some of the issues that have been seen in the community. They are good students and they have jobs afterwards and play field hockey so their commitments outside of the academics are tremendous. Getting that fire alarm pulled at 1 or 2AM, some nights it is repetitive almost every hour and it is a public nuisance to them. They thought that having them in the house, they won't have those issues. They never thought to connect with the school because it never seemed logical because it is a personal investment.

Dr. Jones questioned if she heard that this was a first time for this kind of designation of Student Housing? Responding to Dr. Jones, Mrs. Harvey stated that prior to 2003 there were Student Homes in the RG-1 (General Residence Zone) and RG-2 (General Residence Zone). After those amendments were made, it is now a Conditional Use. There still may be some in the area now that are legal non-conforming.

Dr. Jones questioned if with a Conditional Use application, does that mean that at some point in time the Planning Commission can say that they would like to review the application again? Responding to Dr. Jones, Mrs. Harvey stated yes, the Commission can renew it every year. If there are issues that arise, this application can be reviewed again.

Mrs. Melson-Williams stated that the Ordinance also includes a procedure for a Conditional Use to be revoked with the terms of the Conditional Use are not being met. That is built into their Conditional Use process. In this case, if they don't renew their Rental Dwelling License in a timely manner or other things happens, they can bring the application back to the Commission for a hearing to revoke the Conditional Use. As Mrs. Harvey mentioned, the RG-1 (General Residence Zone) and RG-2 (General Residence Zone) over the years have been amended a number of times. It was in 2003 where this definition of a Student Home was first placed in their Ordinance. A Student Home is very specific in its definition which means that it is three or more students living together. If they weren't identified as students, it would be just like any other rental dwelling but with a Student Home there is a very specific definition. It does not mean that it is a fraternity house or a sorority house. It can only happen in a single-family detached structure and the maximum allowance is for four persons. A Student Home is either going to have three or four people in it. It doesn't raise to any occupancy level higher than that and it does require an off-street parking opportunity as well.

Mr. Adams questioned if the applicant had not identified the potential occupants of the home as students, would this not have come through this Conditional Use process? Responding to Mr. Adams, Mrs. Melson-Williams stated that it is very likely. The City does have a Rental Dwelling Permit Program for anyone renting a residential unit. That ranges from single family houses to apartments. In that permitting program, they are not required to identify who their tenants are. There may be others that the City does not know about and there certainly were ones that were in place at the time that the Ordinance was changed in 2003. At that time, they did have a short list of the ones that they expected to be student housing and there was some outreach to potential Student Houses at that point in time. It is really difficult to track because even with rental dwellings, your tenants can change fairly often.

Mrs. Berry stated that this process has cost them over \$800 just to get here today. It is not something that they take lightly. They did create an agreement with each girl and it is pretty strict. They can't even have a pet without approval from them. If they have a pet, it has to be something that they bring home for a weekend and then take back to their own homes. If they get certain kinds of violations, they have agreed that they are kicking them out. These girls are being instructed just how they have raised their daughter so they will be no tolerance.

Mr. Adams stated that he does have a concern as it relates to this dwelling. His concern relates to the guidance that they received from Planning Staff as it relates to the potential action that would be taken by the Planning Commission if they were to deny a Conditional Use for a home by singling out this home simply because it is for students. That weighs heavily on his mind so he wanted to make sure that he mentioned that because based on the conversation or the response that he got from Mrs. Melson-Williams. It appears to him that the only reason that this is before the Commission is because the applicant is going above and beyond to try to do this legally and conform in a way that we would hope all applicants would. In his eyes, he views that very favorably.

Ms. Edwards moved to approve C-19-03 Lands of TDM, LLC: Student Home at 230 North Governors Avenue as submitted, seconded by Mr. Holt and the motion was carried 8-0 by roll call vote. Ms. Edwards voting yes; based on the comments that Mr. Adams made. The applicant is going above and beyond to try to do things legally and correctly and she really appreciates all of their efforts that they have put forth to do this the right way. Mr. Holt voting yes; based on the comments made by Mr. Adams. Dr. Jones voting yes; she is in favor of approving the application especially with the last comments made. Mrs. Welsh voting yes; she thinks the applicant has taken great steps to prove that their intent is to comply with the regulations and as Mrs. Melson-Williams indicated there are procedures in place for if they don't comply with the Conditional Use for it to be revoked. Ms. Maucher voting yes; there are procedures to revoke the Conditional Use should problems arise in the future. Mr. Adams voting yes. Mr. Roach voting yes; he suggests that the applicant get with the concerned neighbor but also to allow your children to be college students and have a good time because that is a part of being in college. There is a difference between having fun and being a menace. Mr. Tolbert voting yes; he has concerns but he votes to approve because the Planning Commission does have the authority to review this application in the future.

- 3) C-19-04 Assemblée Chretienne International Ministry at 1209 Walker Road – Public Hearing and Review of a Conditional Use Plan Application to permit a place of worship in an existing 1,556 SF vacant building to the rear of 1203-1209 Walker Road. The portion of the property to be leased to the place of worship consists 1.9 acres and is in the northwest corner of the parcel. Parking is to be provided in an existing paved area in front of the building. The front of the parcel and the main building on the property is occupied by Dover Place, a senior assisted living facility. The property is zoned R-8 (General Residence Zone). The owner of record is Kent Lifecare, LLC. Property Address: 1203-1209 Walker Road. Tax Parcel: ED-05-067.18-01-76.00-000. Council District 4. *The property was previously developed as C-98-02 Capitol Place Assisted Living Community: Planned Neighborhood Design – Senior Citizen Housing Option.*

Representatives: Ms. Lueaine Thaw, A.C.I.M.; Mr. Lucsaint Joachim, A.C.I.M.

Mr. Diaz stated that this is a Conditional Use Application to establish a fifty-seat place of worship in an existing vacant building to the rear of 1203-1209 Walker Road. The building in question was last used as a radio station office. In fact, the tower was associated with the radio station is still on the property. The overall property is sixteen acres and the applicants are leasing a 1.9 acre portion of that property that is in the northwest portion of the property. The applicant intends to provide some parking in the existing parking area that is in the front of the building. They are required by Code to have a minimum of thirteen spaces based on the fifty-seat count. There are assuming the parking area for nine spaces so they also obtained permission from the property owner to share some of the parking that was originally established for Dover Place which is an assisted living facility at the front of the same parcel. Staff did have some recommendations suggested as conditions of approval for the Commission. These include striping the parking area in front of the vacant building so that it clearly shows where the parking spaces are located. It includes increasing the width of the drive aisle that leads from the site entrance on Walker Road to the building from seventeen feet to twenty feet. It includes laying a sidewalk to connect the building to the existing sidewalk network on the property. There is a sidewalk that loops around Dover Place that they can connect to and it includes bicycle parking in addition to vehicular parking. Staff would ask that the Planning Commission act on the Staff Recommendations as part of any motion that they make tonight.

Mr. Tolbert questioned if this property was an assisted living facility? Responding to Mr. Tolbert, Ms. Thaw stated that there is an existing assisted living facility there already and there is a vacant building that was formerly a radio station. That is the one that they want to put the church in.

Mr. Tolbert questioned if the radio tower would be removed? Responding to Mr. Tolbert, Ms. Thaw stated that the City is handling that.

Mr. Tolbert questioned how many people the building would hold? Responding to Mr. Tolbert, Ms. Thaw stated that it is going to hold about fifty people.

Mr. Diaz stated that the application lists fifty seats so that is how many people would be approved to occupy the building at the same time. That would be different from the building occupant load which would have to be determined by the Building Inspectors. As part of the Conditional Use approval, the Commission would be approving their request for fifty seats or you could request a lesser number than what was provided.

Mr. Tolbert questioned if the applicant intended on doing anything to the building? The building is rather drab looking. Responding to Mr. Tolbert, Ms. Thaw stated that they were going to clean up the inside of the building.

Mr. Tolbert questioned what they were going to do to the outside of the building? Responding to Mr. Tolbert, Ms. Thaw stated that they are going to take off the boards and things of that nature so it will be a beautiful thing once they get in there.

Mr. Tolbert stated that the picture that was provided to them is a sorry picture. Responding to Mr. Tolbert, Ms. Thaw stated that she understands that but they are surrounded by beautiful

buildings and they intend to join the community. They are not going to be an eyesore to the community.

Mr. Tolbert opened a public hearing.

Mr. Eugene Ring – 67 Bryant's Corner Road Hartly, De 19953

Mr. Ring stated that he is the Maintenance Director of Dover Place. He knows the building and he knows the problems that he had with the area in the back. He welcomes the church. It is a whole lot better than a radio station because he spent over \$10,000 trying to get the music out of his telephones. His concern is the parking and also coming into the entrance. A lot of their residents walk around the building at all times of the day. If fifty people are going to be in this building, it is going to be pretty crowded. It is his understanding that there is a row of pine trees that is the line between Dover Place and this property. Years ago he did a lot of checking into it and they said that it was listed as a condominium lease. He never could understand that or find out who the owner was because every time the grass got high, he got the letter from the City of Dover saying that if they didn't cut the grass they were going to get fined. The City of Dover and Kent County said that Genesis owned it at the time. When he sent the paperwork up to them, they said that they didn't own it. He thinks that it was the nursing home next to them because Genesis and the nursing home next to them was a combined unit and then Genesis bought that. His biggest concern was the parking because they can't have any of the parking done on their property. With eighty-two residents and about eighty staff members, the parking is going to be very limited. He would like to find out who the permission to use their parking came from. None of their corporate office people have talked to him. He does welcome the church.

Ms. Thaw stated that the church is going to have a church van and it is going to hold fifteen seats but right now, they are only going to have twenty-five people and there will be carpooling as well. They are not even going to fill up that because not everybody drives. She doesn't think that there is going to be a concern for parking. They are hoping and believing that they will grow one day and will be extending. Right now, this is what they have to deal with.

Mr. Tolbert questioned where the church is located right now? Responding to Mr. Tolbert, Ms. Thaw stated that it is located on Forrest Avenue. They have a storefront right now.

Mr. Tolbert questioned what kind of attendance do they have right now? Responding to Mr. Tolbert, Ms. Thaw stated that they have about twenty-five to thirty people right now but they have children also.

Mr. Tolbert questioned if parking was a problem? Responding to Mr. Tolbert, Ms. Thaw stated no, parking is not a problem.

Mr. Tolbert questioned if they would have more room in the new location? Responding to Mr. Tolbert, Ms. Thaw stated yes.

Mr. Roach stated that Mr. Mike Stone, the President of MJ Stone sent the letter to the church giving them permission to be able to park on the property.

Mr. Collin Stevens – Onix Group

Mr. Stevens stated that he was here to represent Acadia Health Care located at 1225 Walker Road. Hopefully, he can address some parking concerns. It seems like the applicant has been given permission by Dover Place to park on their property. As you continue to grow, he has been given permission to say that they have no objections if they want to park at Acadia Health Care. They are happy to enter into a leasing agreement with the church. That is something that they are happy to talk to you about offline.

Mr. Tolbert closed the public hearing.

Ms. Maucher stated that the letter granting permission to use Dover Place's parking lot is signed by MJ Stone Inc. which indicates that they are the property owner but the application indicates Kent Lifecare, LLC as the owner. Responding to Ms. Maucher, Mr. Diaz stated that if you look at the property records, the owner of the property is given as Kent Lifecare, LLC. However, when the application was turned in the property owner contact listed there was given as Mike Stone. When they went to the applicants and told them that they would need more parking on the site, they suggested that they could get permission from the property owner to use the existing parking at Dover Place. This is the letter that they brought back to them which matched the name that was given as the contact on the application. Whether Mike Stone owns both Kent Lifecare, LLC and MJ Stone, Inc. he can't say but he does appear to be the property owner.

Mrs. Welsh moved to approve C-19-04 Assemblée Chretienne International Ministry at 1209 Walker Road, seconded by Dr. Jones.

Mr. Diaz stated that there are some Planning Commission suggestions of approval that were included. Those included the striping of the parking lot, widening the driveway from seventeen to twenty feet, the bicycle parking requirement and the sidewalk that would connect to the building. Please consider those when making a motion.

Mr. Roach questioned if there were any issues with the DAC requirements? Responding to Mr. Roach, Ms. Thaw stated no.

Mrs. Welsh moved to approve C-19-04 Assembly Chretienne International ministry at 1209 Walker Road to include the comments by Mr. Diaz (noting Staff Recommendations from DAC Report), seconded by Dr. Jones and the motion was carried 8-0 with Mr. Baldwin absent. Mrs. Welsh voting yes. Ms. Maucher voting yes, based on Staff recommendations and the agreement to incorporate their suggestions. Mr. Adams voting yes. Mr. Roach voting yes. Ms. Edwards voting yes, for comments previously stated and because their neighbors are willing to work with them for additional parking when they grow. Mr. Holt voting yes. Dr. Jones voting yes; it is a challenge to grow a faith community and she wishes them the best. Mr. Tolbert voting yes; he certainly hopes that the final building will be an attractive one.

