

**CITY OF DOVER PLANNING COMMISSION
AGENDA**

**Monday, September 16, 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 August 19, 2019

COMMUNICATIONS & REPORTS

- 1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, October 21, 2019 at 7:00pm in the City Council Chambers.
- 2) Update on City Council Actions
- 3) Department of Planning & Inspections Updates

OPENING REMARKS CONCERNING MEETING PROCEDURES

OLD BUSINESS

- 1) Requests for Extensions of Planning Commission Approval: None

NEW APPLICATIONS

- 1) S-19-19 Delaware Solid Waste Authority Administration Building at 601 & 801 Energy Lane – Public Hearing and Review of a Site Development Plan and Lot Consolidation Plan Application to construct a two-story 23,487 SF office building with associated site improvements. The subject properties to be combined total 7.3343 +/- acres and are located north side of Energy Lane east of Bay Road. The submission will be subject to a Performance Standards Review Application. The properties are zoned IPM (Industrial Park and Manufacturing Zone). The owner of record for both properties is Delaware Solid Waste Authority. Property Addresses: 601 and 801 Energy Lane. Tax Parcels: ED-05-077.00-03-04.00-000 and ED-05-077.00-03-05.00-000. Council District 2. *Waiver Requests: Partial Elimination of Curbing, IPM Planned Industrial Park: Alternative Design Standards - Rear Setback Requirement. The subject site is Lots 4 and 5 of the Northgate Center originally subdivided with Application SB-05-05 Stover Professional Campus with Planning Commission approvals in September and November 2005.*
- 2) S-19-20 Delaware State Police Building Update at Bay Road Commercial: 560 and 600 Bay Road – Public Hearing and Review of a Revision to Site Development Plan S-17-20. The Plan Revision replaces the two buildings previously proposed as a 70,646 SF grocery store and a 17,664 SF multi-tenant retail building on the west side of the site with the construction of a one-story 62,667 SF office building and associated site improvements. The subject properties total 12.9366 +/- acres and are located on the southwest side of Bay Road. The property is zoned C-4 (Highway Commercial Zone). The owner of record for both properties

is Bayroad CAP, LLC. Property Addresses: 560 and 600 Bay Road. Tax Parcels: ED-05-077.00-01-10.00-000 and ED-05-077.00-01-09.00-000. Council District 2. *Waiver Request to Reconfirm: Reduction of Arterial Street Buffer. For Consideration: Tree Mitigation Plan. Application S-17-20 Bay Road Commercial was previously approved by the Planning Commission in July 2017 and received Final Plan Approval on July 23, 2019.*

NEW BUSINESS

- 1) Update on Appointments of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 §2.28)
- 2) Project for Dover's 2019 Comprehensive Plan
 - a. Update on Project Activities
 - b. Update on Pending Release of DRAFT Plan for PLUS Submission

ADJOURN

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

Posted Agenda: September 6, 2019

**CITY OF DOVER PLANNING COMMISSION
AUGUST 19, 2019**

The Regular Meeting of the City of Dover Planning Commission was held on Monday, August 19, 2019 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Roach (*arrived at 7:01pm*), Ms. Edwards, Mr. Hartman, Mr. Baldwin, Mrs. Welsh, Ms. Maucher and Mr. Tolbert. Mr. Adams and Dr. Jones were absent.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Julian Swierczek, Mr. Jason Lyon and Mrs. Kristen Mullaney. Also present were Mr. William Harman and Mr. Ring Lardner. Speaking from the public was Kathy Potter.

APPROVAL OF AGENDA

Ms. Edwards moved to approve the agenda as submitted, seconded by Mr. Baldwin and the motion was unanimously carried 7-0 with Mr. Adams and Dr. Jones absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JULY 15, 2019

Mrs. Welsh moved to approve the Planning Commission Meeting minutes of July 15, 2019, seconded by Ms. Edwards and the motion was unanimously carried 7-0 with Mr. Adams and Dr. Jones absent.

COMMUNICATIONS & REPORTS

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Monday, September 16, 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 July 22 and 23, 2019 and August 12 and 13, 2019.

SPECIAL RECOGNITION

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

Mrs. Dawn Melson-Williams stated that City Council did provide a Commemorative Cup and presented it to Mr. Holt at their most recent meeting. There were several members of the Planning Commission who were there. Mr. Holt and his wife are relocating south to San Antonio, Texas.

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.*

Mrs. Welsh moved to adopt the Resolution for Mr. Thomas Holt, seconded by Ms. Maucher and the motion was carried 7-0 by voice vote with Mr. Adams and Dr. Jones absent.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

- 1) Requests for Extensions of Planning Commission Approval:
 - 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.

Representatives: None

Mr. Swierczek stated that application C-17-03 Residence at 91 Saulsbury Road is a Conditional Use Review application approved at the August 21, 2017 meeting of the Planning Commission. The application is to permit conversion of an existing 1,360 SF two-story structure into a residential use. 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 applicant is requesting the one year extension of the approval granted by the Planning Commission as they have yet to achieve Final Plan approval and their initial approval expires at the end of this month.

Mrs. Welsh moved to approve C-17-03 Residence at 91 Saulsbury Road Conditional Use Review for a one-year extension, seconded by Ms. Edwards and the motion was carried 7-0 by voice vote with Mr. Adams and Dr. Jones absent.

- 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.*

Representatives: None

Mr. Swierczek stated that application C-17-04 House of Pride Offices at 45 South New Street is again a Conditional Use Review to convert an existing one-family dwelling structure into a philanthropic use as the administrative facility (offices) for the House of Pride. 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 application was also heard by the Planning Commission at their August 21, 2017 meeting where is received conditional approval. It was returned to the Planning Commission for review on several occasions; most recently in May 2019. It is noted by Planning Staff that these periodic reviews were for the confirmation that progress was being made on meeting the conditions of approval as laid out by the Planning Commission. There were not actual reviews for extensions of approval of the Conditional Use Site Plan application which is why they are asking for the extension tonight. The applicant is requesting a one-year extension of conditional approval as again they have not yet achieved Final Plan approval.

Ms. Edwards moved to approve C-17-04 House of Pride Offices at 45 South New Street for a one-year extension, seconded by Ms. Maucher and the motion was carried 7-0 by voice vote with Mr. Adams and Dr. Jones absent.

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.*

Representatives: Mr. William Harman, Harman Brothers; Mr. Ring Lardner, Davis, Bowen & Friedel

Mrs. Melson-Williams stated that this is the first appearance of this application at the Planning Commission. It previously was submitted for an earlier Planning Commission date but the applicants chose to postpone and do a little more work on their plan. This is the project called White Oak Road Property. It is a project for proposed apartments and townhouse units. It's located on the north side of White Oak Road just to the east of Baytree. On the screen, White Oak Road is the diagonal road that you see at the bottom right hand corner of the map. The property actually consists of three parcels of land that are zoned C-2A (Limited Central Commercial Zone). This zoning classification does allow for apartments and also for townhouse units. They are proposing an apartment building of twenty-four units. The proposal for the townhouse units consist of eight units. There is one access point onto White Oak Road. A turn to the left once you are on the site brings you to the parking lot which surrounds the apartment building. A turn to the right and you travel down an internal drive aisle to where the townhouse units are located, each with their own shared driveway and garage for parking purposes.

There are a series of waivers that the application is seeking this evening. The first is related to parking. For the apartment building, the C-2A (Limited Central Commercial Zone) typically requires that parking be based on a floor area calculation; however, there are other provisions in our Code that base the parking of apartment buildings on a per unit basis. They are seeking to utilize the per unit parking requirement which would be parking for twenty-four apartment units at a rate of 2.25 spaces per unit which would result in a requirement for fifty-four parking spaces for the apartment building. Their plan is showing us fifty-eight parking spaces. The townhouses do satisfy the parking requirement which is only one space in this zone. That is accomplished by both the single garage unit for each unit and the driveway area. The next waiver that they are requesting is for the partial elimination of sidewalk. Our Code requires that sidewalk be extended along the entire property frontage. In the case of this project, a portion of it once we get past the Old White Oak Road segment that goes off to the south, they are seeking to stop the sidewalk in that location because of the grade differences between White Oak Road as it begins to elevate to cross over Route 1 and the project site. The grade difference there is substantial and not quite feasible for installation of a sidewalk. There is a sidewalk that is more internal to the site in this area and this occurs right in front of the townhouse units. The sidewalk that is internal to the site does continue east to what is the recreation area for the project. The third waiver that they are seeking is in regards to emergency access. For an apartment building such as this, it is required to provide that rear emergency access with an eighteen-foot secondary fire lane. There is a fire lane of adequate dimension that totally circles the apartment building. For the townhouse units, it depends on their type of construction. Our Code requires that if it is not what is deemed a "fire protected" townhouse, then a rear alley is required. For townhouse units that are in groups of three to five that are "fire protected" and that means a separation between units as well as

exterior combustible and noncombustible materials, then a rear open yard is required. Technically, the Code is silent when it comes to what you do with eight units that are “fire protected”. They suggested that the easiest way to deal with this is through the waiver process. The applicant is in their design of the townhouses, focusing on making them “fire protected” which would include the separation between units which is required by Fire Code anyway as well as the alternating combustible and noncombustible exterior. They are also including in their proposal to include a residential sprinkler system in each of the townhome units to go above and beyond what the Code would require. The project, because it is residential, is required to have a recreation area. There is a specific recreation plan review document. For this project, to summarize their active recreation, they are providing an open field area which is in the far eastern portion of their property that would consist of 6,450 SF of an open area where multi-purpose activities could be easily done. In order to achieve the requirement for active recreation area, they are requesting to utilize Cash-in-lieu of Recreation Area Construction to satisfy the remaining area. With the Code requirements, that would require a cash-in-lieu payment amount of just over \$3,490.00. The Parks Recreation and Community Enhancement Committee last week did consider these components of the Active Recreation Area and the Cash-in-lieu; and they recommended approval subject to the Staff Recommendations which can be found in the Active Recreation Area Plan Report. Staff, in its recommendations, had supported both the approval of the open field and the Cash-in-lieu amount. They did make some comments as to ensuring that the open field area is ready and continues to be ready as a play surface during the life of the project. They also indicated that the applicant should explore options to create a clear pedestrian pathway or bicycle pathway that would lead to Dover Park which is located within a half mile to the west of this project site. There are some sidewalk networks in the area that can help satisfy that already. With this project, they do have other Code requirements which do include the tree planting. Planning Staff did make recommendations on each of the waiver requests and that is found on Page 9 of the DAC Report. They are supporting the parking rate of the per unit versus the floor area calculation. They are supporting the partial elimination of sidewalk in that eastern portion of the site due to the grade differences. They also support the rear emergency access waiver for the townhouses recognizing the enhanced efforts by the applicant to also include the residential sprinkler system per unit in that area. They also recommended approval of the Cash-in-lieu payments as well. The DAC Report was provided to the Planning Commission and also includes the comments from the other agencies including the City’s Public Works and Electric Departments, the Office of the Fire Marshal, DelDOT and the Kent Conservation District. This evening, the Commission is dealing with a Site Plan application. There are three waiver requests: the reduction of parking requirement, the partial elimination of sidewalk, and the rear emergency access requirement for townhouses. There is also needs to be consideration on the Cash-in-lieu of Active Recreation Area Construction.

Mr. Hartman stated that he would like to understand more about the cash-in-lieu waiver. He doesn’t understand why we have suggested that it be approved when there is another alternative which is to reduce the size of the footprint of the area. Responding to Mr. Hartman, Mrs. Melson-Williams stated that the City’s *Zoning Ordinance* does allow in cases where the required amount of Active Recreation Area may not be practical or desirable to implement, there is the opportunity to seek a Cash-in-lieu of building recreation area. In this case, the overall property is somewhat limited because of the impacts of floodplain and wetlands to what can be the development area for the project site. Planning Staff thought it was reasonable that the open field

provided at least some on-site opportunity for the active recreation to fit a variety of ages and that the balance of it could certainly make use of the Cash-in-lieu of Recreation Area Construction. The unit count for this site would require them to provide a half acre of land for Active Recreation Area which would be a substantial impact to the project site. Even if they were to reduce the number of units, they are still going to have that half acre requirement because it is the greater of the two when you do the Active Recreation Area calculation which is based on a per unit calculation to start. They are required to have 275 SF of Active Recreation Area per unit or a half acre, whichever is greater. "Whichever is greater" is going to govern for a substantial part of this project no matter what the unit count is. It does not qualify for some of our small development exemptions because of the size of the overall property to start with. That is part of the reasons collectively that Staff felt comfortable recommending the Cash-in-lieu of Active Recreation Area Construction.

