

**CITY OF DOVER, DELAWARE
PLANNING COMMISSION
Monday, June 21, 2021 at 7:00 PM**

Virtual Meeting

AGENDA

Written comments are accepted via mail to City of Dover – Planning Commission, P.O. Box 475 Dover DE 19903 and via email at CompPlan@dover.de.us.

VIRTUAL MEETING NOTICE

The Planning Commission Meeting for June 21, 2021 will be held only as a Virtual Meeting using WebEx. Representatives of each Project Application will receive a specific invitation to attend this meeting. Regular Planning Commission member participants will receive a specific invitation to attend the meeting as a Panelist. The public is welcome to attend the meeting using the Public Participation Information given below.

**PUBLIC PARTICIPATION INFORMATION
City of Dover Planning Commission Meeting of June 21, 2021**

Dial: 1-408-418-9388

Event number/Access code: 173 192 7076

Event password: DoverPC

Event Address:

<http://bit.ly/PCMeeting062121>

If you are new to WebEx get the app now at <https://www.webex.com/> to be ready when the meeting starts. For problems accessing the meeting, please call the Planning Office at (302) 736-7196.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTION OF AGENDA

APPROVAL OF MINUTES

- [1.](#) Adoption of Minutes of May 17, 2021

COMMUNICATIONS & REPORTS

Meeting Reminder: The next Planning Commission regular meeting date is July 19, 2021 at 7:00 PM

Update on City Council Actions

Department of Planning & Inspections Updates

OPENING REMARKS CONCERNING MEETING PROCEDURES FOR APPLICATIONS

OLD BUSINESS

Request Extension of Planning Commission Approval

2. S-19-11 Lion of Judah Ministry Church at 951 White Oak Road - Request for One-Year Extension of Plan Approval granted by the Planning Commission on July 15, 2019 for a Site Development Plan Application with waivers to permit construction of one-story 5,000 SF place of public assembly (church) building and associated site improvements. The subject property is 1.14 +/- acres. The property is zoned IO (Institutional and Office Zone). The property is located on the north side of White Oak Road and east of Halsey Road. The owner of record is L & S Davis Properties, Inc. Property Address: 951 White Oak Road. Tax Parcel: ED-05-068.14-05-85.00-000. Council District 3.
3. S-19-13 NCALL Office Building at 223 & 225 West Division Street - Request for One-Year Extension of Plan Approval with waivers granted by the Planning Commission on July 15, 2019 for a Site Development Plan and Lot Consolidation Plan Application to construct a three-story 7,671 SF office building together with associated site improvements. The subject properties to be combined total 5,120 feet and are located north side of West Division Street east of North New Street. The property is zoned C-1A (Limited Commercial Zone). The owner of record is NCALL, Inc. Property Addresses: 223 West Division Street and 225 West Division Street. Tax Parcels: ED-05-076.08-05-28.00-000 and ED-05-076.08-05-29.00-000. Council District 4.
4. S-19-15 White Oak Road Property: Apartments and Townhouses on 3 parcels on White Oak Road - Request for a One-Year Extension of Plan Approval granted by the Planning Commission on August 19, 2019 for a Site Development Plan Application with waivers to permit construction of a three-story apartment building to contain twenty-four (24) dwelling units as well as eight (8) townhouse units, comprising thirty-two (32) total dwelling units and associated site improvements known as the White Oak Road Property. The subject area of three parcels consists of 11.17 acres +/- and located north side of White Oak Road west of State Route 1. The properties are zoned C-2A (Limited Central Commercial Zone). The owner of record for all three (3) properties is Harman Brothers LLC. Property Addresses: 1317 White Oak Road and other not yet addressed properties on White Oak Road. Tax Parcels: ED-05-068.11-01-05.00-000, ED-05-068.11-01-03.00-000, and ED-05-068.11-01-01.00-000.

NEW APPLICATIONS

5. Z-21-04 Lands of Peter F. and Bonnie S. Reidy at 4 Mifflin Road - Public Hearing and Review for Recommendation to City Council on a Rezoning Application for a parcel of

land consisting of 1.248 acres. The property is zoned CPO (Commercial Professional Office Zone) subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-2A (Limited Central Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone). The property is located on the southwest corner of Forrest Avenue and Mifflin Road. The owners of record are Peter F. & Bonnie S. Reidy. Property Address: 4 Mifflin Road. Tax Parcel: ED-05-076.09-01-11.00-000. Council District 1. Ordinance #2021-13.

6. Z-21-05 Lands of Draper Farm Properties at 1617 Forrest Avenue - Public Hearing and Review for Recommendation to City Council on a Rezoning Application for a parcel of land consisting of 5.04 acres. The property is zoned R-10 (One Family Residence Zone) subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-2A (Limited Central Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone). The property is located on the north side of Forrest Avenue and adjacent to Cranberry Run Drive. The owner of record is Draper Farm Properties LLC. Property Address: 1617 Forrest Avenue. Tax Parcel: ED-05-075.00-01-07.00-000. Council District 1. Ordinance #2021-14.
7. S-21-06 Dover Park Recreation Projects: Community Building, Spray Pad & Accessible Playground Improvements – Public Hearing and Review of a Site Development Plan to permit construction of a one-story 2,619 SF Office and Community Building, Spray Pad, Accessible Playground and other related site improvements. Two subject properties are part of the overall seven properties which comprise Dover Park. The properties are zoned ROS (Recreational and Open Space Zone). Dover Park is located on the southeast side of White Oak Road and west of Acorn Lane with access from White Oak Road. The owner of record for all parcels is the City of Dover. Property Address (All parcels): 1210 White Oak Road. Tax Parcels (Project Parcels): ED-05-068.15-01-02.00-000, ED-05-068.15-01-01.00-000. (Other Parcels part of overall Dover Park Site): ED-05-068.15-01-05.00-000, ED-05-068.19-01-28.00-000, ED-05-068.19-01-29.00-000, ED-05-068.19-01-30.00-000, and ED-05-068.19-01-31.00-000. Council District 3.
8. MI-21-07 Text Amendment: Permitted Uses within the SC-3 Zone - Public Hearing and Review for Recommendation to City Council of Text Amendments to the *Zoning Ordinance*, Article 3 – District Regulations, Section 17 – Shopping Center Development Zone. The proposed Ordinance outlines additional permitted land uses within the existing zoning designation of SC-3 (Shopping Center Development Zone: Regional Shopping Center). The proposed amendment to the Ordinance is to retain current permitted uses, but additionally include within the SC-3 Zone: “warehousing, transshipment and distribution, and logistics support.” The proposed changes reflect changing customer concepts of shopping, the decline of the traditionally large format retailer, the influence of online retail operations, and the evolution of wholesale and the logistics distribution sector. Ordinance #2021-12.

NEW BUSINESS

ADJOURN

Posted Agenda: June 11, 2021

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(e)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION

OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING

**CITY OF DOVER PLANNING COMMISSION
MAY 17, 2021**

The Meeting of the City of Dover Planning Commission was held on Monday, May 17, 2021 at 7:00 PM as a Virtual Meeting using the phone/videoconferencing system WebEx due to Delaware's Declaration of the State of Emergency for COVID-19. The Meeting Session was conducted with Chair Mrs. Maucher presiding. Members present were Mr. Hartman, Mr. Baldwin, Mrs. Lord, Mrs. Welsh, Dr. Jones and Mrs. Maucher. Mr. Adams, Mr. Roach and Mrs. Malone 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. Troy Adams, Mr. Edward Larrivee, Mrs. Joan Larrivee, Mr. Morgan Shank, Mr. Daniel DeMott, Mr. Dominic Balascio, Mr. Doug Barry, Mr. Greg Rishel, Mr. David Grayson, Ms. Dana Dunphy and Mr. Alex Schmidt. Speaking from the public were Mr. Brian Mahoney, Mr. Collin Faulkner, Mr. Isaac Morris, Deakin James Ebert, Ms. Deborah Brinkley, Mr. Ronald Harmon and Mr. Tolano Anderson.

APPROVAL OF AGENDA

Mrs. Welsh moved to approve the Agenda tonight, seconded by Dr. Jones and the motion was unanimously carried 6-0 with Mr. Adams, Mr. Roach and Mrs. Malone absent.

APPROVAL OF MEETING MINUTES OF APRIL 19, 2021

Mrs. Welsh moved to approve the Planning Commission Meeting Minutes of April 19, 2021, seconded by Mr. Hartman and the motion was unanimously carried 6-0 with Mr. Adams, Mr. Roach and Mrs. Malone absent.

COMMUNICATIONS & REPORTS

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Monday, June 21, 2021 at 7:00PM.

Mr. Hugg provided an update on the regular City Council and various Committee meetings held on April 26 & 27, 2021 and May 10 & 11, 2021.

Mrs. Melson-Williams stated that they have had some questions about the status of virtual versus in-person meetings. They are still unsure at the present time, what that may hold for their June meeting and moving forward so Planning Commission members please stay tuned. At a minimum, they will be at least in virtual. There may be opportunities to move back into in-person meetings depending on the considerations of the provisions in the Governor's Order that may be in effect at the time.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Melson-Williams presented the audience information on policies and procedures for the Virtual Meeting using the WebEx system.

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:

C-19-06 Calvary Baptist Church of Dover at 2285 Forrest Avenue - Request for One-year Extension of Plan Approval granted by the Planning Commission in July 2019 for a Conditional Use Site Plan Application to permit the construction of a place of worship and associated site improvements at 2285 Forrest Avenue for the Calvary Baptist Church of Dover. The subject property is 75.51 acres +/- and is located on the south side Forrest Avenue west of Dover High Drive. The property is zoned R-10 (One Family Residence Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Calvary Baptist Church of Dover Inc. Property Address: 2285 Forrest Avenue. Tax Parcel: ED-05-075.00-01-06.00-000.

Representative: Mr. Troy Adams, Mountain Consulting

Mrs. Melson-Williams stated that the Planning Office and hence the Planning Commission is in receipt of a letter Request for Extension of this application. This was a Conditional Use Site Plan for the development of the property at 2285 Forrest Avenue which is Calvary Baptist Church. On the screen is their original concept that went through the Planning Commission review back in July 2019. That original approval is good for a period of two years, during which time they are to work through the revision process and seek all agency approvals. They have been working at that and their letter actually notes a number of things that they had the opportunity to work through. So, they are in that Check Print process and making progress there. They are seeking a One-year Extension of their plan approval in order to finalize their plan and get ready to commence construction.

Mr. Adams stated that he agrees with everything Mrs. Melson-Williams just stated. They are excited about this project and they are very close. They plan to begin construction this summer. They are in the process of the second round of plan sets to be submitted to DelDOT and also the official submission to the Planning Office as well. They have submitted a Building Permit in April 2021; so, they are well on their way but they just need extra time to clear things up.

Dr. Jones moved to approve C-19-06 Calvary Baptist Church of Dover at 2285 Forrest Avenue for a One-year Extension, seconded by Mrs. Welsh and the motion was carried 6-0 by roll call vote with Mr. Adams, Mr. Roach and Mrs. Malone absent. Dr. Jones voting yes; she is certainly in favor of seeing this project come to fruition as it has been a while in the making. Mr. Hartman voting yes; they have been making good progress. They had to deal with 2020 like the rest of us; so, it should be approved. Mr. Baldwin voting yes. Mrs. Lord voting yes; for reasons previously stated. Mrs. Welsh voting yes; the project seems to be coming along very well and it looks like a beautiful facility. Mrs. Maucher voting yes; for reasons previously stated.

NEW APPLICATIONS

AX-21-02 Lands of Edward C. and Joan N. Larrivee at 115 Fox Hall Drive – Public Hearing and Review for Recommendation to City Council of an Annexation Request and Rezoning Request for a parcel of land totaling 1.131 acres +/- located at 115 Fox Hall Drive, Dover. The property is currently zoned RS-1 (Residential Single Family Zone) in Kent County. The proposed zoning is

R-20 (One Family Residence Zone). The property is located on the north side of Fox Hall Drive and approximately 1600 feet west of Kenton Road. The annexation category according to Dover's 2019 Comprehensive Plan is Category 1: High Priority Annexation Areas and the land use designation is Residential Low Density. The owners of record are Edward C. and Joan N. Larrivee. Property Address: 115 Fox Hall Drive. Tax Parcel: ED-00-076.05-01-01.00-000. Proposed Council District 1. Ordinance #2021-08. *The First Reading of this Annexation Request was held on April 12, 2021. Public Hearing before the Planning Commission is scheduled for May 17, 2021 and City Council on June 14, 2021.*

Representatives: Mr. Edward Larrivee, owner; Mrs. Joan Larrivee, owner

Mr. Swierczek stated that this is an Annexation Request for the property at 115 Fox Hall Drive. This property is seeking annexation into the City of Dover as the homeowners have indicated that they are looking to do some home remodeling projects and would like to connect to the City of Dover services; mainly water and wastewater. The City of Dover does not do that for properties located outside of City limits anymore. This property is currently zoned RS-1 (Residential Single Family Zone) in Kent County. It is seeking to be zoned as R-20 (One Family Residence Zone) under the City of Dover's zoning regulations. It is considered a Category 1: High Priority Annexation Area as identified in the 2019 Comprehensive Plan. That is due to primarily because this is an enclave in the City of Dover. Its land use designation in the 2019 Comprehensive Plan is as Residential Low Density which is conducive with that R-20 (One Family Residence Zone) designation. This is not seeking any type of new development, but its simply to annex the existing single-family home into the City of Dover. No City services have noted any type of objections.

Mrs. Maucher opened a public hearing.

Mr. Brian Mahoney – 104 Fox Hall Drive Dover, DE 19904

Mr. Mahoney questioned if this is typical now? If he was not connected to the City of Dover water and wastewater, would he have to annex into the City in order to connect to those services? Responding to Mr. Mahoney, Mrs. Melson-Williams stated depending on where the property is, it may require you to annex into the City to be served by City services. If the property is identified in our Category 1: High Priority Annexation Area as part of our Annexation Plan for the City, then yes it would be required to annex before getting those services.

Mrs. Maucher closed the public hearing.

Mrs. Welsh moved to recommend approval to City Council on AX-21-02 Lands of Edward C. and Joan N. Larrivee at 115 Fox Hall Drive for annexation and rezoning as requested (Rezoning to R-20), seconded by Dr. Jones and the motion carried 6-0 by roll call vote with Mr. Adams, Mr. Roach and Mrs. Malone absent. Mrs. Welsh voting yes; it is appropriate for the Comprehensive Plan. Dr. Jones voting yes; it is in our High Priority Annexation Area. Mr. Hartman voting yes; based on the High Priority listing in the Comprehensive Plan and the zoning is consistent with the use. Mr. Baldwin voting yes; for the reasons stated. Mrs. Lord voting yes; for the reasons previously stated. Mrs. Maucher voting yes; as it is in the High Priority Annexation Area.

SB-21-02 Lands of Fountainview, LLC at 100 Ridgely Street: Minor Subdivision Plan - Public Hearing and Review of a Minor Subdivision Plan to subdivide a property consisting of 7.3386 acres +/- into two parcels (Lot 1 and Lot 2). Lot 1 is to be 3.5429 acres +/- and encompasses the east side of the property including an access easement area extending from the northern stub of Ridgely Street. Lot 1 only has a street frontage of 40.12 feet on Ridgely Street. Lot 2 is to be 3.7957 acres +/- and encompasses the western residual portion of the property with frontage on Ridgely Street and on unimproved segment of Fulton Street. The subject property is located at the terminus of Ridgely Street and north of Fulton Street. The property is zoned IPM (Industrial Park Manufacturing Zone). The owner of record is Fountainview, LLC c/o Morgan Shank. Property Address: 100 Ridgely Street. Tax Parcel Number: ED-05-076.08-01-01.01-000. Council District 4. *Waiver Requested: Subdivision Waiver to Reduce Required Lot Frontage Width on a Public Street. Previous Applications for development of this property included S-08-43 Warehouse Storage Buildings on Lands of Ridgely Street, LCC and S-00-19 Contractors Office & Storage Building on Lands of Bandurski; both plans are expired.*

Representatives: Mr. Troy Adams, Mountain Consulting; Mr. Daniel DeMott, Baird, Mandalas & Brockstedt; Mr. Morgan Shank, Fountainview, LLC

Mrs. Melson-Williams stated that the Lands of Fountainview, LLC is a Minor Subdivision application. The property is located at what is the terminus of Ridgely Street in the segment that is north of Fulton Street. If you are looking at the screen, Fulton Street is kind of at the bottom of the page and this is to the north of that. Ridgely Street comes up midway and that the area that is hashed is actually an existing easement that crosses north/south through the property. Their proposal is to divide this existing parcel of land which is at just over 7.3 acres into two lots. The first one being Lot 1 which is on the east side of that access drive and would include that access drive. There is a Lot 2 which is to be the western side of the property. Both of these lots are a little over 3.5 acres each. The zoning of the property would remain at IPM (Industrial Park Manufacturing Zone) and we have to look to those Bulk Standards for a conventional lot in the IPM (Industrial Park Manufacturing Zone) when looking at this Subdivision Plan. They are requesting one Waiver and it is for a reduction of the required lot frontage width on a public street. That is a provision in our *Subdivision Regulations*. With the proposed configuration of the two lots, Lot 1 basically ends up with a frontage at the terminus of Ridgely Street of just over forty feet; that is an existing condition there. The Lot 2 has the appropriate amount of frontage because it has frontage on Ridgely Street and then the unimproved section of Fulton Street that moves toward the railroad tracks. They are seeking a Subdivision Waiver which the Planning Commission will need to make a recommendation on this evening and then that Subdivision Waiver must be reviewed by City Council for their consideration and action on that. There are instances where a Subdivision Waiver can be sought when there are special conditions or formats of the property as long as it is not detrimental to public health, safety or general welfare. A lot of things that typically you are used to seeing with an initial subdivision such as this, should either one of the lots be developed in the future then it would be subject to some type of Site Development Plan Review which is where you would see more detailed provisions regarding access, sidewalks and landscaping. This Application does create two lots out of the existing property; it does not impede on either side to develop and Staff is recommending approval of the Waiver Request dealing with that reduction in the lot frontage width on a public street. With the easement that will be maintained, that is certainly an opportunity for better access to the Lot 1

area. That existing easement does have a number of utilities in it already and it serves to access property to the north so it would be in place during future development activity. The DAC Report does include comments from the other agencies. Most of them have no objections to the Subdivision Plan and they offer some advisory information regarding future development activity on the property. The applicant did submit a written Waiver Request and that was also included in your packet.

Mr. DeMott stated that he is here on behalf of the owner, Fountainview, LLC. They are the owner of 100 Ridgely Street and that parcel is further identified as Tax Parcel ED-05.076.08-01-01.01-000. On April 21, 2021, Mr. Adams filed an application on behalf of Fountainview, LLC for development with the City of Dover Planning Commission for a Minor Subdivision Plan located at 100 Ridgely Street. That application is designated SB-20-02. The application included the Application form, an Application for Mailing List, the Project Contact List, a Checklist for the Site Plan application, twenty-one full sets of plans, and a copy of the written Waiver Request for the reduction of the required lot frontage on a public street. On April 28, 2021, the Development Advisory Committee reviewed the application and he will discuss those comments tonight as part of his summary. There is some land use history on this project, and these are mentioned in the DAC comments, but there were previous applications for site development including a plan that is labeled S-08-43 for warehouse storage buildings on the land and a plan designated S-00-19 for a contractor's office and storage buildings on the lands of Bandurski. Both of those plans have expired, and the property currently exists as a vacant parcel. As you will notice from the Site Plan and the DAC comments, the existing configuration of the terminus of Ridgely Street and the existing access easement that continues north, divide this tract of land into two separate parcels. What this means is that the parcel is already physically separated by an access road; so, the approval of this Minor Subdivision will only formalize the existing division between the two parcels and will also allow for further development on each parcel that is located to the east and the west of that access easement which he believes that Mrs. Melson-Williams said will also include a number of existing utilities. The applicant, Fountainview, LLC is before the Commission this evening and they are requesting approval of the Minor Subdivision Plan to divide the property like Mrs. Melson-Williams said. The new division line is proposed along the western edge of the paved forty feet wide access easement. Lot 1 is to be 3.5429 acres and it will encompass the east side of the property including the access easement existing from the north part of Ridgely Street and continuing north. Lot 1 only has a street frontage of 40.12 feet on Ridgely Street and he will address the applicant's Waiver Request in a moment. Lot 2 is going to be approximately 3.2795 acres and that will be the western portion of the street with frontage on Ridgely Street and the unimproved segment of Fulton Street which includes some wooded area as well. The applicant provided proper notice to the property owners within 200 feet of the property ten days prior to the hearing date. The notice included the nature of the application, the time, the date, the place of the public hearing before this Planning Commission and it additionally posted public notice in the form of an advertisement published in the newspaper at least ten days prior to the hearing as well. They are requesting a Waiver from the 200 feet along the street frontage requirement to allow the width of 40.12 feet for Lot 1 as part of the Minor Subdivision Application. The purpose of the public street frontage requirement is to ensure that there is access created for the lots and that the purpose of the Bulk Standards ensures that lot sizes are appropriate for the development activity. Respectfully, we are requesting this afternoon that the Commission recommend approval for that Waiver as part of the Minor

Subdivision Application for three reasons. One is the compliance with the frontage requirements would cause an extraordinary and unnecessary hardship on the applicant. The grant of the Waiver is not going to be detrimental to public health, safety, or the general welfare and the grant of the Waiver is also not going to have any effect on nullifying the intent or the purpose of the official Zoning Map, *Zoning Ordinance*, the Development Plan or the Zoning and Subdivision Regulations as well. This parcel is uniquely configured with this access easement that divides the parcel already. The DAC comments also note that there could be a lot configuration that would give both of the lots the required width but doing so what result in a very unregular parcel and require street segment improvements and development. The DAC also comments that Lot 1 has 40.12 feet of frontage and also has over 400 linear feet of access easement included on the parcel so as a result, access to the public street is provided which is the specific purpose of the street frontage requirement. They believe that the 40.12 feet of street frontage allows for sufficient access to Lot 1 considering the access from the street terminus by the existing easement access to the proposed lots from Ridgely Street. And then there would also be an opportunity for construction of the unimproved segment of Fulton Street that would be part of any future site development plan review process. In accordance with the *Land Subdivision Regulations*, the proposed subdivision will otherwise comply with the Bulk Standards of the *Zoning Ordinance* including the minimum lot size of 2.58 acres, the front yard setbacks at 60 feet and rear and side yard setbacks at 40 feet. The applicant will address additional items that are listed under Section VII of the DAC comments and the applicant also has no objections. They are agreeable to all of the other DAC comments and will comply with any and all regulatory and agency requirements if this Minor Subdivision is granted with the requested Waiver. The applicant is also agreeable to all Staff recommendations for cross access easements if the Waiver is granted and understands the future evaluation of the existing access easements would or may be required at future site development of Lots 1 and 2.

Mrs. Maucher opened the public hearing and after seeing no one wishing to speak, closed the public hearing.

Mrs. Welsh moved to recommend approval to City Council for SB-21-02 Lands of Fountainview, LLC at 100 Ridgely Street: Minor Subdivision Plan inclusive of the DAC comments that would require cross access easements among Lots 1 and 2 and other parties served by the access drive and the Waiver Request for the width of the required lot frontage on a public street, seconded by Mr. Hartman and the motion was carried 6-0 by roll call vote with Mr. Adams, Mr. Roach and Mrs. Malone absent. Mrs. Welsh voting yes; it is appropriate for the request. Dr. Jones voting yes; for the reasons previously stated. Mr. Hartman voting yes; he agrees with Planning Staff's recommendations and the DAC Report. Mr. Baldwin voting yes; based on Staff's recommendations. Mrs. Lord voting yes; based on reasons previously stated. Mrs. Maucher voting yes; based on the DAC Report and Staff recommendations.