- 4) C-19-05 Luther Village Parking Lot Expansion at Babb Drive – Public Hearing and Review of a Conditional Use Site Plan Application to permit the construction of an additional 10,609 +/- SF of paved parking area providing thirty-four (34) parking spaces for a total of ninety-nine (99) parking spaces in the Luther Village Phase III area. The subject property area

consists of 2.85 acres +/- and is located east of John Hunn Brown Road and northwest of Babb Drive as a portion of the Luther Village complex. The property is zoned RG-2 (General Residence Zone). The owner of record is Luther Village III of Dover. Property Address: 101 Babb Drive – Building 3. Tax Parcel: ED-05-077.06-02-90.03-000. Council District 2.

Waiver Request: Partial Elimination of Upright Curbing. Luther Village Planned Neighborhood Design – Senior Citizen Housing Option is to consist of 524 apartment units in a total of nine phases; it was previously established by applications C-02-02 and C-13-03. Luther Village Phases 1, 2, and 3 have been constructed (Applications S-03-07, S-7-10, and C-13-03).

Representatives: Mr. Gary Coy, Luther Village III; Ms. Dana Dunphy, Century Engineering

Mrs. Melson-Williams stated that this is a Conditional Use Site Plan. It is a Conditional Use because the project Luther Village is a conditional use for a Planned Neighborhood Design Senior Citizen Housing Option. If you are familiar with the property, this is just to the east of Target and Safeway and takes access off of Babb Drive. Once on the campus complex, there are three existing apartment buildings that are all interconnected. The most recent building was Phase 3 that consisted of forty-eight units in an apartment building and then it also has a Resident Activity Building that is part of it. Luther Village overall is a project that has nine phases. Maybe one day we will see all nine buildings but in the meantime they have run into some parking difficulties with their residents and guests so they are here this evening for a parking lot expansion. They are hoping to add just over 10,000 SF of a new paved parking area to be located between Buildings 1 and 3. It would be specifically signed to direct guests to park there. It does include an accessible sidewalk that would link it to the front entrance of Building 3 which is directly across the existing parking lot to the east. The new parking lot does include several handicapped parking spaces as well as regular spaces. The background report does include a lot of information about Luther Village and its ultimate expansion and Master Plans that have been reviewed. To highlight on parking with the PND Senior Housing Option, they actually received a parking reduction through the Alternative Design Standards for a PND. At that point, it looked at a parking rate based on the fact that it was a senior citizen housing facility and that most of the residents would have limited numbers of vehicles if not any vehicle at all. What they have found in the most recent building is that some of those people actually do have cars and the Resident Activity Room does allow for them to host events. It has transpired into a parking issue with residents versus the guests coming to the site. The Planning Office did provide comments. They have some information about their Landscape Plan included with this that they will be working to identify a development area to confirm that tree planting is appropriate in this location. They did have one waiver request and that is related to the elimination of curbing. Staff has granted the approval to eliminate curbing for stormwater management practices. There is an existing stormwater pond to the northwest of this parking area and they will have to prove to the Kent Conservation District that it can satisfy this additional pavement onsite. The other agencies have provided comments. This does not involve a building; it just involves a parking area to consist of thirty-four parking spaces. The project does displace three spaces in the existing parking lot for Building 3 so there is a total net gain of thirty-one parking spaces on the project site.

Mr. Coy stated that when they conceived the building of forty-five apartments, not everybody has a car. when you have an activity room that is kind of supporting three buildings all together, what they found is that all of the guests are coming in for a party or church. The residents go away and come

back to no parking because there is no assigned parking. When they have a wedding or a birthday party in the activity room with ninety people, you end up with parking on the grass along the edge of the road which is a hazard. This parking will alleviate that problem and provide some safety for mobility limited people in order to get to the building.

Mr. Tolbert questioned if they have had parking problems at any of their other sites? Responding to Mr. Tolbert, Mr. Coy stated no.

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

Mr. Holt moved to approve C-19-05 Luther Village Parking Lot Expansion at Babb Drive, seconded by Mrs. Welsh.

Mr. Roach questioned if they needed to include a waiver request for partial elimination of curbing? Responding to Mr. Roach, Mrs. Melson-Williams stated that they always list curbing but it is actually now the authority of the City Planner to do that. She knows that the Commission always includes it.

Mr. Holt moved to approve C-19-05 Luther Village Parking Lot Expansion at Babb Drive, seconded by Mrs. Welsh and the motion was carried 8-0 by roll call vote. Mr. Holt voting yes. Dr. Jones voting yes. Mrs. Welsh voting yes; it's apparent that it is a greatly needed parking lot. Ms. Maucher voting yes; based on Staff recommendations. Mr. Adams voting yes. Mr. Roach voting yes. Ms. Edwards voting yes; it's obvious that the additional space is much needed. Mr. Tolbert voting yes.

NEW BUSINESS

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

Mrs. Melson-Williams stated that Staff is working on writing text chapters. They are inching closer to having a "Staff Draft" for everyone to read in the office and comment on. Beyond that, she is not sure of their timing since they are recovering from people being on vacation. It is anticipated by fall that they will certainly be into a Draft of the Comprehensive Plan that is released for public review and then the formal review process that will involve PLUS Review with the State as well as public hearings here with the Planning Commission and City Council.

Mr. Diaz stated that he has accepted alternative employment with Prince Georges County in Maryland. His last day with the City will be August 2nd.

Meeting adjourned at 8:35 PM.

Sincerely,

Kristen Mullaney
Secretary



Resolution

***Whereas, Thomas S. Holt** became a member of the City of Dover Planning Commission on February 23, 1987 and has served with diligence and distinction in this capacity as an advocate for sound land use planning in the public interest,*

***Whereas, Thomas S. Holt** has played a key role in ensuring fundamental fairness and careful forethought in the planning and development of the Capital City through his service on the Planning Commission; and,*

***Whereas, Thomas S. Holt** has influenced the pattern and appearance of development in Dover through his contributions to the City's 2019 Comprehensive Plan Project; his efforts to ensure compliance with the 2008, 2003, and 1996 Comprehensive Plans (as amended); his participation in the development of amendments to the City of Dover Zoning Ordinance regarding various zoning districts, regulations, and development design requirements; and with his knowledge of real estate; and,*

***Whereas, Thomas S. Holt** completed his service on the City of Dover Planning Commission on August 12, 2019.*

***Now Therefore Be It Resolved That,** the City of Dover Planning Commission does hereby express its sincere appreciation to **Thomas S. Holt** for his faithful and exemplary service to the Citizens of the City of Dover as an active member of the City of Dover Planning Commission, and extends its very best wishes to **Thomas S. Holt** for a bright and prosperous future.*

Mr. Fred Tolbert
Chairman

David S. Hugg III, AICP
City Planner

08-Aug-2019

City of Dover Planning Services
Attn: Julian Swierczek
15 Loockerman Plaza
Dover, DE 19901
Ph: (302) 736-7010

RE: Application for "91 Saulsbury Road, LLC"

The undersigned has filed application for development with the City of Dover Planning Commission for a Conditional Use Plan at 91 Saulsbury Road, Dover, DE. (Application C-17-03, dated August 25, 2017).

DESCRIPTION

Application for Conditional Use Review to permit conversion of an existing 1,360 SF two-story structure into residential use. The property consists of an 8,036.6 S.F. +/- parcel (0.1845 acres). The property is zoned CPO (Commercial and Professional Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the east side of Saulsbury Road and north of Carver Road. The owner of record is 91 Saulsbury Rd, LLC.

On the premises known as 91 Saulsbury Road and designated as tax parcel ED-05-076.07-01-47.00-000.

Per the time of this letter, we have had success getting approvals from City Fire Marshal's Office, City Engineering Office, and Kent Conservation District, however, we are still working on getting final Letter of No Contention from DelDOT. We would like to request an extension for this project to finish our application process with DelDOT and allow time for the modification of the South entrance and sidewalk to meet their requirements. A 38' section of the concrete walk, curbing, and entrance will need to be demolished and redone to obtain their approval and that is not a project that can be finished in a timely manner.

Thank you for your time and consideration on this matter.

Best regards;


Nik Patel, Elliott Surveying, Corp.

Trimble R8



William Byler Jr.
Architect, Inc.

RECEIVED
AUG 5 2019
CITY OF DOVER
PLANNING & INSPECTIONS

August 5, 2019

Planning Commission
City of Dover
PO Box 475
Dover, DE 19903

RE: Conditional Use Plan: C-17-04
House of Pride
45 South New Street
Dover, DE
Map # ED-05-07705-03-0500-000

Dear Commission,

The House of Pride is requesting the Conditional Use approval granted to them by the Planning commission on August 21, 2017 be extended by 1 year. Steps are being taken to finalize the Conditional Use Plan. Those steps include preparation of a current survey of the property, measured the existing conditions of the building, prepared first and second floor as built plans of the building, and have prepared a preliminary project Title Sheet and Accessibility Plan. Your consideration of this request is greatly appreciated. Should you have a questions or need additional data please be in touch with myself or Bishop Lott.

Sincerely,



William Byler Jr.

Architect

Cc: Bishop Lott

P.O. Box 104 Kenton, DE 19955
Phone (302)-653-3550
Cell (302)-359-3313
Fax (302)-653-6595

City of



Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF August 8, 2019

PLANNING COMMISSION MEETING OF August 19, 2019

Plan Title:	White Oak Road Property: Apartments and Townhouses on 3 parcels of land on White Oak Road, S-19-15 Revised
Plan Type:	Site Development Plan and Parcel Consolidation Plan
Location:	North side of White Oak Road, west of State Route 1
Addresses:	1317 White Oak Road and other not yet addressed properties on White Oak Road
Tax Parcels:	ED-05-068.11-01-05.00-000 ED-05-068.11-01-03.00-000 ED-05-068.11-01-01.00-000
Owner/Applicant:	Harman Brothers LLC
Site Area:	11.17 acres (three parcels)
Zoning:	C-2A (Limited Central Commercial Zone)
Present Use:	vacant, wooded areas
Proposed Use:	Apartment Building of 24 units and Eight (8) Townhouse Units
Floor Area:	Apartment Building: total 28,851.09 SF Townhouse Units: total 26,400 SF
Dwelling Units:	32 units
Parking Required:	97 spaces at apartment building (based on Floor Area) 8 spaces at townhouses (based on one per unit)
Parking Proposed:	58 spaces at apartment building 16 spaces total at townhouse units (Garage and driveway parking)
Sewer & Water:	City of Dover
Waiver Requests:	Reduction of Parking Requirement Partial Elimination of Sidewalk Rear Emergency Access Requirement
For Consideration:	Cash-in-lieu of Active Recreation Area Construction

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: August 8, 2019

APPLICATION: White Oak Road Property: Apartments and Townhouses on 3 parcels of land on White Oak Road

FILE #: S-19-15

REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn Melson-Williams, AICP

PHONE #: (302) 736-7196

The following Report provides a review of the Revised Site Plan application (Plan set of Revision date 7/17/2019 received 7/26/2019).

I. PLAN SUMMARY

This is Review of a Site Development Plan Application to permit construction of a three-story apartment building to contain twenty-four (24) dwelling units as well as eight (8) townhouse units, comprising thirty-two (32) total dwelling units and associated site improvements known as the White Oak Road Property. The subject area of three parcels consists of 11.17 acres +/- and located north side of White Oak Road west of State Route 1. The properties are zoned C-2A (Limited Central Commercial Zone). The owner of record for all three (3) properties is Harman Brothers LLC. Property Addresses: 1317 White Oak Road and other not yet addressed properties on White Oak Road. Tax Parcels: ED-05-068.11-01-05.00-000, ED-05-068.11-01-03.00-000, and ED-05-068.11-01-01.00-000.

Previous Applications

As part of the *2009 Comprehensive Rezoning Project* (MI-09-08) these parcels were rezoned from SC-1 (Neighborhood Shopping Center Zone) and A (Agriculture Zone) to C-2A (Limited Central Commercial Zone).

II. PROJECT DESCRIPTION

The subject properties are located on the north side of White Oak Road between Bay Tree Drive and State Route 1. To the immediate north is a segment of the White Oak Tax Ditch/Little River within a wooded area. To the west is the Baytree neighborhood consisting of a mix of townhouse units, an apartment complex, one-family detached houses, and duplexes; the townhouse units are the closest to the subject site. To the east is State Route 1 and the elevated crossing of White Oak Road over State Route 1. To the south and east of Acorn Lane are wooded properties including one-family detached houses and manufactured homes/modular homes along Vondaway Drive.