Mr. Hartman stated that when he looks at the plans for Unit B, the townhomes, it doesn't appear that they have access to a rear yard. Is that correct? Responding to Mr. Hartman, Mrs. Melson-Williams stated that is true. They are not individual lots for the townhouses; they are collectively on the same parcel. There is limited area to the rear of the townhouse units because of what are limitations due to proximity of wetlands and floodplain areas where development would be prohibited.

Mr. Hartman questioned if those were artificial limitations? Those were limitations that were designed in and you have three units where people will be stepping out of their back door right into the floodplain. They won't be able to have a patio or anything back there and then to cut down the Active Recreation Area to the little area up in the corner. Did Staff consider that? Responding to Mr. Hartman, Mrs. Melson-Williams stated that there is some limited tree clearing that is occurring but she thinks that the area where the active recreation is proposed is somewhat of a clear area. It does not have major tree growth that you see to the northern part of the property. You may also wish to hear from the applicant and their presentation about the project and some of their design thinking. Certainly, this site is limited in where development activity can happen because of the floodplain and the wetland areas, both of which are limited by the *Zoning Ordinance* to remain as a natural area with no development impacts.

Mr. Lardner stated that it is a very unique project in that these parcels have been in the LLC's name for decades. Over time it has seen the Route 1 construction occur on the adjacent property. In doing so, it has also seen the environmental challenges that have occurred regarding the floodplain and how the floodplain has increased with some of that construction. It is in the City Code to protect the floodplain and wetlands and that has severely limited the developable area of this project. This project is a little over eleven acres of which only three acres is outside of the floodplain so it has a lot of natural features that are being protected. People can walk through the wetlands, they just can't physically put anything pervious on that area. So walking trails and things of the like which would be a great asset cannot be constructed with the limitations. In doing so and looking at the surrounding areas, they thought that this type of project, a mixed housing type project, would be appropriate with apartments and townhouses. Given the adjacent communities and other residential areas, they thought this would be a good fit for that surrounding area. They submitted some of their waivers due to these limitations such as the sidewalk cannot go beyond Route 1 anyway. The only way to bring in that sidewalk would be at

grade on White Oak Road. The parking makes sense from a residential standpoint versus a commercial standpoint. They talked about the Active Recreation Area. He is getting ready to drop his youngest daughter off to college this Saturday. Just to be able to enjoy time with his kids and throw around a ball, that is why they thought having a small little pocket for that ability there and then being able to use the Dover Park that it made sense. That is why they brought this application before this body tonight.

Mr. Tolbert questioned if the applicant would be able to continue working with Staff having heard Mrs. Melson-Williams' comments? Responding to Mr. Tolbert, Mr. Lardner stated yes and they have read the DAC Report and they will comply and continue to work with Staff.

Ms. Edwards stated that when you are looking at the right three townhomes being very close to the wetlands, do you know what the distance is between the construction area and where that begins and what plans are in place to make sure that it is not disturbed? Responding to Ms. Edwards, Mr. Lardner stated that he does not know the distance off of the top of his head. As far as protections, the homeowners will be notified of the limitations of that area. There is probably a way that they can mark it so they can understand where those limits are whether they do it by signage or some other means.

Ms. Edwards further questioned how they plan to not disturb that area during the construction phase of the project? Responding to Ms. Edwards, Mr. Lardner stated that it is going to be a challenge during the construction phase knowing that they cannot disturb those wetlands. It is something that they will have to work with the home builder on how to do that. It is not the first project to have severe limitations on traffic ability so they will work with the construction company to build these houses in a safe way and to not disturb the environment that they are trying to protect.

Ms. Edwards stated not that it matters, but do they know who the construction company is yet? Responding to Ms. Edwards, Mr. Gardner stated no, not at this time.

Mr. Roach stated that as far as he noticed the recreational areas are all of the way to the side by the townhome units. He sees a little area where a pond is going to be. He doesn't know anything about why but is it possible to split that area so there could be some recreational space between the apartments and townhomes versus having to pass the townhomes to get to that area? Responding to Mr. Roach, Mr. Lardner stated that they could take a look at it. Stormwater management is going to be its own challenge with the current regulations. They chose the stormwater where it is because it's central to both projects. Depending on how infiltration rates turn out, they could look at tweaking it. If it makes sense for the project, they could look at moving that active recreation area closer. But right now based on what they know today, he thinks that the stormwater is going to have to stay where it is.

Mr. Hartman questioned if the applicant thinks that Staff's recommendation to enhance the pedestrian/bike access to Dover Park is feasible? Responding to Mr. Hartman, Mr. Lardner stated that on the surface right now, they do think it's feasible. They will have to work with DelDOT. They first looked at coming across Baytree. He just doesn't know if there is enough room between the edge of paving and the wall. Two foot of sidewalk would make DelDOT satisfied

from a safety standpoint. We could then look at crossing White Oak Road. The question would be where would that crossing be as there is no signalized intersection. They would have to work with DelDOT on the appropriate location. On the surface, they are saying yes it is feasible, they just haven't gotten the true details yet on where that path needs to go and all of the different requirements of DelDOT to get that path to connect to the existing sidewalk towards Dover Park.

Mrs. Maucher stated that for the overflow parking, the parking is limited for the number of apartment dwellings and townhomes. Is there parking along the access road going in? Responding to Mrs. Maucher, Mr. Lardner stated that there will be no parking on the access road. It is parked at 2.25 spaces per unit so the 0.25 spaces allows for the overflow parking. Parking has been interesting and they have had a lot of questions. What that means is that some of the other apartment companies that they have represented in the past, tell them that their numbers are about 1.6 to 1.75 per unit. The Code does allow for overflow parking of 0.25 spaces per unit so on a twenty-four unit building they are at ten extra spaces above and beyond the two spaces per residence which he thinks is more than enough. Plus the townhomes have an extra parking space per unit for overflow as well but per the Fire Marshal regulations, they would not be able to park in the alleys or the fire lanes.

Mr. Roach questioned if they knew the sizes of each apartment unit? Responding to Mr. Roach, Mr. Lardner stated that they are about 900 square feet and there are eight units per floor with a common stairwell on the left side or right side. So its four units per stairwell.

Mr. Tolbert opened a public hearing.

Mrs. Kathy Potter

Mrs. Potter stated that she is a homeowner in Dover; not within the 200 feet of this project but she travels Acorn Lane a lot because she lives just off of Acorn Lane. When she saw the sign, she took a picture and started researching information. She has several questions and she doesn't know if she will get answers tonight or if it is just her presenting her questions for the Commission to discuss later. For the parking, she doesn't know why they need a waiver. There are engineering standards for these numbers and she thinks that most of us have been to an apartment complex and have not found a parking spot. She doesn't see why we would even consider a parking waiver. She thinks personally that it is probably just cost or space but again, we have engineering standards for a reason and they are based on empirical data. She had looked at some documents that were online and she thought that she read where there was a 40% difference in parking between if you use Method A or Method B. That is a pretty big difference so please keep it in mind. Based on this drawing she would anticipate a lot more people than 2.5, but that is because she has lived in apartments in her lifetime. For the townhomes, will the parking in the driveway block the cross walks? If you look at any other townhome development in Dover, there are generally people parked two up because they can't fit in front of the townhomes because the driveways are too close. We can't block the crosswalks because that would certainly be a violation for people walking by with strollers or wheelchairs. For the sidewalk, she is not quite sure if it will connect from Baytree to this development? She doesn't expect it to go beyond over to Route 1 but connect it up to Baytree because there is no sidewalk on the opposite side of the road. If you are going to have children walking to Dover Park because there is no park on the property, they are going to have to walk down towards Baytree and cross

over either before Manchester Square or after. There is no sidewalk on the other side of the road; it is heavily vegetated and no one is going to walk over there. When she was reading the documents before she came, it stated a wetland determination and it noted in the Report that there is construction very close. Potentially deed restrictions can be done but as Mr. Hartman pointed out; people aren't going to be able to use their yard. You can put a deed restriction in or put signs up but people are going to do what they want to do. You are going to have someone who wants to put a shed in the back yard of that townhome and they are going to put in right on a wetland. She would personally never suggest putting a pathway through a wetland. That is regulated and you can't just arbitrarily cut through or put down wood planks to make your own path through a wetland. That is not possible and it is not approved by the EPA since they are in charge of wetlands or maybe its DNREC. She is just kind of surprised by some of the waivers and she just wanted to get more information as to why the waivers were requested. She had no problem with the fire one because she read where they wanted to construct the buildings with a little more fire retardant and alter the materials from house to house.

Responding to Mrs. Potter, Mrs. Melson-Williams stated that she can address several of the questions. The first question was about the parking waiver. You are correct; there are two methods of calculating parking for this property based on its zoning. The zoning district of C-2A (Limited Central Commercial Zone) is typically developed in a commercial fashion meaning you have retail stores, offices and those types of things where doing a parking calculation based on floor area is the typical means. In allowing the apartments and the residential components to occur in the C-2A (Limited Central Commercial Zone), there was not additional guidance or provisions specifically given as to how to calculate parking. For the townhouses, the Code is actually clear about what that rate should be but the apartments are rather silent about what you do with apartments in C-2A. Apartments as a use in general have a parking requirement which is referred to as Method B which is a per unit calculation of two regular parking spaces plus 0.25 spaces to accommodate for a visitor rate for the overall complex. That is the differences in the Code. It's perhaps where the Code should be clarified about what you should do when you have multi-family, meaning apartments, in the C-2A (_____). Probably some better Code writing could or should have happened there but they do have as part of our Code provisions, the ability for them to seek a waiver to reduce the parking. In this case, it would be a reduction if you consider Method B versus Method A in the two ways of calculating it. The second waiver that you had a concern about was the sidewalk. There are two different sidewalk issues with this project. One is the Code requirement of the property involved; the frontage of it is required to have sidewalk along it. That is where they are seeking a waiver. The discussion of sidewalk connection leading to Dover Park is a recommendation for them to evaluate that. It is not a Code requirement; it's something that Staff realized due to the proximity of this location to what is an existing City Park that there should be an opportunity to traverse to that. You are correct. There are portions on the White Oak Road frontage between this location and the park which are perfectly fine and have sidewalks that actually occur on both sides of the road; however, there are areas where there is no sidewalk. There is somewhat of a shoulder that is striped on White Oak Road in this area. She thinks the applicant has heard the concern about making that potential connection for their residents to Dover Park and is going to at least make some attempt with DelDOT which would be the governing agency in dealing with White Oak Road about where and perhaps improvements can be made to make that pathway connection. On the question of wetlands construction and how close that is to the townhouses, that is noted in our Report and

she thinks that they will have to be cognizant of that. As their design gets refined, there may be the opportunity to tweak the placement of that building to push it a little bit further away from that wetland area and to make that distinction much better.

Mr. Tolbert questioned if Mrs. Potter had talked to her neighbors about her concerns?

Responding to Mr. Tolbert, Mrs. Potter stated just a few of them but she has neighbors who are not sometimes using that road because she can go either way on Acorn Lane. She knows her first thought when she was speaking to Mrs. Melson-Williams was that she already knows that it is a State road. She already knows that DelDOT is going to have to determine if there is a traffic light that is going to have to be put in place. She personally thinks that there will be down the line but it's not the City's decision and she understands that. She has not found a person at DelDOT to ask the question to yet but she knows that it is very early into the project. Other than seeing the yellow sign, they (her neighbors) didn't know.

Mr. Tolbert stated that her neighbors aren't here to support what she is saying. Responding to Mr. Tolbert, Mrs. Potter stated that she just came with questions. She wants to know why the parking waiver is even requested. On the other hand, why is it approved because she can see where maybe there can be additional parking done with impervious surface done but again with the wetlands it is interesting. When she sees the topography which you don't see at all on that, it's much closer than what she first thought.

Mr. Tolbert questioned if Mrs. Potter has had any conversations with the developer about her concerns? Responding to Mr. Tolbert, Mrs. Potter stated that she didn't know anything that was going on other than what she read online several weeks ago.

Mr. Tolbert stated that he would suggest that she sit down and have a talk with the developer and her neighbors for any concerns that you may have regarding what they are doing.

Mr. Tolbert closed the public hearing.

Mr. Hartman questioned if it is possible to vote on the project and defer the waiver concerning the Cash-in-lieu until the applicant can provide us with a better plan on the pedestrian bicycle access to Dover Park? Responding to Mr. Hartman, Mrs. Melson-Williams stated that the Cash-in-lieu is what they have proposed for meeting part of their Active Recreation Area Construction. Having a pathway leading to Dover Park isn't necessarily going to count directly towards them having constructed Active Recreation Area. The Cash-in-lieu of Active Recreation Area Construction is to help satisfy the deficit that this property has in what it is constructing. The other is more of a recommendation about the larger circulation in the area. It is related to Active Recreation amenities perhaps for the applicant's proposal but if they get a sidewalk, the area of that sidewalk is not going to be able to count towards their Active Recreation Area Construction. They either have to build area on their property or the Cash-in-lieu of Active Recreation Area Construction has to be the makeup piece of it.