C-21-04 Bay Pointe Apartments (One Building Concept) at 1080 and 1106 Bay Road - Public Hearing and Review of a Conditional Use Site Plan Application and associated Lot Consolidation Plan to permit the construction of one Multiple Dwelling-Unit (Apartment) Building as a three-story 54,105 SF building with 54 apartment units and associated site improvements. The proposed Apartment building requires Conditional Use review in the C-4 zoning district. The three existing lots to be consolidated total 3.302 +/- acres and are zoned C-4

(Highway Commercial Zone). The property is located on the southwest side of Bay Road at the intersection with Lafferty Lane. The owner of record is Patel Hospitality Properties. Property Addresses: 1080 and 1106 Bay Road and an unaddressed parcel. Tax Parcel Numbers: ED-05-086.00-01-18-00-000, ED-05-086.00-01-19.00-000, and ED-05-086.00-01-20.00-000. Council District 2. *For Consideration: Active Recreation Plan. Previous Application C-20-05 Bay Pointe Apartments (Two-Building Concept) was denied by the Planning Commission in December 2020.*

Representatives: Mr. Greg Rishel, Pennoni & Associates; Mr. Doug Barry, Pennoni & Associates; David Grayson, Project Team; Dominic Balascio, Owner's Representative

Mr. Swierczek stated this is an application for a Conditional Use Site Plan for Bay Pointe Apartments, a One Building project. This is at the intersection of Bay Road and Lafferty Lane. You may remember that a somewhat similar concept had come before the Planning Commission in November 2020 that was for two separate buildings with a drive aisle and Active Recreation configuration. This has been revised due to comments that have been received from that application. This is a One Building concept with a circular drive. It is involving three separate parcels at the moment so part of this application will also be seeking to consolidate the three lots into one single lot. The building is to contain fifty-four (54) total dwelling units. The applicant has provided information that it is currently planned to provide forty-eight one bedroom apartment units and six two bedroom apartment units. They did provide an architectural rendering. Planning Staff did note that while the plans have not yet been finalized, the rendering doesn't seem to exactly line up with the plans submitted but as noted, that is still ongoing review. The key difference as well from the two building concept before is that they have revised the Active Recreation Area. It is required per Code that based on a unit count of fifty-four units, they would have to provide a minimum of 10,000 SF of Active Recreation Area. They have submitted plans that show an access of 13,000 SF. Some of the features that they specifically identified is a gazebo and picnic area, a canoe and kayak storage facility, outdoor fitness facilities and a sand volleyball court. The other key issue is with Rear Emergency Access. They revised the entrance layout and drive aisle configuration so that there is one single drive aisle on the property that does access the rear of the building or rather the building size opposite that of Bay Road to hopefully address any concerns with Rear Emergency Access requirements. They do show the multi-modal path being divided along Bay Road. The site, due to its situation in between the right-of-ways of Route 1 and Bay Road, does not have immediate access on the same side to other pedestrian areas but it does on the east side of Bay Road. The applicant did provide supplementary information that the members of Planning Commission should have received in their packets. It does further go into detail about the target demographic that they are looking at for this development and further explaining their Active Recreation proposal. As a reminder to the members of Planning Commission, as this is a C-4 (Highway Commercial Zone), the apartments are a conditional permitted use. So, they have to be acting specifically on the Conditional Use. The Active Recreation Plan did go to the Parks & Recreation Committee on May 11, 2021; that is another item which the members of the Planning Commission should act on.

Mr. Balascio stated that one of the things that they did is they heard the comments and concerns at the last meeting. They went back and they merged the buildings into one building. They are not seeking any waiver requests at all. They have also fully provided the Active Recreation and

as Mr. Swierczek said, they went beyond that to 13,390 SF. They have also exceeded the parking requirement. They are also fully compliant with the Fire Code as stated by the City Fire Marshal. They put fire access around the entire building. This is a very much thicker plan than the required plan. Also outlined in the supplemental package for the land use and zoning is a realization of this site for apartments. This property fell outside of the true commercial corridor that is farther north to them and it fell out of the commercial corridor that is south of them. That, collectively with where the access points are on Route 1 kind-of hinders it from being sort of a retail commercial site. Any person wanting to utilize it as a Dunkin Donuts would have to go past the Route 1 exit to get to the site and then would have to circle back to get to where they were heading. However, when we looked at the tenant base in the area, which are Air Base personnel, Police, Fire, EMS, and other first responders, this was something that they like because they could utilize the facility for living but easily get to their point of destination by jumping on Route 1 at nearby exits. There is nothing else in the vicinity that provides the number of units that they will be providing for something like this. They are even looking at some of the students from the nearby colleges. Also, some of the people that they have spoken to are adults who work nearby. They thought that that was something that was very positive.

Mr. Hartman questioned if Mr. Balascio could speak to Planning Staff's recommendation to evaluate and implement any building construction techniques necessary to abate traffic noise? Responding to Mr. Hartman, Mr. Balascio stated that Mr. David Grayson was on the phone tonight and he has built buildings like this. With that present configuration, the way that the building sits below elevation to nearby roads it is something that we don't seem to have an issue with. Even going as far up as to Christiana on Route 1 by the Mall or the Route 40 area up in Bear, DE and you look at the proximity of those apartment units to Route 1, Route 13 or any adjacent roads. They think that where they positioned this building minimizes noise the best that they can for this site; and they think that it will work well.

Mr. Hartman further questioned what the Planning Office's take is on this? Responding to Mr. Hartman, Mr. Swierczek stated that they are aware that based on the configuration of Route 1 in proximity to this site, Route 1 does sit higher than what you see in this elevation drawing so he can understand what the applicant is saying that the sound would be abated just by the elevation of the road and the building. Beyond that, he doesn't know a lot of specifics about the construction but he can understand what Mr. Balascio is saying about the elevation.

Mrs. Welsh questioned why specifically kayaking and canoeing storage is being proposed? Is there expectation that the residents will need that for some reason? Responding to Mrs. Welsh, Mr. Balascio stated that one of the things that we have done is made their best guess of what they believe, as most of these units are going to be single units, they are thinking that it is going to be younger people who are in their late 20's or early 30's. If they have a jeep or truck, this is something that they may or may not want to do. They put it in there to exceed the Active Recreation knowing that if it is something that doesn't get utilized and there is something else that comes up, they would come back to the City and say that they are finding that people aren't using this amenity, could we supplement it with something else? That is something that they could use at Silver Lake or they could load up to take to the beaches in Lewes, DE. Stand-up paddleboards was something else that was also commonly brought up and that's why we thought it was something great. It is also why they ventured towards the volleyball pit versus basketball

court because it was more of a group setting that they were more keen to play than basketball. What they tried to do is make sure that they exceed the amount of Active Recreation just in case something needs to be altered.

Mrs. Welsh stated that she was just wondering why it is specific to kayaks as opposed to an additional storage area for oversized equipment that would house multiple types of equipment or uses as opposed to just something specific like that. Responding to Mrs. Welsh, Mr. Balascio stated that is something that they could consider if it comes down the road. Those kayak storage facilities are specifically designed to hold kayaks and canoes; and as you can see, it only holds a handful of them. It was just an amenity that they thought would be nice for people who need somewhere to store their kayaks or canoes in an organized fashion. If there is something else that comes up down the road and this amenity is not being utilized, they would just come back to the City and ask to supplement it with some other structure.

Mrs. Lord stated that she thinks that it is an excellent idea to have kayak storage because we do live near the water; we are surrounded by water. She thinks that it is an excellent idea to promote outdoor fitness or getting close to nature as opposed to just storing stuff. She thinks it is a good use of motivating people to get out and explore the wonders of the Delmarva Peninsula since we are at water level basically. We are surrounded by it and there is so much to be done. She has lots of friends who are avid paddle boarders and kayakers. They would love something like this; so, she thinks that it is a good addition.

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

Mr. Hartman moved to approve C-21-04 Bay Pointe Apartments (One Building Concept) at 1080 and 1106 Bay Road based on the recommendations by Staff and the work done by the applicant to improve the site and to include the Active Recreation Plan, second by Mrs. Welsh and the motion was carried 6-0 by roll call vote with Mr. Adams, Mr. Roach and Mrs. Malone absent. Mr. Hartman voting yes; for the reasons stated in the motion. Mr. Baldwin voting yes; for the reasons stated in the motion. Mrs. Lord voting yes; for reasons stated in the motion. Mrs. Welsh voting yes for reasons previously stated. Dr. Jones voting yes; for the reasons previously stated. Mrs. Maucher voting yes; for reasons previously stated and she thinks that it's a good use for the site and it's a demographic that needs additional housing.

S-21-05 Bay Road Office Park Master Plan (Revised) – Public Hearing and Review of a Site Development Master Plan as Revised to permit continued phased construction of Bay Road Office Park to consist of three buildings in three phases. Phase 1 is complete with a 25,120 SF Office Building, parking, stormwater management facility, and other site improvements. Phase 2 proposes a 25,606 SF Office Building with potential 4,800 SF building addition. Phase 3 proposes a 17,374 SF Office Building. The subject properties consist of four (4) parcels: 1.11+/- acres, 1.10+/- acres, 1.2+/- acres, and 4.17+/- acres. The properties are zoned C-4 (Highway Commercial Zone). The properties are located on the southwest side of Bay Road and south of Miller Drive with access from Martin Street. The owner of record is Bay Road One, LLC. Property Addresses: 530, 540, 544, and 550 Bay Road. Tax Parcels: ED-05-077.10-01-45.00-000, ED-05-077.00-01-10.02-000, ED-05-077.00-01-10.01-000, and ED-05-077.00-01-11.00-000. Council District 2. *Waiver Requests: Elimination of Loading Spaces, Reduction of Arterial*

Street Buffer, and Elimination of Upright Curbing. Previous Application S-17-19 Bay Road Office Park Master was approved by Planning Commission in July 2017, Revised in October 2017, and with Final Plan approval April 4, 2018. Phase 1: Office Building was constructed under S-17-30 with Final Plan approval granted April 4, 2018.

Representatives: Mr. Alex Schmidt, Century Engineering; Ms. Dana Dunphy, Century Engineering

Mrs. Melson-Williams stated that this project involves a series of properties that are addressed as 530, 540, 544 and 550 Bay Road. This is located on the west side of Bay Road. This Master Plan came to them initially back in 2017 and the first phase has actually been constructed which is the area that is not shaded in the depiction that is on the screen. Phase 1 consists of an Office Building of just over 25,000 SF and it included a parking area, the stormwater management facility to serve the area to the west of the existing building, and the access connection to Bay Road that was constructed as a right in/right out configuration and there is also a link to the adjoining Martin Street. With this project, they have actually acquired additional land and that is the land that is bounded by Bay Road, Miller Drive and Martin Street. With that, they are bringing this back to revise the overall Master Plan. What this does is make Phase 2, the northeast corner of the property, it allows the expansion of what would be the Phase 2 Office Building and then the Phase 3 remains in the southeast corner of the property and is also proposed as an Office Building. The property is zoned C-4 (Highway Commercial Zone); so, office uses are certainly allowed in that zone. As mentioned, it's a Master Plan. What a Master Plan does is it allows them to bring the overall concept through the Planning Commission process and then once they are ready to move into a phase of construction, then it requires an Administrative Site Plan review process. That is strictly administrative but we are looking to its compliance with the Master Plan and then also with the Code provisions. With this Master Plan, they have shown us the strategy for parking. They are well above the required parking based on the building sizes that are currently being proposed. They are showing some bicycle parking racks. They have made a Waiver Request to eliminate the requirement for specifically designated loading spaces. Their written request notes that the type of deliveries that are expected for office buildings are not those that would truly need a long term loading space designated onsite. The entrances with the Master Plan continue to be that main entrance drive on Bay Road with a right in and right out. The Phase 2 area will also have a link to Miller Drive and then there continues to be the connection to the overall site from Martin Street. They are proposing sidewalks to be located on the street frontages and to expand the multi-use path that is out along Bay Road. As part of their parking, they have requested the partial elimination of upright curbing. They are thinking that it is going to be necessary in some areas of Phase 2 in order to accommodate stormwater management for that area of property. Staff will continue to look at it. We granted initial approval of that elimination of upright curbing but will also look at it as the project is refined through the Administrative Site Plan process. The other Waiver that they are seeking is a Waiver Request regarding the Arterial Street Buffer. Bay Road requires a 30 foot buffer along the frontage. With the original Master Plan that Arterial Street Buffer was reduced to 20 feet and they are seeking to continue that reduced width of 20 feet with the additional segment of property that now fronts on Bay Road at the intersection of Bay Road and Miller Drive. There is a segment at the northeast corner of the development that would be subject to that reduced buffer width. That Buffer includes the multi-use path and then some additional landscaping that is planned in that area. With the current configuration of the Phase 2 area, part of its rear parking

lot results in parking spaces that will face a residential area. There is a requirement for screening of that area involving at least a hedge and it may also require a fence during implementation while that hedge is growing to height. The Planning Office has provided comments and they are recommending approval of the Waiver Request for the elimination of loading spaces. They have granted approval for the elimination of upright curbing, but they will continue to evaluate that. They are recommending of the reduction of the Arterial Street buffer in that it continues what had already been established and approved previously for the Master Plan. They do note that in their recommendations that the cross access between this property and the adjacent property to the south which is the property known as 600 Bay Road, that the cross access be continued. This property has already built that to their property line and with the activities at 600 Bay Road which is under development currently by a different entity, that entity is moving into the area where that connection ultimately will be made. They do have some notes about pedestrian connectivity and looking to ensure that the Phase 2 area has pedestrian access appropriately. Perhaps adding another connection from the Martin Street frontage could be explored in that way. There is some sidewalk on Martin Street that also should be evaluated for its condition and whether improvements are necessary there. The remaining parts of the Development Advisory Committee Report include comments from all of our regulatory agencies providing comments on plan submitted as well as advisory comments as the project would move forward. Again, this is a Site Development Master Plan, so you are looking at the overall concept for development which is basically a phased construction of three office buildings. They do note that future development is subject to an Administrative Site Plan review process.

Ms. Dunphy wanted to thank the Commission for having them on the agenda and to let them know that they are looking forward to being a growing part of Dover. They look forward to working with the Planning Staff to address the comments from the DAC meeting.

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

Mrs. Welsh moved to approve S-21-05 Bay Road Office Park Master Plan (Revised) to permit construction of the office park and Revised plans of construction in three phases inclusive of the Waiver Requests for the elimination of loading spaces, reduction of the Arterial Street Buffer, and the elimination of the upright curbing, seconded by Mrs. Lord and the motion was carried 6-0 by roll call vote with Mr. Adams, Mr. Roach and Mrs. Malone absent. Mrs. Welsh voting yes; she thinks that this is a good revision to the plan and it will certainly make that space much more appealing. She looks forward to seeing a lot of work going on there. Dr. Jones voting yes; she feels that the applicant has addressed some of the questions and concerns that were previously raised. Mr. Hartman voting yes; based on the applicant's submittal, the findings of the DAC, and the recommendations of Planning Staff. Mr. Baldwin voting yes; for reasons previously stated. Mrs. Lord voting yes; for reasons previously stated. Mrs. Maucher voting yes; for reasons previously stated.

MI-21-03 Comprehensive Rezoning 2021 Project: Comprehensive Zoning Map Amendments - Public Hearing and Review for Recommendation to City Council of Amendment the Zoning Ordinance and Zoning Map of the City of Dover by Changing the Zoning Designations to Conform with the 2019 Comprehensive Plan, as amended. These recommendations of parcels for Rezoning have been identified as part of the Comprehensive Rezoning 2021 Project and will be

presented in map and listing formats. Ordinance #2021-09. *Public Hearing before City Council is set for June 7, 2021 with Final Reading and Final Action by City Council on June 14, 2021.*

Mrs. Melson-Williams stated that this is the Comprehensive Rezoning Project for 2021 and there are some associated Comprehensive Plan Amendments. (Staff utilized a PowerPoint presentation on the project.)

Mr. Hugg stated that you all may remember as part of *Comprehensive Plan* project and as part of the *Comprehensive Plan* itself, it is not just the document. The Plan is a living document and it needs to be implemented, followed, updated and revised as we move forward. One of the State statutory requirements is that within a select period of time after the Plan is adopted you must go through and bring your Comprehensive Zoning Map and your Land Development Plan Map into compliance eliminating inconsistencies. That is what Staff has been working on since a year or so ago now. The *Comprehensive Plan* was recommended by the Planning Commission in 2019 and went to City Council in 2020 and was ultimately adopted there; it was certified by the Governor on January 13, 2020. Chapter 15, which is the Implementation Plan, has a number of recommendations and projects. As part of it, has some things that are Ongoing as part of the ongoing maintenance of the Plan. It has a number of Immediate Actions that must be done pretty quickly and two of them are Comprehensive Rezoning and the changes to the *Comprehensive Plan* to correct any inconsistencies with the Land Development Plan. Then, there is a list of Short Term, Intermediate and Long Term Implementation tasks with a time period of roughly five years in a number of areas. It includes studies, looking at regulations and various marketing plans. For example, a development plan for Downtown and development of a Capital Complex Plan. These are a couple of examples of Short-Term Implementation projects. This effort is one of those critical things that had to be done immediately and it is the Comprehensive Zoning 2021 Project. As with the *Comprehensive Plan*, this has been done in-house by your Planning Staff and he gives them a great deal of credit for the dedication, their expertise and their knowledge and the occasional banging of their heads against the wall as we move forward. This has been a major task on top of everything else that is going on. This is an in-house project and we are very proud of it. The extensive use of the GIS technology and various mapping techniques to overlay land use and zoning and to look at individual parcels and aerial photos to make the determinations of what the appropriate land use and zoning classification should be were done. A significant portion of the application was education on planning and land use. That included putting documents out on the website including public outreach workshops. It was an ongoing process to make sure that people involved understood what they were doing and why it needed to be done, and what the changes meant for their particular properties and for the community in general. Then it needs to be implemented and adopted. It is here tonight to get Planning Commission approval and goes back to City Council in early June 2021.

Mrs. Melson-Williams stated for those that participated in either reading some of our information or watching our Virtual Sessions that were posted online, some of this will sound familiar. This is really a major data analysis project. It caused us to compare the Land Development Plan Map, which is a component of the *Comprehensive Plan* that gives Land Use Categories, with the City's Zoning Map which is the zoning for the properties which tell us which section of our rules to read. As Mr. Hugg mentioned, we utilized Geographic Information System technology. It is a computer program that does what years ago, you had to do by layering pieces of tracing paper on top of each other. We now let the computer brain do some of the work for us, but you have to put

good data in in order to make those comparisons. So, it still involved an analysis that Planning Staff had to look at and look at what the reporting out was telling us; and even ground truthing a number of the properties when you get down into the details of parcel by parcel analysis.

As mentioned, it is really a comparison of two maps: Map 12-1 which is the Land Development Plan Map which gives us a broad Land-Use Category and then the City's Zoning Map that shows the zoning districts for all properties located within the City. The Land Development Plan Map most recently is revised as of March 8, 2021. There were some Amendments to this Map that were successful; so this was the map that they had to utilize. As you can see, it is very colorful. Each of the broad Land-Use Categories is given a designated color. For example, Commercial High Intensity Areas are the bright vibrant red. They find those the clearest along the Route 13 Corridor and then extending down in the Bay Road area. There are also some pockets out on Route 8. The residential components are basically different shades of yellow: a light yellow, a medium yellow, and then an orange with various degrees of intensity. In the Downtown area, it is mostly a kind of light purplish lavender color which stands for Mixed Use area. All of those equate to certain Land-Use Categories. The next Map is the City's official Zoning Map. You can actually view this map online through our "Dover Parcel and Zoning Viewer" that is part of the City's website. Here is just an example of a glimpse of the City's Zoning Map. The subject property that is highlighted on the screen is the location of City Hall and the Library in Downtown Dover. This map has a couple of different things that are depicted like the zoning categories. That is the letter terms that are shown like IO (Institutional and Office Zone), C-2 (Central Commercial Zone), and there are also some overlays that exist here in the City. The orange color shown in the Downtown area here is the City's Historic District. Then there is also shading for things related to our Source Water Protection Overlay Zone and when you are in the eastern part of the City, also the Airport Environs Overlay Zone. They had to compare these two maps and the link between the two is something called Table 12-1 which is part of the *Comprehensive Plan*. This is a brief excerpt from that Table, and this is where the compatibility analysis had to happen where they looked at the Land-Use category. For example, Residential Low Density Areas are light yellow. They needed to ensure that those properties with that Land Use category fell into one the zoning districts that is listed on the right. For Residential Low Density, the appropriate zoning districts are R-20 (One Family Residence), R-15 (One Family Residence), R-10 (One Family Residence), R-8 (One Family Residence), R-7 (One Family Residence) and C-1 (Neighborhood Commercial). For Commercial Low Intensity, there is a comparable series of zoning districts that are appropriate. Then even for areas that are designated as Open Space, there are a couple of options for zoning of those areas. The next page shows all of the colors and their matching zoning districts. This information was provided in the information that went out to people as it is part of our *Comprehensive Plan* and it's the key to doing the comparison that had to be done. As a result of that initial comparison and the other ground truthing by Staff that was done, they identified a total of 165 parcels for Rezoning. There are just about 65 unique property owners that are involved. With those properties, some property owners own multiple parcels in the same vicinity that make the list. What they are really seeing is a series of different types of rezoning situations. Most of them are a situation where properties are proposed for Rezoning, meaning changing the zoning of the property to the ROS (Recreation and Open Space Zone). That is meant to match the Land Use of the property which is the open space, conservation area or recreation area. The reason why they are seeing these types of properties is as our residential subdivisions finish development, it is a policy of our office to transition the designated open space areas. Where that stormwater pond may be on the active

recreation area for that neighborhood we move them from what would be a residential zoning classification into the ROS (Recreation and Open Space Zone). That gives it greater protection and clearly identifies what the use of that particular area is. It is less likely to mistakenly get developed with an additional housing unit and it really reflects what truly that land should be used for. A number of ROS locations may include stormwater management areas or they may be areas that are significantly impacted by the flood plain which the City limits development in. A number of those things make up the bulk of where they are proposing for rezoning. They see these areas in neighborhoods that have either finished construction or are almost finished construction: places like Emerald Pointe, Clearview Meadow, the Village of Cannon Mill, the Village of Westover, and a number of places like that. Some of the other Rezoning situations involve where the zoning and the Land Use are just incompatible. There may be something that is already operating on that property and it doesn't quite fit the zoning classification that it has now and there is a better fit for it. In other instances, we have some properties where the property itself may have more than one zoning classification so they are looking to kind of make some of those corrections as well.