To the southwest is Manchester Square, a residential community owned by the Dover Housing Authority.

The three (3) parcels currently consist of wooded areas with some open areas adjacent to White Oak Road. The largest of the three parcels is impacted by the 100-year floodplain and wetland areas.

The project proposes a new residential development consisting of an apartment building of twenty-four (24) units and a townhouse series of eight (8) units. There is a single entrance point to White Oak Road. To the west, the apartment building is encircled by parking and a drive-aisle for circulation. The townhouse units on the east are accessed from a drive-aisle connection which ends in a cul-de-sac turnaround. The project requires some clearing of the existing woodland for the development activities. It appears that the three (3) parcels will be consolidated into one parcel of land with all units on the one parcel.

III. ZONING REVIEW

C-2A (Limited Central Commercial Zone) and Lot & Bulk Standards

Zoning Ordinance Article 3 §14 outlines the permitted uses in the C-2A Zone. These permitted uses include apartments and multi-family dwellings; and one family residences including attached and semi-attached dwellings (to comply with the RG-1 bulk standards). These unit types are defined in the *Zoning Ordinance* as follows:

Apartment: A dwelling unit, within a building with other uses and/or dwelling units, that is intended for use as a residence by an individual or a single family

Townhouse: A one-family, attached dwelling unit, with one dwelling unit from [the] ground to roof, having individual outside access.

Dwelling, attached: A dwelling having one or more walls in common with another dwelling.

Dwelling, multi-family: (See "dwelling, multiple"—A building, or portion thereof, containing more than two dwelling units).

Dwelling, multiple: A building, or portion thereof, containing more than two dwelling units.

Dwelling, one-family: A permanent dwelling unit placed on a permanent foundation and designed and intended for use by only one family. 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.

The apartment building is to follow the bulk-standards for the C-2A zone found in Article 4 §4.14.

The townhouse units are to follow the bulk standards for buildings in the RG-1 zone found in *Zoning Ordinance*, Article 4 §4.2. These RG-1 bulk standards include separate standards for different housing unit types. This project will need to utilize the provisions for Townhouses/One-Family Attached for the proposed townhouse units. Per the *Zoning Ordinance*, it is noted that the townhouse units are not considered to be a multi-family dwelling as they meet the townhouse definition.

Special Flood Hazard Areas and Wetlands

Portions of the subject site are within the City's Flood Hazard Area (100-year flood plain). These properties are found on the FEMA FIRM Panel of Kent County Delaware Map Number 10001C0167H, dated May 5, 2003. Letter of Map Revision LOMR #18-03-1850P effective January 29, 2019 revised FIRM Map #1001C0167H and shows the site areas within the 100-year floodplain. (It supersedes LOMR #17-03-0901P effective June 4, 2018 that also revised FIRM Map #10001C0167H.) It is also noted that data collection continues in this area which may result in future submissions to FEMA for a Letter of Map Revision that may impact the floodplain on these properties.

The *Zoning Ordinance*, Article 5 §11.21 requires that flood hazard areas (100-year floodplain) remain as open natural areas with no impervious surfaces. There are portions of this project plan that appear very close to encroachment into the flood plain areas or are close enough that construction work would; please ensure no impact is made.

The *Zoning Ordinance*, Article 5 §11.22 prescribes provisions related to wetland areas. There are setback requirements from wetland areas that are over 0.25 acres in size. With a wetland area of 1.14 acres, a 100-foot setback is required; however, this can be reduced to 50 feet with implementation of a riparian buffer. In this instance the existing woodland and limitations of the floodplain maintain a separation (setback) distance of 76 feet to 101 feet for site improvements from the wetland area.

IV. PARKING SUMMARY

Request for Reduction of Parking Requirement:

Off-street parking in the C-2A zone must be provided for a rate of one parking space per 300 SF of floor area. The size of the apartment building at 28,851.09 SF would require ninety-seven (97) parking spaces. However, *Zoning Ordinance* Article 6 §3 requires for apartments at least one parking space for every two (2) dwelling units, one (1) for every (200) SF of office space, and 0.25 per dwelling unit for visitor space. With (24) dwelling units this would put the requirement for parking spaces at at least 54 spaces for the apartment use if there is no office space. The plans show that 58 parking spaces are to be provided surrounding the apartment building.

The Applicant is requesting a waiver to reduce the parking requirement for the apartment building to be governed by the apartment use (parking based on unit count) rather than the parking rate based on floor area. The Planning Commission can consider this parking reduction (*Zoning Ordinance*, Article 6 §3.9); they may require that the site reserve area where future parking could be constructed.

The Townhouse parking requirement is based on the bulk standards for the RG-1 zone which requires one parking space per unit. The units offer a garage space and a short driveway area for parking also. Parking for the townhouse units is compliant by providing at least two per unit.

Bicycle Parking

Bicycle parking is required at a ratio of one space for every twenty parking spaces. If the apartment building is to be served by 58 parking spaces, three (3) bicycle parking spaces are required. The plan notes that three (3) bicycle parking spaces will be provided on the south side of the building.

V. SITE CONSIDERATIONS

Site Entrance

The site is accessed from White Oak Road with the entrance almost aligned with Acorn Lane. Once on-site, it appears to be a series of drive aisles for circulation.

Pedestrian and Bicycle Considerations

Request for Partial Elimination of Sidewalk

The Applicant is proposing a new sidewalk to run along a portion of the White Oak Road frontage of the site. The street frontage sidewalk ends across from Old White Oak Road as the grade of the property versus the roadway separates. There is a sidewalk more internal to the site that continues further east towards the proposed recreation area. A written waiver request was submitted for consideration in accordance with Article 5 §18.5 to eliminate the remaining portion of the street frontage sidewalk due to existing grades and the elevated roadway.

Lighting

A lighting scheme consists of a series of light poles adjacent to the drive aisles. For these residential buildings, lighting should be sufficient to light the site and parking areas while also not being detrimental to conditions inside the units at night.

Dumpsters

Dumpsters are required for apartments at a rate of two (2) for the first 48-units. The Dumpster must accommodate both trash and recycling collection. The plan identifies a location for a dumpster pad to contain two (2) dumpster units on the north side of parking lot/ drive aisle. The construction of the dumpster enclosure is identified as 7 feet in height and constructed of CMU masonry wall with a chain-link gate with slats. The current configuration would require private collection.

Townhouse units are typically served by individual containers/can per unit. However, the plan shows a Dumpster enclosure with two (2) units to serve the townhouse units as a combined collection location.

Emergency Rear Access Requirements

Waiver Request: Emergency Rear Access Requirements for Townhouses

Zoning Ordinance, Article 5 §17(5)(a) specifies rear emergency access requirements for various types of residential units. Two and three-story apartments are required to provide 18-foot Secondary Fire Lane. The plans show that the drive aisle that circles the building is planned to be 24 feet in width across the front of the building and across part of the east side then the drive aisle reduces to 18 feet width for the remaining two sides (north and west). It appears to meet the minimum requirements as stated in the *Zoning Ordinance* for rear access requirements; however, it must also be considered with the Fire Code requirements.

For townhouse units, there is also an emergency rear access requirement. For groups of 3-8 townhouse units not meeting the “fire protected townhouse” definition (of the *Zoning Ordinance*) it requires a 16 ft. rear alley. This rear access has not been provided in the design; however, it appears the applicant is taking steps to meet the definition of “fire protected” with the placement of non-combustible siding (stone) shown on the architectural elevation. For “fire-protected Townhouses” in groups of 3-5 units then an open rear yard is required. The Code is unclear as to the Rear Emergency Access Requirement for a grouping of eight (8) “fire protected

Townhouse” units. A written waiver request of the Rear Emergency Access requirements was submitted for consideration outlining this project’s strategy in regards to fire-protection including a proposal to include a sprinkler system for the townhouse units.

VI. BUILDING ARCHITECTURE

The applicant has submitted architectural renderings for the apartment building and for the townhouse unit building. The Apartment building is three-stories in height and topped by gabled roofs. The apartment building includes a masonry watertable then horizontal siding with multiple windows. Access into the building is with two exterior stairway systems from the front elevation (south side) of the building. The building includes a small patio/balcony area for each unit (six on each side of the building). The townhouse units appear to be three-story with a front-loaded garage and multiple building wall segments containing windows. The exterior finishes vary from horizontal siding to stone with a shingled roof.

VII. RECREATION AND OPEN SPACE

Request for Consideration of Cash-in-lieu of Recreation Area Construction.

Residential projects are typically required to provide Active Recreation Area under *Zoning Ordinance*, Article 5 §10.1. The Recreation Plan must be reviewed by the Park, Recreation and Community Enhancement Committee. The Active Recreation Area is required at a rate of 275 SF per unit or a half acre (21,780 SF), whichever is greater. With a 32-units, the rate calculates to 8,800 SF; however, the half-acre is required. The project does not qualify for any of the exemptions for small developments. The Plan proposes an open lawn/field for recreation activity of 6,450 SF in the eastern end of the site accessible by a sidewalk system.

The applicant has also made a request for consideration of Cash-in-lieu of Recreation Area Construction. Their request seeks to pay cash-in-lieu of the remaining area of 15,330 SF (21,780 – 6,450 SF). If the Commission determines that the construction of some or all of the required active recreation area is not practical or desirable, the Commission shall require a full or partial cash in lieu donation for the portion of the active recreation area determined as not practical or desirable. The applicant would be required to make a cash donation to the City’s Parkland Reserve Fund in lieu of the required recreation area. The value of the donation will be equal to the appraised value of the land area required. Based on the submitted appraisal, the Cash-in-lieu amount would be \$3,490.87.

The Parks, Recreation and Community Enhancement Committee will need to consider the proposed Active Recreation Area and this Cash-in-lieu of Recreation Area payment request; this is scheduled for their meeting of August 13, 2019. The Planning Commission must act to accept the Recreation Area Plan and the cash-in-lieu donation as part of any motion regarding this project, or as a separate motion if necessary. See Recreation Plan Review Report for more detailed information.

VIII. TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes a concept for the Landscaping Plan. Portions of the overall properties involved are considered to be woodland. The total development area is listed as 110,924 SF; based on this area a total of 37 trees are required to meet the tree density requirements of the site. However, from the plan drawing it appears that the Recreation Area has not been included in the development area; please clarify. The trees are proposed along White

Oak Road, in areas adjacent to the apartment building, and along the west property line. Proposed trees include Red Maples, River Birch, Tulip Trees, Greenspire Littleleaf Lindens, and White Pines.

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) The Site Plan must include notes indicating the action taken by the Planning Commission with regard to any waivers granted and any conditions of approval. The plan must reflect all changes required by the Planning Commission.
- 2) A Record Plan sheet is required to show the consolidation of the current parcels into one (1) parcel. Upon submission of the Plan sheet additional comments may be required.
- 3) A sidewalk/pathway must be constructed along the full White Oak Road frontage of the site. The applicant is seeking to partially eliminate this requirement in the eastern portion of the site due to the grade. A written waiver request was received for consideration.
- 4) Based on floor area, the apartment building requires 97 parking spaces per the C-2A zone. The applicant has submitted a written waiver request for consideration of a parking calculation based on use at a rate of 2.25 per unit for the apartment building. The parking requirement for the townhouse units is compliant.
- 5) A written waiver request was submitted for consideration proposing alternatives to the fire protection for the Townhouse units as related to the Emergency Rear Access requirements (*Zoning Ordinance*, Article 5 §17(5)).
- 6) Continue to refine plan design to ensure site drive aisle and the townhouse units' buildings do not encroach into the floodplain areas.
- 7) As a residential development there is a requirement for Active Recreation area. The plan shows an open lawn/field area with a sidewalk leading to it but with no amenity improvements. The Parks, Recreation and Community Enhancement Committee and Planning Commission must review the Active Recreation Area Plan for this development.
- 8) Instead of providing the full Active Recreation Area to meet the ½ acre requirement, the Applicant is seeking approval of a cash-in-lieu of recreation area construction request. The Parks, Recreation and Community Enhancement Committee and Planning Commission must review the Request for Cash-in-lieu of Recreation Area Construction.
- 9) Plan drawings will need to be prepared to more accurately depicted the proposed details of each development area. The scale may need to be enlarged.
- 10) Cover Sheet PL-01:
 - a. Update Sheet Index listing. There are currently two PL-04 numbered sheets.

- b. Data Column:
 - i. The Townhouses are not Multi-family per the Zoning Ordinance.
 - ii. Side yard in C-2A is “None” required but...
 - iii. List amount (area and percentage) of woodland cleared.

11) Existing Conditions Plan, PL-02:

- a. Add reference note on this sheet for data source of the location of Floodplain line.