Mr. Hartman stated that he thinks he understands that but wasn't it Staff's recommendation to approve that waiver partially based upon access to Dover Park? Responding to Mr. Hartman, Mrs. Melson-Williams stated that their recommendation in the Recreation Area Report on Page

6, in their statement for recommending approval of the open lawn, they do note that it is within proximity of the City Park. She doesn't know that it specifically says that they have to provide the way to get there and that is the only reason why they are granting approval. She thinks that in this case, this project site has the impacts of the floodplain and wetlands area are perhaps in this case, more significant than dealing with the fact of the proximity to Dover Park. It is related but not as significant as the limitations that the natural areas of the floodplain impact on this property.

Mr. Roach stated that he had a similar concern about the amount of parking. Obviously from a logical standpoint, and he is not an architect, if there are twenty-four apartment units and there are two adults in all units, that is forty-eight spaces right off the back. Therefore, that doesn't allow for a lot of parking spaces in regards to visitors and because of the fact that there is no off-street parking in that area. Is that all access behind the building to the right of those six and eight spaces at the top of the rendering? Is there any way possible to be able to add more parking spaces? Responding to Mr. Roach, Mr. Lardner stated that there are no other locations to add parking spaces. If you look on the north side of the access road, they are adjacent to the floodplain which is one of the concerns that Mrs. Melson-Williams had about the proximity of that. They can't do parking closer to the building because then they don't meet the separation distance for the Fire Marshal Regulations. So they have provided as much parking as they can fit within the constraints of the site. He does hear what you say about parking and it is a common thing. It is common for there to be two adults living in the apartment units but they don't always have two cars, sometimes it's only one car. There is also the mixture of bedroom counts. He doesn't know what that mixture is going to be yet between one bedroom, two bedroom or three-bedroom apartment units. Industry wide, two parking spaces has always been the magic number. He did a project recently where they counted three apartment complexes and they only need 1.67 spaces. They counted those four times during the day: at midnight, 8 in the morning, middle of the day to see what the parking count was. Typically, you have a 90% occupancy rate because there are some unit turnovers that are there. You have some people that work night-time versus day time. So to have all of that perfectly happen, it could happen but it is highly unlikely.

Ms. Maucher questioned what happens to the project if they don't get that parking waiver? Responding to Ms. Maucher, Mr. Lardner stated that if the parking waiver isn't approved, the only thing that could be built there is commercial. An apartment building based on square footage would require ninety-seven parking spaces. That would be the entire building footprint to put ninety-seven spaces there. The project is dead if the residential parking would not be allowed. He doesn't know if a commercial use makes sense even though it is zoned to be that way.

Ms. Maucher further questioned if there has been a consideration in reducing the number of apartment units? Responding to Ms. Maucher, Mr. Lardner stated that it is based on the building square footage is how that calculation comes out; it doesn't matter about the residential units anymore. The Code is written based on the square footage of the building; it doesn't care what the use is. Even if he knocked out eight units, it would still require seventy parking spaces. They would never get down to that number and if they did, there would be twelve apartments at that time. It doesn't make sense to do an apartment complex for twelve units. This Code is written towards a commercial ideology and for whatever reason the Code is silent for a residential use

although it is permitted. The thing that makes the most sense would be to apply a residential parking requirement which for apartments is 2.25 spaces per unit. The waiver is to apply the residential parking count versus a commercial parking rationale. That is why they requested a waiver to allow the residential to be calculated versus a commercial square footage process.

Ms. Maucher stated that she still has concerns because there is no parking on the side of the access road going in for the townhomes. Responding to Ms. Maucher, Mr. Lardner stated that it will be signed and striped that there will be no parking allowed on it and the Fire Marshal would have jurisdiction to enforce that requirement.

Ms. Edwards moved to recommend approval for Revised S-19-15 White Oak Road Property: Apartments and Townhouses on 3 parcels of land on White Oak Road to include the waiver requests for the reduction in parking, the partial elimination of sidewalk and the rear access for townhouses, with the DAC Comments and the consideration of Cash-in-lieu, seconded by Mr. Baldwin and the motion was carried by roll call vote with Mr. Adams and Dr. Jones absent. Ms. Edwards voting yes; based on the applicant's willingness to adhere to all of the recommendations that have been set forth and based on Staff approval of the waiver requests. Mr. Hartman voting yes; based on the applicant's assurances particularly regarding the cash-in-lieu of the Active Recreation Area and providing the access to Dover Park. Mr. Baldwin voting yes; based on the applicant's willingness to work with Staff and also Staff's comments. Mrs. Welsh voting yes; based on previous comments. Ms. Maucher voting yes; based on Staff comments. Mr. Roach voting yes; he thinks that it is going to be a great addition to the City. There is always a need for more housing and they appreciate the applicant's willingness to work with Staff and the community in regards to their concerns as it pertains to the project. Mr. Tolbert voting yes; for all of the reasons stated and the applicant is willing to continue to work collaboratively and cooperatively with Staff regarding this matter because a lot of issues have been raised.

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>
- *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.*

Representatives: None

Mr. Hugg stated that the proposed Text Amendment adds provisions to the IPM-2 (Industrial Park and Manufacturing Zone – Technology Center) zoning classification to clarify the business and professional services, data management, trans-shipment 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). About twenty years ago the City and the State determined that this area of Kent County needed an additional industrial park that was devoted primarily to technology based firms and at that particular time, the microchip industry was looking seriously at Delaware. The State provided money to the City to buy the property known as the Garrison Tract and in the course of that process; the City adopted the IPM-2 Technology Center Zoning District that exists today. There was language in the State Bond Bill back in 2000 that required that for at least a period of ten years, the primary uses be directed to information technology, life sciences, semi-conductor fabrications, scientific research and development and high tech manufacturing jobs. As you know, we are now at almost twenty years later. Until about 2009 when the property was fully subdivided and improvements were met, there were essentially no uses of the property. The activities that are out there today are a solar park, a combined cycle gas fired energy generation facility, a flooring materials manufacturer and probably only use that is very consistent with the original intent; this year Advantech built their facility at this location. They are a high technology security firm so they may be the closest to what was originally envisioned. In September of last year, Kent County through their new Economic Partnership, commissioned a study by Rockport Technologies that looked at Kent County in terms of potential markets for new jobs and new business activity. One of the top three that emerged based on an analysis of what they call inputs and outputs was the wholesaling, logistics, and distribution area where there is about a \$300 million deficiency. In other words, jobs that could be and would fit in Kent County and economic activity would have been directed elsewhere. The City, State and the KEP are all interested in making Kent County more attractive and more viable for those kinds and other kinds of industries. As part of our City marketing strategy, we went to City Council and asked that the overall purpose of the park be refined and clarified to allow an expanded list of potential business activities. In particular, the current IPM-2 zoning district specifically prohibits warehousing and distribution kinds of businesses, the very thing that Kent County and the City are trying to promote. The amendment to the Ordinance is offered to reflect the expansion of the original purpose and nature of the park, reflecting current business conditions and the changing marketplace and to hopefully make the facility much more marketable. The City Council Committee of the Whole Legislative Finance and Administration Committee was presented with a proposed Text Amendment on June 11, 2019 and they recommended approval of the proposed Text Amendments at their first reading on June 24, 2019. Because this is a Text Amendment, a public hearing and recommendation of the Planning Commission is required which is what we are doing tonight. City Council will conduct a public hearing and take final action on the Ordinance on September 9, 2019. They may act to adopt the Ordinance or part of it or to amend it as appropriate. This Ordinance was developed by the Planning Staff so therefore they recommend its adoption. The Planning Office provided an opportunity to the Development Advisory Committee to comment on the proposed Text Amendment at their meeting of July 31, 2019 and no negative comments or recommendations were received from the DAC members.

Ms. Edwards questioned if the reason for the Text Amendment is so that this particular park can house different types of businesses? Responding to Ms. Edwards, Mr. Hugg stated yes; it changes the prohibition on those couple of uses to a permitted use.

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

Mrs. Welsh moved to recommend approval to City Council for MI-19-04 Text Amendment: Industrial Park Manufacturing Zone – Technology Center IPM-2, seconded by Ms. Maucher and the motion was carried 7-0 by roll call vote with Mr. Adams and Dr. Jones absent. Mrs. Welsh voting yes; because it is a necessary change in order to comply with the intent of the park as it is now. Ms. Maucher voting yes; this expands opportunity for different businesses. Mr. Roach voting yes; for reasons previously stated. Ms. Edwards voting yes; based on reasons previously stated. Mr. Hartman voting yes; based on Mr. Hugg's comments and he believes that it is a good step for Dover. Mr. Baldwin voting yes; for the reasons previously stated. Mr. Tolbert voting yes; this amendment is clearly needed at this point in time.

NEW BUSINESS

1) Nomination and Election of Officers (Chairman and Vice-Chairman)

Mrs. Melson-Williams stated that this is the time of year when the Planning Commission conducts their Annual Meeting. Typically, it is held in July but since we were still in the middle of appointments and re-appointments we held off until this evening. Included in the packet were the By-laws of the Planning Commission. A couple of key things about the officers of the Planning Commission; there is a Chairman and a Vice-Chairman that are elected each year. The election of officers is typically done by a secret ballot. In years past, they have suspended that rule but we will have to have a motion to do that. In electing the Chairman and Vice-Chairman, they are limited to four consecutive one year terms, meaning your Chairman can serve for four years before having to vacate that seat for a period of one year before being re-elected to that Chairman position. The same holds true for the Vice-Chairman. She has to report to the Commission that the current Chairman Mr. Tolbert has now completed his fourth year of service and as per the By-laws barring any kind of amendment to the By-laws he would be required to vacate that Chairmanship and have a new Chairman elected to serve the Commission. Currently, Dr. Jones is the elected Vice-Chairman of the Commission. She was elected to that position in February 2019 after Mr. Dean Holden resigned his time of service here with the Planning Commission due to his relocation move.

Mr. Roach moved to suspend the use of the secret ballot process, seconded by Mr. Baldwin and the motion as carried 7-0 by voice vote with Mr. Adams and Dr. Jones absent.

*Mr. Roach nominated Mrs. Maucher as Chairman for the Planning Commission.
Mrs. Maucher nominated Dr. Jones as Chairman for the Planning Commission.*

Mr. Tolbert stated that Dr. Jones was going to be his nomination because she has had a wealth of experience dealing with the government in various capacities.

Mr. Roach questioned if it is possible to nominate Dr. Jones as Chairman in her absence? Responding to Mr. Roach, Mr. Tolbert stated that she is in favor. She has no problem with the

nomination.

Mr. Roach moved to change his nomination of Chairman to Dr. Jones and to nominate Mrs. Maucher as Vice-Chairman, seconded by Mrs. Welsh.

Mr. Baldwin moved to close the nominations with the two names presented, seconded by Ms. Edwards and the motion was carried 7-0 by voice vote with Mr. Adams and Dr. Jones absent.

Mr. Roach moved to elect Dr. Jones as Chairman and to elect Mrs. Maucher as Vice-Chairman, seconded by Mrs. Welsh and the motion was carried 7-0 by voice vote with Mr. Adams and Dr. Jones absent.

2) Appointment of the Architectural Review Oversight Subcommittee of Planning Commission
(in accordance with *Zoning Ordinance*, Article 10 §2.28)

Mrs. Melson-Williams stated that also associated with the Annual Meeting is the appointment of the Architectural Review Oversight Subcommittee of Planning Commission. This is outlined in the Ordinance as well. Typically, it consists of two members of the Planning Commission that serve, there is the Mayor or the Mayor's designee if he is unavailable and then there are design professional members that are appointed. Currently, the composition of that Subcommittee is Planning Commission members Mrs. Welsh and Mrs. Maucher. If they are both interested in continuing to serve in that capacity when called upon, this will be an easy task. If not, we will need some volunteers or nominations for those positions.

Mrs. Welsh stated that she is happy to continue.

Mrs. Maucher stated that she is happy to continue as well.

Mrs. Melson-Williams stated that they will reach out to the current design professional members that are listed here. If you have other suggestions, they can certainly take those into consideration as well. If there are no objections, Staff can confirm if Mrs. Sarah Keiffer, the Director of Planning Services Department for Kent County and Dr. R.J. Chandler who is a faculty member at Del-Tech would be interested in continuing to serve as the design professionals on that Subcommittee.