Mr. Swierczek stated that this is an extension of the overall *2019 Comprehensive Plan* project. They started with the *Comprehensive Plan* in 2019 and when we were initially going through that process, every step of that project had to have public engagement to get public feedback. Obviously 2020 put a little bit of a challenge on us as to how they could maintain the same level of public engagement, but they were not going to cut corners. They had several different methods in which they were engaging with the public. Back in February and March 2021, they did set up a display at City Hall outside. We were still closed to the public at the time, but we did send out notifications to public, especially to the property owners that there was going to be a display at City Hall in which they could certainly come and look at the information. The website was also utilized. They were using the website through the *Comprehensive Plan* process and continued to post updates through that entire process. Then going into the stage right now with the *Comprehensive Rezoning Project*, they did create a HUB site which is an interactive website where you could get much more detailed information about specific properties. That was a project that Mrs. Bulkilvish had. Once they had identified the properties that they were going to be looking at or that they thought warranted a closer look at a possible Rezoning, they did have to mail out that information. Those mailings went out in February 2021. They involved Virtual Meetings because they couldn't have in-person meetings like they held for the initial *Comprehensive Plan Project* when they hosted workshops at the Library. So instead, they had specific Virtual Meetings through WebEx. The recorded sessions were posted online so that if anyone were to miss those meetings, they could view those later. They sought to provide their contact information to as many people as possible for phone, letter or email. They did provide a summary of owner inquiries on the *Rezoning Project*. Once they had sent out mailings and posted the information in that vestibule area of City Hall, they did receive twelve specific contacts regarding twenty-three properties. Some of those people may be here with us tonight.

Mrs. Melson-Williams stated that now they are really in the part of the process that is the formal review and public hearings on the Project. She wants to at least talk a little bit about the formal notice that was given. With a *Comprehensive Rezoning*, the City's *Zoning Ordinance* outlines how notice is required to be given for a *Comprehensive Zoning Amendment* which is what this *Rezoning Project* is. It requires written notification to the involved property owner and then it involves legal notice published in two local newspapers. They mailed very specific notice letter

and information packet to the affected property owners. It identified each of their affected properties by an ID number. Those people that may wish to speak tonight will try to focus on that ID number because that keys you to the Map and their specific information. They were provided the Maps as well as what the current zoning property is and what the proposed zoning of the property was recommended for by Staff. The publication in local newspapers was published in all three local newspapers that people may utilize in this area: the Dover Post, The News Journal, and the Delaware State News. With that notice, they move into the formal review process and that involves public hearings both with the Planning Commission and then ultimately with City Council. Tonight, is the Planning Commission public hearing and we will move into that shortly. The Planning Commission will make recommendations on the Rezoning that are proposed. The information will be gathered with the wealth of information on this project and forwarded to City Council. City Council will conduct a public hearing on June 7, 2021. At the present time that is scheduled to be a virtual meeting and Planning Staff will help them orchestrate that meeting and hearing. Then City Council will take final action on the proposed Rezoning at their regular meeting on June 14, 2021. In order to deal with the Rezoning, they have to adopt an ordinance and the Ordinance # is 2021-09. It will make reference to the collective maps and lists of the Rezoning that are proposed. As noted, the Rezoning are city-wide and the green highlighted areas on the map are the properties involved. This Map was shared with our affected property owners. Each one is identified by a number and that is shown on the Map. Sometime the numbers get piled on top of each other in some areas so what they decided to do was break the map up into a series of what they call "Inset Maps." They have Inset Maps A-E; and they give a closer view of quadrants of the City and the identified properties for Rezoning. Accompanying this Map is the Chart that identifies the ID Number for each parcel involved. It gets which Inset Map it is best shown on since some of them do end up on more than one Inset Map. It gives the property owner's name, the parcel ID, the location address, the current zoning of the property, and then Staff's recommended zoning. After this evening's meeting, Staff will fill in the Planning Commission Recommendation column. They are trying to keep the 165 projects identified easily. The Planning Commission members had a binder of the project in their packets. The Comprehensive Zoning Map Amendments are in the yellow section. There is kind of the summary of the Newsletter that we provided to the applicants. There is a full chronology of the events that transpired leading us to this point. There is a copy of the Ordinance and a copy of what they call the Zoning District Type List which is kind of a quick listing of the uses that are allowed in any particular zone. Then there is the series of maps that they just moved through as well as the full table listing of proposed property locations. They did use their Development Advisory Committee. They did take a look at this package and have provided comments which are basically no objections. They will of course be happy to be involved in any kind of future development should something happen on one of these properties. The last thing that was in the packet for the Planning Commissioners was what they call that Summary of Owner Inquiries that Mr. Swierczek mentioned. Those property ID's where they had, as Planning Staff, direct contact with the property owner either by phone, email or virtual meeting to help them understand the process; they have identified what those properties are.

Mr. Hartman stated that he understands the reasoning for most of the Rezoning, but there was one that fell out what you were explaining to us and that is Item ID #128. Could you give him an idea for the reasoning for Item ID# 128 Rezoning? Responding to Mr. Hartman, Mrs. Melson-Williams stated Item ID# 128 is a property owned by Mr. William Torbert. As of this afternoon

they did receive a letter from Mr. Torbert and she will introduce that as part of the public hearing process. This property is currently zoned C-4 (Highway Commercial Zone) and Staff proposed its rezoning to ROS (Recreation and Open Space Zone). The property is directly adjacent to the St. Jones River and is impacted by the 100-year flood plain. They felt that because of that situation, it is better protected with an ROS (Recreation and Open Space Zone) designation recognizing that Flood Plain area should be left as a natural form in an open space scenario. Our Code actually limits development within the 100-year flood plain so even if it were to remain as C-4 (Highway Commercial Zone), development of that area would be limited so that is why Staff was making the recommendation to take it to ROS (Recreation and Open Space Zone).

Mr. Hartman questioned if there were any other properties like that that went from commercial to ROS (Recreation and Open Space Zone)? Responding to Mr. Hartman, Mrs. Melson-Williams stated that a lot of the ROS (Recreation and Open Space Zone) properties are within residential developments and some of that may be because of flood plain impacts. There are a few that may have been IO (Institutional and Office Zone) that are going to ROS (Recreation and Open Space Zone). Some of that is City-owned properties which is probably why it was IO (Institutional and Office Zone) to begin with; so, it may have been more of a park like setting than true commercial development.

Mrs. Melson-Williams stated that with the public hearing this evening, we will give individuals the opportunity to speak in regards to their particular property of interest. When she calls on people to speak, please identify the property by the ID #. That will be a number somewhere between 1 and 165 so that we can identify and kind of show what property is being discussed. They are not going to go to call out one property at a time; they are just going to move through the attendees that they have this evening. Ultimately, when they get to the time of a motion, they will probably deal with the specific numbered items that have been called out in particular for action. Then the Planning Commission can adopt the balance by referencing the table general.

Mrs. Maucher opened the public hearing.

Mr. Collin Faulkner – Director of Public Safety for Kent County

Mr. Faulkner stated that he is speaking in regards to property #130 which is 911 Public Safety Boulevard. The Kent County Levy Court has no objections to the Rezoning to IO (Institutional and Office Zone) and it certainly complies with the current use.

Mrs. Melson-Williams stated that is Item #130 and it is visible on Map E. The property is currently zoned R-10 (One Family Residence Zone). The proposed zoning is IO (Institutional and Office Zone). Mr. Faulkner notes the support of the property owner; in this case, the Kent County Levy Court, of the Rezoning from R-10 (One Family Residence Zone) to IO (Institutional and Office Zone).

Mr. Isaac Morris – Most Worshipful Prince Hall Grand Lodge – 1412 College Road Dover, DE 19904

Mr. Morris stated that he is speaking in regards to Item #25. The property is zoned R-8 (One Family Residence Zone) and you are proposing it as ROS (Recreation and Open Space Zone). He is assuming that this is the property where they currently have a pavilion built on. Responding to Mr. Morris, Mrs. Melson-Williams stated yes, this is Item #25 which is on

College Road. It is currently zoned R-8 (One Family Residence Zone) and it is shown on Map C. It is a little property right at the top of the map. The property owner owns a series of lots there, some of which are zoned IO (Institutional and Office Zone) where the facility is located. They also own a tract of land that is basically wooded and she believes that it does have a pavilion on it that would be zoned ROS (Recreation and Open Space Zone). It is a land locked parcel of land so she believes that is the reasoning Staff gave to take it to ROS (Recreation and Open Space Zone).

Mr. Morris stated that they have no objection to the Rezoning.

Deacon James Ebert – Liberty Church 1150 W State College Road Dover, DE 19904

Deacon Ebert stated that he is speaking in regards to Items #29 and 30. They are copying the information that it has to become compliant to the current reconfiguration of the existing Comprehensive Zoning. He can say right now that over a period of time, 90% of what we have talked about at the church and in Planning is how been how to comply with the zoning as far as drainage is concerned and parking. Two items that do cause them to consider the possibility of rezoning the existing property. They work with the idea that they will become compliant with the good offices that you already offer.

Mrs. Melson-Williams stated that this is a couple of properties on College Road and McKee Road and the church is located on part of one of the properties, ~~so it is on that old section of McKee Road that is kind of a dead end~~ (location incorrectly described by Staff.)

Deacon Ebert stated that it is actually about 15 acres that were combined by a purchase and McKee Run skirts behind the existing Presbyterian Church and is actually a pathway for water flows. The College Road is the larger property being around 10 acres and it is mostly wooded. Mostly all of the construction, paving and building are toward the front of the property. In that, they have a combination that peaks out around fifteen acres and primarily impacts zoning as it is to be.

Mrs. Melson-Williams stated that this is a rezoning from R-10 (One Family Residence Zone) to IO (Institutional and Office Zone) and places of worship area a permitted use in that zone.

Deacon Ebert stated that they are legally incorporated as a church and that is one of the considerations that they wanted to maintain. The Pastor has a list of opportunities that she uses to work with the existing areas around the church as ministries but they are in fact a church. The Pastor has joined the meeting if there are any questions. She is current as far as where they are going because of the necessary zoning change to IO (Institutional and Office Zone).

Ms. Deborah Brinkley – Liberty Church 1150 W State College Road Dover, DE 19904

Ms. Brinkley stated that she is the Pastor at Liberty Church. She has recently become a Pastor and she would really like to know the reasoning for rezoning the properties. Responding to Ms. Brinkley, Mrs. Melson-Williams stated that Staff is recommending a change in zoning from R-10 (One Family Residence Zone) which is a residential zone that allows for church use through a Conditional Use process to an IO (Institutional and Office Zone). They typically use that IO

(Institutional and Office Zone) when it is more of a complex or when it is on a much larger tract of land, which they think is the situation here for Liberty Church with Items #29 and 30. That is Staff's reasoning for why they are recommending rezoning to IO (Institutional and Office Zone).

Ms. Brinkley stated that she knows eventually as they grow and things begin to change; our entrance ways, they are now using that one entrance way to enter and exit. They are right across from the new development of apartments. She didn't know if eventually they would have to somehow address that congestion there. Responding to Ms. Brinkley, Mrs. Melson-Williams stated that if you were to develop your property further, the entrance design would be something that would be evaluated at that point in time based on the access to that particular road. Certain roads in the City are actually State maintained roads so DelDOT has the true say about how that entrance could be designed or if it needed improvement based on what your activities were.

Deacon Ebert stated that if they did rezone that and establish another ingress into the property, it would make the whole process of entering and existing safer and streamline. They noticed that down the street, they have seen some good work done with the Presbyterian Church getting granted access to College Road. It's made a nice even flow and a safe ingress onto the church property. So they are looking at talking with your group to get your professional opinion as to the advantages or disadvantages of doing that kind of thing. If they do move and put in a road that is on the front part of the property, it means that they are going to have to reconsider sewer and water and everything underground. In front of the building is going to have to be considered before they could make such a move. He would like to have access to the Planning Staff to take real-time advice as to how to develop Items #29 and 30 because they are going to have to do quite a little bit to re-engineer where their point/no-point is located. That has already been discussed and they found at that time, which was years ago, that it was going to be an issue. At the same time, they realized that there was like two different jurisdictions controlling the run-off. He wants to make sure that they are lining up right as they should on the first go-around. One of the big reasons for the IO (Institutional and Office Zone) is that they do have to relocate the point/no-point and do quite a bit of work on pavement to make sure that we have the best access and usability of the current church building.

Mrs. Melson-Williams stated that he could reach out to Planning Staff during normal working hours at 302-736-7196. They will put him in contact with Planning Staff. They would be happy to talk over the phone or discuss any meeting opportunities that they would have.

Mr. Darryl Harris - unknown

Mr. Harris stated that he just wanted to hear what the Rezoning was about. He has gotten a better understanding of it now. He would just talk to Planning Staff to see what they can and can't do.

Mr. Ronald Harmon – 1427 New Burton Road Dover DE 19904

Mr. Harmon stated that he has been a resident of Dover since 1964. The City didn't choose him but he chose the City. He and his wife own a piece of property on New Burton Road and a total of three properties in the City of Dover. Some of you may remember the Peppermill Pantry which was a little store located on New Burton Road that his wife ran for about 15 or 16 years. About 22 years ago they had part of those 4.65 acres that they owned rezoned to C-3 (Service Commercial Zone) and they built a self-storage facility on that property. The Map that you are

looking at down at the bottom shows Item #161. What the Map doesn't show you is that that property also joins our current C-3 (Service Commercial Zone) zoned property which is the mini-storage and it has about 185 foot of common property line in the back. That property was originally part of the old Delaware State News property. Of course, it went through many owners and he ended up buying it from the bank. The reason that they never tried to rezone the property or combine the current storage property with this is because they had no idea at the time exactly what they were going to do with it but it had the proper zoning for our mini-storage. Over the years that he had owned that property, he had stored some motor homes and trailer there for people because his storage inside the mini-storage area is limited for certain size vehicles. When people were in dire need of storage, he would offer them that area at a nominal fee and most of the time they would take it. He was born in January 1941 so it is pretty easy to figure out how old he is. About six or eight months ago, he and his wife decided that they would sell their business and their house but keeping this property on Webbs Lane. The contracts that he has on the property also include an option for the purchasers to buy Webbs Lane if and when they decide to sell it within the next five years. If they don't decide to sell it in five years, they have the option to buy it. So, they don't want to lose the C-3 (Service Commercial Zone) on that property because it already adjoins 3.3 acres that is already zoned C-3 (Service Commercial Zone) which they own. To take this zoning away from them, would hurt them financially because he is not sure that the current contracts that he has with people are done. He also believes that those people have contacted the Planning Office and their plan is to expand the mini-storage onto that property. If you need a storage unit today between Greenwood and Smyrna, you are probably not going to find one. If you change the zoning on this property it is certainly going to hurt them and it is going to hurt the future buyers. They are on the south end of the City and that property has been zoned C-3 (Service Commercial Zone) forever because the State News had it zoned that way. They don't want it rezoned. The Map doesn't show that the property already adjoins 3.3 acres that is already zoned C-3 (Service Commercial Zone).

Mrs. Melson-Williams stated that since Mr. Harmon is concerned about what Staff has proposed for rezoning, do any of the Planning Commissioners have any questions for Mr. Harmon? This is ID #161 and it is proposed for rezoning from C-3 (Service Commercial Zone) to C-1A (Limited Commercial Zone).

Mr. Hartman stated that Mr. Harmon makes a good argument since the property is adjoining a property that he owns that is zoned C-3 (Service Commercial Zone). He makes a very good argument that the property should remain C-3 (Service Commercial Zone).

Mrs. Melson-Williams stated that this Item will be one of the ones that they will pull out and set aside for individual action because of the Request that has been made. Responding to Mrs. Melson-Williams, Mr. Harmon stated that he appreciated it. He is currently in Dover right now and he has some company in from West Virginia. They are trying to get back down to their new home that they just built that is unfortunately not in the City of Dover anymore. They did move south to a place called Townsend Fields that is located behind Piazza Mia on the east side off of Irish Hill Road. Anything that Planning Staff can do to help him out, he would really appreciate it.

Mr. Tolano Anderson – 50 Dove Creek Ln Dover, DE 19901

Mr. Anderson stated that he is speaking in regards to Items # 88 and 89. When he received the packet he was looking at how thick it was and was thinking change. He doesn't like change but immediately what came to mind was the Planning Department. He has dealt with all Staff quite extensively for eighteen years but with his two properties that are listed for a zoning change (as well as the other two dozen that he owns in the City of Dover), he has a surprisingly comfortable feeling about the whole Rezoning Plan. This project is quite an undertaking but just knowing the attention to details and the integrity, professionalism and the character of the people in the Planning Department. He looked over it and folded it up and said when he gets a chance to make some comments he is just going to say thank you for all that they do and for their professionalism. He is absolutely comfortable with the decisions that have been made so far even concerning the gentleman just before him. Taking consideration for those that have special circumstances but quite frankly he doesn't have any issues with the Rezoning Plan.

Mrs. Melson-Williams stated that Items #88 and 89 are located on North DuPont Highway at 580 North DuPont Highway and 598 North DuPont Highway. The current zoning of both the properties is C-1A (Limited Commercial Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone). The Staff recommendation is to take it to C-2A (Limited Central Commercial Zone) and also remaining subject to the SWPOZ (Source Water Protection Overlay Zone). It still remains as a type commercial zoning but probably a little bit more intense which reflects the address location on DuPont Highway. They are somewhat of a smaller tract of land so she thinks that was a reason to go to the C-2A (Limited Central Commercial Zone) rather than a full highway commercial scenario at those locations.

Mrs. Melson Williams stated that they did receive one item of correspondence and that is regarding property ID #128. This is a letter from Mr. William Torbert who is the property owner at 688 South DuPont Highway. His letter references that the property there as been C-4 (Highway Commercial Zone) for a long time. He has paid taxes on the property for a long time and zoning the property would decrease the value of the property. If it was rezoned it would prevent the property owner from expanding his storage unit business which is actually located on a parcel kind of to the north of ID #128. He notes that another possibility would be a fenced in parking lot of vehicle storage which this rezoning would also prevent him from doing. This property is currently C-4 (Highway Commercial Zone) and it was proposed to go to ROS (Recreation and Open Space Zone). It is the one that Mr. Hartman asked about at the beginning of the Hearing. She suggests that this is probably one that you want to deal with specifically as the property owner has concerns about what is proposed. Mr. Torbert is a person that Planning Staff did speak with and he had hoped to join us this evening, but it does not appear that he has been able to do so.

Mrs. Melson-Williams stated that if your reference the Summary Table of Inquiries, there were a number of phone calls and there was some email as they set up a meeting with one individual for providing additional information.

Mrs. Maucher closed the public hearing.

Mr. Hartman stated that he lives very close to Item #128 and it is a very low property and he can understand the flood plain concern. If it were to remain C-4 (Highway Commercial Zone), would

he be able to construct on that property at all? Responding to Mr. Hartman, Mrs. Melson-Williams stated that it is likely limited in what could be constructed there, but a very specific determination and a closer look at that would be required should they pursue any kind of development on that property. There is some existing gravel that exists in that area. She is not sure how much of it is on the property ID #128 but that is certainly something that would be looked at with any application, be it Permit or Plan, to develop that parcel of land.

Mr. Hartman stated that if it were to remain C-4 (Highway Commercial Zone) the protections would still be in place for the flood plain and the restrictions would be in place and anything that is proposed if it were to remain C-4 (Highway Commercial Zone). Responding to Mr. Hartman, Mrs. Melson-Williams stated that is correct. The Flood Plain Provisions are another section of the *Zoning Ordinance* that would come into play with any kind of development for this property or any other property that is located within the flood plain that is depicted on the effective Flood Insurance Rate Maps at the time.

Mr. Hartman stated that he wished Mr. Torbert was online so that he could present his case.

Mrs. Melson-Williams stated that the Commissioners can make one motion regarding the Table as recommended by Staff with the exception of the two properties, ID #128 and 161. You can deal with those two as a separation motion since those are the two that have been called out where the property owner is not supportive of the Staff recommendation.

Dr. Jones moved to recommend approval to City Council for MI-21-03 Comprehensive Rezoning 2021 Project: Comprehensive Zoning Map Amendments as it relates to the proposed Zoning Map Amendments exclusive of ID #128 and 161, seconded by Mrs. Welsh and the motion was carried 6-0 by roll call vote with Mr. Roach, Mr. Adams and Mrs. Malone absent. Dr. Jones voting yes; sounds like an outstanding job and a lot of work with this Project. Mr. Hartman voting yes; based on the hard work of the Planning Staff and the public comments. Mr. Baldwin voting yes; sounds like a good plan. Mrs. Lord voting yes; for reasons previously stated. Mrs. Welsh voting yes; she echoes the comments as to the tremendous amount of work that Staff has put into accomplishing this and she thinks that it is a good move for the City to expand and be in compliance with the growth of the City and where we are going as far as the Greater Dover. Mrs. Maucher voting yes; based on the several members of the public who have voiced their support and the lack of objection of the property owners that were notified of the changes and she wants to thank Staff for all of this work. Having done GIS and to compare maps, she knows how tedious it can be.

Mr. Hartman moved to recommend rejection of Staff's recommendation to City Council for MI-21-03 Comprehensive Rezoning 2021 Project: Comprehensive Zoning Map Amendments ID #128 and allow the property to remain as it is currently zoned based on the comments from Mr. Torbert and the controls that would still be in place if it were to remain as C-4(Highway Commercial Zone), seconded by Mrs. Welsh and the motion was carried 6-0 by roll call vote with Mr. Roach, Mr. Adams and Mrs. Malone absent. Mr. Hartman voting yes; based on what he said in the motion. Mr. Baldwin voting yes. Mrs. Lord voting yes; for reasons previously stated. Mrs. Welsh voting yes; based on the comments from the owner. She feels that they made several good points about their issues with the Rezoning. Dr. Jones voting yes; for reasons previously

stated. Mrs. Maucher voting yes; based on the observation that should the property owner wish to further develop, there would be another review at that time.

Mr. Hartman moved to recommend rejection of Staff's recommendation to City Council for MI-21-03 Comprehensive Rezoning 2021 Project: Comprehensive Zoning Map Amendments ID #161 and allow the property to maintain a zoning classification of C-3 (Service Commercial Zone) based on the comments from Mr. Harmon and the fact that it is sited next to his business that is always been zoned C-3 (Service Commercial Zone), seconded by Mr. Baldwin and the motion was carried 6-0 by roll call vote with Mr. Roach, Mr. Adams and Mrs. Malone absent. Mr. Hartman voting yes; based on what was stated in the motion. Mr. Baldwin voting yes; it makes sense since the adjoining property is zoned C-3 (Service Commercial Zone) so why not leave this property C-3 (Service Commercial Zone). Mrs. Lord voting yes; for reasons previously stated. Mrs. Welsh voting yes; due to the fact that there are adjoining properties and she believes that the applicant mentioned several properties that are C-3 (Service Commercial Zone) that are adjacent to the property. Dr. Jones voting yes; for the reasons stated. Mrs. Maucher voting yes; for the reasons provided in the motion.

MI-21-04 Comprehensive Plan Amendments 2021 Set #2 – Public Hearing and Review for Recommendation to City Council of a series of Amendments to the 2019 Comprehensive Plan include consideration of the following:

- A. Consideration of a series of plan text changes to Table 12-1: Land Use and Zoning Matrix of the 2019 Comprehensive Plan (as amended). The changes to the Land Use and Zoning Matrix will add several zoning districts to certain Land Use Categories. Ordinance #2021-10.
- B. Consideration of a series of Amendments to Map 12-1: Land Development Plan Map of the 2019 Comprehensive Plan (as amended). The Recommendations for the Land Use Classifications to be revised is for a series of parcels citywide as discovered during the parcel-by-parcel analysis and/or Comprehensive Rezoning Project process and are as listed in the Summary Chart of Land Use Classifications. Ordinance #2021-11.

Public Hearing before City Council is set for June 7, 2021 with Final Reading and Final Action by City Council on June 14, 2021.