12) Preliminary Site Plan, PL-03:

- a. Clarify apartment building outline.
- b. All sidewalks need barrier free access at points of intersection with parking lot/ drive aisle pavements.
- c. Ensure that the number of accessible parking spaces coincides with the number of required accessible apartment units at a minimum. Currently, only one space is shown.
- d. Townhouse units require a rear alley unless rear emergency access requirements met for “fire-protected townhouses”
- e. Identify width of driveways in front of townhouse units.
- f. Frontage sidewalk is typically located with the right-of-way. If the location is approved, then a permanent easement will be required.
- g. Label setbacks on drawing.
- h. Accommodate any existing bus stop locations along the White Oak Road frontage.
- i. Identify lighting locations for parking areas and buildings.

13) Details Sheet, PL-04:

- a. Update Dumpster wall height in Dumpster detail notes.

14) Preliminary Landscape Plan, PL-04:

- a. Recreational Area must also be included in the development area for tree planting calculations. Include in development area outlined on plan drawing and conform area is part of development area tally in Data Column.
- b. Ensure there is space between sidewalk and stormwater management facility to accommodate tree plantings.
- c. Any substitutions must also be approved by the City Planning Office. Update Landscape Note #4.
- d. Provide planting diagrams.
- e. List amount of woodland clearing area.
- f. The woodland clearing line is extremely close to the rear of the townhouse units. This is limited due to location of floodplain. Adjust unit placement to allow space at rear of building.
- g. Ensure tree plantings do not conflict with Utility lines (underground or overhead line) and fire hydrants.

15) Provide a Details sheet in the plan set to include details on Dumpster enclosures, sidewalks, curbing, bike racks, light fixtures, sanitary sewer and water systems, and any other utility details required.

16) Provide a plan sheet showing paving striping, markings, and signage for fire lanes and for

traffic control measures, etc.

- 17) Ensure barrier free access ramps are installed at all intersections of sidewalks with the roadways and parking. There are numerous locations surrounding the apartment building where this must be implemented.
- 18) Entrance Plan design for site access and right-of-way elements such as sidewalk are subject to DelDOT review and Approval.
- 19) Any Erosion & Sediment Control Plans or Stormwater Management Plans granted approval by the Kent Conservation District must reflect the Plan conditionally approved by the Planning Commission and be in compliance with the *Zoning Ordinance* and technical review requirements of other agencies.

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 - Reduction of Parking: Staff recommends approval of the parking requirement reduction for the apartment building to utilize the parking rate based on per unit rather than floor area. This results in a reduction of 40%. The parking rate for the C-2A zone is typically based on floor area of the building and is intended to be applied to commercial type buildings; however, the C-2A zone allows for the apartment building use without making provisions to revise the parking rate from the floor area count. In other residential zones, the parking rate for apartments is based on a per unit rate of 2.25 spaces per unit to accommodate residents and visitors (with a floor rate 1/200 SF only for office space).
- 2) Waiver Request - Partial Elimination of Sidewalk: Staff recommends approval of the partial elimination of sidewalks along the eastern segment of the White Oak Road frontage due to elevation/grade change between the property and the elevated section of White Oak Road over State Route 1 (shoulder only, not sidewalk). There is an internal sidewalk segment that continues further east than the street frontage segment. This is only relief of the City's requirement; there may be other requirements from DelDOT associated with the entrance plan and necessary right-of-way improvements.
- 3) Waiver Request – Rear Emergency Access for Townhouses: Staff recommends approval of the alternative means of fire protection proposed by the applicant for the Townhouse units to consists of interior wall fire barrier, alternating exterior finishes (combustible and non-combustible materials), and the residential sprinkler system per unit. This is instead of a rear emergency access element of either an alley or open rear yard for the Townhouse units. These alternatives have also been considered by the Fire Marshal. The

Planning Commission will need to make a recommendation on this waiver which will be forwarded to City Council for final action as per *Zoning Ordinance*, Article 5 §17 (2)

- 4) Consideration of Cash-in-lieu of Recreation Area Construction and Active Recreation Area: The Commission should determine how the proposal should best address the requirement for an Active Recreation Area, which must be at least one-half acre (21,780 SF) as required by the *Zoning Ordinance*. The applicant is seeking to instead pay a cash-in-lieu for a portion of the required area as described in Section VII of this Report and in the Recreation Review Report. See also more detailed Staff Recommendations in Recreation Review Report.
 - a. Staff recommends approval of the Open Field/Lawn area concept for its opportunities for multi-purpose use.
 - b. Staff recommends acceptance of the \$3,490.87 Cash-in-lieu of Recreation Area Construction donation.
 - c. Staff notes that this property is within proximity to the existing City park known as Dover Park that has a variety of amenities (playground, game courts/fields, trails, etc.). The applicant may wish explore options to create a clear pedestrian and/or biking route to that park for use by its residents. This may involve construction of additional sidewalks (missing segments) along White Oak Road heading west from the property location and a pedestrian crossing.
- 5) Sidewalks: It is recommended that the project complete the missing sidewalk segments to the west along White Oak Road in order to make the connection to Bay Tree Drive where the existing sidewalk system is in place. It is unclear if a public sidewalk exists along the White Oak Road street frontage of the Bay Court townhouses. However, there appears to be right-of-way areas where the applicant can work with DelDOT to install sidewalk.

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 any waiver requests for the project as part of any motion to approve this project, or as a separate motion if necessary. Note: All waivers are at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.
- 2) See also the Advisory Comments provided in the Recreation Review Report as associated with the Recreation Area requirements for this residential development.
- 3) 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 complex/buildings, 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.

- 4) In the event that there are changes to the architecture, building footprints, layout or square footage of the buildings contact the Planning Office. These changes may require review by the Planning Commission.
- 5) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.
- 6) 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.
- 7) 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.
- 8) 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.
- 9) 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.
- 10) The applicant shall be aware that Conditional Use Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign may require a Sign Permit from the City of Dover prior to placement of any such sign in accordance with Zoning Ordinance Article 5 §4.
- 11) 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.
- 12) 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.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: JUNE 26, 2019

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

APPLICATION: **White Oak Property Apartments and Townhouses
on 3 Parcels of Land on White Oak Road**

FILE #: **S-19-15**

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 buildings. 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. Each property shall be served by a single water service line which shall be furnished and installed by the property owner. In the event a property contains multiple principle structures, such as a shopping center or apartment complexes, the property shall be served by a single water main where a water service line may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate water services.

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. Each property shall be served by a single sanitary sewer lateral which shall be furnished and installed by the property owner. In the event a property contains multiple principle structures, such as a shopping center or apartment complexes, the property shall be served by a single sanitary sewer main where a sanitary sewer lateral may be provided to each principle structure. Each structure, which is capable of being offered for sale, shall have its own separate water services.

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

1. Every apartment complex 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. 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/>.

WATER / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS / 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. 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

1. Please be advised that a Letter of Map Revision will be submitted to FEMA that could affect the floodplain line on this property.

GROUND / STREETS / SANITATION

1. None.

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.

S-19-15

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 06/26/19

Updated 8/7/2019

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APPLICATION: White Oak Property Apartments and Townhouses on 3 parcels of land

FILE #: S-19-15 **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 apartments and townhouses (multifamily). The Chief Building Inspector and Fire Marshal have been in communication with Ring Lardner and a proper occupancy classification will be provided. 08/05/19 email: First building will be new apartments and the second will be new single-family townhomes.

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 75% for the apartments and clearly shown on the plans.

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

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

5. Fire lanes shall cover 35% of the apartments.

Fire lanes are required to be 24 feet wide and run along the front of the building as determined by the primary entrance(s). In cases where there is more than one primary entrance(s), each shall be served by a fire lane even if this exceeds the percentage as required.

The closest edge of fire lanes shall not be located closer than ten (10) feet to the exterior wall and the closest edge of fire lanes shall not be located further than 50 feet from the exterior wall if one or two stories in height; 40 feet if three or four stories in height, or 30 feet if over four stories in height.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5)

6. Where parking is located between the building and the fire lane, parking shall not be located closer than 15 feet to the exterior wall.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.4.1)

7. All Fire Lanes shall be marked as follows:

both the inner and outer edges of the fire lane shall be marked, where curbs are present, the top and face of the curb shall be painted yellow, where no curbs are present, a four inch (4") solid yellow demarcation line shall mark the edge(s) of the fire lane.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

8. The specific color yellow shall be the uniformly accepted yellow as utilized by State of Delaware Department of Transportation (DelDOT). Only vivid and durable paint shall be used and shall be suitable for street surfaces

9. Fire lane signs shall be located as follows:

see Figure 5-16 – Approved Sign For Marking Fire Lanes, fire lane signs shall be spaced at 150 foot intervals maximum, all fire lane signs shall be located no less than six feet (6') and no higher than eight feet (8') above the pavement, signs shall be placed at each end of the fire lane, and signs shall face all oncoming traffic.

Where parking is not restricted roadway markings shall utilize the words "FIRE" and "LANE" in lieu of fire lane signs and shall conform to the specifications of 7.6.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

10. Where overhangs, canopies, balconies, or any other building or site features must project over any fire lane, an unobstructed vertical clearance of not less than 13'-6" above the fire lane shall be provided and the portion of the building perimeter which contains overhangs, canopies, balconies, or any other building features shall not apply towards the fire lane accessibility requirements of Section 4.0, Table 5-1 in this chapter.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.8)

11. Emergency access to rear building areas compliant with City of Dover Code (Appendix B-Zoning, Article 5- Supplementary Regulations, Section 17);

all four stories and greater buildings require 24ft fire lane at the rear.

All two to three story apartment structures require an 18ft Secondary Fire Lane at the rear.

All townhouses (3-8 units with no fire protection) require a 16ft alley or 18ft secondary fire lane at the rear.

12. 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.

13. 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.

14. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.
15. 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.

16. 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.

17. 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)

18. Sprinkler system 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 residential apartment buildings storage areas except individual unit closets that are located within individual residential living units.

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)

19. Fire Department Connection is to be a 5-inch storz 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.
20. 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)
21. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.
22. All standpipe and sprinkler connections shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation. All standpipe and sprinkler connections shall have minimum of four inch (4") solid yellow demarcation lines to define specific areas, Solid yellow demarcation lines shall be measured from the center line of the connection and extend for a distance of four feet (4') on both sides, and where parking is allow between the building and the street or fire lane the solid yellow demarcation lines shall extend from the end of the sidewalk surface to the street or fire lane (Markings shall not be required on the sidewalk surface). All fire department connections (standpipe and sprinkler) shall have a minimum 12" x 18" sign that reads FIRE DEPT. CONNECTION, sign lettering shall be a minimum of 3 inches (3") in height with red scotchlite letters on white scotchlite background. The sign shall be clearly visible from the fire lane or roadway, and signs using NFPA international symbols shall be an acceptable alternative. (2015 Delaware State Fire Prevention Regulations, 705, Chapter 6, 3)
23. Standpipes shall be provided in all areas and buildings as required in the codes and standards listed in Regulation 701 as well as the following areas or buildings:

In all Class A and Class B places of assembly and institutional occupancies two (2) stories or 25 feet in height or over,

In any building over three (3) stories, In any building over 35 feet in height,

In any building that has a floor above the first floor over 10,000 square feet gross floor area,

In all buildings where the 1st floor exceeds 60,000 gross square feet,

a Class I horizontal standpipe system installed in accordance with the applicable codes and standards listed in Regulation 701 of these Regulations shall be provided. All standpipe systems shall be installed in accordance with the applicable codes and standards listed in Regulation 701.

The standpipe system shall be carried up with each floor and shall be installed and ready for use as each floor progresses.

Standpipes shall not be more than one floor below the highest forms of staging,

The 2½-inch of hose connections on Class I systems shall be provided in the following locations, At the highest intermediate landing between floor levels in every required exit stairway,

Where intermediate landing is not provided, hose connections shall be permitted to be located at the main floor landings in exit stairways when approved by the authority having jurisdiction, Where the local fire department has the capability of providing the required pressure, hydraulically designed standpipe systems in fully sprinklered, non-high-rise buildings shall be designed to provide the required waterflow rate.

A sign shall be provided at each landing, in all interior stairways, designating the floor level. (2015 Delaware State Fire Prevention Regulations 702, Chapter 4, 2)

Fire department connections. Unless otherwise approved by the fire marshal, fire department connections shall be on the street side of the building and shall be located and arranged so that hose lines can be readily and conveniently attached to without interference from any nearby obstructions as defined by the fire marshal's office. Fire department connections shall be a five-inch Storz. Fire department connections shall be within 300 feet of an approved City of Dover Fire Hydrant and within 50 feet of the main entrance of the structure it serves. All fire department connections shall be not less than three feet nor more than five feet in height above finished grade. The fire marshal shall have the authority to require more stringent requirements when deemed necessary. (City of Dover Code of Ordinances 46-162)

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

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

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

25. 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)

26. 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

27. 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.
28. 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)
29. Buildings over 25,000 Sq. Ft are to have radio performance testing done by Delaware State Communications prior to Final CO. This must be scheduled in advance with Delaware State Communications.
30. Project to be completed per approved Site Plan.
31. Full building and fire plan review is required.
32. 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.
33. Construction or renovations cannot be started until building plans are approved.