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

Mrs. Melson-Williams stated that as of last Wednesday they have issued a Staff Draft #1 which means that all of the text writing that they have done to date and all of the Chapters are in one cohesive document and it has been released to Planning Staff to read through. The Staff Draft #1 was also released to City Department Heads for their initial review to make sure that they have not done some glaring mistakes in data related to their departments. She imagines that they are reading anxiously as well as a number of them have asked about it. They are making progress towards bringing a document to the Planning Commission. They are on track to have it submitted to PLUS for an October 1st deadline. So within the next month and a half there should be a full document that is released to the public to really start the formal review process of the project.

Mr. Tolbert questioned if the Planning Commissioners would also get a copy? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that they will certainly get a copy. They will have to read it and will have hearings to go along with it; so be prepared.

Mrs. Maucher thanked Mr. Tolbert for four years of leadership of this Commission. Responding to Mrs. Maucher, Mr. Tolbert stated that personally he thinks that every member should have an opportunity to conduct this hearing especially when the Chamber is full of people.

Meeting adjourned at 8:26 PM.

Sincerely,

**Kristen Mullaney
Secretary**

City of



Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF September 4, 2019

PLANNING COMMISSION MEETING OF September 16, 2019

Plan Title:	DSWA Administration Building (S-19-19)
Plan Type:	Site Development Plan and Lot Consolidation Plan
Owner:	Delaware Solid Waste Authority
Property Addresses:	601 and 801 Energy Lane
Location:	North side of Energy Lane east of Bay Road
Current Site Areas:	Lot 4: 2.1278 acres +/- Lot 5: 5.2065 acres +/-
Proposed Combined Site Area:	7.3343 acres +/-
Present Use:	Vacant land in Planned Industrial Park
Proposed Use:	Office Building
Proposed Building Area:	23,487 SF
Impervious Areas:	Proposed – 39%
Off Street Parking Required:	1.5 spaces per employee (1.5 x 40 = 60 spaces)
Off Street Parking Proposed:	59 parking spaces
Sewer & Water:	Proposed City of Dover
Zoning Classification:	IPM (Industrial Park Manufacturing Zone) Planned Industrial Park
Waivers Requested:	Partial Elimination of Curbing Alternative Design Standard: Rear Setback Requirement
For Consideration:	Performance Standards Review Application

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: September 4, 2019

**City of
Dover
Planning
Office**

APPLICATION: DSWA Administration Building at 601 and 801 Energy Lane

FILE #: S-19-19

REVIEWING AGENCY: City of Dover Planning

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

I. PLAN SUMMARY:

This is a Review of a Site Development Plan and Lot Consolidation Plan Application to construct a two-story 23,487 SF office building with associated site improvements. The subject properties to be combined total 7.3343 +/- acres and are located north side of Energy Lane east of Bay Road. The submission will be subject to a Performance Standards Review Application. The properties are zoned IPM (Industrial Park and Manufacturing Zone). The owner of record for both properties is Delaware Solid Waste Authority. Property Addresses: 601 and 801 Energy Lane. Tax Parcels: ED-05-077.00-03-04.00-000 and ED-05-077.00-03-05.00-000.

Previous Applications:

The overall property was originally subdivided with Application SB-05-05 Stover Professional Campus with Planning Commission approvals in September and November 2005. The Record Plan, recorded on April 20, 2007 subdivided the tract into twelve (12) lots and identified the new streets to be developed under the guidelines for a Planned Industrial Park with access to the site from Bay Road. Construction of the Industrial Park infrastructure commenced in 2007 with utilities, the stormwater management facility, and the streets partially constructed. Site Plan S-06-37 developed the Mainstay Suites Hotel at 201 Stover Boulevard (Lot 2). Another Site Plan S-05-32 proposed an office building on Lot 6; however, that plan has expired. Site Plan S-16-11 developed the parcels to the south of this site as the new Office for Chesapeake Utilities. Prior to the implementation of S-16-11, Application MI-15-07 consolidated the Lots 6 through 12 utilized in the Chesapeake Utilities development and included a Right-of-Way Abandonment.

II. CURRENT PROJECT DESCRIPTION

The current project as submitted by the applicant has two components: a Lot Consolidation Plan and a Site Development Plan. The property that is currently noted as Lot 4 (2.1278 acres +/-) and the property currently noted as Lot 5 (5.2065 acres +/-) are to be consolidated into one single parcel of 7.3343 acres +/- . The Site Development Plan shows one main structure to be utilized as an office building for the Delaware Solid Waste Authority, along with associated site improvements. The properties are located on the north side of Energy Lane and east of Bay Road. Across Energy Lane to the south are the new offices and Dover Campus of Chesapeake

Utilities which are also zoned IPM. The property immediately adjacent to the west noted as Lot 3 of the Northgate Center is currently undeveloped. The properties immediately adjacent to the north along are zoned RG-2 (General Residence Zone) containing Blue Hen Apartments and R-8 (One-Family Residence Zone) containing one-family detached dwellings, part of the Schoolview Subdivision.

The applicant has noted two waiver requests on their plans. The first is a Waiver Request from the *Zoning Ordinance*, Article 6 §3.6 for the upright curbing requirements. The applicant has stated that they have yet to finalize their stormwater management plan but will likely need to remove curbing in parts to help facilitate stormwater flow. The second Waiver Request asked for by the applicant is from the requirements of *Zoning Ordinance*, Article 3 §20 that requires the rear setback line for a Planned Industrial Park adjoining a residential district be 100 feet.

IPM Zoning District

This property is zoned IPM (Industrial Park Manufacturing Zone) and was established under the Planned Industrial Park provisions of *Zoning Ordinance*, Article 3 §20.5 and Article 4 §4.16.

Waiver Requested: IPM Planned Industrial Park Rear-Yard Setback

The original Subdivision Plan (SB-05-05) was granted a waiver of the design standards for the setback from the development property line (rear yard setback) on the IPM zoned properties developed under the Planned Industrial Park design standards. The property line setback was reduced from 100 feet to 40 feet for Lots 3-10 and was intended to maintain the 100-foot setback from residentially zoned properties. Planning Commission granted this waiver of the design standards on September 19, 2005. At the time in 2005, the 100-foot. setback was only applicable to portions of Lot 5 adjacent to the Schoolview Subdivision.

With this submission, the applicant is again seeking to implement an Alternative Design Standard for the Rear Yard setback from the developed property line on Lots 4 and 5. The northern property line is now adjacent to additional lands zoned residentially. The lands of the Blue Hen Apartments, previously part of Bay Health Corporate Center and zoned SC-3 (now SC-2) were zoned to RM-2 (April 2007) and then to RG-2 (June 2015).

The applicant has stated that while the majority of the planned building complies with the more restrictive setback, there is an approximately 40 foot wide section that encroaches into the setback. The waiver is sought as the neighboring residential property zoned RG-2 and is site of the Blue Hen Apartments contains a stormwater management pond and wooded areas where abutting this section of the proposed development on Energy Lane.

III. BUILDING ARCHITECTURE

The architectural elevations for the building were submitted showing all four elevations of the office building. The overall structure of the building is noted as being two-stories in height and not more than 35 feet in height. The exterior finishes for the two-story office building consists of brick masonry in a red tone and vertical gray metal paneling under the eaves of the angled roofs. The roofs also seem to be surmounted with a solar panel system. The building is shown as having two wings on either side of a glass atrium, with the wing to the west being one-story and the wing to the east being two-stories. On the two-story structure, more traditional windows present on masonry facades, alternating with vertical two-story all-glass walls.

IV. SITE CONSIDERATIONS

Site Circulation

The site includes two access points from Energy Lane, one at either end of the proposed building. These access points both lead to a two-way drive aisle that circles the entire building. All parking spaces are shown having access directly off of this main drive aisle. Fourteen (14) parking spaces are currently shown at the front (south) of the building, with the remaining forty-five (45) parking spaces located at the rear (north) of the building.

V. PARKING SUMMARY

The parking requirement in the IPM zoning district is one (1) parking space per 800 S.F. of floor area or 1.5 spaces per employee per largest working shift. Based on the proposed building square footage of 23,847 SF, thirty (30) parking spaces would need to be provided. The plan indicates forty (40) employees will be working in this building. However, based on the employee ratio, sixty (60) parking spaces would need to be provided. As this is the greater parking requirement, (60) parking spaces will need to be provided. The plans submitted by the applicant currently show fifty-nine (59) parking spaces being provided.

Waiver Requested: Partial Elimination of Curbing

The *Zoning Ordinance*, Article 6 §3.6(b) requires upright curbing for all parking areas and access drives. The proposed site development plan as shown includes curbing along all proposed parking areas and drive aisles. The applicant has however noted a request to partially waive the requirements for upright curbing so as to help facilitate stormwater management. As the stormwater management system is not yet finalized for this site, Staff will continue to work with the applicant to ensure that the approved waiver request applies only to the minimum necessary to allow for stormwater management.

Loading Spaces

For buildings with professional, governmental, or business offices of at least 10,000 S.F., one loading berth is required for each 25,000 S.F. or fraction thereof. For this project with a total office building area of 23,847 S.F., the requirement is one (1) loading berth. The applicant has noted that one (1) loading space is to be provided. Plans seem to suggest that this loading space would be located to the west of the office building.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) parking spaces. Based on the number of parking spaces in the parking lot, a minimum of three (3) bicycle parking spaces is required. While the plans note that parking for three (3) bicycles will be provided, no bicycle parking facilities or details of such facilities are currently shown on the plans.

Sidewalks:

Zoning Ordinance, Article 5 §18 requires sidewalks to be installed along the public street frontages of a property, as well as internal to the site, providing pedestrian access from the parking areas to building entrances. The site proposes construction of sidewalks along the entirety of the Energy Lane frontage. The plans however do not show sidewalks connecting from the street frontage sidewalk into the site.

Dumpster

For office and retail uses of less than 50,000 SF, two (2) dumpsters are required for the first

16,000 S.F. of building area and one for each additional 16,000 S.F. of building area or fraction thereof. For this project with a total building area of 23,847 SF, the requirement is for three (3) dumpsters.

A Dumpster enclosure is required to screen the dumpster from view whenever these units are situated so that they will not be visible from any public right-of-way or from an adjacent property, as identified in *Zoning Ordinance*, Article 5 Section 6.11. No details for any either a dumpster pad or any possible dumpster enclosure are provided.

Lighting

Article 5 §7.1 stipulates that lighting shall provide no less than 1.5 foot candles at grade. Light shall also be deflected away from adjacent residential areas and shall not be distracting to traffic on adjacent roads. The plans note that lighting is not to exceed 1.5 foot candles at grade but do not note the location of any proposed outdoor lighting nor their details.

VI. PERFORMANCE STANDARDS REVIEW

Uses in the IPM zone are subject to the Performance Standards Procedure set forth in the Zoning Ordinance, Article 5, Section 8.1 and 8.2 and referenced sections.

Article 5 §8.1 Dangerous and objectionable elements. No land or building in any zone shall be used or occupied in any manner so as to cause any one or more of the following conditions to exist and to be dangerous, injurious, noxious or offensive beyond the boundaries of such premises in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises: Fire, explosive or other hazard; noise, or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness or electromagnetic disturbance; glare, liquid or solid refuse or waste; traffic congestion causing roadways or intersections in the surrounding highway network to fall below acceptable levels of comfort and convenience; or other substance, condition or element (referred to hereinafter as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.

The project's compliance with a series of performance standards for the "dangerous and objectionable elements" is to be considered by the Planning Commission. The "dangerous and objectionable elements" are as follows:

- Fire and explosion hazards (activities with and storage of)
- Radioactivity or electromagnetic disturbance
- Noise (sound pressure level)
- Vibration
- Smoke
- Odors (Odorous gases or odorous matter)
- Fly ash, dust, fumes, vapors, gases and other forms of air pollution
- Glare (from lighting or high temperature processes)
- Liquid or solid wastes
- Traffic congestion (Level of Service E)

The project cannot cause the above conditions to exist so that they adversely affect the surrounding areas or adjoining properties. The specific limits of each performance standard are described in the

Zoning Ordinance. Where the performance standards conflict with regulations established by other state or local agencies such as the Delaware Department of Natural Resources and Environmental Control (DNREC), the more restrictive regulations apply.

As part of this procedure, a separate *Performance Standard Review Application* is required to accompany the application for Site Plan approval. The applicant has submitted a Performance Standard Review Application letter indicating how the proposed development will restrict the above-mentioned objectionable elements. The Planning Commission may refer the Application to expert consultants for review if deemed necessary. The Planning Commission is charged with determining if the proposed use as an office facility conforms to the applicable performance standards.