Mrs. Melson-Williams stated that this is a companion piece known as the Comprehensive Plan Amendments 2021 Set #2. This is Set #2 because they had their annual public request earlier in the year. These are ones that are components of the Comprehensive Rezoning Project, but these are amendments to the Comprehensive Plan itself. There are two of them. One of them is specific to the Plan text, meaning an amendment to the Comprehensive Plan itself and that's revisions to our Land Use and Zoning Matrix and then the second one is a Map change and it's amendments to the Land Development Plan Map. Because it was a Comprehensive Plan Amendment, these were submitted to PLUS back in March 2021 and that is the Preliminary Land Use Services review process with the State. As part of your packet you will see the PLUS Review comments. No real comments or objection from the State Agencies. Some of them did note what some of the activities are and that they were encouraged by what Staff was recommending in their regard. It is certainly something that goes along with our Comprehensive Plan and our task to make sure things are working as well as to be expected. This also has this formal review and public hearing process to it which is what we are conducting tonight.

Amendment Item A is a series of plan texts changes to Table 12-1 and this is covered by

adopting what would be Ordinance #2021-10. The second item is known as Item B and is a series of amendments to Map 12-1 and it has an ordinance specific to it and that is Ordinance #2021-11. In your packet is the Land Development Plan Matrix, also referred to as the Land Use and Zoning Matrix. What is highlighted in red are a series of text changes to add several different zoning districts to a number of land use categories. In this case, they found that a number of properties in doing that comparison with the zoning would be better suited if they made a change to our Table rather than trying to rezone the properties. The proposed changes would be in the Land Use Category of Residential Medium Density to add the zoning classification R-10 (One Family Residence Zone), just a slightly larger sized parcel of land. This Land Use Category already includes a number of residential zoning districts. The next change would be to the Land Use Category of Commercial Low Intensity and in this case, looking to add C-3 (Service Commercial Zone) and SC-1 (Shopping Center Commercial Zone). Both of which can be low intensity depending on the activity that is happening there. The other change is to the Open Space Land Use Category; and this is more of a notation that identifies that open space uses may actually exist in other zones. It doesn't necessarily have to be in the ROS (Recreational and Open Space Zone) or the RC (Recreational and Commercial Zone) to have some land use compatibility between the zoning and the Land Use Category of Open Space.

The next component is dealing with Map 12-1: Land Development Plan Map. They have a series of twenty areas that are proposed to make a change to their Land Use Category as it's depicted on the Map. They have first presented it as an overall map. Again, these are numbered and then for a closer view, they have a series of Inset Maps A-D that depict where they are a little closer so that you can see them. To accompany the Map, they have a Table that actually identifies them by an ID Number and then an address location: either a specific address or a general area description. It then presents the current Land Use Classification, the current Zoning of the property, and then the proposed Land Use Classification which is the Recommendation that Planning Staff is making tonight. Because these are amendments to the *Comprehensive Plan*, there is not a requirement that specific property owner notification occur. In this case, public notice is given through a legal advertisement and they did that in conjunction with the Comprehensive Rezoning. So there was legal notice published in three newspapers and information about these Comprehensive Plan Text Amendments, as kind of a companion piece, was clearly identified in their correspondence related to the Comprehensive Rezoning Project as a companion piece or an alternative to rezoning. They see a number of individual properties and a lot of cases it is where ground truthing of a property has clearly identified what the use is. A lot of times it is that real small level of parcel-by-parcel detail that has turned this up. In some cases, it is where it may have had a Land Use Category Residential Medium Density but what's really happening there is Residential Low Density scenario; so, that's where some of the changes are proposed. There are twenty areas that are City-wide. Almost all of them are related to residential properties for the most part where they are making that Land Use Category fix.

Mrs. Maucher 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-21-04 Comprehensive Plan Amendments 2021 Set #2 to include the Amendments to the text changes to Table 12-1 and the Amendments to Map 12-1 as well, seconded by Mr. Hartman and the motion was carried 6-0 by roll call vote with Mr. Roach, Mr. Adams and Mrs. Malone absent. Mrs. Welsh voting yes; this is

a tremendous amount of work done by the DAC and it speaks volumes that with all of this information, there is no one to speak against any of the issues. Mr. Hartman voting yes; based on what the PLUS Letter says and the package that they were presented with. Mr. Baldwin voting yes; for reasons previously stated. Mrs. Lord voting yes; for reasons previously stated. Dr. Jones voting yes; a job well done. Mrs. Maucher voting yes; based on review of the PLUS comments.

NEW BUSINESS - None

Meeting adjourned at 9:44 PM.

Sincerely,

**Kristen Mullaney
Secretary**



May 24, 2021

Dawn Melson-Williams, AICP
Principal Planner
City of Dover, Delaware
Department of Planning & Inspections
Delivery via Email: dmelson@dover.de.us

**RE: Request for Extension
Site Development Plan: S-19-11
Lion of Judah Ministry Church at 951 White Oak Road**

Dear Mrs. Melson-Williams:

The Notice of Decision Letter for the above-referenced project is dated July 22, 2019. The approval expiration date is July 31, 2021.

MCI has been working diligently to develop this project since January 2019. We have received a Letter of No Objection from Kent Conservation District. We are now finalizing the DeLDOT Entrance Plans for final submission, the Check Print of the Site Plans for submission to the Department of Planning, and the Utility Plans for submission to the Department of Public Works.

We are requesting an additional year to finalize construction plans, receive the remaining plan approvals from the City, obtain the Building Permit, and commence construction. Thank you for consideration and we look forward to an approval of our request.

Kind regards,
MOUNTAIN CONSULTING, INC.

Troy L. Adams, P.E.
Vice President

Cc: L & S Properties, Inc.



May 24, 2021

Dawn Melson-Williams, AICP
Principal Planner
City of Dover, Delaware
Department of Planning & Inspections
Delivery via Email: dmelson@dover.de.us

**RE: Request for Extension
Site Development Plan: S-19-13
NCALL Office Building at 223 and 225 W Division Street**

Dear Mrs. Melson-Williams:

The Notice of Decision Letter for the above-referenced project is dated July 22, 2019. The approval expiration date is July 31, 2021.

The project experienced a major delay due to the redesign of the proposed building. As a result, this has impacted the site plan design process. We are requesting an additional year to finalize the site development plans, obtain the Building Permit, and commence construction. Thank you for your consideration and we look forward to an approval of our request.

Kind regards,
MOUNTAIN CONSULTING, INC.

Troy L. Adams, P.E.
Vice President

Cc: NCALL

June 2, 2021

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

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

Attn: Dawn Melson-Williams, AICP

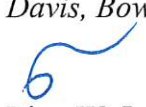
RE: **White Oak Road Property**
Preliminary Site Plan – Extension Request
Tax Map No.: ED-05-068.11-01-01.00, 03.00 and 05.00
DBF #: 1649A002

Dear Mrs. Melson-Williams:

On behalf of our client, Harman Brothers, LLC, we are respectfully requesting an extension of the conditional approval to Site Development Application received by the City of Dover Planning Commission on August 19, 2019. During this time the world has navigated a pandemic (COVID-19) and has been actively attempting to sell the project to Developers. The pandemic has delayed potential purchasers from completing their due diligence. Contract negotiations with the current prospective buyer began in March 2021 and has currently stalled.

For the reasons above, the Owner requests a one-year extension of the conditional approval to the Site Development Application. If you have any questions or require additional information, please do not hesitate to contact me at (302) 424-1441 or via email at rwf@dbfinc.com.

Respectfully Submitted,
Davis, Bowen & Friedel, Inc.



Ring W. Lardner, P.E.
Principal

P:\Harman\White Oak Property\Documents\2021-06-02 Extension Request\Cover Letter.doc

Cc: Bill Harman, Harman Brothers, LLC
John Paradee, Baird Mandalas Brockstedt, LLC



PETITION TO AMEND ZONING DISTRICT
Public Hearing Before the Planning Commission
June 21, 2021

Owners: Peter F. & Bonnie S. Reidy

Address: 4 Mifflin Road, Dover DE

Location: Southwest corner of Forrest Avenue and Mifflin Road

Tax Parcel: ED-05-076.09-01-11.00-000

Size: 1.248 acres (54,362.9 SF)

Present Use: Single-family dwelling (vacant)

Proposed Use: Service Establishment (Car Service with Drive-through)

Comprehensive Plan Designation: Commercial Low-Intensity

Present Zoning: CPO (Commercial & Professional Office Zone) and COZ-1 (Corridor Overlay Zone)

Proposed Zoning: C-2A (Limited Central Commercial Zone) and COZ-1 (Corridor Overlay Zone)

Reason for Request: To amend the zoning of the 1.248+/- acre parcel at 4 Mifflin Road, Dover DE 19904 from CPO to C-2A (while retaining COZ-1 Overlay).

File Number: Z-21-04

Ordinance Number: 2021-13

I. APPLICATION SUMMARY

This rezoning application consists of one parcel of land totaling 1.248 +/- acres located on the southwest corner of Forrest Avenue and Mifflin Road. The property is zoned CPO (Commercial and Professional Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-2A (Limited Central Commercial Zone) while remaining subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Peter F. & Bonnie S. Reidy. Property Address: 4 Mifflin Road. Tax Parcel: ED-05-076.09-01-11.00-000.

Existing Property:

The property has frontage along both Mifflin Road to the east and Forrest Avenue to the north; and it contains a single family (one-family detached) dwelling unit that is currently vacant. The single vehicle access point to the site is via a driveway toward the southern property line off of Mifflin Road. There is no sidewalk or other pedestrian facilities along either the Forrest Avenue or Mifflin Road frontages, and there is consequently no pedestrian access on the site. With the exception of the existing house and its associated site features (accessory garage structure and driveway), the property is largely grass with several mature trees. The applicant is seeking rezoning to C-2A (Limited Central Commercial Zone) to allow for a Service Establishment (Car Wash) use to be established with associated site improvements. The development of the site will require a separate Site Development Plan Application be submitted for review and approval by the Planning Commission. This Application only seeks rezoning of the property from CPO to C-2A; the COZ-1 (Corridor Overlay Zone) designation will remain.

Previous Application:

This property was subject to a Comprehensive Plan Amendment Application (MI-12-01: Item A) which sought to amend the previous *2008 Comprehensive Plan's* Land Use designation of this property (and the adjoining properties of 24 Mifflin Road to the south and 1510 Forrest Avenue to the west) from Residential Low Density to Commercial. Originally, Planning Staff had recommended the land use be changed to Commercial noting the expansion of the commercial corridor westward along Forrest Avenue, but City Council instead noted public testimony and instead established the Land Use as Residential Low-Intensity in adopting the *2008 Comprehensive Plan*. The Comprehensive Plan Amendment Application of 2012 to change the designation to Commercial was however approved by the City Council at their March 2012 meeting.

The MI-12-01 Comprehensive Plan Amendment was associated with the rezoning application Z-12-01 Lands of Reidy, Lucas and Klewans which initially sought a rezoning to C-2A. Planning Staff recommended CPO zoning as a less intense commercial zone due to adjacent residential uses. The proposed rezoning received a recommendation of approval from the Planning Commission at their March 2012 meeting. However, after hearing public testimony, the City Council instead approved a rezoning of the properties to CPO.

No development was proposed specifically with the 2012 Comprehensive Plan Amendment and subsequent Rezoning. The Applicant had instead proposed the Rezoning in order to allow for development of the properties as commercial uses.

Surrounding Land Uses

The property is surrounded by parcels inside the City of Dover adjoining to the west and south, across Forrest Avenue to the north, and across Mifflin Road to the east. The properties immediately adjacent within the City of Dover are also zoned CPO and similarly contain single family homes. The property across Mifflin Road to the east is zoned CPO and contains a branch of the WSFS Bank. The property across Forrest Avenue to the north is zoned RG-2 and contains a series of Apartment Buildings which are part of the overall Dover Country Club Apartments Complex. Properties to the southwest of the subject site are within Kent County and are zoned AC (Agricultural Conservation), and RS-1 (Single-family Residential) and contain a variety of single family homes and a farmstead. All properties in the vicinity additionally subject to the COZ-1 (Corridor Overlay Zone) which is an overlay along Forrest Avenue.

II. COMPREHENSIVE PLAN COMPLIANCE REVIEW

Comprehensive Plan:

In the *2019 Comprehensive Plan*, the Land Development Plan (Map 12-1) recommends that this property be used for Commercial Low Intensity. The *2019 Comprehensive Plan* references Commercial Low Intensity Land Use Category beginning on page 12-11 as one of a series of commercial Land Use Categories: The following are excerpts from the *2019 Comprehensive Plan* regarding Commercial Low Intensity land uses (page 12-11):

Goal: Commercial Land Uses – in General:

Maintain and improve the City’s position as a regional commercial center while providing its citizens convenient access to needed goods and services through well-designed and spaced regional, community, and neighborhood commercial centers/opportunities.

Commercial Land Uses:

Historically and today Dover serves as a regional center for commerce and trade within the Delmarva Peninsula. Its character is defined by the ebb and flow of its dominance as a center of business throughout its long history. Today, an integrated transportation system consisting of arterial highways, freight rail service, and air transport provide for the efficient movement of goods to and from Dover in support of business development and activities. Within a hierarchy of intensities, the Land Development Plan designates a series of commercial land use categories: Commercial-Entertainment; Commercial – High Intensity; and Commercial – Low Intensity. New to this plan is a Commercial land use category specifically associated with large scale commercial entertainment activities reflecting this increasingly important aspect of Dover’s economy. More intensive regional commercial development is directed toward the US Route 13/DuPont Highway and Bay Road corridors close to existing highway commercial shopping center establishments. Route 8/Forrest Avenue, west of the railroad tracks, has also become a key commercial corridor within the City. Dover’s residential neighborhoods also create various local commercial needs. The Land Development Plan also identifies specific locations for the development of neighborhood retail and community shopping center uses within the suburban fringe.

Commercial - Low Intensity Commercial Areas:

The Plan identifies areas for Commercial Low Intensity areas intended for predominately neighborhood commercial use to meet the convenience retail and service needs of existing and future residential areas. These uses can be accommodated in newly constructed purpose-built buildings, in renovated existing buildings, or as part of mixed-use redevelopment initiatives.

The Rezoning Request is consistent with the Land Use Classification of Commercial Low Intensity. Table 12-1: Land Use and Zoning Matrix (from the 2019 Comprehensive Plan) specifies that the following zones are compatible with this land use classification.

Commercial -Low Intensity	C-1 (Neighborhood Commercial) C-1A (Limited Commercial) C-2 (central Commercial) C-2A (Limited Central Commercial) RGO (General Residence and Office) CPO (Commercial and Professional Office) IO (Institutional and Office)
----------------------------------	---

III. ZONING REVIEW

Request for C-2A (Limited Central Commercial Zone) Zoning

- The following description of the C-2A zoning district is provided from Article 3 §14 of the *Zoning Ordinance*.

Article 3 Section 14. – Limited Central Commercial Zone (C-2A).

14.1 *Uses permitted.* No building or premises shall be used and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

- (a) Retail Stores
- (b) Business, professional or government offices
- (c) Personal service establishments.
- (d) Restaurants.
- (e) **Service establishments.**
- (f) Hotels.
- (g) Places of public assembly.
- (h) Drive-throughs.
- (i) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
- (j) Apartments and multi-family dwellings

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

- (a) Parking lots and parking structures as a principal use on suitably landscaped lots.
- (b) Fuel pumps accessory to a permitted use.

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

14.4 *Performance standards.* All uses are subject to performance standards as set forth in [article 5](#), section 8.1.

14.5 *Site development plan approval.* Site development plan approval in accordance with [article 10](#), section 2 hereof shall be required prior to the issuance of building permits for the erection or

enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

COZ-1 (Corridor Overlay Zone)

The purpose and requirements of the COZ-1 (Corridor Overlay Zone) are given in Article 3 §27 of the *Zoning Ordinance*. The COZ-1 regulations include the following:

Article 3 Section 27. – Corridor Overlay Zone-1 (COZ-1).

14.1 *Purpose*. The corridor overlay zone (COZ) is established for the following reasons:

- (a) To promote superior urban corridor development and the highest quality built environment;
- (b) To foster coordination and linkage among corridor properties and with adjacent lands;
- (c) To preserve the functionality and efficiency of the roadway for traffic movement; and
- (d) To achieve a visually balanced streetscape environment which is friendly to the pedestrian and motorist alike.

27.2 *Superior urban design*. For the purposes of this ordinance the term "superior urban design" shall meet the following criteria:

(a) Superior urban design places a strict and primary importance on the pedestrian. The concept should lend itself to interconnectivity while presenting building structures as aspects of the street, not simply islands existing in the "sea of roads". The design should encourage fewer car-trips, as well as promote automobile trips on an interconnected local street system rather than trips that utilize the arterials. In demonstrating superior urban design, an applicant must show that the plan presented exceeds the requirements of the zoning ordinance in at least two of the following areas:

- (i) Transportation amenities for bicycles, pedestrians and transit that exceed those required by the zoning ordinance;
- (ii) Architectural features including, but not limited to: LEED-certified buildings; unique architecture not replicated in other locations; use of architectural elements such as entry porticos, porte-cocheres, colonnades, cornices, porch columns and balusters, band courses, coins, water tables and other trim that enhances visual quality and function of the structure; and use of the highest-quality construction materials.
- (iii) Landscaping that exceeds the requirements of this section, including robust use of trees, shrubbery, and flowering plants to screen parked cars; water gardens and ponds; arboretums; tree preservation measures;
- (iv) Public spaces and art including, but not limited to, sculpture, memorials, murals, public court yards and pocket parks, and fountains;
- (v) Green technologies for stormwater management, as well as green energy technologies such as geothermal heating and cooling and solar energy supplies.

(b) The city planner shall develop policy guidance on how the concept of superior urban design will be evaluated.

27.3 *Zone boundaries.* The COZ encompasses the lands adjacent to the following roadways as outlined on the City of Dover Zoning Map as set forth in [article 2](#), section 2 of this ordinance:

(a) Delaware Route 8 (Forrest and Division Streets) from the railroad tracks in a westerly direction to the city limit line.

(b) McKee/Saulsbury Road (County Road 156) from the intersection at Dennys Road (County Road 100) in a southerly direction to the terminal intersection with West North Street (County Road 73).

27.4 *Permitted uses.* Land use shall be governed by those provisions of this ordinance related to the specific zoning district designations of each property as depicted on the zoning map.

27.5 *Site development plan approval.* Site development plan approval in accordance with [article 10](#), section 2 shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change in use. When the zoning district regulations specify that a particular use requires conditional use approval in accordance with [article 10](#), section 1, the provisions of that article shall apply. Site development plans and conditional use site plans for properties within the COZ shall reflect compliance with the development guidelines of this article, in addition to all other applicable codes and regulations.

27.6 *Development guidelines.*

27.61 *Setbacks:*

a. *Front yards.*

	Residential		Nonresidential	
	Min.	Max.	Min.	Max.
McKee/Saulsbury	60' to 80'		40' to 50' *	
Route 8—Artis Drive to Mifflin Road	60' to 80'		None	
Route 8—Mifflin Road to Saulsbury Road	40' to 60'		40' to 60' *	
Route 8—Saulsbury Road to R.R. line	20' to 30'		20' to 30'	
Subdivision streets	(Setback provisions of article 4 shall apply)			

* When the applicant can demonstrate to the satisfaction of the planning commission through the site plan review process that the proposal involves a superior urban design, the maximum setback may be increased to no more than 90 feet from the property line on Route 8 from Mifflin Road to Saulsbury Road and on McKee and Saulsbury Roads.

27.62 *Building placement.* Buildings shall be situated on the property so as to maximize the use of the frontage along the roadway and shall have the longest side of the building arranged parallel and square to the roadway. When the applicant can demonstrate to the satisfaction of the planning commission that, due to specific constraints related to lot configuration, alternative building placements may be permitted.

27.63 *Parking.*

(a) *Location.* Parking shall not be permitted to be situated within the front yard, nor between the right-of-way line and the building, except in the following instances:

- (i) Automobile service stations;
- (ii) Properties in a shopping center (SC) zoning district, in which case, parking may be permitted between the building and the roadway, provided that such parking [shall] be limited to five rows of single parking spaces between the road and the storefront;
- (iii) When the applicant can demonstrate to the satisfaction of the planning commission through the site plan review process that the design presented involves a superior urban design, parking may be permitted between the building and the street, provided that such parking within this area shall be adequately landscaped and screened from the roadway.

(b) *Required number of spaces.* See specific district requirements in [article 4](#).

(c) *Layout.*

(i) Parking lots shall be arranged in such a manner so that not more than 20 parking spaces in a row shall be permitted without a landscaped island. No more than six rows of 20 spaces shall be provided without provision for a landscaped median. Parking islands shall be a minimum of ten feet wide and planting medians shall be no less than eight feet wide.

(ii) There shall be a landscaped buffer area of at least 12 feet in width between the building and parking lot and drive areas. The buffer area shall include provisions for a sidewalk of at least six feet and no greater than eight feet in width. The buffer area and sidewalk shall be grade separated from the parking lot by concrete curbing of at least six inches in height.

(d) *Landscaping.* Design shall be simple and easy to maintain and shall consist of a combination of hardy canopy trees, low evergreen shrubs and turf grass, and shall be designed in accordance with landscape guidelines set forth in [article 5](#), section 15 of this ordinance and as follows:

(i) *Interior landscaping.* A minimum of five percent of the interior area of a parking lot shall be reserved for landscape purposes. This provision shall include the landscaping of all required parking islands and medians. Shade trees shall be incorporated within the landscaped islands whenever and wherever practicable.

(ii) *Parking lot screening adjacent to public right-of-way.* Low profile screening shall be required when parking spaces would result in vehicles facing onto the roadway. Screening may consist of a low wall, evergreen hedge with a minimum height of two feet at the time of planting, planted three feet apart on center, and a maximum height of three feet at maturity, or earth berm. Should a low wall be used, such wall shall be accompanied by evergreen shrub plantings on the roadway side of the wall and spaced ten feet apart on center.

(iii) *Reserved.*

27.64 *Site access.*

(a) *Entrance width and radii.* Site entrances shall have a minimum width of 24 feet. Entrances involving a median divider shall be at least 35 feet in width. Entrance radii shall be a minimum of 15 feet and a maximum of 25 feet.

(b) *Number of entrances and curb cut spacing.* One curb cut shall be permitted for each street which abuts a site. For sites with street frontage in excess of 300 linear feet, one

additional curb cut may be permitted. For sites with street frontage in excess of 600 linear feet, two additional curb cuts may be permitted.

Multiple curb cuts on a property shall have a minimum spacing distance in accordance with the following schedule:

Speed Limit	Maximum Spacing (Ft.)
25	105
30	125
35	150
40	185
45	230
50	275

(c) [*Shared access.*] Shared access shall be provided, whenever possible, for entrances to adjoining uses, including residential driveways.

(d) [*Cross access.*] Cross access shall be provided among abutting uses of similar use categories, whenever possible, to provide linkage between properties as an alternative to re-entering the corridor to access both existing and future neighboring properties.

(e) [*Entrance locations for adjoining properties.*] Commercial site entrances shall be no closer than 25 feet to an adjoining property which is zoned residential and no closer than ten feet to an adjoining property which is in a nonresidential zoning category.

27.65 [*Signs.*] Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

27.66 *Building height.*

(a) Buildings shall be limited in overall height to 35 feet and shall not exceed two stories.

27.67 *Open space and landscaping.*

(a) *Lot coverage.* Each lot shall have a minimum of 25 percent of the lot area dedicated to be landscaped open space. A lesser amount of landscaped open space may be permitted when it can be demonstrated to the satisfaction of the planning commission, through the site plan review process, that, due to lot configuration and existing built conditions, the required minimum is impractical.

(b) *Frontage.* Each lot shall have a landscaped open space of at least 25 feet in width, measured from the back of curb along the entire frontage of the lot, except at points of site access. Trees shall be provided along the frontage perimeter at a minimum rate of one tree for each 50 linear feet of frontage.