34. Fire alarm systems, fire suppression systems, hoods, exhaust ducts, and hood suppression systems require a fire permit from the Fire Marshal's Office. This work cannot be started until the permit is approved.
35. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

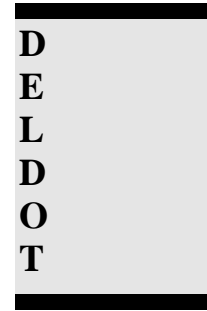
1. Occupancy classification per the building and fire code needs to be confirmed for the townhouses (multifamily). Additional comments may apply. The Chief Building Inspector and Fire Marshal have been in communication with Ring Lardner and a proper occupancy classification will be provided. 08/05/19 email: This classification will be new single-family townhouses.
2. Proper address will be needed as outlined in item # 25 listed above
3. A 16ft alley or 18ft secondary fire lane is required at the rear of the townhouses as outlined in item # 11 listed above. (Proposal is to follow City Code on "fire protected townhouse" which is when the individual units are separated by an NFPA approved fire barrier and alternating pattern of noncombustible exterior siding separating combustible exterior siding.) This has been discussed and the Fire Marshals' Office agrees with deleting the rear access as long as the townhouses are sprinkled per NFPA (DAC 08/07/19 meeting).
4. There will be no on street parking as outlined in item # 13 listed above
5. Ensure that the cul-de-sac is in compliance with the Delaware State Fire Prevention Regulations as outlined in item # 13 listed above. (The revision is not compliant with this item). 38' radius will be provided (DAC 08/07/19 meeting).
6. No fire hydrants are shown, at least two fire hydrants would need to be installed (possibly shown in the revision, need to clarify). Two fire hydrants have been identified (DAC 08/07/19 meeting).

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: July 31, 2019



=====

APPLICATION: White Oak Property (1317 White Oak Road)

FILE#: S-19-15

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Joshua Schwartz

PHONE#: 302-760-2768

=====

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

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

CITY & STATE CODE REQUIREMENTS:

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. The parcel will be required to obtain a Letter of No Objection for the Site/Record Plan and Entrance Plan approval from DelDOT for the proposed development.
2. The developer and the engineer shall submit a pre-submittal meeting request through the PDCA to begin the plan review process.
3. The functional classification of White Oak Road is a collector, which requires a minimum of 40' of R/W from the centerline of the road along the entire property frontage.
4. A 15' wide P.E. is required beyond the previously mentioned R/W dedication along the entire property frontage
5. As a Level 1 investment area, within the designated State Strategies, pedestrian facilities are required along the full property frontage.
6. Stormwater facilities are required to be a minimum of 20' from the previously mentioned 40' R/W requirement



KENT CONSERVATION DISTRICT

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

CITY OF DOVER DEVELOPMENT ADVISORY COMMITTEE APPLICATION REVIEW COMMENTARY July 2019

APPLICATION: *White Oak Property: Apartments and Townhouses on White Oak Road*

FILE #: *S-19-15*

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:

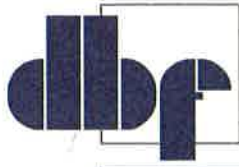
Source: 2019 Delaware Sediment and Stormwater Regulations

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.



**DAVIS
BOWEN &
FRIEDEL, INC.**

ARCHITECTS ENGINEERS SURVEYORS

July 26, 2019

City of Dover
Planning Department
P.O. Box 475
Dover, DE 19903-0475

Attn: Dawn Melson-Williams, AICP

RE: **White Oak Road Property**
Preliminary Site Plan – Revised Parking Waiver
Tax Map No.: ED-05-068.11-01-01.00, 03.00 and 05.00
DBF #: 1649A002

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

RECEIVED

JUL 26 2019

**CITY OF DOVER
PLANNING & INSPECTIONS**

Dear Mrs. Melson-Williams:

On behalf of our client, Harman Brothers, LLC, we are respectfully requesting a waiver from Appendix B, Article 4 Section 4.14 regarding off-street parking. The off-street parking calculation for the apartment building is based on floor area of 1 space per 300 square feet. The square footage of the apartment building footprint is 9,617.03 square feet with a total square footage of 28,851.09 square feet and would require 97 parking spaces. We are requesting the off-street parking calculation be based on the residential off-street parking of 2.25 spaces per unit. A 24-unit apartment building would require 54 parking spaces and we are providing 58 spaces. The code requirement is tailored towards commercial applications although Multifamily is a permitted use.

If you have any questions or require additional information, please do not hesitate to contact me at (302) 424-1441 or via email at rw1@dbfinc.com.

Respectfully Submitted,
Davis, Bowen & Friedel, Inc.

Ring W. Lardner, P.E.
Principal

P:\Harman\White Oak Property\Documents\2019-07-26 Revised Parking Waiver\2019-07-26 Parking Waiver Cover Letter.doc



**DAVIS
BOWEN &
FRIEDEL, INC.**

ARCHITECTS ENGINEERS SURVEYORS

July 7, 2019

City of Dover
Planning Department
P.O. Box 475
Dover, DE 19903-0475

Attn: Dawn Melson-Williams, AICP

RE: **White Oak Property**
Preliminary Site Plan – Partial Sidewalk Waiver
Tax Map No.: ED-05-068.11-01-01.00, 03.00 and 05.00
DBF #: 1649A002

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

RECEIVED

JUL 3 2019

**CITY OF DOVER
PLANNING & INSPECTIONS**

Dear Mrs. Melson-Williams:

On behalf of our client, Harman Brothers, LLC, we are respectfully requesting a waiver from Article 5 §18.5 of the City Code to eliminate the requirement to install sidewalk along the remaining property frontage. We provide sidewalk for approximately 508 linear feet of the 820 total linear feet of property frontage or approximately 62% of the frontage. The portion of the property that would not be served by a sidewalk is located along the portion of White Oak Road that becomes elevated to cross SR-1. The sidewalk would tie-into the existing shoulder of White Oak Road which is 10' wide at this point headed east towards SR-1. If a sidewalk were to be required it would terminate at the property line without the ability to continue further east due to the 100-year floodplain and SR-1.

If you have any questions or require additional information, please do not hesitate to contact me at (302) 424-1441 or via email at rw1@dbfinc.com.

Respectfully Submitted,
Davis, Bowen & Friedel, Inc.

Ring W. Lardner, P.E.
Principal

P:\Harman\White Oak Property\Documents\2019-07-03 Partial Sidewalk Waiver\2019-07-03 Partial Sidewalk Waiver.doc

August 8, 2019

City of Dover
Planning Department
P.O. Box 475
Dover, DE 19903-0475

Attn: Dawn Melson-Williams, AICP

RE: **White Oak Road Property**
Preliminary Site Plan – Emergency Access Waiver
Tax Map No.: ED-05-068.11-01-01.00, 03.00 and 05.00
DBF #: 1649A002

Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.

Dear Mrs. Melson-Williams:

On behalf of our client, Harman Brothers, LLC, we are respectfully requesting a waiver from Appendix B, Article 5 Section 17 regarding emergency access requirements. The project is designed to meet the “fire protected townhouse” as defined in Appendix B, Article 5, Section 17, (5) (a) 1. The table found in this same section is silent on the requirement for a “fire protected” townhouse unit with 3 – 8 units. We are asking a waiver per Appendix B, Article 5, Section 17, (2) based on the following alternative means of fire protection that are greater than provided by the Ordinance:

1. All interior walls will include a 2-hour fire rated UL listed wall.
2. The exterior building material will alternate between a combustible material and non-combustible.
3. The applicant will provide a NFPA 13R sprinkler system for each individual unit.

If you have any questions or require additional information, please do not hesitate to contact me at (302) 424-1441 or via email at rwf@dbfinc.com.

Respectfully Submitted,
Davis, Bowen & Friedel, Inc.



Ring W. Lardner, P.E.
Principal

P:\Harman\White Oak Property\Documents\2019-08-08 Emergency Access Waiver\2019-08-08 Emergency Access Waiver Cover Letter.doc



DATA SHEET FOR RECREATION PLAN REVIEW
Review of Active Recreation Area Plan and
Consideration of Cash-in-Lieu Donation

PARKS, RECREATION AND COMMUNITY ENHANCEMENT COMMITTEE
MEETING OF August 13, 2019
PLANNING COMMISSION MEETING of August 19, 2019

Plan Title: White Oak Property: Apartments and Townhouses on 3 parcels of land on White Oak Road, S-19-15

Plan Type: Active Recreation Area and Consideration of Cash-in-lieu Donation
(Cash-in-lieu of Recreation Area Construction)
Associated with Site Plan S-19-15

Location: North side of White Oak Road, west of State Route 1

Addresses: 1317 White Oak Road and other not yet addressed properties on White Oak Road

Tax Parcels: ED-05-068.11-01-05.00-000
ED-05-068.11-01-03.00-000
ED-05-068.11-01-01.00-000

Owner/Applicant: Harman Brothers, LLC

Site Area: 11.17 acres (three parcels)

Zoning: C-2A (Limited Central Commercial Zone)

Present Use: vacant, wooded areas
Proposed Use: Apartment Building of 24 units and Eight (8) Townhouse Units

Dwelling Units: 32 units

Recreation Area: Required – 21,780 SF
Provided – 6,450 SF (Deficient 15,330 SF)

Proposed Cash-in-lieu Donation: \$3,490.87

I. PROJECT SUMMARY:

The project proposes a new residential development consisting of an apartment building of twenty-four (24) units and a townhouse series of eight (8) units, along with associated site improvements including parking and landscaping. There is a single entrance point to White Oak

Road. To the west, the apartment building is encircled by parking and a drive-aisle for circulation. The townhouse units on the east are accessed from a drive-aisle connection which ends in a cul-de-sac turnaround.

The three (3) project parcels currently consist of wooded areas with some open areas adjacent to White Oak Road. The project requires some clearing of the existing woodland for the development activities. The largest of the three parcels is impacted by the 100-year floodplain and wetland areas. With the project, the three (3) parcels will be consolidated into one parcel of land with all units on the one parcel.

II. SPECIAL FLOOD HAZARD AREAS AND WETLANDS

Portions of the subject site are within the City's Flood Hazard Area (100-year flood plain). These properties are found on the FEMA FIRM Panel of Kent County Delaware Map Number 10001C0167H, dated May 5, 2003. Letter of Map Revision LOMR #18-03-1850P effective January 29, 2019 revised FIRM Map #1001C0167H and shows the site areas within the 100-year floodplain. (It supersedes LOMR #17-03-0901P effective June 4, 2018 that also revised FIRM Map #10001C0167H.) It is also noted that data collection continues in this area which may result in future submissions to FEMA for a Letter of Map Revision that may impact the floodplain on these properties. The *Zoning Ordinance*, Article 5 §11.21 requires that flood hazard areas (100-year floodplain) remain as open natural areas with no impervious surfaces.

The subject site also includes areas of wetlands. The *Zoning Ordinance*, Article 5 §11.22 prescribes provisions related to wetland areas. There are setback requirements from wetland areas that are over 0.25 acres in size where development activities are limited, and where no buildings or impervious areas can be located.

III. ACTIVE RECREATION AREA PLAN SUMMARY:

As part of the Plan review process for this project, the applicant prepared a Conceptual Recreation Plan which illustrates how the White Oak Road Property: Apartments and Townhouses development will provide recreation amenities in accordance with the design specifications described in Article 5, Section 10 Open space, recreation, and other public facilities of the *Zoning Ordinance*. Due to the property size and unit density, this project does not qualify for any of the Active Recreation Area exemptions for small developments under *Zoning Ordinance*, Article 5 §10.5.

The Active Recreation Area is required at a rate of 275 SF per unit or a half acre (21,780 SF), whichever is greater. With this project of thirty-two (32) units, the Active Recreation Area requirement calculates to 8,800 SF; however, the half-acre (21,780 SF) is required.