VII. TREE PLANTING AND LANDSCAPE PLAN

The initial subdivision of this land into the Stover Homes Professional Center (later renamed to Northgate Center), noted that this site was subject to woodland preservation requirements, as stipulated in the *Zoning Ordinance*, Article 5 Section 16.5. Subsequently, only 50% of any existing woodland on the overall site could be cleared. The extant woodland currently on Lot 5 is therefore required to remain.

The submitted plan sheets include a Landscape Plan. While the site overall is 7.3343 acres +/-, the applicant has identified a Site Development Area of approximately 181,000 SF. Based on this calculation, a minimum of (61) trees will need to be planted. The applicant has included a Landscape Plan with their submission which does note that (61) trees will be planted as well as noting their type and location. The new planting exist primarily along the property line with the neighboring Blue Hen Apartments to the north.

The development of this property in the IPM Zone as part of the Planned Industrial Park requires a ten (10) foot landscape buffer along all property lines and with 35% of the site as grass or landscaping. The site as proposed currently shows a lot coverage of only 39%. This project complies with these requirements. The Landscape Plan must take into account the location of all proposed utility lines and other site elements to avoid conflicts.

Opaque Barrier

Screening is required wherever a non-residential use abuts a residential use. This screening must consist of an opaque barrier (a fence, wall, or berm) at least six feet in height, accompanied by landscaping (*Zoning Ordinance*, Article 5 §7.2). This requirement applies to the north side of the property. The plan as submitted by the applicant indicates a fence will be provided along the northern edge of the property line accompanied by landscaping to the south of the fence as a series of evergreen and deciduous trees.

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

VIII. CITY AND STATE CODE REQUIREMENTS:

- 1) Review and Approval of the *Performance Standards Review Application* is required for the property development in accordance with *Zoning Ordinance*, Article 5 §8.6. A Letter as the

Performance Standards Review Application was submitted for consideration by the Planning Commission.

- 2) Upright curbing must be provided around all parking areas unless a waiver is granted by the Planning Commission. A waiver request for the partial elimination of curbing was submitted to the Planning Office for consideration by the City Planner.
- 3) The Rear Yard Setbacks must be observed unless a waiver is granted by the Planning Commission. A waiver request for alternative design standards (reduction in the rear yard setback requirements) was submitted for consideration by the Planning Commission.
- 4) Sheet C-001, Cover Sheet:
 - a. Site Data Column:
 - i) The scale is noted as being 1" = 50'. Please ensure that the scale described is accurately represented on the plans.
 - ii) Please note that neither property is subject to the requirements of the SWPOZ.
 - iii) Please correct the Maximum allowed Lot Coverage to show 65%
 - iv) The minimum number of parking spaces required based on an employee count of 40 employees is 60 parking spaces. The plan currently only shows 59 parking spaces.
 - v) Please edit the tax parcel map numbers to read:
 - (1) Lot 4: ED-05-077.00-03-04.00-000
 - (2) Lot 5: ED-05-077.00-03-05.00-000
 - b. Please note the dimensions of all lot lines.
 - c. Please remove line items #4, #11 and #12 as they refer to a different application.
- 5) Sheets C-201, Site Plan:
 - a. Please identify the location of any proposed signage.
 - b. Please identify the location, direction, power and time of use for any proposed outdoor lighting.
 - c. Add parking bumpers to parking spaces in locations where curbing is eliminated.
 - d. Identify location of bicycle parking rack(s).
- 6) Sheets L-101 Landscape Sheet:
 - a. Please identify the 181,000 SF "Site Area" of the Site being used in the calculations for the tree density requirement. Please refer to this area as the "Development Area".
 - b. Please note the tax parcel numbers and zoning type.
 - c. Please include that address and telephone number of the design professional who prepared the plan.
 - d. Ensure that the tree planting for the Opaque Barrier provides a continuous evergreen screen. Add trees or hedge plantings as necessary.
- 7) The Site Plan set will need to be updated to reflect any changes recommended or approvals for waivers granted by the Planning Commission.
- 8) The Site Plan submission must include a Details sheet in the plan set to include details on the dumpster enclosures, sidewalks, curbing, traffic control signage, striping and markings, bike rack, light fixtures, sanitary sewer and water systems, and any other utility details required.

- 9) Staff notes that architecture for the building will be evaluated at time of Building Permit application for compliance with architecture as approved by the Planning Commission. The building architecture may be required to come before the Planning Commission for additional review if significant design changes to the buildings' exterior finishes in form and materials.
- 10) Any proposed signage is subject to the Sign Regulations of the *Zoning Ordinance*.

IX. 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 Requested: Elimination of Curbing: In accordance with Article 6 §3.6(b) related to the requirement for upright curbing, Staff has approved the request to partially eliminate the upright curbing requirement for the Office Building where necessary pending the completion of the design of the stormwater management. Staff will continue to work with the applicant to determine the best method for stormwater runoff. The applicant should however ensure that any parking spaces affected by the removal of any upright curbing, contain parking bumpers.
- 2) Waiver Request: Alternative Design Standard (Reduction of Rear Yard Setback): Staff recommends approval of the reduction of the Rear yard Setback. Specifically, a reduction of the Rear Yard Setback from 100 feet to 75 feet for the portion of the property bordering the neighboring Blue Hen Apartments and zoned RG-2 is recommended. The portion of the property bordering the one-family dwellings of the Schoolview subdivision should retain the 100-foot setback. This would apply only to the portion of the property line on the side of Blue Hen Apartments contains a stormwater facility and wooded area.

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.

X. ADVISORY COMMENTS TO THE APPLICANT:

- 1) The Planning Commission should act upon the request for waivers as part of any motion regarding this project application, or as a separate motion as necessary. Note: All waivers are at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.
- 2) In the event, that major changes and revisions to the Site Plan occur in the finalization of the plan contact the Department of Planning and Inspections. Examples include reorientation of building, relocation of site components like stormwater management areas, 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 regard to the plan.

- 3) Following Planning Commission approval of the Site Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.
- 4) The professional engineer and landscape architect signing/sealing the plan are required to have a City of Dover Business License. Contact the Permit & Licensing Section at (302)-736-7010 regarding the licensing procedures.
- 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) For new construction, the requirements of the building code and the fire code must be complied with. Consult with the Chief Building Inspector and City of Dover Fire Marshal for these requirements. The resolution of these items may impact the site design including such items as building dimensions and height, building openings, and fire protection needs, etc.
- 7) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections and permits are required.
- 8) Construction activities will have an effect on the adjacent property owners and to travel lanes and/or shoulder area of the adjacent roadway. Any work requiring the closing or rerouting of potential residents or visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience to the adjacent property owners and the roadway.
- 9) 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.
- 10) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover.

If you have any questions or need to discuss any of the above comments, please call the above contact person at the Department of Planning & Inspections.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: AUGUST 28, 2019

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

APPLICATION: Delaware Solid Waste Authority Administration
Building at 601 & 801 Energy Lane

FILE #: S-19-19

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) 736-7070 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.
7. 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 shopping centers 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 facilities.
8. The minimum spacing between fire hydrants and hydrant valves shall be fifteen feet (15').

WASTEWATER

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

2. The following notes must be added to the plans:

- a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
 - b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "...any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.
3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures, including cleanouts.
 4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
 5. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
 6. The minimum size of all sanitary sewer laterals shall be six-inch (6").
 7. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.
 8. On the Lot Consolidation Plan, the plan states that a utility easement will be expunged as part of this plat, however, the note states a 20' wide sewer easement is to be expunged, please clarify the correct easement.
 9. The sanitary sewer that runs through the proposed property cannot be removed, it is necessary to convey sewer from the eastern portion of Energy Lane to distribution system.

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. Sidewalk proposed within the right-of-way shall be constructed as per the City of Dover Standards and Specifications. All sidewalks must be poured by hand; curb machine slip formed sidewalks will not be permitted. The sidewalk must be scored in five feet (5') squares using hand tooled joints. All tool marks shall be removed as tool finished edges are not permitted. Expansion joints shall be installed at a spacing of twenty feet (20') and shall be precut, one-half inch (½ ") thick, four-inch (4") wide, cork sheets. All sidewalk proposed within the right-of-way shall consist of Class B concrete, without reinforcing material, in order to prevent future interference with utility locating. The proposed five feet (5') wide public sidewalk shall be installed 5 feet from the back of curb. The sidewalk cross slope shall not exceed 2% including across the driveways to ensure ADA and FHA compliance. A sidewalk construction detail containing the above information must be provided on the plan.
2. All barrier free access ramps and driveway aprons constructed with the site improvements shall be in accordance with the most current ADA and DelDOT requirements and standards at the time of construction. To meet cross slope requirements a five feet (5') wide grass strip must be provided between a five feet (5') sidewalk and the curb.
3. Signage and markings must be included with the site plan in accordance the Manual for Uniform Traffic Control Devices. Signage proposed for streets to be dedicated to the City of Dover must be included on the plan (no parking signs, speed limit signs, street blades, stops signs, watch children, etc.) All signs must be installed on two-inch (2") square break away sign posts.

GROUND

1. None

SANITATION

1. Every commercial property 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 commercial 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. Any existing utility lines not to be utilized by the proposed project shall be properly abandoned at the mains by the developer / owner.
2. 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.
3. 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 / SANITATION / GROUND / GENERAL / STREETS

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. Current underground electric is placed on the south side of the circular road per previous plans for the parcel. Any relocation of the wire to the north side of the circular road will be at the expense of the developer/builder.

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.
5. The City of Dover will not maintain the water service within the property.

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. Profiles of the sanitary sewer main must be provided with the construction plans. All water, sanitary sewer and storm sewer crossings must be shown on the profiles.
4. Wastewater impact fees will be required for this proposed site plan.
5. The City of Dover will not maintain the sanitary sewer infrastructure beyond the existing property lines.

STORMWATER / GROUNDS / STREETS / SANITATION

1. None

GENERAL

1. Sanitary sewer laterals and water services shall have a minimum of five-feet (5') horizontal separation.
2. 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.
3. 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-19-19

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: September 4, 2019

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APPLICATION: DSWA 601 & 801 Energy Lane

FILE #: S-19-19

REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Matthew Brown, Deputy Fire Marshal

PHONE #: (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is Business.
2. Building Access shall be no further than 50 feet from a primary entrance

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

3. Parking shall be prohibited in front of the primary entrance for a width of not less than 1.5 times the width of the door(s) or for 10 feet, whichever is greater.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.2)

4. Perimeter access shall be 50% 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 25% of the proposed building.
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);

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,

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

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

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

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

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

16. 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.

17. 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.

18. 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)

19. 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 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 3In all residential apartment buildings storage areas except individual unit closets that are located within individual residential living units.

20. Fire Department Connection is to be a 5-inch stortz connection on a 30 degree elbow located within 50 feet of main entrance. Access to the Fire Department Connection must be clear unobstructed access as defined by the AHJ.

21. 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)

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

23. If there is any type of rack storage, the following will be required: 1) a diagram showing the layout and type of rack system 2) a list and quantity of items being stored 3) a letter from an authorized/licensed fire suppression contractor stating that in rack sprinklers are or are not needed. If in rack sprinklers are not needed, a letter may be requested from an authorized/licensed fire suppression contractor to ensure that the sprinkler system is adequate for the storage presented.
24. 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)
25. 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 are 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)

26. 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)

27. 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:

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,

28. 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

29. 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.
30. 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 I, 15)
31. Project to be completed per approved Site Plan.
32. Full building and fire plan review is required.
33. Construction or renovations cannot be started until building plans are approved.
34. Fire alarm systems, fire suppression systems, hoods, and hood suppression systems require a fire permit from the Fire marshal's Office. This work cannot be started until the permit is approved.
35. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. A no parking area in front of the FDC must be located and clearly shown on the plan.
2. Ensure the fire hydrant is within 300ft of the front door. (as hose comes off the truck)

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)

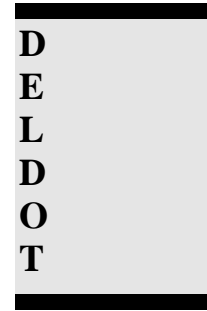
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations

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: Aug 28, 2019



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APPLICATION: Delaware Solid Waste Authority Administration Building (601 & 801 Energy Lane)

FILE#: S-19-19

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. DelDOT Records indicate the labeled Energy Lane is Stover Boulevard.
2. Stover Boulevard is a non-state maintained road.
3. For the Lot Consolidation, a Letter of No Objection will be required from DelDOT.
4. The engineer and developer shall schedule a meeting with DelDOT to discuss the traffic ADT resulting on Bay Road from the development of this DSWA parcel.



DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL
DIVISION OF WATERSHED STEWARDSHIP
89 KINGS HIGHWAY
DOVER, DELAWARE 19901

OFFICE OF THE
DIRECTOR

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

MEMORANDUM

DATE: August 28, 2019

TO: Dawn Melson-Williams, Principal Planner
City of Dover, Department of Planning & Inspections

FROM: Elaine Z. Webb, P.E., Engineer V *EW*
Sediment & Stormwater Program

RE: Development Advisory Committee (DAC)
S-19-19 Delaware Solid Waste Authority Administration Building
601 & 801 Energy Lane

CC: Jamie Rutherford, Program Manager
Jared Adkins, Kent Conservation District
Jessica Verchick, Kent Conservation District

DNREC Sediment and Stormwater Program has reviewed the site plan provided with the DAC agenda and offers the following comments:

1. A Sediment and Stormwater Management Plan must be approved by DNREC Sediment and Stormwater Program prior to any land disturbance taking place on site. The Sediment and Stormwater Program has a three-step plan approval process. The first step is to compile and submit the Stormwater Assessment Study prior to scheduling a project application meeting.
2. A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be secured prior to plan approval. The NOI application is an online system and the NOI fee is \$195 and is assessed annually until construction is complete and the project is closed out.
3. This site lies within a business park having a regional stormwater management facility to serve all lots within the business park.
 - a. DNREC will review the Sediment and Stormwater Management Plan based upon the assumptions in the design of the regional stormwater management facility as approved by Kent Conservation District. If all design assumptions are met no additional onsite post construction stormwater management will be required.
 - b. The owner or owner's representative should provide a maintenance review of the existing regional stormwater management facility and include any needed maintenance items for the facility in the Sediment and Stormwater Management Plan for this project.

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

Delaware's good nature depends on you!

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: 8-28-2019

**Dover/Kent
County
Metropolitan
Planning
Organization**

APPLICATION: Delaware Solid Waste Authority Administration Building at 601& 801 Energy Lane

FILE #: S-19-19

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Jim Galvin, AICP

PHONE #: (302) 387-6030

The MPO requested the opportunity to bring the recommendations on issues of our concern to the City of Dover. The MPO will limit comments to projects to development proposals and applications that may lead to new development. Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission 9-16-2019
Project Review

S-19-19_Delaware Solid Waste Authority Administration Building at 601& 801 Energy Lane

The MPO has reviewed the previous comments to a previous, similar site plan and offers these comments;

There is a sidewalk along the street frontage at Energy Lane but no access into the site. We recommend a paved path leading to the pedestrian access at the front of the building. The pedestrian access traversing the interior of the site and the front of the building provide acceptable interior access..

As mentioned above, the MPO supports the City of Dover bicycle facilities requirements and standards. The MPO supports the City's requirements for additional bicycle parking facilities as required in the code.

There is transit available in the area and, if determined necessary, could accommodate service to the site.

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

ALTERNATE SETBACK REQUEST

DELAWARE SOLID WASTE AUTHORITY ADMINISTRATION BUILDING

REAR SETBACK LINE

REQUEST: We are requesting the planning commission grant relief of the rear setback requirements for the rear yard setback for a portion of the property.

EXTENT OF THE REQUEST: When the Stover Campus and subsequent North Gate Center was conceived, the setback requirements for the rear setback for the IPM Zone was 40 feet from the property boundary, however. Since then the neighboring parcels have been rezoned to residential creating a 100' setback from the rear property line. This drastically reduces the potential building envelope on the property and creates a hardship on the owner, not of their doing. We are requesting relief from this setback for a portion of the rear property line.

BASIS FOR REQUEST: Appendix B, Article 3, section 20 of the City of Dover zoning code states that "The design standards, including dimensional requirements and sign regulations, for a planned industrial park shall be the same as required for conventional individual lot development for land in an IPM zone, as set forth in article 4, section 4.16 of this ordinance, unless specifically excepted in this article or unless waived by the planning commission, where the commission finds such a waiver to be necessary, desirable and consistent with the purposes of this article and of the comprehensive plan." While the majority of the building complies with the more restrictive setback, a 40' section of the building projects into this setback. As the projection of the building into the rear setback varies in width, at most the building projects +/-12 feet into this rear set back. The affected area of the adjoining property contains open wooded area and a stormwater pond between the first residential apartment and the our property line. Containing a total of 300 linear feet of

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open space and pond area between the DSWA Property and the residential structure. Given this pond controls runoff generated by the neighboring community, its elimination and further construction is not likely solidifying the buffer between the two properties.

WAIVER REQUEST

DELAWARE SOLID WASTE AUTHORITY ADMINISTRATION BUILDING

CURBING WAIVER

REQUEST: We are proposing a partial curbing waiver for portions of the campus parking or drive area.

EXTENT OF THE REQUEST: By code, all permanent parking areas shall be enclosed with upright concrete curbing at least six (6) inches in height. The project is requesting a partial curbing waiver for portions of the project in order to facilitate sheet flow OF stormwater runoff from paved areas to continue its current drainage pattern into pervious grassed and landscaped area surrounding the proposed site ultimately to the proposed and existing stormwater areas.

BASIS FOR REQUEST: Article 6, section 3.6 of the City of Dover zoning code states that the city planner may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. While the full stormwater management design is not finalized, we are requesting that a partial waiver be granted for the project, limits of which can be determined by planning staff.



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FAX 910.341.7506

www.beckermorgan.com

September 4, 2019

Mr. Julian Swierczek
City of Dover
Department of Planning and Inspections
P.O. Box 475
Dover, DE 19903-0475

RE: **Performance Standard Review Application**
DELAWARE SOLID WASTE AUTHORITY ADMINISTRATIVE OFFICES
Dover, Delaware
2018230.00
App.: S-19-19

Dear Mr. Swierczek:

On behalf of our client, The Delaware Solid Waste Authority (DSWA), we are hereby submitting a Performance Standard Review Application as a supplement to the Application for Site Development Plan Approval for the above-referenced project. This is submitted for consideration at the September 16, 2019 Planning Commission meeting. This project proposes the consolidation of two parcels and construction of a new office building. Responses to the Performance Standards for each of the structures is provided below.

OFFICE BUILDING

Section 8.51 - Fire and Explosion hazards: The proposed building will be sprinklered in accordance with the Delaware State Fire Prevention Regulations. It will not contain any hazardous or explosive materials.

Section 8.52 - Radioactivity or Electromagnetic Disturbance: Not Applicable. The proposed office building will not produce radioactivity or electromagnetic disturbance.

Section 8.53 - Noise: Not Applicable - The proposed office building will not generate any noise beyond that which is consistent with normal office use.

Section 8.54 - Vibration: Not Applicable - The proposed office building will not generate any vibrations.

Section 8.55 - Smoke: Not Applicable - The proposed office building will not generate smoke.

Section 8.56 - Odors: Not Applicable - The proposed office building will not generate odorous gases or other offensive odorous matter. These are offices for the DSWA, and not a drop-off site.

Section 8.57 - Fly Ash, Dust, Fumes, Gases, and other forms of Air Pollution: Not Applicable - The proposed office building will not generate any of the aforementioned forms of air pollution.

Section 8.58 - Glare: The proposed site and parking lot lighting will meet City of Dover lighting requirements.

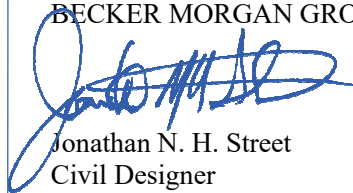
Section 8.59 - Liquid or Solid Wastes: No liquid or solid wastes will be discharged to the public sewer other than normal sanitary sewage from the building.

Section 8.60 – Traffic Congestion: Not Applicable - The proposed site is part of a previously approved Industrial Park Subdivision and approved Traffic Impact Study (TIS). The traffic from all of the lots within the subdivision was accounted for when the subdivision was designed and the TIS approved. This lot accesses city owned internal subdivision streets and has several exit points from the subdivision to the external road network.

We believe this addresses the requirements for the Performance Standard Review Application. Please attach this application to our Application for Site Development Plan Approval scheduled for review by the Planning Commission and contact me with any questions.

Sincerely,

BECKER MORGAN GROUP, INC.



Jonathan N. H. Street
Civil Designer

JNS/rlh

Cc: Jason Munyan – DSWA

201823000bb-Perf-Rev-ltr



DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF September 4, 2019

PLANNING COMMISSION MEETING OF September 16, 2019

Plan Title: Delaware State Police Building – Update to Bay Road Commercial:
560 and 600 Bay Road, S-19-20

Associated Plans: Bay Road Commercial at 560 and 600 Bay Road, S-17-20
S-14-08 Woodland Tree Clearing Plan of 560 Bay Road

Plan Type: Site Development Plan

Property Location: Southwest side of Bay Road
Property Addresses: 560 and 600 Bay Road

Tax Parcels: ED-05-077.00-01-09.00-000
ED-05-077.00-01-10.00-000

Property Area: 12.9366 acres+/-

Owner: Bayroadcap, LLC

Building Areas: West Office Building: 62,677 SF
North Multi-Tenant Building: 26,814 SF
Restaurant: 6,400 SF
Restaurant: 4,200 SF
Total Building Area: 100,091 SF

Existing Use (to be removed): Commercial Building at 600 Bay Road (to be demolished)
Proposed Property Use: Office Building and Retail/Commercial and Restaurants

Off Street Parking: Required for Office Building: 209 spaces
Required of Multi-Tenant Retail Building: 90 spaces
Estimated Required parking spaces for restaurants: 146 spaces
Total Required: 445 spaces
Total Proposed: 790 parking spaces shown

Sewer & Water: City of Dover

Zoning Classification: C-4 (Highway Commercial Zone)

Waiver Approved: Reduction of Arterial Street Buffer
For Consideration: Tree Mitigation Plan

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: September 4, 2019

APPLICATION: Delaware State Police Building Update at Bay Road Commercial at 560 and 600 Bay Road

FILE #: S-19-20

REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn Melson-Williams, AICP

PHONE #: (302) 736-7196

I. PLAN SUMMARY:

This is a Revision to Site Development Plan S-17-20 to identify the west building as an office building for the Delaware State Police. The Plan Revision replaces the two buildings previously proposed as a 70,646 SF grocery store and a 17,664 SF multi-tenant retail building on the west side of the site with the construction of a one-story 62,667 SF office building and associated site improvements. The subject properties total 12.9366 +/- acres and are located on the southwest side of Bay Road. The property is zoned C-4 (Highway Commercial Zone). The owner of record for both properties is Bayroad CAP, LLC. Property Addresses: 560 and 600 Bay Road. Tax Parcels: ED-05-077.00-01-10.00-000 and ED-05-077.00-01-09.00-000. Council District 2.

Previous Applications

Application S-17-20 Bay Road Commercial was previously approved by the Planning Commission in July 2017 and was granted a one-year extension on July 15, 2019. It received Final Plan Approval on July 23, 2019. Site Plan S-17-20 proposed construction of a 120,046 SF of commercial development named Bay Road Commercial on the two parcels totaling 12.9366 acres+/- . At the time of approval, the development was proposed to consist of two restaurants of 4,200 SF and 6,400, a 70,646 SF grocery store, a 18,000 SF multi-tenant building segment, and a 20,800 SF multi-tenant building. The applicant (previous equitable owner) Bayroadcap, LLC has now acquired the property.

Currently, the site is under the authorization for tree clearing (cut tree only, no removal of stump) as per Site Development Plan S-14-08 Woodland Tree Clearing to permit the clearing of approximately 7.45 acres +/- of trees on a 12.67 acre +/- parcel. S-14-08 was granted approval by Planning Commission in April 2014 and was granted Final Plan Approval in April 2017. The Woodland Tree Clearing Plan is associated with the Woodland Tree Mitigation Plan at the Anne McClements Woodland Tract (Fork Branch Nature Preserve) previously approved by the Planning Commission on April 19, 2010 with Application S-10-03 South Dover Plaza. The Woodland Mitigation Plan was implemented and completed by October 2013.

In a previous development proposal, the Planning Commission granted conditional approval on April 19, 2010 of a Site Development Master Plan (S-10-03) for the construction of four

commercial/retail buildings known as the South Dover Plaza on the properties at 560 and 600 Bay Road. The project was granted an extension of approval for the start of Phase 1 on March 21, 2011 and a second extension of approval on February 21, 2012. However, the approval for the South Dover Plaza project expired on April 30, 2013 as the Administrative Site Plan for first phase was not finalized and no construction activity commenced. An associated application (V-10-02) to the Board of Adjustment where variances associated with required lot width per building were granted in March 2010 has also expired.