(c) *Side and rear yards.* A minimum of 15 feet of landscaped open space shall be provided along all side and rear lot lines when abutting a residential use and a minimum of five feet when abutting a nonresidential use. Tree plantings shall be provided along all nonfrontage perimeters at a minimum rate of one tree for each 75 linear feet.

(d) *Stormwater detention ponds.* Detention ponds may be counted toward the minimum 25 percent open space area, provided that such ponds are designed to emulate natural features by incorporating irregular outline, gradual slopes (no greater than 1:4), and appropriate landscape plantings.

(e) *Landscaping.* Landscaped open spaces shall be designed in accordance with the provisions of this section, as well as the landscaping guidelines as set forth in article 5, section 9 of this ordinance.

(f) *Screening.* The following items shall be located so as to minimize visibility from the roadway, adjacent properties and other public areas, and shall be screened from public view:

- (1) Service bays;
- (2) Loading docks and platforms;
- (3) Rooftop utilities;
- (4) Satellite dishes;
- (5) Dumpsters;
- (6) Storage areas.

(g) *Standard for tree plantings.* Trees shall be of a high canopy variety and shall be limbed to a minimum height of 12 feet above grade at maturity.

(h) *Standards for shrubbery.* Shrubby shall be of a low evergreen variety and shall be limited to use as foundation plantings and for screening purposes.

(i) *Standards for ground cover.* Ground cover shall be limited to turf and ornamental grasses and ornamental evergreen ground cover plantings within required landscape areas.

27.68 *Lot configuration.* All lots within the corridor overlay district created after the enactment of this section shall conform to the following:

- (a) Minimum lot area [shall be] 10,000 square feet. Service stations [shall have a minimum lot area of] 20,000 square feet.
- (b) Minimum lot depth shall be 100 feet. In the C-3 (service commercial) district, the minimum lot depth shall be 150 feet.
- (c) Minimum road frontage shall be at least 100 feet. In the C-3 (service commercial) district, the minimum road frontage shall be 150 feet.

27.69 *Architectural review.* The side of any building which faces the corridor (or corridors) shall be referred to as the "corridor elevation." Buildings in the COZ-1 shall be designed to front on the corridor, and the corridor elevation shall contain architectural elements traditionally associated with the front of a building. Blank walls without functioning windows are prohibited along the corridor. Windows must be incorporated into the overall design concept of the corridor elevation. Providing one or several small windows on a large corridor elevation shall not constitute compliance with this ordinance.

A "functioning window" shall be defined as a window which lets light into the interior of the structure, and is integrated and related to the interior layout of the space. In addition to functioning windows, the corridor elevation shall have the following elements:

- (a) A primary entrance door or doors (except for loading doors).
- (b) A primary entrance feature, such as a porch, portico, awning, entrance walk, or other similar feature.

In addition, the corridor elevation shall have one of the following elements:

- (a) Landscaping integrated into the building design concept.
- (b) Architectural or urban design elements which link adjacent structures together, such as plazas, walkways, colonnades, or similar features.
- (c) Architectural relief, such as vertical and horizontal offsets in exterior wall elevations, band courses, lintels and sill courses, cornices, and the like, to create shadow lines.

The applicant shall submit 12 copies of the corridor elevation at the time of application. The city planner or his/her designee shall determine whether compliance with the provisions of this ordinance has been achieved.

27.7 Properties located on a corner lot with two frontages within the Corridor Overlay Zone. When a property is located on the corner of two corridors within the Corridor Overlay Zone, only one of the two corridors shall be subject to the requirements of Section 27.61 Setbacks and Section 27.63 Parking, Subsection (a) Location. The frontage of the property on which the identifiable front of the building is located shall be the frontage that is subject to the requirements of Section 27.61 And Section 27.63, Subsection (a). In designing the site, in order to qualify for the relief under this subsection, the applicant must demonstrate to the satisfaction of the planning commission that the design incorporates the principles of superior urban design as defined in Section 27.2.

Zoning Definitions:

Service establishment: Any establishment whose primary activity is the provision of assistance, as opposed to products, to individuals, business, industry, government, and other enterprises.

IV. RECOMMENDATION OF PLANNING STAFF:

The C-2A zone has a range of permitted uses that include commercial uses such as retail, office, personal service & service establishments, restaurants, and places of public assembly. The C-2A zone also includes permitted uses that are residential in nature including one-family residences (detached dwellings and duplex units), apartments and multi-family dwellings (more than 2 dwelling units in same building). The C-2A zone also includes conditional uses (uses subject to specific review for approval) for parking lots/structures and for fuel pumps as accessory to a permitted use. The current use as a one-family detached dwelling unit (single-family house) is a permitted use.

Staff recommends that the Rezoning be granted to C-2A (Limited Central Commercial Zone) as requested, as the proposed zoning is consistent with the *Comprehensive Plan* for the Commercial: Low Intensity Land Use Classification. The use as a Service Establishment (Car Wash with Drive-through) is permitted in the C-2A Zone. Staff also recommends that the property remain subject to the COZ-1 (Corridor Overlay Zone) due to its frontage on Forrest Avenue. The purposes of the COZ-1 are to promote superior urban corridor development; to foster coordination and linkage among corridor properties; to preserve functionality and efficiency of the roadway for traffic movement; and to achieve a visually balanced streetscape environment friendly to the pedestrian and motorist. (*Zoning Ordinance*, Article 3 §27). The COZ-1 includes a number of additional buffers/setbacks, landscaping enhancements, and site layout design requirements.

Planning Staff notes that access design for this site is subject to DelDOT review and approval. Given the relative limited area of the property, and its proximity to the intersection of Forrest Avenue and Mifflin Road, access design may be complex due to the intended use of the property.

Were the application for Rezoning to be recommended by the Planning Commission and subsequently approved by the City Council, the applicant would still have to submit Site Development Plan for review and approval by the Planning Commission, as well as all relevant Building Permits, in order for the use of the site to be established.

This recommendation is being made without that benefit of hearing the comments of surrounding landowners and residents. A public hearing is required on this matter and the Planning Commission should give those comments consideration.

V. ADVISORY COMMENTS TO THE APPLICANT:

- 1) The applicant shall be aware that approval of any rezoning application does not represent Site Development Plan or Record Plan approval. Following any decision made by City Council in regard to this rezoning, then an application for a Site Plan, Subdivision Plan, and/or appropriate Building Permits must be submitted to the Planning Department prior to the establishment of a use, development activity, or any construction activity on the site. The applicant should contact the Planning Staff to determine the appropriate review process for any proposed projects.
- 2) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit, Sign Permit or other construction activity permit approval. A separate application submission is required before issuance of permits by the City of Dover.
- 3) The applicant shall be aware that any future use of the existing structures may be subject to a separate permitting or licensing process through the City of Dover Licensing and Permitting Division. Certain types of uses also require a Public Occupancy Permit or Rental Dwelling Permits.

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: JUNE 2, 2021



APPLICATION: Lands of Peter F. and Bonnie S. Reidy at 4 Mifflin Road

FILE #: Z-21-04

REVIEWING AGENCY: City of Dover Department of Public Works

CONTACT PERSON: Sharon J. Duca, P.E.

CONTACT PHONE #: 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:

STORMWATER / STREETS / SANITATION

1. None.

GENERAL

1. Our office has no objection to the rezoning of tax parcel ED-05-076.09-01-11.00-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

STORMWATER / STREETS / SANITATION / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT:

STORMWATER / STREETS / SANITATION / GENERAL

1. None.

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: JUNE 2, 2021



APPLICATION: Lands of Peter F. and Bonnie S. Reidy at 4 Mifflin Road
FILE #: Z-21-04
REVIEWING AGENCY: City of Dover Department of Water & Wastewater
CONTACT PERSON: Jason A. Lyon, P.E., Director of Water & Wastewater
CONTACT PHONE #: 302-736-7025
CONTACT PHONE #: jlyon@dover.de.us

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

WATER / WASTEWATER

1. Our office has no objection to the rezoning of tax parcels: ED-05-076.09-01-11.00-000

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

WATER / WASTEWATER / GENERAL

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate meter / service / main to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of water and sewer services and meters will be assessed at that time. (Please note that each water meter registered with the City of Dover must have a separate service line.) Should the existing water and sanitary sewer services no longer be required based upon the proposed use, they must be properly abandoned at the mains in accordance with all City of Dover Water / Wastewater Handbook.
2. Any redevelopment shall adhere to the City of Dover Water / Wastewater Handbook.
3. Please note that renovations and or change of use projects must ensure that the water and wastewater service is brought up to current requirements. This may include relocating the water meter outside or changing service line sizes. Please ensure you schedule a meeting with the Department of Water & Wastewater during the planning phase for this site. Additional impact fees may apply for future development.

ADVISORY COMMENTS TO THE APPLICANT

WATER / WASTEWATER / GENERAL

1. None

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 2, 2021

APPLICATION: Lands of Peter F. & Bonnie S. Reidy at 4 Mifflin Road

FILE #: Z-21-04

REVIEWING AGENCY: City of Dover Electric Department

CONTACT PERSON: Paul Waddell, Electric Director

CONTACT PHONE #: 302-736-7072

CONTACT EMAIL #: pwaddell@dover.de.us

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

Our office has no objection to the rezoning of: ED-05-076.09-01-11.00-000

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate meter / service to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of electric and meters will be assessed at that time.
2. Any redevelopment shall adhere to the City of Dover's Electric Service Handbook.
<https://evogov.s3.amazonaws.com/media/27/media/13108.pdf>.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 06/02/21

APPLICATION: Lands of Peter F and Bonnie S Reidy at 4 Mifflin Rd

FILE #: Z-21-04 **REVIEWING AGENCY:** City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal **PHONE #:** (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. This is a rezoning request. This office has no objections.
2. Every house, building or structure used or intended for use as living quarters or as a place for conducting business, and having any wall facing or abutting any public or private street or alley, shall have displayed on that wall, in legible, easily read characters which are of contrasting color to the background, the proper street number for such house, building, or structure in accordance with the following:

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

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

Commercial, industrial and office buildings, height, the numbers shall measure a minimum of 12 inches in height, *location generally*, numbers shall be placed either in the center of the building or on the

street end of the building so as to be visible from either the public or private street or from the parking lot,

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

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

Arabic numerals, all numbers used shall be Arabic numerals,

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

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



=====

APPLICATION: Lands of Peter F. and Bonnie S. Reidy (4 Mifflin Road)

FILE#: Z-21-04

REVIEWING AGENCY: DeIDOT

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:

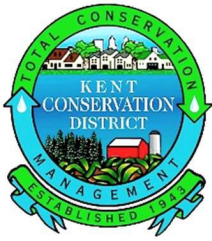
CITY & STATE CODE REQUIREMENTS:

No person, firm, corporation or the like shall construct, open, reconstruct, maintain, modify or use any crossing or entrance onto a state-maintained highway, street or road, including any drainage modifications leading into or carried by the highway drainage system, without first having complied with standards and regulations adopted by the Department and having obtained a permit issued by the Department. Please contact the Delaware Department of Transportation - Development Coordination section to begin permit process.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. No comments to the rezoning.
2. At such time the property develops it shall be submitted to DeIDOT. At that time schedule a pre-submittal meeting to begin the process.



KENT CONSERVATION DISTRICT

Item 5.

1679 SOUTH DUPONT HIGHWAY • DOVER, DELAWARE 19901 • (302) 608-5370 • WWW.KENTCD.ORG

**CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
June 2021**

APPLICATION: Lands of Peter F. and Bonnie S. Reidy at 4 Mifflin Road

FILE #: Z-21-04

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Kate Owens

PHONE #: 302-608-5370

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:

Kent Conservation District has no objection to the proposed rezoning of the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

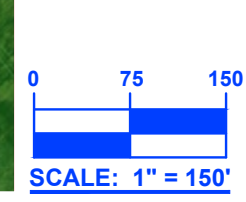
Soil disturbance (e.g. clearing, grading, excavations, tree clearing, or stoning) equal to or greater than 5,000 square feet requires a Sediment and Stormwater Management Plan to be submitted and approved by the Kent Conservation District prior to the commencement of disturbance.



SITE DATA	
1. OWNER OF RECORD:	PETER F. REIDY 4 MIFFLIN RD. DOVER, DE 19904 (302) 730 - 2923
2. EQUITABLE OWNER:	RAJ SYAN 1013 MATTHEW WAY NEW CASTLE, DE 19720 (610) 316 - 1105
3. ENGINEER	BECKER MORGAN GROUP INC. 309 SOUTH GOVERNORS AVENUE DOVER, DE 19904 (302) 743 - 7950
4. PROPERTY MAP NUMBER:	2-05-07609-01-1100-00001
5. ZONING CLASSIFICATION:	EXISTING: C-PO - COMMERCIAL AND PROFESSIONAL OFFICE SPACE PROPOSED: C-2A - LIMITED CENTRAL COMMERCIAL ZONE
6. DEED SUMMARY:	0040 - 0179
7. PRESENT USE:	VACANT RESIDENTIAL HOME
9. PROPOSED USE:	CAR SERVICE WITH DRIVE THROUGH
10. TOTAL SITE AREA:	1.248 ACRES ±
11. SOURCE OF WATER:	CITY OF DOVER
12. SOURCE OF SEWER:	CITY OF DOVER



SITE
LANDS I/F
PETER F. REIDY
T.P. 05-076-09-01-11.00
ZONING - C-PO - COMMERCIAL
& PROFESSIONAL OFFICE ZONE
1.248 ACRES ±



**MIFFLIN ROAD
REZONING EXHIBIT**

CITY OF DOVER
KENT COUNTY, DELAWARE

LAYER STATE:
**BECKER
MORGAN
GROUP**

ARCHITECTURE
ENGINEERING
Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

BMG: 2021074.00
SCALE: 1" = 150'
DATE: 05/06/2021
DRAWN BY: A.C.F.
1



PETITION TO AMEND ZONING DISTRICT
Public Hearing Before Planning Commission
On June 21, 2021

Owner: Draper Farm Properties, LLC

Address: 1617 Forrest Avenue

Location: North side of Forrest Avenue, east of Cranberry Run Drive

Tax Parcel: ED-05-075.00-01-07.00-000

Size: 5 acres (217,800 SF)

Present Use: Vacant (Previous residence demolished and with associated agricultural outbuildings and land in cultivation)

Proposed Use: Retail Store & Accessory Use (Convenience Store with Fuel Pumps)

2019 Comprehensive Plan Designation – Land Use Category: Mixed Use

Present Zoning: R-10 (One-Family Residence Zone) and COZ-1 (Corridor Overlay Zone)

Proposed Zoning: C-2A (Limited Central Commercial Zone) and COZ-1 (Corridor Overlay Zone)

Reason for Request: To amend the zoning of the 5.04+/- acre parcel at 1617 Forrest Avenue, Dover DE 19904 from R-10 to C-2A (while retaining COZ-1 Overlay).

File Number: Z-21-05

Ordinance Number: 2021-14

I. APPLICATION SUMMARY

This Rezoning Application is for a parcel of land consisting of 5.04 acres. The property is zoned R-10 (One Family Residence Zone) subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-2A (Limited Central Commercial Zone) subject to the COZ-1 (Corridor Overlay Zone). The property is located on the north side of Forrest Avenue and adjacent to Cranberry Run Drive. The owner of record is Draper Farm Properties LLC. Property Address: 1617 Forrest Avenue. Tax Parcel: ED-05-075.00-01-07.00-000. Council District 1. Ordinance #2021-14.

Existing Property:

The property consisted of 5.04 acres is located at the northeast corner of Forrest Avenue and Cranberry Run Drive. The property has frontage of over 750 feet along Forrest Avenue/Route 8 and frontage of over 300 feet on Cranberry Run Drive. The property has a farmstead location (previous dwelling now demolished) and a series of accessory structures that appeared to have served as agricultural buildings. A majority of the property has been in agricultural cultivation. Both street frontages have existing sidewalks and existing curb cuts for the former dwelling location (from Forrest Avenue) and to the field/ accessory structures (from Cranberry Run Drive).

This application only seeks rezoning of the property from R-10 to C-2A; the COZ-1 (Corridor Overlay Zone) designation will remain. The applicant is seeking rezoning to allow for future development of the property. They identified a potential use as a Convenience Store with Fuel Pump. Under the *Zoning Ordinance*, the Convenience Store would be considered a permitted use a retail store and the fuel pumps would be an accessory use requiring Conditional Use approval. The redevelopment of the site will be subject to a separate application submission.

Previous Application:

This property was subject to a Request during the review process for the adoption of the *2019 Comprehensive Plan*. As Request for Changes to DRAFT 2019 Comprehensive Plan - Request #1, the property owner requested a change in the Land Use Classification (on Land Development Plan Map 12-1) from the proposed Residential Medium Density Land Use Classification to Mixed Use or Commercial Land Use Classification. On December 16, 2019, the Planning Commission recommended (by a vote of 5-2) a Land Use Classification of Mixed Use. Then, the Land Use Classification Category of Mixed Use for this property was approved by City Council on January 13, 2020 as part of the review and adoption of the *2019 Comprehensive Plan* document and maps.

Surrounding Land Uses

The surrounding parcels are zoned residential. The properties immediately adjacent on the north and to the west of the property are zoned R-10 (One Family Residence Zone). This is a residential subdivision of single family detached dwellings known as Cranberry Run. Adjacent to the east are properties zoned RM-1 (Residential Medium Density Zone) as another residential subdivision of Heatherfield consisting of single family detached dwellings and duplexes along Stoney Drive. There are more residential developments along Forrest Avenue as you move east until to each the extensive commercial corridor which starts about Mifflin Road and continues east. Across Forrest Avenue/Route 8 to the south are a series of nine (9) parcels with eight (8) single family detached dwellings located under Kent County's jurisdiction. Also, to the south (and surrounding these residences) is the campus of the Dover High School. Access to the Dover

High School, is via Dover High Drive with its signalized intersection with Forrest Avenue (0.36 miles west of the subject site) and at the campus entrance with HAWK Signal at the intersection of Heatherfield Way and Forrest Avenue.

II. COMPREHENSIVE PLAN COMPLIANCE REVIEW

In the *2019 Comprehensive Plan*, the Land Development Plan (Map 12-1) recommends that this property be used for Mixed Use. Regarding Mixed Use Areas and the Land Use Classification of Mixed Use, this is discussed in Chapter 12 – Land Development Plan beginning on page 12-7.

The goals and for Mixed Use Areas Land Use are listed in the *2019 Comprehensive Plan* excerpts presented below:

Goals: Mixed Land Use

The overall goals for Mixed Use areas are:

1. Encourage creation of neighborhood centers.
2. Within the close-knit neighborhood fabric there are opportunities for the creation of urban centers. These centers should be established along major roadways and feature mixed use development, pedestrian-friendly public environments and opportunities for connection to future transit.
3. In order to encourage non-automobile access to the center, the activities should be clustered within a one-half mile radius (or 10-minute walk) and be located so as to draw upon residents from a number of surrounding neighborhoods.
4. Develop strategies that will encourage the creation of well-defined public street spaces and pedestrian-friendly village areas that encourage walking and bicycle use. This may include on-street and behind building parking, and the creation of build-to lines for new development.
5. Improve access that limits public access to open spaces areas such as pedestrian, bicycle, and transit networks to parks and natural areas.
6. Encourage the Mixed Use of residential and commercial uses in the Downtown area.

The *Comprehensive Plan* notes that Mixed Use Areas “can be an area where a new development should foster walkability and close interactions among activities and uses in a traditional neighborhood setting.” Chapter 9 – Transportation Plan from the *Comprehensive Plan* identifies Forrest Avenue/Route 8 as a Minor Arterial Street and the need to focus efforts on improvements along the Route 8 corridor “that would improve safety, better manage access, reduce congestions, and provide improved traffic flow.” The development and implementation of strategies for addressing East/West Traffic in the City is Recommendation 7 from that Chapter.

The Rezoning Request to C-2A (Limited Central Commercial Zone) is consistent with the Land Use Classification of Mixed Use. Table 12-1: Land Use and Zoning Matrix (from the *2019 Comprehensive Plan*) specifies that the following zones are compatible with this land use classification. See the excerpt from Table 12-1 given below. It is noted that Table 12-1 for the Mixed Use Land Use Category identifies other zoning districts that allow for a mixed of commercial and residential uses but may be more limiting in the specific types of uses permitted.

Mixed-Use	C-2 (Central Commercial) (Downtown Redevelopment Target Area Only) C-2A (Limited Central Commercial) TND (Traditional Neighborhood Design) C-1 (Neighborhood Commercial) C-1A (Limited Commercial) RGO (General Residence and Office) (Downtown Redevelopment Target Area Only) R-8 (One Family Residence) R-10 (One Family Residence) RG-1 (General Residence) RG-2 (General Residence) RG-4 (General Resident - Multi-Story Apartments) C-3 (Service Commercial) CPO (Commercial and Professional Office) IO (Institutional and Office)
------------------	---

III. ZONING REVIEW

Request for C-2A (Limited Central Commercial Zone) Zoning

The types of permitted uses and conditional uses in the C-2A zone are given Article 3 §14 of the *Zoning Ordinance*. See the following code excerpt.

Article 3 Section 14. – Limited Central Commercial Zone (C-2A).

14.1 *Uses permitted.* No building or premises shall be used and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following:

- (a) Retail Stores
- (b) Business, professional or government offices
- (c) Personal service establishments.
- (d) Restaurants.
- (e) Service establishments.
- (f) Hotels.
- (g) Places of public assembly.
- (h) Drive-throughs.
- (i) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
- (j) Apartments and multi-family dwellings

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

- (a) Parking lots and parking structures as a principal use on suitably landscaped lots.
- (b) Fuel pumps accessory to a permitted use.

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

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

14.5 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or

enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

COZ-1 (Corridor Overlay Zone)

The provisions of the COZ-1 (Corridor Overlay Zone) are established to “promote superior urban corridor development and the highest quality-built environment.” There are a series architectural, parking, and landscaping guidelines that would be required by the COZ-1 zoning district, if development of the property is proposed. The purpose and requirements of the COZ-1 (Corridor Overlay Zone) are given in Article 3 §27 of the *Zoning Ordinance*. See the following code excerpt.

Article 3 Section 27. – Corridor Overlay Zone 1 (COZ-1)

27.1 *Purpose*. The corridor overlay zone (COZ) is established for the following reasons:

- (a) To promote superior urban corridor development and the highest quality built environment;
- (b) To foster coordination and linkage among corridor properties and with adjacent lands;
- (c) To preserve the functionality and efficiency of the roadway for traffic movement; and
- (d) To achieve a visually balanced streetscape environment which is friendly to the pedestrian and motorist alike.

27.2 *Superior urban design*. For the purposes of this ordinance the term "superior urban design" shall meet the following criteria:

(a) Superior urban design places a strict and primary importance on the pedestrian. The concept should lend itself to interconnectivity while presenting building structures as aspects of the street, not simply islands existing in the "sea of roads". The design should encourage fewer car-trips, as well as promote automobile trips on an interconnected local street system rather than trips that utilize the arterials. In demonstrating superior urban design, an applicant must show that the plan presented exceeds the requirements of the zoning ordinance in at least two of the following areas:

- (i) Transportation amenities for bicycles, pedestrians and transit that exceed those required by the zoning ordinance;
- (ii) Architectural features including, but not limited to: LEED-certified buildings; unique architecture not replicated in other locations; use of architectural elements such as entry porticos, porte-cocheres, colonnades, cornices, porch columns and balusters, band courses, coins, water tables and other trim that enhances visual quality and function of the structure; and use of the highest-quality construction materials.
- (iii) Landscaping that exceeds the requirements of this section, including robust use of trees, shrubbery, and flowering plants to screen parked cars; water gardens and ponds; arboretums; tree preservation measures;
- (iv) Public spaces and art including, but not limited to, sculpture, memorials, murals, public court yards and pocket parks, and fountains;

(v) Green technologies for stormwater management, as well as green energy technologies such as geothermal heating and cooling and solar energy supplies.