The Active Recreation Area proposal for the White Oak Road Property project is depicted in the plan submission of Site Plan Sheet REC – Recreational Plan and in a Letter of Request. The proposal is to provide an open field/lawn area in the eastern portion of the site. It is 6,450 SF in size and is dimensioned at 68 feet in width and varies 57 feet to 103 feet in depth. The following table provides information from the submitted Plan (dated June 2019) for the Active Recreation Area as proposed:

	<i>Required</i>	<i>Provided on Plan</i>
Active Recreation Area (Article 5 §10.514)	275 S.F. per dwelling unit or ½ acre (21,780 SF) whichever is greater to be provided on site. 32 DU = 8,800 SF Required = 21,780 SF Provided: 6,450 SF <i>Deficient: 15,330 SF (0.35 ac)</i>	Open Lawn/Field area as Recreational area = 6,450 SF Width: 68 feet Depth: 57 feet to 103 feet
Active Recreation Amenities (Article 5 §10.15)	Accessible	Located at the east end of the development and accessible via proposed sidewalk system.
Active Recreation Amenities (Article 5 §10.15)	Age Oriented to development	Open Lawn/Field area allows variety of multi-purpose activities (i.e. “pick-up” games) and would serve all ages.
	Parking	This type of recreation area does not have associated parking needs. There are on-site parking areas for the apartment complex and the townhouse units.
	Setbacks: 30 feet from residential lots and 25 feet from right-of-way for street	There no specific equipment amenities or designated game court surfaces that must meet this requirement.
	Landscaping	The project shows existing woodland area around the open field. There are proposed tree plantings around the overall development site including along the sidewalk leading to the open field area.

IV. CONSIDERATION OF CASH-IN-LIEU

The applicant has made a request for consideration of Cash-in-lieu of Recreation Area Construction. Their request seeks to pay cash-in-lieu of construction the remaining recreation area of 15,330 SF (21,780 SF – 6,4500 SF). If the Planning Commission determines that the construction of some or all of the required active recreation area is not practical or desirable, then they shall require a full or partial cash in lieu donation for the portion of the active recreation area determined as not practical or desirable. The applicant would be required to make a cash donation to the City’s Parkland Reserve Fund in lieu of the required recreation area.

Article 5 §10 of the *Zoning Ordinance* addresses Open Space, Recreation and Other Public Facilities outlines the calculation of the amount for cash-in-lieu of recreation area construction.

For the calculation of the amount of the cash donation, the *Zoning Ordinance* specifies that the “cash donation shall be equivalent to the appraised value of land required...” and that land area value shall be “based on the appraisal prepared for the developer to secure construction financing.”

An appraisal performed by Dover Consulting Services, Inc., Report dated March 21, 2017, was submitted to the Planning Office (as page excerpts from appraisal of multiple properties). (The appraisal document is on file in the Planning Office.) This appraisal identifies a market value (land value) of the properties which was utilized to generate a land value per acre. Based on the value of the 15,330 SF of land required to satisfy the Active Recreation Area requirement, the cash-in-lieu amount was determined. See calculation below:

2017 Appraisal of Land Value: \$130,000

White Oak Road properties consists of 13.034 acres of land¹

Land Value per acre = \$9,973.91 per acre

Active Recreation Area Deficiency = 15,330 SF = 0.35 acre

Cash-in-Lieu Amount = \$9,973.91 per acre value x 0.35 acre = \$3,490.87

V. REVIEW PROCESS

The Planning Office has prepared this Active Recreation Area Report outlining the Recreation Area proposal and outlining the amount of the Cash-in-lieu donation. The Parks, Recreation and Community Enhancement Committee will need to consider the proposed Active Recreation Area and the proposed Cash-in-lieu of Recreation Area payment request and make a recommendation. The Planning Commission must act to accept the Recreation Area Plan and the Cash-in-lieu donation as part its review of the Site Development Plan.

The Parks, Recreation and Community Enhancement Committee will review the Recreation Area Plan and the Consider the Cash-in-lieu Donation amount for the White Oak Road Property: Apartments and Townhouses at their meeting on August 13, 2019. The Planning Commission Public Hearing and Review of the Site Plan S-19-15 and the Recreation Area Plan/Consideration of Cash-in-lieu Donation is scheduled for August 19, 2019.

VI. CODE CITATIONS:

Dover Code of Ordinances, Appendix B – Zoning, Article 5 – Supplementary Regulations, Section 10 – Open Space, Recreation and Other Public Facilities (select excerpts).

Article 5 Section 10

Section 10. - Open space, recreation and other public facilities.

The City of Dover shall require the reservation of open space, recreation and other public facilities in accordance with the provisions of this section as a condition of approval for all one-family dwelling, two-

¹ The appraisal was completed on four (4) properties held by Harman Brothers, LLC located on White Oak Road. Only three of the four properties (parcels) are involved in this Site Development Plan. The four properties consist of a total of 13.034 acres and the three properties of the project consist of a total of 11.17 acres.

family dwelling and multiple-family dwelling residential developments requiring conditional use approval, site development plan approval, or land subdivision approval by the City of Dover Planning Commission.

10.1 Recreation areas.

10.11 Purpose. The purpose of this section is to ensure that active recreation areas are provided as an integral design element within residential developments and that such facilities are of an adequate scale in relation to the size of the residential development and which provide residents with a variety of active recreational pursuits.

10.12 Dedication required. The commission shall require the dedication or reservation of recreation areas, and the subsequent construction of recreation facilities of a character, extent and location suitable to the needs created by a development for recreation facilities as defined and in accordance with the design guidelines set forth.

10.13 Definition. The following are illustrative of the types of recreation areas and subsequent facilities that shall be deemed to serve active recreational needs and therefore to count toward satisfaction of the recreation area requirements of this section: tennis courts, handball courts, racquetball courts, swimming pools, saunas and exercise rooms, meeting or activity rooms within clubhouses, baseball and soccer fields, basketball courts, volleyball courts, swings, slides and play apparatus, and developed walking, jogging or biking trails.

10.14 *Recreation area review....*

10.15 *Design guidelines...*

10.16 *Area required...*

10.17 *Cash in lieu of recreation area construction.*

10.171 *Determination of suitability for cash donation.* If the commission determines that the construction of recreation is not practical due to close proximity to existing available recreation facilities or infeasible due to natural characteristics of the land or will not benefit the residents of the development, the commission shall require a full or partial cash in lieu of areas of donation to be made by the developer in lieu of a full or partial dedication of land.

10.172 *Separate recreation account.* The cash donation shall be deposited in a separate account to be used for parks, playgrounds or recreational purposes.

10.173 *Amount of cash donation.* The cash donation shall be equivalent to the appraised value of land area required in section 10.16. The land area value shall be based on the appraisal prepared for the developer to secure construction financing. This submitted appraisal shall be a copy of the original supplied to the lending institution, with that institution identified, and shall conform in all ways to the Uniform Standards of Professional Appraisal practice and be performed by an appropriately qualified certified appraiser. If an appraisal prepared for construction financing is not available, then the developer shall have an appraisal done in accordance with the procedures set forth in [sub]section 10.174.

10.174 *Appeal of appraised value.* If the city does not accept the land value established by the appraisal detailed in [sub]section 10.173, the city may, at the developer's expense, require another appraisal be performed. This appraisal will be let on a bid basis between at least three appropriately qualified, certified appraisers selected by the city. The appraiser(s) who prepared the original appraisal in [sub]section 10.173 cannot be a party to this appeal appraisal.

10.175 *Payment of cash donation.* One hundred percent cash donation provided under this section shall be collected prior to issuing the first building permit for the development.

10.7 Council approval. Prior to acceptance by the planning commission, all areas planned for public dedication, or cash donations provided under this section must be submitted to, and approved by the parks, recreation, and community enhancement committee of the City of Dover, and shall be subject to final review and approval by [the] city council.

VII. STAFF RECOMMENDATIONS

The following are comments and recommendations from Staff of the Planning Office following review of the Active Recreation Area Plan and Request for Consideration of Cash-in-lieu.

- 1) Active Recreation Area: As a residential development there is a requirement for Active Recreation area. The project proposes an Open Field/Lawn area with no specific amenity improvements. Staff recommends approval of this Open Field/Lawn concept for its opportunities for multi-purposes. As it does not include development of a specific game court surface, a variety of “pick-up” games like football, soccer, throw & catch activities, etc. are possible. The impacts of the 100-year floodplain and wetland areas limit the development of the properties involved. Staff also notes that this property is within proximity to the existing City park known as Dover Park that has a variety of amenities (playground, game courts/fields, trails, etc.).
- 2) Staff Recommends the following regarding this Recreation Area:
 - a. The grass lawn area must be prepared and appropriately maintained to allow for such use of the field as a play surface.
 - b. Consideration of placement of a bench.
 - c. Posting of rules for use of the Open Field Recreation area.
- 3) Given the proximity of this development to the existing Dover Park facility, Staff recommends the applicant explore options to create a clear pedestrian and/or biking route to that Park for use by its residents. This may involve construction of additional sidewalks (missing segments) along White Oak Road heading west from the property location to the Park and a pedestrian crossing.
- 4) The proposed plan presents an area designated for Active Recreation Area for this project. However, the plan is required to provide 21,780 SF of Active Recreation Area and it is currently shown as proposing 6,450 SF of Active Recreation Area. The project is deficit 15,330 S.F. of Active Recreation Area.
 - a. The deficiency of Active Recreation Area must be satisfied. There are multiple options to achieve this including, but not limited to, a reduction in the project unit count and/or size of the proposed buildings to increase outdoor open space availability, the addition of interior recreation space, or a cash-in-lieu donation for the recreation area. The applicant has made a request for Cash-in-lieu of Recreation Area Construction.
- 5) Consideration of Cash-in-lieu of Recreation Area Construction: The Commission should determine how the proposal should best address the requirement for an Active Recreation Area, which must be at least one-half acre (21,780 SF) as required by the *Zoning Ordinance*. The applicant is seeking to instead pay a cash-in-lieu for a portion of the required area not provided. Staff recommends acceptance of the \$3,490.87 Cash-in-lieu of Recreation Area

Construction donation, as the amount complies with the requirements of the *Zoning Ordinance*.

VIII. ADVISORY COMMENTS

- 1) The Site Development Plan set including any plan sheets depicting the Recreational Area are to include appropriate improvements, plans, and details of the Recreation Area as approved.
- 2) The applicant is reminded of the requirements for construction phasing of the recreation area as associated with the development of the residential units.

Article 5 §10.6 Construction Phasing. The recreation and open space areas shall be completed in a proportion equal to or greater than the proportion of residential dwelling units completed, except that one hundred (100) percent of the recreation and open space areas shall be completed prior to issuing building permits for the final twenty (20) percent of the dwelling units proposed. Building permits shall not be issued for dwelling units unless the requirements of this section are met.

- 3) There shall be provisions which ensure that the common open space land (including the active recreation areas) shall continue as such and be properly managed and maintained. The developer shall either retain ownership and responsibility for maintenance of such open land or provide for and establish one (1) or more organizations for the ownership and maintenance of all common open space i.e. a Homeowners Association. The organization shall be responsible for maintenance, insurance and taxes on the common open space.
- 4) In the event, that major changes and revisions to the Site Plan occur in the finalization of the Plan contact the Planning Office. Examples include reorientation of buildings, relocation of site components, changes in floor area or unit count, or design revisions impacting Active Recreation Areas. These changes may require resubmission for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regard to the plan.
- 5) The Parks, Recreation, and Community Enhancement Committee shall submit to the Planning Commission a report detailing the recommendations as to the Recreation Area Plan and Request for Consideration of Cash-in-Lieu Donation.

Attachments:

- Site Plan S-19-15 Active Recreation Plan as Sheet REC – Recreational Plan dated June 2019
- Letter regarding Recreational Areas and Request for Consideration of Cash-in-lieu Donation dated 7/24/2019

July 24, 2019

*Michael R. Wigley, AIA, LEED AP
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Ring W. Lardner, P.E.
Jamie L. Sechler, P.E.*

City of Dover
Planning Department
P.O. Box 475
Dover, DE 19903-0475

Attn: Dawn Melson-Williams, AICP

RE: **White Oak Road Property**
Preliminary Site Plan – Active Open Space Waiver
Tax Map No.: ED-05-068.11-01-01.00, 03.00 and 05.00
DBF #: 1649A002

Dear Mrs. Melson-Williams:

On behalf of our client, Harman Brothers, LLC, we are respectfully requesting a waiver from Appendix B, Article 5, Section 10.16 regarding recreational areas. The project as designed would require one-half acre of land (21,780 SF). This project is unique given the environmental resources and protection where the developable area is approximately 3.17 acres of land or 28% of the total acreage. We have included a recreational area that is 6,450 square feet and will consist of an open field that can be used for multi-purposes (i.e. soccer, wiffle ball, flag football, playing catch, etc.).

Attached to this letter is a plan showing the recreational area and most recent appraisal of the property. The appraised value is \$130,000.00 for 13.034 acres of land or \$9973.91 per acre. We are requesting to pay a cash in lieu of for the difference between the code required area and provided area and calculate the fee to be:

Required Area:	21,780 SF
Provided Area:	6,450 SF
Shortfall Amount:	15,330 SF (0.35 AC)

$0.35 \text{ AC} * \$9,973.91 \text{ per AC} = \$3,490.87$

Mrs. Dawn Melson-Williams

July 24, 2019

Page 2 of 2

If you have any questions or require additional information, please do not hesitate to contact me at (302) 424-1441 or via email at rwf@dbfinc.com.