Preliminary Land Use Services Review (PLUS)

The Bay Road Commercial Plan application (PLUS Review #2017-05-08) was reviewed on May 24, 2017 by the Preliminary Land Use Services as required by the City of Dover's Memorandum of Understanding (MOU). This MOU requires that non-residential developments of over 75,000 square feet complete the PLUS Review process prior to application submission. The PLUS Review Comments and the applicant's response are on file in the Planning Office. This Revised Plan S-19-20 was not resubmitted through the PLUS Review process. Previously, an earlier plan for development also went through the PLUS Review process as #2006-12-03.

II. PROJECT DESCRIPTION

This Site Development Plan presents the shopping center style commercial development to be known as Bay Road Commercial. It proposes the development of two parcels of land that front on Bay Road to be served by access points from the entrance drive to Bay Court Plaza (an existing shopping center located to its south). This commercial development consists of an office building, two pad site restaurants, and a multi-tenant building along with the associated parking and site improvements. To the north is a tract of land also zoned C-4 that is the subject of a separate Site Plan S-17-19 Bay Road Office Park: Master Plan; the first office building at this adjoining property has been completed (S-17-30 Phase 1).

With this Update, the Bay Road Commercial project has been revised to include a large Office Building that replaces the previously proposed grocery store and multi-tenant retail building. The overall building floor area for the site has decreased from 119,654 SF (size at Final Plan Approval for S-17-20) to 100,091 SF and the lot coverage percentage has also decreased. The parking layout for the project has also been revised; however, the number of parking spaces provided has actually increased from 597 parking spaces to 790 parking spaces. Previously, parking was limited by a maximum parking limitation provision of the *Zoning Ordinance*.

The major features of the Bay Road Commercial site are now proposed to include the following buildings.

- Office Building (Phase 1): A 62,677 SF professional/government building is located in the western portion of the site. The Office Building is served by the field of parking to the east and its rear (west) elevation also consists of parking including a fenced parking area. Its tenant has been identified as the Delaware State Police.
- Northeast Building: A 6,400 S.F. restaurant building at a pad site located adjacent to Bay Road. Parking surrounds the building on three sides and has a loading space at the rear (west elevation).

- Southeast Building: A 4,200 S.F. restaurant building at a pad site located adjacent to Bay Road and the Bay Court Plaza entrance drive. Parking surrounds the building on three sides and has a loading space on three sides and has a loading space at the rear (west elevation).
- North Multi-Tenant Building: A building consisting of a total of 26,814 S.F. It is served by the large field of parking to its south and the rear elevation (north) accommodates loading areas.

III. ZONING REVIEW

C-4 Zoning District

The property is zoned C-4 (Highway Commercial Zone) and subject to the regulations of *Zoning Ordinance*, Article 3 Section 16 and Article 4 Section 4.15. The proposed use of offices, commercial, retail and restaurants. The C-4 zone allows business, professional, or governmental offices; retail and service establishments; and restaurants as permitted uses. For buildings proposed for division into multiple tenant spaces then each tenant must continue to be an allowable use in the C-4 zone. While the C-4 zone, now has a maximum lot coverage limitation of 75% due to recent Code amendments, Planning Staff has recognized the non-conforming status of the existing approved Site Plan S-17-20 for the site which has a lot coverage of 88.9%. The revisions to the plan result in a lot coverage of 77.9% for the current design.

IV. PARKING SUMMARY

The parking requirement for C-4 (Highway Commercial Zone) is based on a rate of one parking space per 300 square feet of floor area. The Office Building and the north multi-tenant building segments must meet this requirement. The restaurants are additionally subject to the specific parking requirements outlined in *Zoning Ordinance*, Article 6 §3.1 for eating and drinking places. Each restaurant in the development must have one (1) parking space for every four (4) dining seats plus one parking space for every three (3) bar seats.

The information provided on the plan drawing indicates that 89,491 S.F. of office and retail space. Based on this total square footage, 299 parking spaces are required for these uses on site.

The Plan clearly identifies two buildings as restaurants for a total of 10,600 S.F. of space is to be for restaurant uses; however, the data column calculations indicate an additional 4,000 SF for restaurants (likely indicating potential restaurants in select spaces of the multi-tenant building). Based on the square footage under the C-4 zoning classification, 36 parking spaces would be required for the two restaurant buildings. However, data provided indicates 14,600 SF of restaurant use and estimates there are to be 584 seats thus requiring 146 parking spaces. The number of parking spaces based on seat count of the restaurants supersede the parking requirements based on building size in the C-4 Zone. It is not yet clear how many restaurants there will be or how the seats will be divided up between them.

The total parking requirement for 445 spaces. For the development, 790 parking spaces are shown on the plan. Because the tenants have not been finalized, the square footage provided for retail and restaurant uses may be subject to change, and therefore also the minimum parking requirements.

Loading Spaces

For office buildings, one loading berth is required for the first 10,000 S.F. to 25,000 S.F., and an additional berth is required for each additional 25,000 S.F. or fraction thereof. Thus, based on its size, the Office Building would require three (3) loading spaces. The appears to be a loading area within the fenced parking are on the west side of the building.

For buildings with retail sales of at least 8,000 S.F., one loading berth is required for the first 8,000 to 25,000 S.F., and an additional berth is required for each additional 25,000 S.F. or fraction thereof. Based on the building square footage, the north Multi-Tenant Building requires two loading spaces; the Restaurant buildings are too small to require loading spaces. The North Multi-Tenant Building appears to have a loading area at the rear of the building. The north Restaurant Building is provided with one (1) designated loading space on its west side.

Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) regular vehicle parking spaces. Based on the 790 parking spaces shown, at least forty (40) bicycle parking spaces are required for the site in total. Bike racks are shown for the northern multi-tenant retail building and at each restaurant building. There is no bicycle parking shown for the Phase 1 Office Building.

V. SITE CONSIDERATIONS

Project Phase 1: Office Building

This submission identifies a Phase 1 area focused on the area of the Office Building (western building) and its associated parking areas and the northwest stormwater management pond. The two westernmost access points from the Bay Court Plaza existing entrance boulevard will be constructed provide access to the Phase 1 area.

Entrance

The Plan continues to show an access point as a right-in/right-out on Bay Road in the north portion of the site (for development is later construction phases). The main access points to the Bay Road Commercial site is to be from the Bay Court Plaza entrance drive (labeled on plan on Existing Entrance Boulevard) which intersects with Bay Road at a signalized intersection of Bay Road and Blue Hen Boulevard (to the east). This plan proposes three (full movement) entrances from the Bay Court Plaza entrance drive into the subject site with circulation improvements to the existing drive.

The Plan continues to identify the cross access interconnection to the adjacent parcel to the north (550 Bay Road proposed for development with Site Development Master Plan S-17-19) and to the adjacent parcel on Bay Road (580 Bay Road surrounded by this project and owned by B & B Delaware Investments, LLC).

Sidewalks

Sidewalks are required along the Bay Road street frontages of a site (*Zoning Ordinance*, Article 5 Section 18). The plan shows a shared use path of 10 ft. width as required along the Bay Road frontage; however, this area is not shown for construction during Phase 1 activities. Sidewalk is

proposed on the north side of the Bay Court Plaza entrance drive from Bay Road with three connections leading into the commercial site. Phase 1 activities will partially complete new sidewalk along this entrance drive as associated with construction of the two western entrances; the existing sidewalk to the east is to be improved with later construction phases. Additionally, sidewalk connections are made to the Restaurant sites from the shared use path along Bay Road.

These multi-use (shared use) paths are needed based on the policies of the City's *Bicycle Plan* and the Complete Streets policy, shared between the City and DelDOT, requiring that all road reconstruction projects in the State right-of-way consider all transportation modes and accommodate them accordingly. Based on traffic speed on the adjacent roads, off-road trails are the best way to accommodate bicyclists to this site. In addition, there are existing shared use paths along the Bay Road corridor in the vicinity.

Curbing

The upright curbing for the parking lots and drive aisles is required the requirements of Article 6 Section 3.6(b) of the *Zoning Ordinance*. This curb type appears to be utilized throughout the site layout.

Dumpsters

According to *Zoning Ordinance* Article 5 §6.12, the dumpster requirements for an office of 50,000 SF and greater would be two for the first 50,000 SF and one each additional 24,000 SF. The Office Building will require three (3) Dumpster units and four (4) are shown at the southwest corner of the building. For a shopping center, the Dumpster requirements are two (2) for the first three (3) stores plus one (1) for each additional store. the total dumpster requirement for the shopping center is unclear. The data column lists 13 stores which would require 12 Dumpsters. Each of the Restaurants would require three Dumpsters each based on their size; currently only two are shown at each with additional two reserved. If all the Dumpster pads required by Code are not needed a Dumpster pad may be reserved and shown on the plan as reserved. The construction of the dumpster pad and enclosure would only be required if in the future it was determined to be necessary by the Planning Director.

Signage

A separate sign permit application is required to be submitted for review prior to the installation of signage on the property pertaining to the buildings/site. The subject site would qualify for submission of a Unified Comprehensive Signage Plan for consideration by the Planning Commission.

VI. BUILDING ARCHITECTURE

A color rendering was submitted for the Office Building in the revised western portion of the property. This one-story building with bands of storefront windows systems with entry doors with projecting awnings. It is clad in brick and ground face CMU with other vertical/horizontal siding sections. Brick pilasters further divide the wall surfaces and extend to carry segments of a heavier cornice. It is noted that this rendering of the Office Building does not show the parking lot configuration depicted on the Site Plan. No new revised/updated architectural information was provided for the northern multi-tenant retail/commercial building (see S-17-20 for architecture). Also, no architectural information has been submitted for the restaurant buildings.

VII. TREE PLANTING AND LANDSCAPE PLAN

The submitted plan includes the Landscaping approach for the overall project; this has also been revised from the S-17-20 plan. The 12.9366-acre parcel requires 188 trees. The Landscape Plan is providing a mixture of deciduous trees, evergreen trees, and ornamental trees to provide a total of 190 trees. Currently, the Bay Road frontage is extensively treed (associated with the Arterial Street Buffer), and trees are also proposed within parking lot islands and medians and along the northern property line.

Request for Consideration of Tree Mitigation Plan

Zoning Ordinance, Article 5 § 16.91(a) allows the Planning Commission to grant a waiver to mitigate the trees required to be planted to achieve tree density requirements. The applicant is proposing to do off-site tree mitigation in order to locate a series of twenty (20) trees along its south property line parallel to the Bay Court entrance drive but located on the adjacent Bay Court parcel. This location while creating a tree line entrance drive allows the tree plantings to avoid conflict with a proposed utility lines at the southern edge of the project's parking lot. This Waiver Request to allow for off-site tree mitigation for the required trees is submitted for consideration by the Planning Commission.

Furthermore, Article 5 §15 of the *Zoning Ordinance* describes the landscape requirements for a new application, which are to be followed unless it can be demonstrated through the Site Plan review process that such features would be impractical or incompatible with a particular land use or site development proposal.

Approved Waiver Request: Reduction of Arterial Street Buffer

In July 2017, the Planning Commission granted a waiver request to reduce the width of the Arterial Street Buffer from the required thirty (30) feet to the proposed twenty (20) feet (*Zoning Ordinance* Article 5 §7.3). With this Site Plan there are no revisions to the plan site development area immediately in this buffer area. The Arterial Street Buffer is shown as twenty (20) feet of landscaped green space and is proposed to be planted with a variety of evergreen and deciduous trees and shrub plantings.

VIII. CITY AND STATE CODE REQUIREMENTS:

The subject proposal has been reviewed for code compliance, plan conformity, and completeness in accordance with this agency's authority and area of expertise. The following items have been identified as elements which need to be addressed by the applicant:

- 1) Confirmation of the previously approved waiver request to allow for a 20-foot wide (rather than 30-foot wide) arterial street buffer must be granted by the Planning Commission.
- 2) A Tree Mitigation Plan request has been made to allow planting of trees along the Bay Court entrance drive on the adjacent property. The Planning Commission must act on this request. Also, documentation of approval for the tree planting on the adjacent property must be received from the adjacent property owner.
- 3) A ten-foot-wide multi-use path is required to be installed along the Bay Road frontages in accordance with DelDOT requirements and the *2015 Bicycle Plan*. The applicant has indicated the intent to provide the multi-use/shared use path.