(b) The city planner shall develop policy guidance on how the concept of superior urban design will be evaluated.

27.3 *Zone boundaries.* The COZ encompasses the lands adjacent to the following roadways as outlined on the City of Dover Zoning Map as set forth in article 2, section 2 of this ordinance:

(a) Delaware Route 8 (Forrest and Division Streets) from the railroad tracks in a westerly direction to the city limit line.

(b) McKee/Saulsbury Road (County Road 156) from the intersection at Dennys Road (County Road 100) in a southerly direction to the terminal intersection with West North Street (County Road 73).

27.4 *Permitted uses.* Land use shall be governed by those provisions of this ordinance related to the specific zoning district designations of each property as depicted on the zoning map.

27.5 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change in use. When the zoning district regulations specify that a particular use requires conditional use approval in accordance with article 10, section 1, the provisions of that article shall apply. Site development plans and conditional use site plans for properties within the COZ shall reflect compliance with the development guidelines of this article, in addition to all other applicable codes and regulations.

27.6 *Development guidelines.*

27.61 *Setbacks:*

a. *Front yards.*

	Residential		Nonresidential	
	Min.	Max.	Min.	Max.
McKee/Saulsbury	60' to 80'		40' to 50' *	
Route 8—Artis Drive to Mifflin Road	60' to 80'		None	
Route 8—Mifflin Road to Saulsbury Road	40' to 60'		40' to 60' *	
Route 8—Saulsbury Road to R.R. line	20' to 30'		20' to 30'	
Subdivision streets	(Setback provisions of <u>article 4</u> shall apply)			

* When the applicant can demonstrate to the satisfaction of the planning commission through the site plan review process that the proposal involves a superior urban design, the maximum setback may be increased to no more than 90 feet from the property line on Route 8 from Mifflin Road to Saulsbury Road and on McKee and Saulsbury Roads.

27.62 *Building placement.* Buildings shall be situated on the property so as to maximize the use of the frontage along the roadway and shall have the longest side of the building arranged parallel and square to the roadway. When the applicant can demonstrate to the satisfaction of the planning commission that, due to specific constraints related to lot configuration, alternative building placements may be permitted.

27.63 *Parking.*

(a) *Location.* Parking shall not be permitted to be situated within the front yard, nor between the right-of-way line and the building, except in the following instances:

- (i) Automobile service stations;
- (ii) Properties in a shopping center (SC) zoning district, in which case, parking may be permitted between the building and the roadway, provided that such parking [shall] be limited to five rows of single parking spaces between the road and the storefront;
- (iii) When the applicant can demonstrate to the satisfaction of the planning commission through the site plan review process that the design presented involves a superior urban design, parking may be permitted between the building and the street, provided that such parking within this area shall be adequately landscaped and screened from the roadway.

(b) *Required number of spaces.* See specific district requirements in article 4.

(c) *Layout.*

(i) Parking lots shall be arranged in such a manner so that not more than 20 parking spaces in a row shall be permitted without a landscaped island. No more than six rows of 20 spaces shall be provided without provision for a landscaped median. Parking islands shall be a minimum of ten feet wide and planting medians shall be no less than eight feet wide.

(ii) There shall be a landscaped buffer area of at least 12 feet in width between the building and parking lot and drive areas. The buffer area shall include provisions for a sidewalk of at least six feet and no greater than eight feet in width. The buffer area and sidewalk shall be grade separated from the parking lot by concrete curbing of at least six inches in height.

(d) *Landscaping.* Design shall be simple and easy to maintain and shall consist of a combination of hardy canopy trees, low evergreen shrubs and turf grass, and shall be designed in accordance with landscape guidelines set forth in article 5, section 15 of this ordinance and as follows:

(i) *Interior landscaping.* A minimum of five percent of the interior area of a parking lot shall be reserved for landscape purposes. This provision shall include the landscaping of all required parking islands and medians. Shade trees shall be incorporated within the landscaped islands whenever and wherever practicable.

(ii) *Parking lot screening adjacent to public right-of-way.* Low profile screening shall be required when parking spaces would result in vehicles facing onto the roadway. Screening may consist of a low wall, evergreen hedge with a minimum height of two feet at the time of planting, planted three feet apart on center, and a maximum height of three feet at maturity, or earth berm. Should a low wall be used, such wall shall be accompanied by evergreen shrub plantings on the roadway side of the wall and spaced ten feet apart on center.

(iii) *Reserved.*

27.64 *Site access.*

(a) *Entrance width and radii.* Site entrances shall have a minimum width of 24 feet. Entrances involving a median divider shall be at least 35 feet in width. Entrance radii shall be a minimum of 15 feet and a maximum of 25 feet.

(b) *Number of entrances and curb cut spacing.* One curb cut shall be permitted for each street which abuts a site. For sites with street frontage in excess of 300 linear feet, one

additional curb cut may be permitted. For sites with street frontage in excess of 600 linear feet, two additional curb cuts may be permitted.

Multiple curb cuts on a property shall have a minimum spacing distance in accordance with the following schedule:

Speed Limit	Maximum Spacing (Ft.)
25	105
30	125
35	150
40	185
45	230
50	275

(c) [*Shared access.*] Shared access shall be provided, whenever possible, for entrances to adjoining uses, including residential driveways.

(d) [*Cross access.*] Cross access shall be provided among abutting uses of similar use categories, whenever possible, to provide linkage between properties as an alternative to re-entering the corridor to access both existing and future neighboring properties.

(e) [*Entrance locations for adjoining properties.*] Commercial site entrances shall be no closer than 25 feet to an adjoining property which is zoned residential and no closer than ten feet to an adjoining property which is in a nonresidential zoning category.

27.65 [*Signs.*] Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

27.66 *Building height.*

(a) Buildings shall be limited in overall height to 35 feet and shall not exceed two stories.

27.67 *Open space and landscaping.*

(a) [*Lot coverage.*] Each lot shall have a minimum of 25 percent of the lot area dedicated to be landscaped open space. A lesser amount of landscaped open space may be permitted when it can be demonstrated to the satisfaction of the planning commission, through the site plan review process, that, due to lot configuration and existing built conditions, the required minimum is impractical.

(b) [*Frontage.*] Each lot shall have a landscaped open space of at least 25 feet in width, measured from the back of curb along the entire frontage of the lot, except at points of site access. Trees shall be provided along the frontage perimeter at a minimum rate of one tree for each 50 linear feet of frontage.

(c) [*Side and rear yards.*] A minimum of 15 feet of landscaped open space shall be provided along all side and rear lot lines when abutting a residential use and a minimum of five feet when abutting a nonresidential use. Tree plantings shall be provided along all nonfrontage perimeters at a minimum rate of one tree for each 75 linear feet.

(d) [*Stormwater detention ponds.*] Detention ponds may be counted toward the minimum 25 percent open space area, provided that such ponds are designed to emulate natural

features by incorporating irregular outline, gradual slopes (no greater than 1:4), and appropriate landscape plantings.

(e) *Landscaping*. Landscaped open spaces shall be designed in accordance with the provisions of this section, as well as the landscaping guidelines as set forth in article 5, section 9 of this ordinance.

(f) *Screening*. The following items shall be located so as to minimize visibility from the roadway, adjacent properties and other public areas, and shall be screened from public view:

- (1) Service bays;
- (2) Loading docks and platforms;
- (3) Rooftop utilities;
- (4) Satellite dishes;
- (5) Dumpsters;
- (6) Storage areas.

(g) *Standard for tree plantings*. Trees shall be of a high canopy variety and shall be limbed to a minimum height of 12 feet above grade at maturity.

(h) *Standards for shrubbery*. Shrubby shall be of a low evergreen variety and shall be limited to use as foundation plantings and for screening purposes.

(i) *Standards for ground cover*. Ground cover shall be limited to turf and ornamental grasses and ornamental evergreen ground cover plantings within required landscape areas.

27.68 *Lot configuration*. All lots within the corridor overlay district created after the enactment of this section shall conform to the following:

- (a) Minimum lot area [shall be] 10,000 square feet. Service stations [shall have a minimum lot area of] 20,000 square feet.
- (b) Minimum lot depth shall be 100 feet. In the C-3 (service commercial) district, the minimum lot depth shall be 150 feet.
- (c) Minimum road frontage shall be at least 100 feet. In the C-3 (service commercial) district, the minimum road frontage shall be 150 feet.

27.69 *Architectural review*. The side of any building which faces the corridor (or corridors) shall be referred to as the "corridor elevation." Buildings in the COZ-1 shall be designed to front on the corridor, and the corridor elevation shall contain architectural elements traditionally associated with the front of a building. Blank walls without functioning windows are prohibited along the corridor. Windows must be incorporated into the overall design concept of the corridor elevation. Providing one or several small windows on a large corridor elevation shall not constitute compliance with this ordinance.

A "functioning window" shall be defined as a window which lets light into the interior of the structure, and is integrated and related to the interior layout of the space. In addition to functioning windows, the corridor elevation shall have the following elements:

- (a) A primary entrance door or doors (except for loading doors).
- (b) A primary entrance feature, such as a porch, portico, awning, entrance walk, or other similar feature.

In addition, the corridor elevation shall have one of the following elements:

- (a) Landscaping integrated into the building design concept.
- (b) Architectural or urban design elements which link adjacent structures together, such as plazas, walkways, colonnades, or similar features.

(c) Architectural relief, such as vertical and horizontal offsets in exterior wall elevations, band courses, lintels and sill courses, cornices, and the like, to create shadow lines.

The applicant shall submit 12 copies of the corridor elevation at the time of application. The city planner or his/her designee shall determine whether compliance with the provisions of this ordinance has been achieved.

27.7 Properties located on a corner lot with two frontages within the Corridor Overlay Zone. When a property is located on the corner of two corridors within the Corridor Overlay Zone, only one of the two corridors shall be subject to the requirements of Section 27.61 Setbacks and Section 27.63 Parking, Subsection (a) Location. The frontage of the property on which the identifiable front of the building is located shall be the frontage that is subject to the requirements of Section 27.61 And Section 27.63, Subsection (a). In designing the site, in order to qualify for the relief under this subsection, the applicant must demonstrate to the satisfaction of the planning commission that the design incorporates the principles of superior urban design as defined in Section 27.2.

IV. RECOMMENDATION OF THE PLANNING STAFF:

This Request is to rezone lands from R-10 (One Family Residence Zone) to C-2A (Limited Central Commercial Zone). The property would remain subject to the COZ-1 (Corridor Overlay Zone). The permitted uses allowed in the current zoning district of R-10 focus on residential uses as one-family detached residences and also provides the ability for consideration of conditional uses for places of worship, schools, and certain other institutional types uses. The proposed Rezoning to C-2A zone is a zoning district offering a mix of uses. For the C-2A zone, the range of permitted uses that are commercial uses include retail, office, personal service & service establishments, restaurants, and places of public assembly. The C-2A zone also includes permitted uses that are residential in nature including one-family residences (detached dwellings and duplex units), apartments and multi-family dwellings (more than 2 dwelling units in same building). The C-2A zone also includes conditional uses (uses subject to specific review for approval) for parking lots/structures and for fuel pumps as accessory to a permitted use.

Staff recommends that the rezoning for C-2A (Limited Central Commercial Zone) while retaining the COZ-1 (Corridor Overlay Zone) be granted as requested, as the proposed zoning is consistent with the *2019 Comprehensive Plan* (as amended) for the Mixed Use Land Use Classification Category. Staff also recommends that the property remain subject to the COZ-1 (Corridor Overlay Zone) due to its frontage on Forest Street. The purposes of the COZ-1 are to promote superior urban corridor development; to foster coordination and linkage among corridor properties; to preserve functionality and efficiency of the roadway for traffic movement; and to achieve a visually balanced streetscape environment friendly to the pedestrian and motorist. (*Zoning Ordinance*, Article 3 §27). The COZ-1 includes a number of additional buffers/setbacks, landscaping enhancements, and site layout design requirements. This area is part of the gateway leading into the City of Dover and is also along a key west-east corridor in the transportation system. The area is a transition from the rural areas west of Dover as the corridor becomes residential and then a more heavily commercial area as it moves towards the central core of the City. However, given the residential character surrounding this subject property, a different zoning district allowable by the Land Use and Zoning Matrix could also be considered that would allow for smaller scale community activity in this portion of the corridor to serve the local residential area.

This Rezoning Request does not grant approval of a specific use for the property but makes its land use subject to a listing of uses permitted and potential conditional uses as allowed in the C-2A zoning district. Staff again notes that any potential development for the site would have to be in line with the zoning classifications and would similarly have to follow all development design guidelines of the *Zoning Ordinance*. Were the application for Rezoning to be recommended by the Planning Commission and subsequently approved by the City Council, the applicant would still have to submit Site Development Plans for review for any use of the site to be established.

Staff notes that the parcel proposed for Rezoning meets the 100-foot lot depth requirement of the C-2A zone. Any non-conformity of the existing buildings' uses and placement regarding the bulk standards of the C-2A and COZ-1 would be subject to the provisions of the *Zoning Ordinance*, Article 7 – Nonconforming Buildings and Uses. Any development of the property once zoned C-2A with the COZ-1 would be subject to the bulk standards and provisions and the review processes for site development.

This recommendation is being made without that benefit of hearing the comments of surrounding landowners and residents. A public hearing is required on this matter and the Planning Commission should give those comments consideration.

V. ADVISORY COMMENTS TO THE APPLICANT:

- 1) The applicant shall be aware that approval of any rezoning application does not represent Site Development Plan or Record Plan approval. Following any decision made by City Council in regard to this rezoning, then an application for a Site Plan, Subdivision Plan, and/or appropriate Building Permits must be submitted to the Planning Department prior to the establishment of a use, development activity, or any construction activity on the site. The applicant should contact the Planning Staff to determine the appropriate review process for any proposed projects.
- 2) The property is subject to the requirements of the COZ-1 (Corridor Overlay Zone) related to development.
- 3) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit, Sign Permit or other construction activity permit approval. A separate application submission is required before issuance of permits by the City of Dover.
- 4) The applicant shall be aware that any future use of the existing structures may be subject to a separate permitting or licensing process through the City of Dover Licensing and Permitting Division. All businesses operating in the City of Dover are required to obtain a City of Dover Business Licenses. Certain types of uses also require a Public Occupancy Permit or Rental Dwelling Permits.

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: JUNE 2, 2021



APPLICATION: Lands of Draper Farm Properties at 1617 Forrest Avenue

FILE #: Z-21-05

REVIEWING AGENCY: City of Dover Department of Public Works

CONTACT PERSON: Sharon J. Duca, P.E.

CONTACT PHONE #: 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:

STORMWATER / STREETS / SANITATION

1. None.

GENERAL

1. Our office has no objection to the rezoning of tax parcel ED-05-075.00-01-07.00.00-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

STORMWATER / STREETS / SANITATION / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT:

STORMWATER / STREETS / SANITATION / GENERAL

1. None.

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: JUNE 2, 2021



APPLICATION: Lands of Draper Farm Properties at 1617 Forrest Avenue
FILE #: Z-21-05
REVIEWING AGENCY: City of Dover Department of Water & Wastewater
CONTACT PERSON: Jason A. Lyon, P.E., Director of Water & Wastewater
CONTACT PHONE #: 302-736-7025
CONTACT PHONE #: jlyon@dover.de.us

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

WATER / WASTEWATER

1. Our office has no objection to the rezoning of tax parcels: ED-05-075.00-01-07.00-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

WATER / WASTEWATER / GENERAL

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate meter / service / main to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of water and sewer services and meters will be assessed at that time. (Please note that each water meter registered with the City of Dover must have a separate service line.) Should the existing water and sanitary sewer services no longer be required based upon the proposed use, they must be properly abandoned at the mains in accordance with all City of Dover Water / Wastewater Handbook.
2. Any redevelopment shall adhere to the City of Dover Water / Wastewater Handbook.
3. Please note that renovations and or change of use projects must ensure that the water and wastewater service is brought up to current requirements. This may include relocating the water meter outside or changing service line sizes. Please ensure you schedule a meeting with the Department of Water & Wastewater during the planning phase for this site. Additional impact fees may apply for future development.

ADVISORY COMMENTS TO THE APPLICANT

WATER / WASTEWATER / GENERAL

1. None

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 2, 2021

APPLICATION: Lands of Draper Farm Properties at 1617 Forrest Avenue

FILE #: Z-21-05

REVIEWING AGENCY: City of Dover Electric Department

CONTACT PERSON: Paul Waddell, Electric Director

CONTACT PHONE #: 302-736-7072

CONTACT EMAIL #: pwaddell@dover.de.us

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

Our office has no objection to the rezoning of: ED-05-075.00-01-07.00.00-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate meter / service to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of electric and meters will be assessed at that time.
2. Any redevelopment shall adhere to the City of Dover's Electric Service Handbook. <https://evogov.s3.amazonaws.com/media/27/media/13108.pdf>.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 06/02/21

APPLICATION: Lands of Draper Farm Properties at 1617 Forrest Avenue

FILE #: Z-21-05 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal PHONE #: (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. This is a rezoning request. This office has no objections.
2. Every house, building or structure used or intended for use as living quarters or as a place for conducting business, and having any wall facing or abutting any public or private street or alley, shall have displayed on that wall, in legible, easily read characters which are of contrasting color to the background, the proper street number for such house, building, or structure in accordance with the following:

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

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

Commercial, industrial and office buildings, height, the numbers shall measure a minimum of 12 inches in height, *location generally*, numbers shall be placed either in the center of the building or on the

street end of the building so as to be visible from either the public or private street or from the parking lot,

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

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

Arabic numerals, all numbers used shall be Arabic numerals,

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

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)

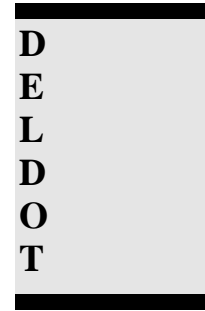
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations

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



=====

APPLICATION: Draper Farm (1617 Forest Avenue)

FILE#: Z-21-05

REVIEWING AGENCY: DeIDOT

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:

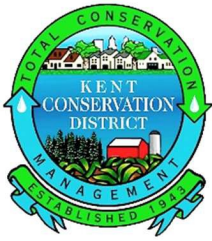
CITY & STATE CODE REQUIREMENTS:

No person, firm, corporation or the like shall construct, open, reconstruct, maintain, modify or use any crossing or entrance onto a state-maintained highway, street or road, including any drainage modifications leading into or carried by the highway drainage system, without first having complied with standards and regulations adopted by the Department and having obtained a permit issued by the Department. Please contact the Delaware Department of Transportation - Development Coordination section to begin permit process.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. No comments to the rezoning.
2. At such time the property develops it shall be submitted to DeIDOT. At that time schedule a pre-submittal meeting to begin the process.



KENT CONSERVATION DISTRICT

Item 6.

1679 SOUTH DUPONT HIGHWAY • DOVER, DELAWARE 19901 • (302) 608-5370 • WWW.KENTCD.ORG

**CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
June 2021**

APPLICATION: Lands of Draper Farm Properties at 1617 Forrest Avenue

FILE #: Z-21-05

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Kate Owens

PHONE #: 302-608-5370

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:

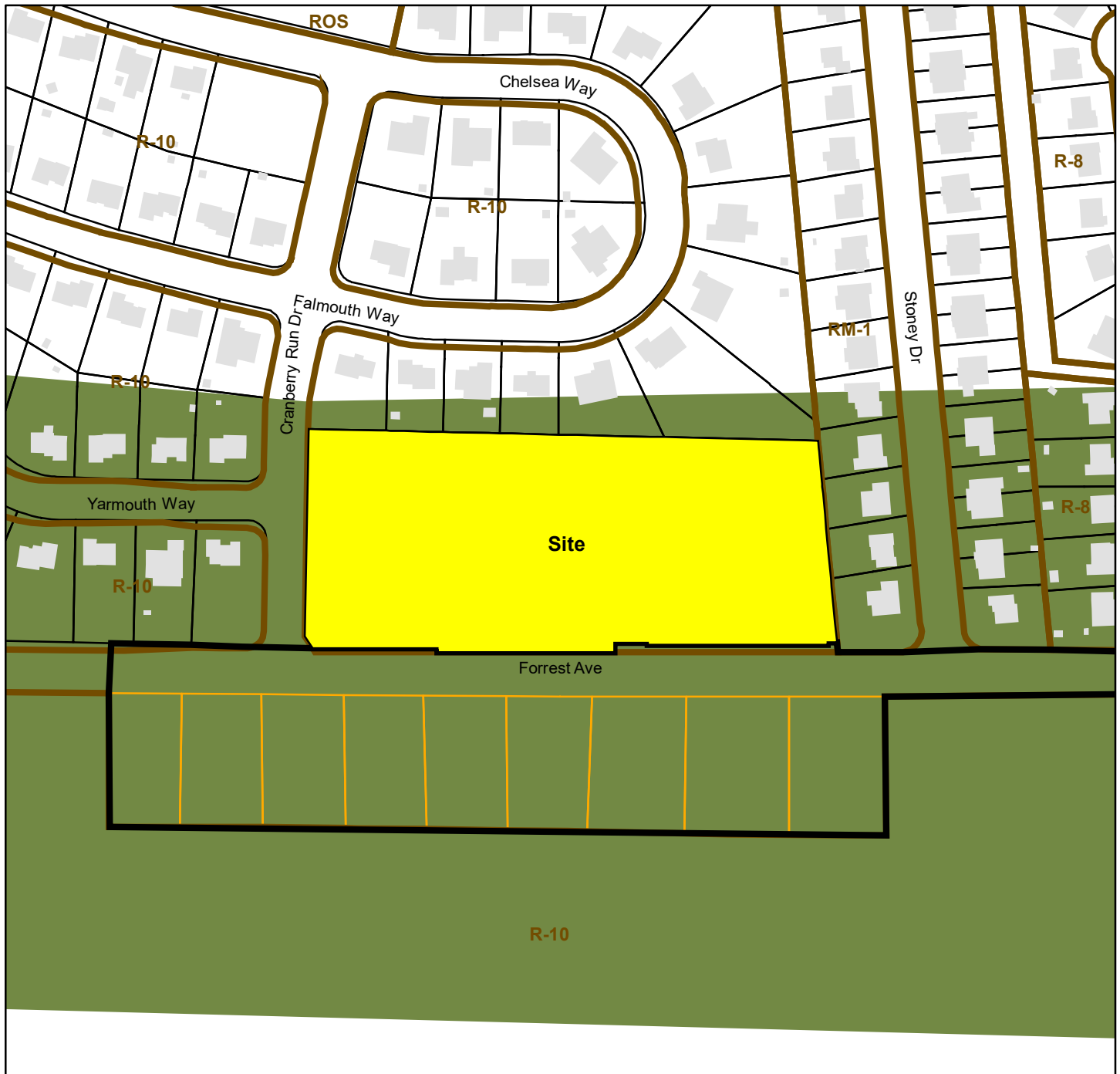
Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

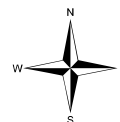
Kent Conservation District has no objection to the proposed rezoning of the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:






Soil disturbance (e.g. clearing, grading, excavations, tree clearing, or stoning) equal to or greater than 5,000 square feet requires a Sediment and Stormwater Management Plan to be submitted and approved by the Kent Conservation District prior to the commencement of disturbance.