Respectfully Submitted,
Davis, Bowen & Friedel, Inc.

A handwritten signature in blue ink, appearing to be 'Ring W. Lardner'.

Ring W. Lardner, P.E.
Principal

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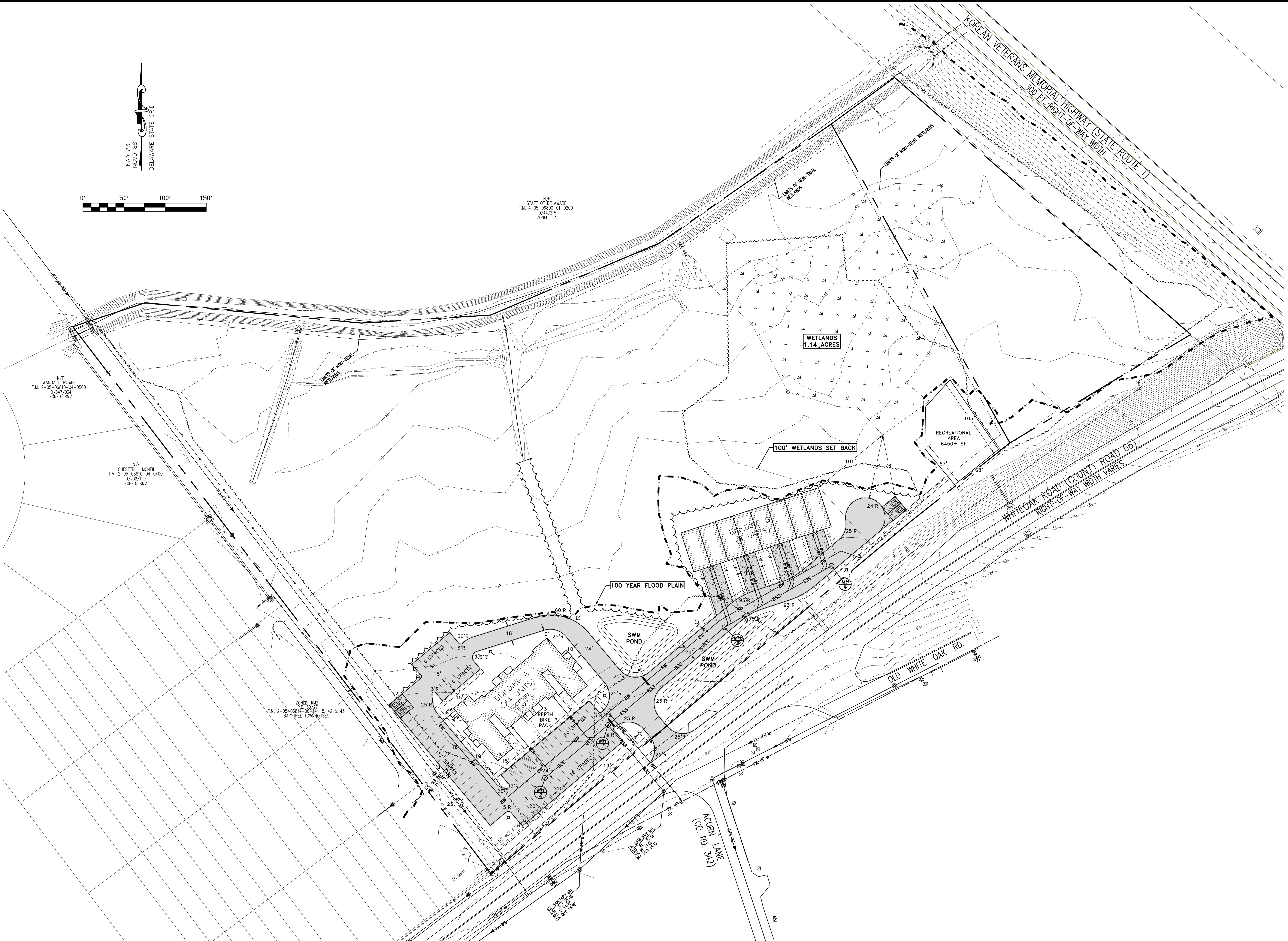


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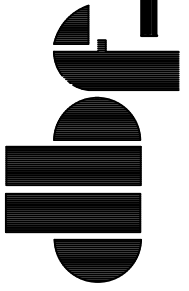
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WANDA L. POWELL
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CHESTER L. MCNEIL
T.M. 2-05-06810-04-0400
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T.M. 2-05-06814-05-14, 15, 42 & 43
BAY TREE TOWNHOUSES



DAVIS, BOWEN & FRIEDEL, INC.
ARCHITECTS, ENGINEERS & SURVEYORS



SALISBURY, MARYLAND (410) 543-9991
MILFORD, DELAWARE (302) 424-1441

RECREATIONAL PLAN

WHITE OAK ROAD PROPERTY CITY OF DOVER KENT COUNTY, DELAWARE

Revisions:

Date: JUNE 2019
Scale: 1"=50'
Dwn.By: RJL
Proj.No.: 1649A002
Dwg.No.:

REC



PETITION TO AMEND TEXT of
Dover Zoning Ordinance
Report to the
Dover Planning Commission
August 19, 2019

Proposed Changes:

Text Amendments to the following:

- *Dover Code of Ordinances, Appendix B: Zoning (Zoning Ordinance)*
 - Article 3 – District Regulations, Section 20A – Industrial Park Manufacturing Zone –Technology Center (IPM2)
 - Article 4 – Zoning Bulk and Parking Regulations, Section 4.16 – M, IPM Zones
 - Article 12 – Definitions

Summary of Amendments:

The proposed Text Amendments add provisions to the IPM2 (Industrial Park Manufacturing Zone – Technology Center) zoning classification to clarify that business and professional services, data management, transshipment and distribution, and logistics support are permitted uses in the Zoning District. It also modifies the name of the Zoning District to IPM-2 (Industrial Park Manufacturing Zone – Business and Technology Center).

Ordinance Number:

Proposed Ordinance #2019-15

File Number:

MI-19-04

Development of the Text Amendments

The IPM2 zoning district was created to accompany the City's acquisition (in 1999) and development of the Garrison Tract as a business and technology center. It is located on the north side of White Oak Road to the east of State Route 1. The site with the associated IPM2 zoning was named the Garrison Oak Technical Park and marketed as such. The property underwent a subdivision application review process in 2009 as Application SB-09-06 to subdivide the land into a series of lots with Garrison Oak Drive (public street) and to plan the other infrastructure elements for future development. The primary purpose of the facility was to attract high tech types of businesses; hence, the zoning provisions were specifically limited. Epilogue language in the FY2000 State Capital Improvement Budget (Bond Bill) associated with state financial assistance specified that the Park was targeted to "information technology, life sciences, semiconductor fabrication, scientific research and development, and high-tech manufacturing jobs.

Since its establishment only a limited number of firms have located in the facility. These being

Garrison Energy Center (Calpine gas turbine power plant), Uzin Utz (a flooring manufacturer), White Oak Solar Energy (solar farm), and Advantech (a security firm). These were the subject of Site Development Plans for individual lots within the Park. Infrastructure improvements were also completed including the public street of Garrison Oak Drive, a City Water Tower and a Sanitary Sewer Pump Station.

The City desires to secure occupants for the Park and as part of a new marketing approach. City Council adopted Resolution #2018-12 in December 2018 that modified the name of the facility to “Garrison Oak Business and Technology Center.” The new strategy is linked to the research performed for the Kent Economic Partnership (KEP) that the area is best suited for growth prospects in the logistics, warehousing and distribution sector. The proposed amendments are targeted to allow these additional uses while preserving the original intent of the Park.

This amendment to the *Zoning Ordinance* is offered to reflect the expansion of the original purpose and nature of Garrison Oak Technical Park to reflect current business conditions and the changing marketplace; therefore, improving its marketability.

Should adoption of these Text Amendments be successful, the name of the zoning district and the provisions relating to permissible uses would be modified but no parcels will be rezoned. Also, no new parcels are being considered for rezoning to the IPM2 classification at this time.

Current Proposed Text Amendments

Key components of the proposed Text Amendments to the *Zoning Ordinance* include the following:

- **Article 3 Section 20A** – The Section title would be changed to add the word “Business” to the title of the district. The zoning district would be IPM2 (Industrial Park Manufacturing Zone – Business and Technology Center).
- **Article 3 Section 20A.13** – This section is amended to include business and professional services and data management in the list of permitted office uses.
- **Article 3 Section 20A.16** – This section is added to establish that warehousing, transshipment and distribution, and logistics support are included in the list of permitted uses.
- **Article 3 Section 20A.23** – This section is changed to delete warehousing from the list of prohibited uses since this use would now be permitted.
- **Article 3 Section 20A.6 and 20A.7** - Editing corrections to numbering sequence (changes to 20A.3 and 20A.4) and a reference correction.
- **Article 4 Section 4.16** - Changes to this section revise the zoning district name within the bulk standards and parking chart for the IPM2 Zone.
- **Article 12 Definitions** - Changes to the definitions are provided to add definitions of the terms “Logistics”, Warehouse”, and Warehousing” whereas those terms are used in the zoning ordinance and which had not previously been defined.

The City Council Committee of the Whole/Legislative, Finance, and Administration Committee was presented with the proposed Text Amendments at their June 11, 2019 Meeting. The Committee recommended approval of the proposed Text Amendments. The Ordinance received a First Reading at the June 24, 2019 City Council meeting.

Because text amendments are proposed to the *Zoning Ordinance*, a Public Hearing and Recommendation by the Planning Commission are required. The Planning Commission hearing is scheduled for August 19, 2019. City Council will conduct a Public Hearing and take Final Action on proposed Ordinance #2019-15 at their meeting of September 9, 2019. At that meeting City Council may act to adopt the whole Ordinance, to adopt part of the Ordinance, and/or to make other amendments to the proposed text.

Planning Review and Recommendations:

Planning Staff developed the proposed Text Amendments for the IPM2 Zone; and therefore, recommend their adoption. The Planning Office provided an opportunity to Development Advisory Committee (DAC) members to comment on the proposed Text Amendments at their meeting on July 31, 2019. No negative comments were received.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: JUNE 26, 2019

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: Text Amendment Industrial Park Manufacturing Zone – Technology Center IPM-2

FILE #: MI-19-04

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. No objections to the proposed amendments.

WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

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

1. None

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

MI-19-04

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 06/26/19

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APPLICATION: Text Amendment Industrial Park Manufacturing Zone Technology Center IPM 2

FILE #: MI-19-04

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. Proposal is a text amendment.
2. This office has no objections.

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2015 NFPA 1 Fire Code (NFPA; National Fire Protection Association)

2015 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)

2013 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)

2013 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)

2009 IBC (International Building Code)

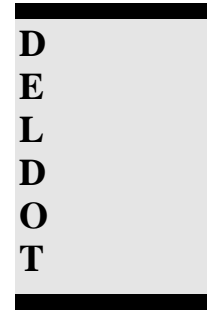
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations

2015 Delaware State Fire Prevention Regulations

City of Dover Code of Ordinances

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: July 31, 2019



=====

APPLICATION: Text Amendment (Industrial Park Manufacturing Zone)

FILE#: MI-19-04

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Joshua Schwartz

PHONE#: 302-760-2768

=====

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

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

CITY & STATE CODE REQUIREMENTS:

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. No objection to the Text Amendment

CITY OF DOVER PROPOSED ORDINANCE #2019-15

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Appendix B - Zoning, Article 3 - District Regulations, Section 20A - Industrial Park Manufacturing Zone - Technology Center (IPM2) of the Dover Code, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Section 20A. - Industrial park manufacturing zone - **Business and Technology Center (IPM2).**

20A.1 *Uses permitted.* No building or premises shall be used and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following, and in accordance with performance standards procedure as set forth in article 5, section 8, and subject to site development plan approval as set forth in article 10, section 2:

20A.11 Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing, industrial, or technological processing of any goods, materials, products, instruments, appliances, biotechnology, and devices, provided that the fuel used shall be oil, gas or electricity; together with incidental clinics, cafeterias and recreational facilities for the exclusive use of employees of the concern engaged in such undertaking.

20A.12 Research, design, testing and development laboratories.

20A.13 Offices ~~for~~ and corporate support operations for **business and professional services, data management**, financial services, insurance, and health care industries.

20A.14 Agricultural or farm uses as defined and permitted in article 3, section 1.11.

20A.15 Production of electricity provided that the power source used shall be gas, oil, solar or wind.

20A.16 Warehousing, transshipment and distribution, and logistics support.

20A.2 *Uses prohibited.* The following uses are specifically prohibited:

20A.21 Residences, except those existing at the time of adoption of this amendment.