- 4) Staff notes the need for review of building architecture for the Restaurant buildings. It is required to be presented for Planning Commission review at a future meeting prior to approval for construction of the restaurant buildings.
- 5) The parking calculations for the required and maximum number of parking spaces must be clarified. Confirm restaurant floor area sizing.
- 6) Cover Sheet, Sheet C-001:
 - a. General Notes #11A: Delete extra word “cross”.
 - b. General Notes #18: Complete references in note.
 - c. Confirm tax parcel number assigned.
 - d. Item #13: Recheck parking space calculations. Confirm restaurant calculations.
 - e. Item #16: Clarify which use the Dumpster calculations related to. Add calculation for office building.
 - f. Update plan drawing as per other review comments.
- 7) Clarify what site access improvements will be completed with Phase 1 especially related to frontage multi-use paths and sidewalks and other work in the Bay Road right-of-way and along the Bay Court Plaza entrance drive.
- 8) Site Plan, Sheet C-200 series and other pages depicting site layout:
 - a. South restaurant building appears to be missing.
 - b. Show all accessibility ramps at intersections of sidewalks with parking lots and drive aisles.
 - c. Eliminate extra pavement at corner of parking lot at south end of office building.
 - d. Add bike rack locations at office building.
 - e. Identify accessible ramps from parking lot to the north multi-tenant building.
 - f. Clarify if Office Building will also include the planter and benches pattern established at the front of the multi-tenant retail building.
 - g. The south restaurant building is missing the Dumpster enclosure walls.
 - h. There are a lot of note labeling items that point to incorrect items or are mislabeled: related to deleted crosswalks, handicapped parking areas, reconstruction of west end of entrance drive, etc. Review carefully. Planning Staff can share plan mark-up of locations.
 - i. Label width of all proposed sidewalks.
- 9) Utility Plan, Sheet C-300: Check utility line layout; water line is under the north retail building, hydrant in parking space, etc.
- 10) Confirm assigned tax parcel number for the property following recordation of the previous Record Plan to consolidate the properties (of 560 and 600 Bay Road). A new Record Plan may be required if revisions are necessary to easements, etc.
- 11) Landscape Plan, Sheet L-101:
 - a. A formal request for Tree Mitigation must be submitted.
 - b. Ensure tree planting locations and landscaping maintain the required spacing distances or access provisions from utility lines, fire hydrants, site lighting, etc.

- c. Identify the under plantings for the parking lot islands as these are shown in architectural renderings and were previously a condition of approval. Consider type of planting to ensure visibility at intersections.
 - d. North of the north restaurant building, three trees are labeled as QP but only QR is listed in the plant list.
 - e. A variety of shrub plantings is suggested for the parking lot screening along the south property line. Currently, only one species is shown.
- 12) The Site Plan set will need to be updated to reflect any changes recommended or approvals or waivers granted by the Planning Commission.
- 13) Identify the location of all the bicycle parking racks; as none are shown at the Office Building. Only 24 of the 40 required are shown.
- 14) 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.
- 15) Any Sediment & Stormwater Management Plans granted approval by the Kent Conservation District must reflect the Site Plan layout and design conditionally approved by the Planning Commission and be in compliance with the *Zoning Ordinance* and technical review requirements of other agencies.
- 16) Any signage (freestanding and wall signage) is subject to a separate Sign Permit application and review process per the City's Sign Regulations of the *Zoning Ordinance*, Article 5 §4.
- 17) As associated with S-14-08 Woodland Tree Clearing Plan for this site, Staff notes that the Tree Mitigation Plan has been implemented. The Woodland Mitigation Plan was developed in conjunction with DNREC-Division of Parks & Recreation for the McClements Woodland Tract at the Fork Branch Nature Preserve (Forest Mitigation Plan dated March 2006 and as proposed for amendment by Letter of 10/16/2009). The project is required to submit to the Planning Office copies of the Monitoring Reports as listed in the Mitigation Plan following completion of any monitoring activities of the reforestation area.

IX. 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) Confirmation of Waiver Request – Reduction of Arterial Street Buffer: Previously, the Planning Commission approved a narrower Arterial Street Buffer of a minimum of twenty

(20) feet along Bay Road for the project. The required width of the Arterial Street Buffer is thirty (30) feet. The Planning Commission should confirm continued approval of this reduction.

- 2) Consideration of Tree Mitigation Plan: Staff recommends approval of this request to locate a series of trees along the Bay Court Plaza entrance drive on the adjacent property. It is to avoid proposed utility line locations on the subject site while still implementing a tree-lined entrance drive. Document of approval from the adjacent property owner is required and any such agreement should identify maintenance and care responsibilities.
- 3) Parking: To further subsection 2.21 related to safety and convenience of vehicular, transit, bicycle, and pedestrian traffic and subsection 2.23, Staff recommends careful evaluation of the traffic circulation in the revised Phase 1 area and evaluation of the proposed amount of parking for the overall project. As proposed this project overall has increased in the number of parking spaces from 597 parking spaces (in the previous plan S-17-20) to a total of 790 parking spaces with this plan. This plan proposes 345 parking spaces over the minimum required by Code for the property. Also, the configuration of the parking lot area immediately in front of the Office Building and most likely to serve the building includes parking between the building and the fire lane and numerous circulation drive aisles with potential points of intersection. There is an opportunity to evaluate reconfiguration of the Phase 1 parking area to create a simpler traffic circulation pattern. Various concepts for improvements such reconfiguration and relocation of parking spaces, physical improvements to consolidate medians, pavement reductions, etc. may be implemented as a means of organizing this area.

Other agencies may recommend additional conditions and safeguards in accordance with their areas of expertise.

X. ADVISORY COMMENTS TO THE APPLICANT:

- 1) This property qualifies for consideration of a Unified Comprehensive Sign Plan to address signage on the site. The applicant is encouraged to discuss this option with the Planning Office before applying for any new signs to be placed on site.
- 2) The Planning Commission should act upon the request for waivers as part of any motion regarding this project application, or as a separate motion as necessary. Note: All waivers are at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.
- 3) In the event, that major changes and revisions to the Site Plan occur in the finalization of the Site Plan contact the Planning Office. Examples include reorientation of or size changes of the buildings, relocation of site components, etc. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.
- 4) Following Planning Commission approval of the Site Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as

otherwise noted. A Check Print must be submitted for review by Planning Office Staff. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.

- 5) 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) For building new construction, the requirements of the building code and the fire code must be complied with. Consult with the Chief Building Inspector and City of Dover Fire Marshal for these requirements. The resolution of these items may impact the site design including such items as building dimensions and height, building openings, and fire protection needs, etc.
- 7) The applicant/developer shall be aware that prior to any development or ground disturbing activities on the site the appropriate site inspections and permits are required. This includes activities to clean-up existing vegetation, the import of fill dirt, etc.
- 8) Construction may have an effect on the adjacent property owners and nearby travel lanes. Any work requiring the closing or rerouting of potential customers or visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience to the adjacent property owners.
- 9) 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 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.
- 10) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover.

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: AUGUST 28, 2019

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: Delaware State Police Administration Building at Bay Road Commercial at 560 and 600 Bay Road

FILE #: S-19-20

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. 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.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.
7. Install a Powerseal 3490AS tapping sleeve and valve at both water connections to the existing water main in Bay Road.
8. Each principal structure shall have its own water meter.
9. Each water meter shall be installed in a non-traffic bearing location, including pedestrian traffic.

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.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
6. The minimum size of all sanitary sewer laterals shall be six-inch (6”).
7. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District is submitted to our office.
2. The size, length, slope, type and flow directions must be shown on all existing and proposed storm sewer lines. Rim and invert elevations must be labeled on all stormwater structures.

STREETS

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

SANITATION

1. Every commercial property 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 commercial 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.

GROUNDS

1. None.

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. Provide profiles for all utility crossing locations on the proposed plan.
3. 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 / STREETS / STORMWATER / SANITATION / GROUNDS / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

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 may be required for this proposed site plan.
5. The City of Dover will not maintain the water service within the property.

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 may be required for this proposed site plan.
4. The City of Dover will not maintain the sanitary sewer infrastructure beyond the existing property lines.

STORMWATER / GROUNDS / 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.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: September 4, 2019

APPLICATION: State Police Admin 560-600 Bay Rd

FILE #: S—19-20

REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Matthew Brown, Deputy Fire MarshalPHONE #: (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is Business and Mercantile and possible Assembly (Plan does not state this)
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. Fire lanes shall cover 25% of the proposed building.
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.

4. Perimeter access shall be 50 (for mercantile) 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.

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)

5. 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)

6. 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)

7. 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

8. 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)

9. 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)

10. 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.

11. Street width shall be in accordance with City of Dover Code of Ordinances, Appendix A, Article VII, Section A. 13,

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.

12. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.
13. 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.

14. 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.

15. 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)

16. 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 protection is provided throughout the entire building.

In all buildings exceeding 10,000 square feet of aggregate, gross floor area.

17. 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.
18. 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)
19. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.
20. If there is any type of rack storage, the following will be required: 1) a diagram showing the layout and type of rack system 2) a list and quantity of items being stored 3) a letter from an authorized/licensed fire suppression contractor stating that in rack sprinklers are or are not needed. If in rack sprinklers are not needed, a letter may be requested from an authorized/licensed fire suppression contractor to ensure that the sprinkler system is adequate for the storage presented.
21. 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 allowed 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)

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)

22. 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 at 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)

23. 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:

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)

24. 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

25. 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 are 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)

26. 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.
27. 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)
28. 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.
29. Project to be completed per approved Site Plan.
30. Full building and fire plan review is required.
31. Construction or renovations cannot be started until building plans are approved.
32. Fire alarm systems, fire suppression systems, hoods, and hood suppression systems require a fire permit from the Fire marshal's Office. This work cannot be started until the permit is approved.
33. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Standpipe needed in building one.
2. No parking will be permitted in front of FDC and shall be shown on the plan.
3. The FDC location needs to be clearly shown on the plan.
4. Fire Hydrant must be within 300 of the FDC (as the hose comes off the truck).
5. Confirm a 15 foot clearance between the building and parking area.
6. For further review of the proposed restaurants further information is needed.
7. Knox Box required at rear gate for gate access.

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: Aug 28, 2019



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APPLICATION: Delaware State Police Administration Building at Bay Road
Commercial(560 and 600 Bay Road)

FILE#: S-19-20

REVIEWING AGENCY: DeIDOT

CONTACT PERSON: Joshua Schwartz

PHONE#: 302-760-2768

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

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

CITY & STATE CODE REQUIREMENTS:

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. The parcel was previously reviewed by the DeIDOT.
2. The proposed uses and circulation on the property is not in accordance with the previously reviewed plan.
3. The developer and the engineer shall submit a pre-submittal meeting request through the PDCA to begin the plan review process.



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
September 2019**

APPLICATION: *Delaware State Police Admin Building*

FILE #: **S-19-20**

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. We will be requiring a completely new set of plan reviews with new application and fee. All plans are required to following the 2019 Sediment and Stormwater Regulations.
2. There is a currently approved Bay Road Commercial and demolition plan (2 separate plans) on file which would allow for clearing and grubbing to begin.
3. Green Technologies (infiltration, bio retention, bio swales, filter strips etc.) must be implemented to comply with the Delaware Sediment and Stormwater Regulations.
4. 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.
5. 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.
6. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: 8-28-2019

**Dover/Kent
County
Metropolitan
Planning
Organization**

APPLICATION: Delaware State Police Admin Building at Bay Road Commercial: 560 and 600 Bay Road

FILE #: S-19-20

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Jim Galvin, AICP

PHONE #: (302) 387-6030

The MPO requested the opportunity to bring the recommendations on issues of our concern to the City of Dover. The MPO will limit comments to projects to development proposals and applications that may lead to new development. Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission 9-16-2017
Project Review

S-19-20_Delaware State Police Admin Building at Bay Road Commercial: 560 and 600 Bay Road

The MPO has reviewed the previous comments to a previous, similar site plan and offers these comments;

There is access to the site via a multi-use path along Bay Road and into the site via a sidewalk along the north side of the entrance drive. Pedestrian access had been marked at the interior of the site leading to other sidewalks in front of the building(s) as requested.

The site is adjacent to another development proposed to the immediate north. The sites plan provides cross access to allow patrons to visit both locations without having to return to Bay Road for a few hundred feet as previously recommended. Similarly, cross walks should be provided across the Existing Entrance Boulevard.

There is transit available in the area and, if determined necessary, could accommodate service to the site.

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

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.

At the August 19, 2019 Annual Meeting of the Planning Commission, the following individuals were appointed to the Architectural Review Oversight Subcommittee of Planning Commission.

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

At the same Meeting, the Planning Commission directed Planning Staff to confirm the availability of the following two Design Professional members to the Subcommittee. No other Design Professionals as Alternates have been recommended or 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