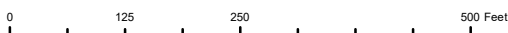


Title: Lands of Draper Farm Properties LLC
Ordinance #: 2021-14
Addresses: 1617 Forrest Avenue
Parcel ID: ED-05-075.00-01-07.00-000
Existing Zoning: R-10 One-Family Residence Zone
 COZ-1 Corridor Overlay Zone
Proposed Zoning: C-2A Limited Central Commercial Zone
 COZ-1 Corridor Overlay Zone
Owner: Draper Farm Properties LLC
Date: 05/13/2021



Legend

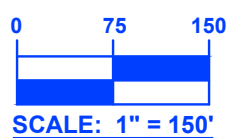
-  Subject Property
-  2012 Buildings
-  Zoning
-  Dover Parcels
-  Corridor Overlay Zone





SITE DATA

1. OWNER OF RECORD:	DRAPER FARM PROPERTIES, LLC 23 ZION ROAD SMYRNA, DE 19977
2. ENGINEER:	BECKER MORGAN GROUP INC. 309 SOUTH GOVERNORS AVENUE DOVER, DE 19904 (302) 743 - 7950
3. PROPERTY MAP NUMBER:	2-05-07500-01-0700-00001
4. ZONING CLASSIFICATION:	EXISTING: R-10 - ONE FAMILY RESIDENCE ZONE PROPOSED: C-2A - LIMITED CENTRAL COMMERCIAL ZONE
5. DEED SUMMARY:	9233 - 0253 & 7548 - 0312
6. PRESENT USE:	VACANT RESIDENTIAL HOME
7. PROPOSED USE:	CONVENIENCE STORE WITH GAS PUMPS
8. TOTAL SITE AREA:	5.00 ACRES ±
9. SOURCE OF WATER:	CITY OF DOVER
SOURCE OF SEWER:	CITY OF DOVER



**FORREST AVENUE
REZONING EXHIBIT**

CITY OF DOVER
KENT COUNTY, DELAWARE

LAYER STATE: 11x17



ARCHITECTURE
ENGINEERING
Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

BMG: 2021070.00
SCALE: 1" = 150'
DATE: 05/06/2021
DRAWN BY: A.C.F.

DATA SHEET FOR SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF: June 9, 2021

PLANNING COMMISSION MEETING OF: June 21, 2021

Plan Title: S-21-06 Dover Park Recreation Projects: Community Building, Spray Pad & Accessible Playground Improvements

Plan Type: Site Development Plan

Location: Dover Park: Located on the southeast side of White Oak Road and West of Acorn Lane

Address: 1210 White Oak Road, Dover, DE

Tax Parcels: Project Parcels: ED-05-068.15-01-02.00-000
ED-05-068.15-01-01.00-000
Other Parcels part of overall Dover Park Site:
ED-05-068.15-01-05.00-000, ED-05-068.19-01-28.00-000, ED-05-068.19-01-29.00-000, ED-05-068.19-01-30.00-000, and ED-05-068.19-01-31.00-000. ED-05-067.11-01-68.00-000

Owner/Applicant: City of Dover, Department of Parks & Recreation

Size: Project area: 463,469 SF (Limit of Disturbance Area)

Zoning: ROS (Recreational and Open Space Zone)

Present Use: Park with playground, pavilion, athletic fields and game courts (basketball & tennis), parking, and natural & wooded areas

Proposed Use: Park of same amenities and with Office & Community Building, Spray Pad and Accessible Playground

Building Area: 2,619 SF (new Office & Community Building)

Off Street Parking: Required – 9 spaces for Community Building
Proposed – 24 existing spaces in front parking area

Sewer & Water: City of Dover

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: June 9, 2021

APPLICATION: Dover Park Recreation Projects: Community Building, Spray Pad & Accessible Playground Improvements

FILE #: S-21-06

REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn Melson-Williams, AICP

PHONE #: (302) 736-7196

I. PLAN SUMMARY

This application is for Review of a Site Development Plan Application to permit construction of a one-story 2,619 SF Office and Community Building, Spray Pad, Accessible Playground and other related site improvements. Two subject properties are part of the overall seven properties which comprise Dover Park. The properties are zoned ROS (Recreational and Open Space Zone). Dover Park is located on the southeast side of White Oak Road and west of Acorn Lane with access from White Oak Road. The owner of record for all parcels is the City of Dover. Property Address (All parcels): 1210 White Oak Road. Tax Parcels (Project Parcels): ED-05-068.15-01-02.00-000, ED-05-068.15-01-01.00-000. (Other Parcels part of overall Dover Park Site): ED-05-068.15-01-05.00-000, ED-05-068.19-01-28.00-000, ED-05-068.19-01-29.00-000, ED-05-068.19-01-30.00-000, and ED-05-068.19-01-31.00-000. Council District 3.

Previous Applications

The subject site location is in Dover Park which consists of 28.2 acres and is largely wooded. Park amenities include playground, pavilion, athletic fields and game courts (basketball & tennis), and parking facilities. Dover Park previously included a Recreation Center Building that was constructed in the 1970s; the building was demolished in 2014.

II. PROJECT DESCRIPTION

This project of three components focuses on the northern portion of Dover Park on two parcels. The access to Dover Park is from White Oak Road with a vehicular drive and a pedestrian sidewalk/trail. The subject site area of the proposed Office & Community Building, Spray Pad, Accessible Playground is about 700 feet into the Park adjacent to an existing parking lot, playground, and pavilion area. This is the general location of the previous Recreation Center Building.

The Site Development Plan outlines the components of the project including the following:

- Office & Community Building: A one-story 2,619 SF multi-purpose building that includes office space, a multi-purpose room, restrooms, and mechanical and pump room (associated with Spray Pad).
- Spray Pad: A Splash Pad/Spray Park facility adjacent to the Community Building

consisting of the fenced area with water spray features.

- Accessible Playground: A barrier-free playground of various play features including a play structure area for ages 2-5, a play structure area for ages 5-12, and swings.

The area also includes a network of paved sidewalk and patio areas linking various benches and tables for seating opportunities surrounding the planned amenities.

The project also includes the associated site improvements related to sidewalks to interconnect the Building, Spray Pad, and Playground with the existing sidewalk/trail network in the Park, surface material treatments, parking lot handicapped parking space improvements, and stormwater management improvements.

Surrounding Land Uses:

To the east of the Dover Park property, is Manchester Square a multi-family complex zoned RG-2 (General Residence Zone). Also, to the east along Acorn Lane are a series of single family detached dwellings zoned R-10 (One Family Residence Zone) or that are located in the jurisdiction of Kent County. To the west of Dover Park is the are several apartment complexes also zoned RG-2 (General Residence Zone). To the north across White Oak Road, are the residential neighborhood of White Oak Farms Zoned R-8 (One Family Residence Zone) and Baytree zoned RM-2 (Medium Density Residence Zone) including apartment, townhouses, duplexes, and single family detached dwellings.

III. ZONING REVIEW

ROS Zoning District

The Dover Park property is zoned ROS (Recreational and Open Space Zone) and subject to the regulations of *Zoning Ordinance*, Article 3 Section 30. The proposed use as a public park with the proposed new amenities of a playground areas and recreation center building with meeting/activity rooms is a permitted use in the zoning district which focuses on the preservation and management of natural and recreational open space areas. The proposed building complies with the building height limitations and the proposed components comply with the required setbacks from property lines.

IV. PARKING SUMMARY

The parking requirement for a building in the ROS zone is based on a rate one parking space per 300 SF of floor area. Based the Office & Community Building size a minimum of nine (9) parking spaces is required. The plan shows that the front parking lot will consist of twenty-four (24) parking spaces following some minor improvements to the accessible parking spaces. This parking lot also will serve the Spray Pad and Playground areas. A loading space is not required for this size building.

It is noted that the southern portion of the Park adjacent to the softball field and other game courts has a second parking lot. Overall, the Park is also served by a sidewalk/trail system from the nearby White Oak Road as there are numerous residential areas within a 5-10 minute's walk.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one for every twenty parking spaces. Based on the 24 parking spaces in the front parking lot, at least two (2) bicycle parking spaces are required for the project. It is unclear of where the bicycle parking facilities are located.

V. SITE CONSIDERATIONS

Access

The main entrance to the site of Dover Park is from White Oak Road. The entrance drive continues south towards the front parking lot with the development area. The entrance drive continues south through the Park to the second parking lot area near the softball field.

Sidewalks/Pedestrian Circulation

Sidewalks are required along all street frontages. The property has existing sidewalk along White Oak Road and also sidewalk/trail system that continues into the site by a stormwater management pond facility to the project development area.

Lighting

Article 5 §7.1 stipulates that lighting for commercial uses 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. Any existing or planned lighting should be shown on the plan for the project area.

Dumpsters

The institutional buildings are required to have two (2) dumpster pads based on the size of the institutional building at a rate of two per the first 80,000 SF with one required for each additional 40,000 S.F. Thus, it requires two dumpsters for this Community Building which may also serve the Park. Staff is aware of the existing placement of City 300-gallon trash collection bins along the entrance drive near the project development area.

Curbing

The upright curbing for parking lots and drive aisles is required the requirements of Article 6 Section 3.6(b) of the *Zoning Ordinance*. This project does not add new parking lots or drive aisles. Within the Park, the existing parking lot areas and drive aisles for the most park do not include upright curbing and can be considered as existing conditions. The project does have a segment of curbing renovation/replacement near the proposed building for a new accessible ramp.

VI. BUILDING ARCHITECTURE

Conceptual Renderings and Elevation Drawings were submitted for the Office and Community Building. The building is proposed as a one-story building with varying sloped roof including an area of clerestory windows. The exterior finishes include concrete masonry unit veneer in two styles/colors, asphalt shingles, and various window and door systems.

VII. TREE PLANTING AND LANDSCAPE PLAN

The submitted plan includes the Landscaping approach for the project development area. *Zoning Ordinance*, Article 5, Section 16.62 offers the option of the applicant defining a “Development Area” within the overall property for the purpose of tree planting calculations. The Plan set

notes a Limit of Disturbance area of 43,469 SF which could be established a “Development Area” for purposes of calculating the tree planting requirement for the project.

With the tree planting requirement of one tree per 3,000 SF of Development Area, a Development Area of 43,469 S.F. would require fifteen (15) tree plantings. There are some existing trees identified to remain. Planting of deciduous and ornamental trees are proposed at the edges of proposed playground area and within designated planting beds/areas along the circulation network between amenities. These planting areas also include shrubs, perennials, groundcovers, and grasses.

The dense planting area is on the west side of the playground swing set area where a series of trees and shrub plantings are proposed to act as screening from the adjacent residential property to the west. This functions like an Opaque Barrier for the portion of the Park amenities closest to the property line that are not an open space or nature feature. The Park has an existing fence that runs along the western property line in this area.

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) Cover Sheet or Site Plan Sheet:
 - a. Create a Site Data Column including the site address, zoning, and other legal data. See *Zoning Ordinance*, Article 10 Section 2.52 for complete list of items.
 - b. Add notes for any conditions acted upon by the Planning Commission.
- 2) Sheet C-101– Existing Conditions:
 - a. Add Key Map of site to locate the development area in relation to White Oak Road.
 - b. Update the current zoning of these two parcels to ROS (from RG-2 and R-20) as listed in the drawing labels.
- 3) Sheet C-102 – Demolition Plan:
 - a. Identify if any items removed are to be retained by property owner.
 - b. Identify is there is any phasing of removal based on component being constructed.
 - c. Add information on tree protection measures to Demolition Plan sheet.
- 4) Sheet C-103 - Site Plan:
 - a. Ensure connection to existing sidewalks and any accessibility ramps to reach sidewalks near handicapped parking spaces. Is there a connection at the head of the parking space?
 - b. Add detectable domes or other method to note the transition from the sidewalk to the parking lot and this places the person into the parking lot entrance drive aisle.
 - c. Check labels for Items 20 and 21; the storm drain pipe label may be incorrect.
- 5) Sheet C-104 – Utility Plan:
 - a. Ensure appropriate Departments are referenced. Utility items for water and wastewater should reference the Department of Water & Wastewater.

- 6) Sheet C-106 – Erosion & Sediment Control Plan:
 - a. Check Label #7; at the rip-rap location it should be Label #2.

- 7) Sheet L-001 series (Landscape Plan):
 - a. Add Data Column with legal information and tree planting calculations.
 - b. Add Landscape Plan certification statement and appropriate design professional certification. An engineer is not eligible to certify this sheet; see *Zoning Ordinance*, Article 5 §16.2 and 16.81.
 - c. Show location of Development Area (for tree planting purposes) on the Landscape Plan and confirm Tree Density reflects the area and calculation data correctly. The Development Area can match the identified Limit of Disturbance Area.
 - d. Ensure tree planting locations and landscaping maintain the required spacing distances or access provisions from utility lines, fire hydrants, etc.
 - e. Add note that any tree substitutions must also be approved by the Planning Office.
 - f. Check count tallies of Inkberry Holly shrubs and Butterfly Milkweed plantings.

- 8) Plan Set printing: Some of the line weights or color chosen produce a very light line that are unreadable in certain areas. Check overall plan set for readability.

- 9) Clarify the location of any existing for proposed lighting for the site including any lighting attached to the building.

- 10) Clarify location of existing Dumpsters for trash/recycling collection if in the vicinity of this development area and any proposed improvements for Dumpster enclosures and/or screening.

- 11) The Architectural Plan Set Series (pages 19-48) were submitted for reference only and should not be considered as part of the overall Site Plan Set. These Architectural Plan sheets are to be made part of the Building Construction Plans submitted for a Building Permit. They have not been reviewed for compliance with the City of Dover’s adopted Building Code. This current review process for approval of the Site Plan should focus only on the portions of the Plan Set consists of pages 1-18. The information for Architectural Review of the Building by the Planning Commission is easily depicted on Sheets A-002 (floor plan) and A-201 (Building Elevations).

- 12) Certain signage must comply with Sign Regulations of the *Zoning Ordinance* and is subject to a separate Sign Permit Application. Signs are subject to a separate review and approval process in the City of Dover. Some of the proposed signage (building address number, rules signage, etc.) is internal to the site and does not require Permits.

- 13) Any Erosion & Sediment Control Plans and Stormwater Management Plans or Permits granted approval by Kent Construction 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.

- 14) The Final Plan set must include notes documenting any action taken by the Planning Commission and must list any additional conditions of approval.

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

In accordance with the *Zoning Ordinance*, Article 10 §2.2, the Planning Commission in considering and acting upon Site Development Plans may prescribe appropriate conditions and safeguards so that the public health, safety, and welfare, the comfort and convenience of the public in general, and the residents of the immediate neighborhood in particular shall be taken into consideration. These safeguards may to the maximum extent possible further the expressed intent of the *Zoning Ordinance* and the accomplishment of several objectives in particular listed in subsections 2.21 to 2.28.

- 1) Upright Curbing – Staff recognizes the lack of upright curbing for the entrance drive and parking lot areas as an existing condition that is more fitting to the natural open space of the Dover Park setting. It also helps to facilities stormwater management in the area where existing impervious surfaces exist. Improvements to implement upright curbing will not be required unless renovations are being done to an area were such curbing already exists.
- 2) Pedestrian Connections: In accordance with Article 10 subsection 2.21 related to safety and convenience of vehicular, transit, bicycle, and pedestrian traffic, Staff recommends the following related to pedestrian access:
 - a. Ensure all existing sidewalks/trails leading to the project development area from White Oak Road is in good repair.
 - b. Provide several locations for bicycle parking as the new Community Building and site amenity improvements has multiple activity areas.
 - c. Staff recommends that at least one of the tables on the east side of the Spray Pad under the shade canopy provide space for handicapped seating. The current table detailed does not appear to include the ability for “roll-up and under” access on a side or end of the table.
- 3) Project Phasing: Staff notes that this project may be constructed in phases. Construction of each phase should include appropriate circulation network, adjacent tree planting and landscaping, and related amenities. The boundaries of the construction phase can be discussed further with Planning Staff to ensure compliance with *Zoning Ordinance* provisions.

Other agencies may recommend additional conditions and safeguards in accordance with their areas of expertise. The Recommended Additional Considerations to Meet Code Objectives may be accepted or rejected by the Planning Commission.

X. ADVISORY COMMENTS TO THE APPLICANT:

- 1) The project site access is via White Oak Road, a State maintained road. As the project involves entrance access from and frontage areas on State maintained roads, DelDOT may offer comments on entrance design and/or improvements.
- 2) If major changes and revisions to the Site Plan occur in the finalization of the Plan, contact the Planning Office. Examples include reorientation of the building, relocation of

site components like amenities or stormwater management areas and increases in floor area count. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.

- 3) In the event that there are changes to the architecture, building footprint, layout or square footage of the building contact the Planning Office. These changes may require review by the Planning Commission.
- 4) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.
- 5) Following Planning Commission approval of the Site Development Plan, the Plan must be revised to document all conditions of approval from the Development Advisory Committee or as otherwise noted. This process involves submission of Check Prints in order to achieve Final Plan approval; the finalization of the Site Plan.
- 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 ground disturbing activities on the site the appropriate Site Plan approvals, Pre-Construction meetings, site inspections and permits are required.
- 8) Construction may have an effect on the visitors. Any work requiring the closing or rerouting of visitors should be coordinated as to offer the least amount of inconvenience.
- 9) The applicant shall be aware that 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 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.
- 11) Public occupancies operating in the City of Dover are required to obtain a City of Dover Public Occupancy Permit from the City Fire's Marshal Office/Licensing and Permitting Division.

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: JUNE 2, 2021



APPLICATION: Dover Park Recreation Projects: Community Building, Spray Pad & Accessible Playground Improvements

FILE #: S-21-06

REVIEWING AGENCY: City of Dover Department of Public Works

CONTACT PERSON: Sharon J. Duca, P.E.

CONTACT PHONE #: 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

STORMWATER

- 1. None.

STREETS

- 1. None.

SANITATION

- 1. The subject property is currently serviced by the City of Dover. Should service needs change please contact the Department of Public Works.

GENERAL

- 1. None.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

STORMWATER / STREETS / SANITATION / GENERAL

- 1. None.

ADVISORY COMMENTS TO THE APPLICANT

STORMWATER / STREETS / SANITATION / GENERAL

- 1. None.

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: JUNE 2, 2021



APPLICATION: Lands of Peter F. and Bonnie S. Reidy at 4 Mifflin Road
FILE #: Z-21-04
REVIEWING AGENCY: City of Dover Department of Water & Wastewater
CONTACT PERSON: Jason A. Lyon, P.E., Director of Water & Wastewater
CONTACT PHONE #: 302-736-7025
CONTACT PHONE #: jlyon@dover.de.us

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

WATER / WASTEWATER

1. Our office has no objection to the rezoning of tax parcels: ED-05-076.09-01-11.00-000

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

WATER / WASTEWATER / GENERAL

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate meter / service / main to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of water and sewer services and meters will be assessed at that time. (Please note that each water meter registered with the City of Dover must have a separate service line.) Should the existing water and sanitary sewer services no longer be required based upon the proposed use, they must be properly abandoned at the mains in accordance with all City of Dover Water / Wastewater Handbook.
2. Any redevelopment shall adhere to the City of Dover Water / Wastewater Handbook.
3. Please note that renovations and or change of use projects must ensure that the water and wastewater service is brought up to current requirements. This may include relocating the water meter outside or changing service line sizes. Please ensure you schedule a meeting with the Department of Water & Wastewater during the planning phase for this site. Additional impact fees may apply for future development.

ADVISORY COMMENTS TO THE APPLICANT

WATER / WASTEWATER / GENERAL

1. None

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

CITY OF DOVER ELECTRIC

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 2, 2021

APPLICATION: Dover Park Recreation Projects: Community Building,
Spray Pad & Accessible Playground Improvements

FILE #: S-21-06

REVIEWING AGENCY: City of Dover Electric Department

CONTACT PERSON: Paul Waddell, Electric Director

CONTACT PHONE #: 302-736-7072

CONTACT EMAIL #: pwaddell@dover.de.us

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 existing underground electric, communications and water facilities.
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.

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:
<https://evogov.s3.amazonaws.com/media/27/media/13108.pdf>.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. Provide load sheets as soon as possible for proper sizing of transformers and creation of primary fee estimates. Current load sheets can be found at the following link:
<https://www.cityofdover.com/media/Electric%20Department/COD%20Electric%20Load%20Sheet.pdf>.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 06/02/21

APPLICATION: Dover Park Recreation Projects Community Building, Spray Pad & Accessible Playground Improvements

FILE #: S-21-06 **REVIEWING AGENCY:** City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal **PHONE #:** (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed occupancy classification is assembly.
2. Building Access shall be no further than 50 feet from a primary entrance

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

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

4. Perimeter access shall be 50% 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. Street width shall be in accordance with City of Dover Code of Ordinances, Appendix A, Article VII, Section A. 13,

Residential areas

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

Commercial areas

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

Alley

12 feet wide

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

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

8. 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.

9. 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.
10. NFPA 72 compliant 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)

- ii. 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)

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

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

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

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

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

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

Arabic numerals, all numbers used shall be Arabic numerals,

Shopping centers. Shopping centers consisting of two or more stores shall have a tenant or suite number affixed to the front of the tenant space and on the outside of the rear door which corresponds with that tenant space. Numbers shall measure six inches in height.

(City of Dover Code of Ordinances, 98-344)

13. 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

14. 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.
15. Project to be completed per approved Site Plan.
16. Full building and fire plan review is required.
17. Separate building permits/plans submission will be required for each building and/or tenant fit out. If the permit submission is for a "shell" a Certificate of Occupancy will not be issued. Separate plans and permits submissions will be required for each "tenant fit out" at which time a Certificate of Occupancy will be issued upon compliance/completion of each "tenant fit out".

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

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

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Note, existing fire hydrant in place
2. Gates will need Knox Locks or Knox Boxes
3. Noted occupant load is 84
4. Check code provided (years) to ensure that they are correct (some are incorrect)

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

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

2015NFPA 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)

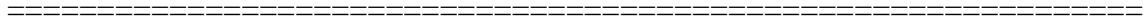
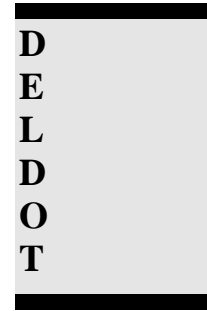
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations

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



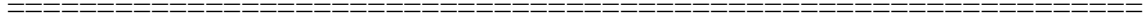
APPLICATION: Dover Park Recreation Projects (Community Building, Spray Pad & Accessible Playground Improvements)

FILE#: S-21-06

REVIEWING AGENCY: DeIDOT

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:

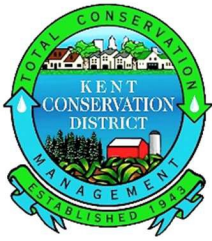
CITY & STATE CODE REQUIREMENTS:

No person, firm, corporation or the like shall construct, open, reconstruct, maintain, modify or use any crossing or entrance onto a state-maintained highway, street or road, including any drainage modifications leading into or carried by the highway drainage system, without first having complied with standards and regulations adopted by the Department and having obtained a permit issued by the Department. Please contact the Delaware Department of Transportation - Development Coordination section to begin permit process.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. No comments. Building was previous approved.



KENT CONSERVATION DISTRICT

Item 7.