20A.22 Manufacturing uses involving primary production of the following products from raw materials: Asphalt, cement, charcoal, and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, and carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric, and sulphuric acids; coal, coke, and tar products, including gas manufacturing; explosives, fertilizers, glue, and size (animal); linoleum and oil cloth; matches; paint, varnishes, and turpentine; rubber (natural or synthetic); ~~and~~ soaps, including fat rendering.

20A.23 Storage ~~and warehousing~~, except that which is incidental to the primary use on the lot.

20A.24 The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting, and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, ~~and~~ lubricating oil; distillation of wood or bones; ~~and~~ reduction and processing of wood pulp and fiber, including papermill operations.

20A.25 Operations involving stock yards, slaughter houses, and slag piles.

20A.26 Storage of explosives, ~~and~~ bulk or wholesale storage of gasoline above ~~the~~ ground.

20A.27 Dumps.

20A.28 Quarries, stone crushers, screening plants, and storage of quarry screenings, accessory to such uses.

20A.29 Junkyards, automobile dismantling plants or storage of used parts of automobiles or other machines or vehicles or of dismantled or junked automobiles.

20A.63 *Site development plan approval.* Site development plan approval, in accordance with article 10, section 2 hereof, shall be required for either conventional individual lot development or planned industrial park development of land zoned IPM prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

20A.74 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

(Ord. of 8-23-1999; Ord. No. 2009-18, 10-12-2009)

BE IT FURTHER ORDAINED:

That Appendix B - Zoning, Article 4 - Zoning Bulk and Parking Regulations, Section 4.16 - M, IPM zones of the Dover Code, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikethrough as follows:

Section 4.16. - M, IPM zones.

Bulk and parking regulations for industrial zones in M and IPM zones are as follows:

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For All Permitted Uses	M	IPM (Conventional Planned)	IPM (Planned Industrial Park)	IPM2 (Business and Technology Center)	IPM3 (Aviation and Aeronautics Center)
Lot area	½ acre	2½ acres	2½ acres average; 60,000 sq. ft. minimum	10 acres	1 acre
Lot width (ft.)	100	200	150	100	100
Lot depth (ft.)	150	300	250	100	100
Front yard (ft.)	40	60	60	60	40
Side yard (ft.)	20	40	40	40	20
Rear yard (ft.)	20	40	40	40	20
Side or rear yard which adjoins a residential zone (ft.)	50	100	100	100	50
Off-street parking space:					
Per 800 sq. ft. of floor area	1	1	1	1	1
Per employee, per largest working shift (if greater than the requirement under the floor area calculation)	1	1	1½	1	1
Maximum permitted:					
Building height					
Stories	2	Not limit	2	Not limit	Not limit
Feet	35	Equal to distance to nearest lot line	35	Equal to distance to nearest lot line	75*
Floor area ratio	0.5	0.5	0.5	0.5	0.5
Lot coverage	85%	75%	65%	65%	85%

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* Building height shall comply with all applicable Federal Aviation Administration, Department of Defense, and Unified Facilities Criteria height restrictions and obstruction marking and lighting standards.

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(Ord. of 3-24-1986; Ord. of 7-12-1993, § 1; Ord. of 8-23-1999; Ord. No. 2009-18, 10-12-2009; Ord. No. [2018-06](#), 8-27-2018)

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BE IT FURTHER ORDAINED:

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That Appendix B - Zoning, Article 12 - Definitions of the Dover Code be amended by inserting the following definitions in their correct alphabetical order:

Logistics: The process of planning, implementing and controlling the procurement, management and inventory control of materials, semi-finished goods, and finished products to meet business requirements.

Warehouse: A building where goods or wares are held in storage for sale or distribution later.

Warehousing: The act of storing goods and materials that will be sold or distributed later; the keeping of business inventories for future use, but not where sales are made primarily to retail customers. Warehousing excludes places designed and operated where individual units are rented out for the purpose of storing personal belongings, as in self-storage or mini-storage facilities.

ADOPTED: *

S:\ORDINANCES\2019\DRAFT\ORDINANCE #2019-15-CHPT 22-BUILDINGS IPM ZONE\ORDINANCE #2019-15 CHPT 22 BUILDINGS-IPM2 ZONE.wpd

SYNOPSIS

These amendments are intended to allow a broader range of potential uses in the IPM2 zone while retaining the emphasis on technology versus general manufacturing uses.

(SPONSORS: HUGG AND HARE)

Actions History

06/11/2019 - Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee

By-Laws of the Planning Commission
of the City of Dover

Objectives

Section 1 The objectives and purposes of the Planning Commission of the City of Dover, Delaware, are those set forth in Chapter 7, Title 22 of the Delaware Code annotated, and amendments, supplements, thereto, and those powers and duties delegated to the Planning Commission by the City Council of the City of Dover pursuant to state statute.

Powers, Duties and Procedures

Section 2 The duties, powers and procedures of the Planning Commission be as set forth in the following documents:

- (a) The resolution of the City Council establishing such Planning Commission;
- (b) The Building Zone Ordinance as to matters relating to amendments to site plan approval;
- (c) The Subdivision Regulations as to the review and approval of subdivision plats;
- (d) As to the regulations set forth herein for all other matters for which the Commission has the responsibility.

Officers

Section 3.1 The officers of the Planning Commission shall consist of a Chairman and Vice-Chairman.

Section 3.2 The Chairman shall preside at the meetings and hearings of the Planning Commission and shall have the duties usually conferred upon a presiding officer. He shall continue to exercise the prerogatives of an individual member of the Commission while performing the duties of presiding officer.

Section 3.3 The Vice Chairman shall be the presiding officer in the absence of the Chairman.

Recording and Corresponding Secretary

Section 4 The Commission shall appoint a Secretary who shall not be a member of the Commission or an officer, and shall have the following duties and responsibilities:

- (a) Prepare agenda for all meetings with the Chairman and provide notice of meetings to Commission members.
- (b) Keep minutes of all meetings, and record of the Commission.
- (c) Act as agent for the Commission in receiving submissions, applications, correspondence, etc.
- (d) Act as agent for the Commission in arranging for notice of public hearings and notifying interested parties of Commission actions as authorized by the Commission.

Official Records

Section 5 The City Clerk shall be the official custodian of the records of the Commission and shall make them available to the public as provided by law. He may designate the office of the Secretary of the Commission or the Planning Office as the place where such records shall be kept.

Elections of Officers

Section 6.1 The officers shall be elected by the Commission at the annual organization meeting which shall be the regular scheduled meeting in July of each year. Election of officers shall be held by secret ballot.

Section 6.2 A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected and shall serve for one year or until his or her successor shall take office.

Section 6.3 Vacancies in offices shall be filled by the Commission at any scheduled or special meeting.

Section 6.4 The Chairman and Vice Chairman shall be limited to **four** consecutive one-year terms. A former Chairman or Vice Chairman who has held **four** consecutive terms in such position may be elected to that position after vacating the position for a period of one year.

Meetings

Section 7.1 The Commission shall hold one public meeting during each calendar month.

Section 7.2 The monthly meeting date for the coming year shall be established by a majority of the Commission at its organization meeting of the year. The date of the public meeting can be changed during the year by a majority of the Commission

Section 7.3 The Commission will receive all applications concerning matters within its jurisdiction only at its public meetings. All times to be submitted for consideration at any public meeting shall be submitted in complete and final form for Commission consideration not less than thirty days prior to said meeting. No items submitted subsequent to this time shall be placed upon the Agenda except by a majority vote of the Commission members present at such meeting. The official date of receipt of any matter presented to the Commission shall be the date of the first public meeting at which such matter is received for consideration. Any maximum time periods established by the Zoning Ordinance or other local laws limiting the time for consideration of any matter by the Planning Commission shall commence on such date of the receipt.

Section 7.4 A majority of the membership of the Commission shall constitute a quorum. The Commission may act on any matter by a majority vote of such quorum.

Section 7.5 All formal votes to record the decision of the Commission on any matter referred to it shall be taken only by a quorum at a public meeting. By a majority vote of those members present the Commission may convene in executive session. However, all formal votes to record the Commission's decision shall only be taken during periods in which such meetings are open to the public.

Section 7.6 Special meeting may be called by the Chairman or by a majority of the Commission, providing that not less than 24 hours notice by writing or telephone is given to each member of the Commission. Such meetings shall be executive sessions at which no formal votes shall be taken.

Section 7.7 All public and special meetings shall be held in City Hall or other public facility with proper public notification.

Agenda

Section 8 The Secretary shall prepare the proposed Agenda for each public meeting, with the Chairman not less than ten days prior to the date of such meeting, and shall transmit a copy of the Agenda to each Commission member on such date of preparation. No items will appear on such proposed Agenda except those for which applications or written requests have been received not less than thirty days prior to the date of the public monthly meeting as set forth in Section 7 above. The Commission may amend the proposed Agenda by a majority vote of those members present.

Section 9.1 The order of business at public meetings shall be as follows:

- (a) Roll Call.
- (b) Adoption of Minutes of previous meetings.
- (c) Approval of Agenda
- (d) Communications
- (e) Report of Officers and Committees
- (f) Old Business
- (g) New Business
- (h) Referrals, Administrative Reviews, Petitions, Applications and Other Matters presented by the public.

Section 9.2 The order of business at special meetings shall be as determined by the Commission.

Section 9.3 At all meetings and hearings attended by the public, the Chairman shall make a brief statement indicating the nature of each item on the Agenda, except that in the case of petitions, applications and other matters presented by the public, such statement shall be made by the person introducing the matter.

Section 9.4 Minutes of all public and special meetings of the Commission shall form part of the records of the Commission and shall be available to the public when duly adopted by the Commission.

Committees

Section 10.1 There may be a Subdivision Committee appointed by the Chairman with the approval of the Commission at the annual organization meeting. It shall consist of three members who shall serve until the next annual meeting. The Chairman may make appointments to bring the committee to full strength in the event of temporary absence of committee members.

Section 10.2 Other Committees may be appointed by the Chairman from time to time with the approval of the Commission.

Public Hearings

Section 11.1 The Commission shall hold public hearings as required by statute and applicable ordinances of the City. In addition to those required by law, the Commission may at its discretion hold public hearing when it considers that such hearings will be in the public interest.

Amendments

Section 12 These By-Laws may be amended at any time by a majority vote of the entire membership of the Commission.

Adopted September 15, 1959

Amended November 17, 1975

Amended March 16, 1981

Amended March 19, 1981

Amended June 17, 1991

Amended January 25, 1995

Amended April 26, 1995

Amended August 16, 2010

Amended August 20, 2018

Appointment of the Architectural Review Oversight Subcommittee of Planning Commission

As part of the Annual Meeting of the Planning Commission, one of the responsibilities of the Planning Commission is to appoint the Architectural Review Oversight Subcommittee. The following excerpt from the *Zoning Ordinance* is provided.

Appendix B: Zoning Ordinance, Article 10 Section 2. Site development plan approval.

2.28 Consideration shall be given to the physical orientation and architectural characteristics of proposed buildings, the relationship of proposed buildings to existing buildings and to other proposed buildings, and their contributions to the overall image of the immediate vicinity by considering the building and architectural design guidelines as set forth in article 5, section 19. Design characteristics of proposed buildings and building additions shall not detract or devalue existing buildings in the immediate vicinity.

- (A) If the planning commission determines that the proposed physical orientation and architectural characteristics of the proposed buildings do not meet the intent and objectives of this section, then the planning commission shall refer the proposal to the architectural review oversight subcommittee for review and comment.
- (B) The subcommittee shall meet and review the proposal with the applicant, and return its comments to the planning commission by the next regularly scheduled meeting.
- (C) The architectural review oversight subcommittee shall be appointed by the commission at its annual meeting, and membership shall consist of two planning commission members, and two design professionals with experience in construction, and the mayor or the mayor's designee. Two alternate design professionals with experience in construction shall also be appointed.

As of the February 19, 2019 Meeting of the Planning Commission the following individuals were appointed to the Architectural Review Oversight Subcommittee of Planning Commission. This mid-year new appointment was necessary to replace Mr. Dean Holden (upon his resignation) who was originally appointed to serve at the Annual Meeting of August 20, 2018.

- Kathleen Welsh, Planning Commission member
- Andrea Maucher, Planning Commission member
- Mayor or Mayor's designee

On September 17, 2018 the Planning Commission acted to appoint two Design Professional members to the Subcommittee. No other Design Professionals as Alternates have been appointed.

- Ms. Sarah Keifer, Director of Planning Services for Kent County, Design Professional
- Dr. R.J. Chandler, Faculty member of Architecture program at DelTech Community College, Design Professional

As part of the Annual Meeting of the Planning Commission, the Commission shall appoint the membership of the Architectural Review Oversight Subcommittee. This is an opportunity to consider individuals to serve on this subcommittee.