1679 SOUTH DUPONT HIGHWAY • DOVER, DELAWARE 19901 • (302) 608-5370 • WWW.KENTCD.ORG

**CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
June 2021**

APPLICATION: Dover Park Recreation Projects: Community Building, Spray Pad & Accessible Playground Improvements

FILE #: S-21-06

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Katherine Owens

PHONE #: 302-608-5370

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 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. A standard plan can be submitted if the limit of disturbance is less than or equal to 1.0 acre and the curve number for the parcel does not increase by more than one. Otherwise, this plan will have to be designated as a detailed plan.
2. The review fee and a completed Application for a Detailed or Standard Plan are due at the time of plan submittal to the Kent Conservation District's office.
3. 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.

ADVISORY COMMENTS TO THE APPLICANT:


1. Additional information may be required for this plan and a pre-application meeting is recommended.
2. A letter of no objection to recordation will be provided upon approval of a Sediment and Stormwater Management Plan.

REVISIONS	

CLIENT INFORMATION

CITY OF DOVER

DEPARTMENT OF
PARKS AND RECREATION
10 ELECTRIC AVENUE,
DOVER, DE 19904

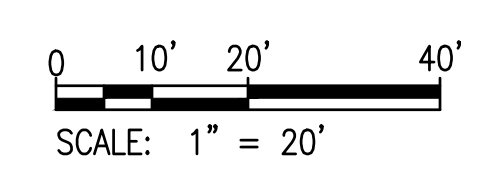


DOVER PARK
RECREATION PROJECTS
COMMUNITY BUILDING,
SPRAY PAD, & ACCESSIBLE
PLAYGROUND
IMPROVEMENTS

PROPERTY

T.P. NO. 2-05-068.15-01-02.00-00001
T.P. NO. 2-05-068.15-01-01.00-00001

GRAPHIC SCALES



SCALE: 1" = 20'

SIGNATURE

ENGINEER CERTIFICATION:

I, _____, HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER IN THE STATE OF DELAWARE, THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

LICENSE NO.: _____

EXPIRATION DATE: _____



Whitman, Reardon & Associates, LLP
1013 Centre Road, Suite 302, Wilmington, Delaware 19805

SITE PLAN

DRAWING NO.

C-103

SCALE: 1" = 20'





DATE: MAY 7, 2021 SHEET 5 OF 48

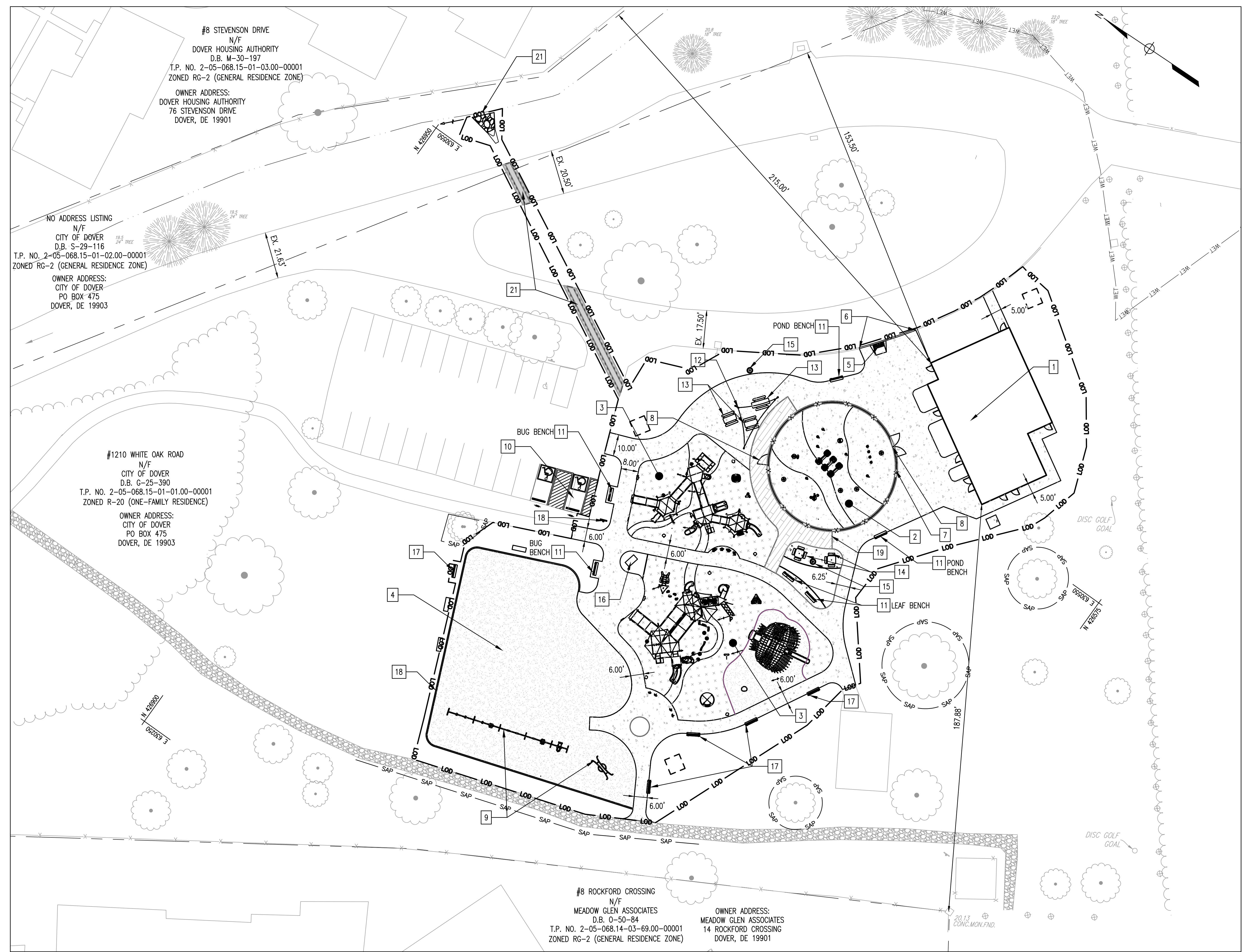
DES: AKC DRAWN: AKC CHECK: BWJ

SITE PLAN SHEET NOTES

- 1 STORY OFFICE AND COMMUNITY BUILDING, SEE ARCH DRAWINGS FOR DETAILS
- 2 SPRAY PAD, SEE SHEET C-403 FOR PLAN ENLARGEMENTS. (DETAILS TO BE PROVIDED)
- 3 ACCESSIBLE PLAYGROUND WITH PERMEABLE POURED IN PLACE (PIP) RUBBER AND ENGINEERED WOOD FIBER (EWF) SURFACES, SEE SHEET C-401 AND C-402 FOR PLAN ENLARGEMENTS. SEE SHEET C-504 FOR SURFACE DETAILS.
- 4 PLAYGROUND AREA WITH ENGINEERED WOOD FIBER (EWF) SURFACE. ADD EWF TO BE FLUSH WITH CURB OR SIDEWALK. SEE SHEET C-504. EXISTING PLAY EQUIPMENT NOT SHOWN.
- 5 ADA CURB RAMP ACCESS, SEE DETAIL B SHEET C-501
- 6 4" CURB, SEE DETAIL C SHEET C-501
- 7 4' HEIGHT FENCE, SEE DETAIL D SHEET C-504
- 8 4' HEIGHT SINGLE AND DOUBLE GATE, SEE DETAIL E SHEET C-504
- 9 NEW ACCESSIBLE PLAYGROUND SWING AREA, SEE SHEET C-401 FOR ENLARGEMENT
- 10 ADA PARKING SPACES RESTRIPING, SEE DETAILS F THROUGH J SHEET C-501
- 11 NATURE THEMED PARK BENCH, SEE DETAIL A SHEET C-503
- 12 TRIANGLE SAIL SHADE STRUCTURE, SEE DETAIL B SHEET C-503
- 13 PICNIC TABLE, SEE DETAIL C SHEET C-503
(2) 6' HEAVY DUTY FRAME; (1) 8' ADA HEAVY DUTY FRAME
- 14 FOOD COURT TABLE, SEE DETAIL D SHEET C-503
(1) STANDARD; (1) ADA ACCESSIBLE
- 15 TRASH RECEPTACLE, SEE DETAIL E SHEET C-503
- 16 PLAYGROUND SIGN BY OTHERS
- 17 RELOCATED EXISTING PARK BENCH
- 18 PLAYGROUND BORDER, SEE DETAIL F SHEET C-504
- 19 BOARDWALK PAVERS
- 20 STORM DRAIN UTILITY TRENCH REPAIR, SEE DETAIL E SHEET C-501.
- 21 STORM DRAIN RIPRAP OUTFALL.

PAVEMENT AND SURFACE LEGEND

-  SIDEWALK/CONCRETE
-  PERMEABLE POURED IN PLACE (PIP) RUBBER PLAYGROUND SURFACE
-  BOARDWALK PAVERS
-  ENGINEERED WOOD FIBER (EWF) PLAYGROUND SURFACE



#8 STEVENSON DRIVE
N/F
DOVER HOUSING AUTHORITY
D.B. M-30-197
T.P. NO. 2-05-068.15-01-03.00-00001
ZONED RG-2 (GENERAL RESIDENCE ZONE)

OWNER ADDRESS:
DOVER HOUSING AUTHORITY
76 STEVENSON DRIVE
DOVER, DE 19901

NO ADDRESS LISTING
N/F
CITY OF DOVER
D.B. S-29-116
T.P. NO. 2-05-068.15-01-02.00-00001
ZONED RG-2 (GENERAL RESIDENCE ZONE)

OWNER ADDRESS:
CITY OF DOVER
PO BOX 475
DOVER, DE 19903

#1210 WHITE OAK ROAD
N/F
CITY OF DOVER
D.B. G-25-390
T.P. NO. 2-05-068.15-01-01.00-00001
ZONED R-20 (ONE-FAMILY RESIDENCE)

OWNER ADDRESS:
CITY OF DOVER
PO BOX 475
DOVER, DE 19903

#8 ROCKFORD CROSSING
N/F
MEADOW GLEN ASSOCIATES
D.B. O-50-84
T.P. NO. 2-05-068.14-03-69.00-00001
ZONED RG-2 (GENERAL RESIDENCE ZONE)

OWNER ADDRESS:
MEADOW GLEN ASSOCIATES
14 ROCKFORD CROSSING
DOVER, DE 19901

SITE PLAN
1" = 20'

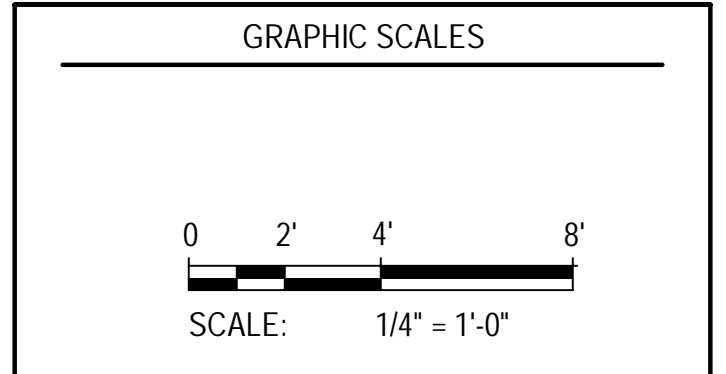
PLOT DATE 5/6/2021 9:58:59 AM PAGE SETUP PLOT STYLE WPA.DSWCTB PAPER SIZEGRAPH FULL BLEED CI COLOR 4 420 INCHES
 FILENAME: W:\2021-2022\CAD\DWG\20210506-C-103.DWG

REVISIONS	



THE CITY OF DOVER,
DELAWARE
1210 White Oak Rd. Dover, DE 19901

DOVER PARK
IMPROVEMENTS



SIGNATURE



EXTERIOR ELEVATIONS		
DRAWING NO.		
A-201		
SCALE: As indicated		
DATE: 04/13/2021	SHEET 24	of 48
DES: FE	DRAWN: CH	CHECK: FE

GENERAL SHEET NOTES

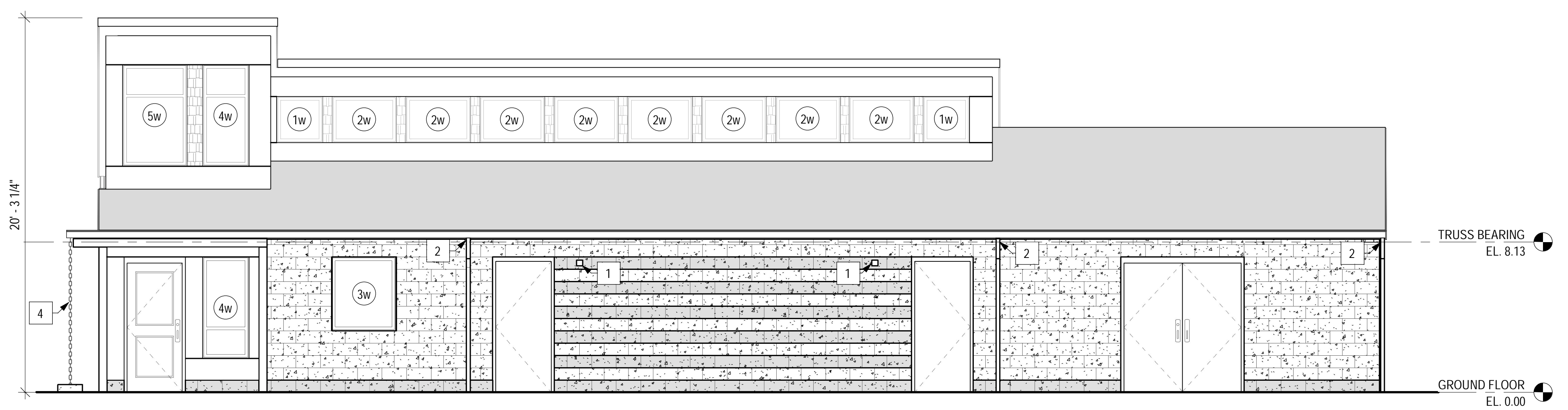
- NOTE TEXT
- NOTE TEXT

SHEET KEYNOTES

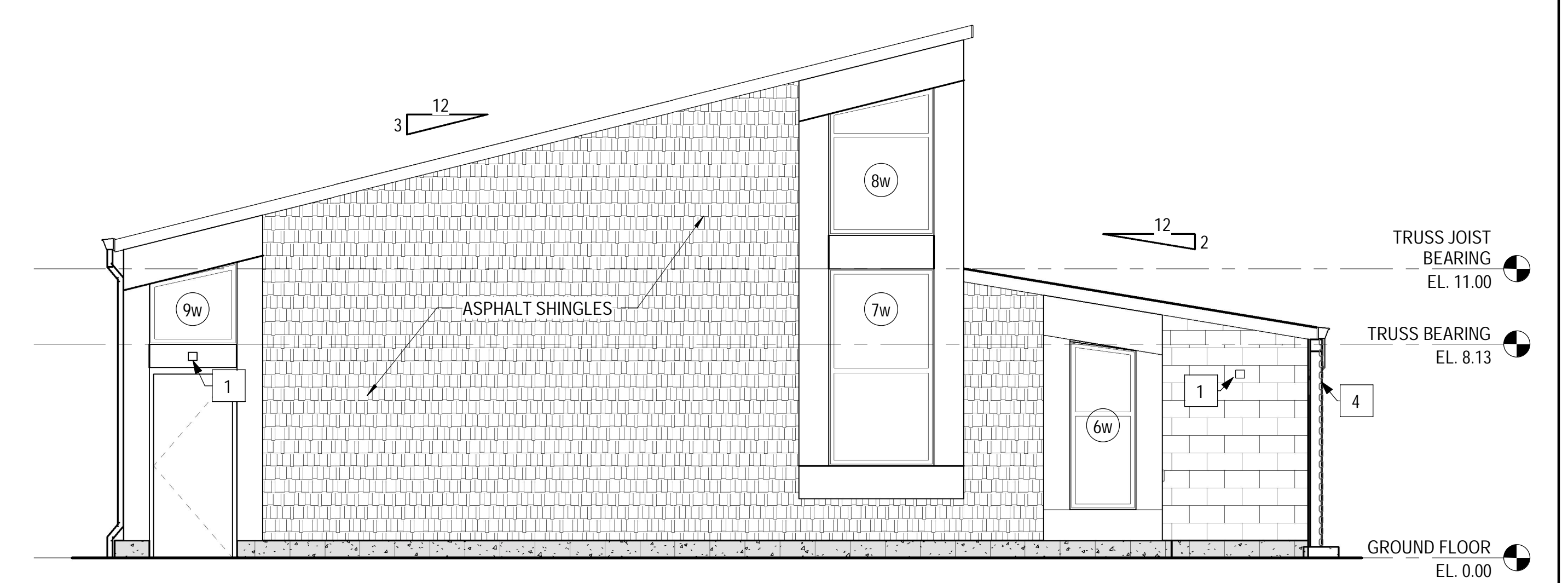
- JUNCTION BOX
- DOWNPIPE
- LOUVER
- RAIN CHAIN

SHEET LEGEND

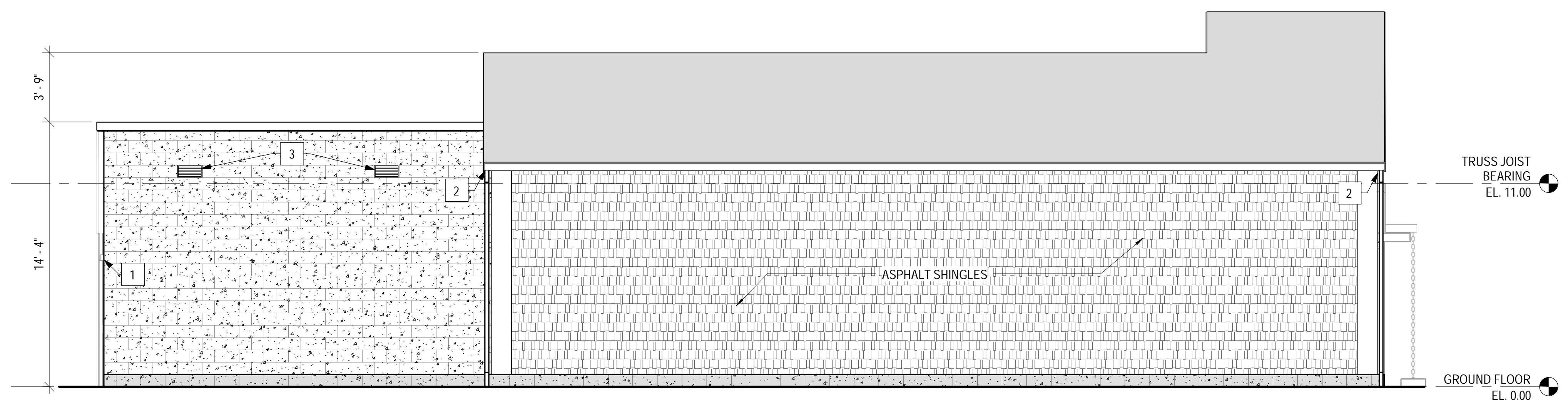
- CONCRETE #1
- CONCRETE #2



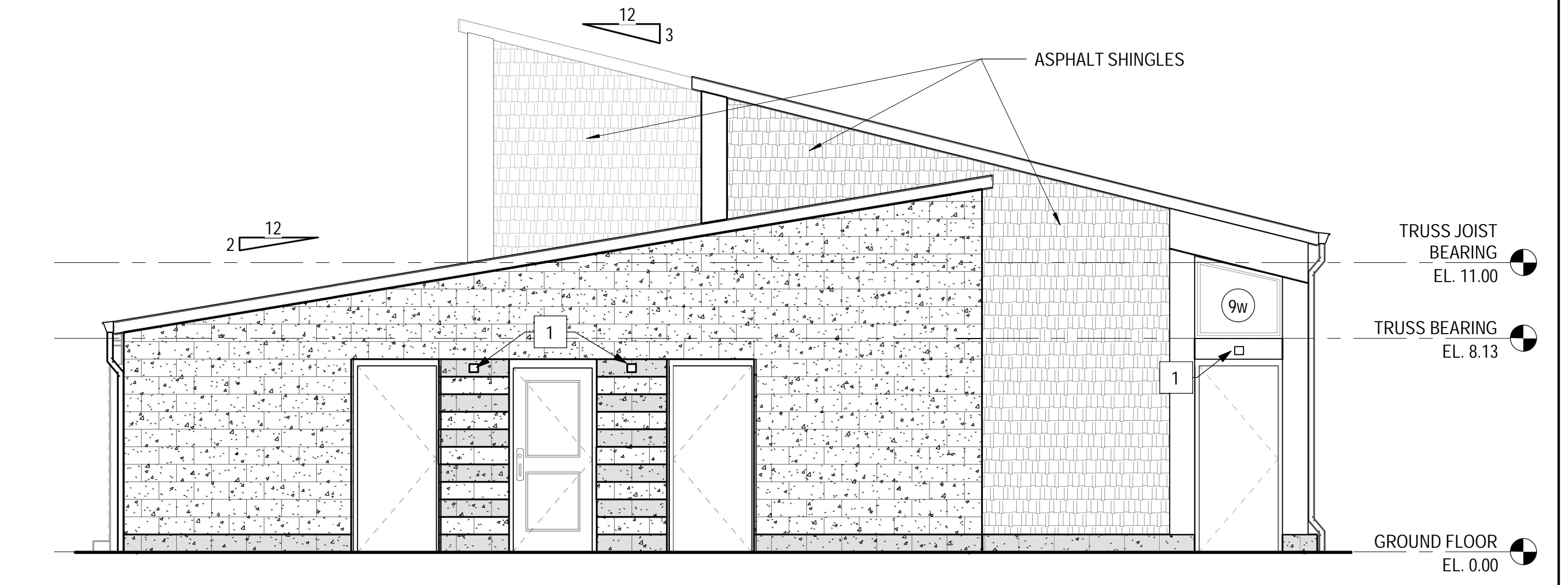
2 West Elevation
A-201 SCALE: 1/4" = 1'-0"
REF: A-101



1 North Elevation
A-201 SCALE: 1/4" = 1'-0"
REF: A-101



4 East Elevation
A-201 SCALE: 1/4" = 1'-0"
REF: A-101



3 South Elevation
A-201 SCALE: 1/4" = 1'-0"
REF: A-101



PETITION TO AMEND TEXT of City of Dover *Zoning Ordinance*
 Report to the Dover Planning Commission
 June 21, 2021

Proposed Changes: Text Amendments to the following:

- *Zoning Ordinance*, Appendix B – Zoning, Article 3 – District Regulations, Section 17 Shopping center Development, Subsection 17.33 – Regional Shopping Center (SC-3)

Summary of Amendments: The proposed text amendment adds “warehousing, transshipment and distribution, and logistics support” to the list of permitted uses in a regional shopping center (SC-3) and removes “by market analysis” from the findings needed for permitted uses.

Ordinance Number: Proposed Ordinance #2021-12

File Number: MI-21-07

Background on Development of Text Amendment:

Across the county older malls, especially class B & C centers, are losing anchors and experiencing decline. In some instances, this is simply a function of their age and obsolescence but, in most cases, it reflects changing customer concepts of shopping, the decline of the traditional large format retailer, the influence of online retail options, and the evolution of the wholesale and logistics distribution sector.

Dover Mall (Dover’s only current Regional Shopping Center) has suffered the same issues, slowly losing ground to alternative retail options and most recently witnessing the closure of an anchor store, representing about 12% of the total leasable floor space of the Mall at over 111,000 square feet in size. It is unlikely to be reoccupied as a single user retail facility and given the availability of other smaller spaces in the Mall and current conditions. It may not attract new retail users.

Such empty retail spaces across the county are being repurposed for a variety of other uses, including offices, educational facilities, medical facilities, housing, entertainment venues, warehousing and logistics spaces, churches and even industrial uses. Some of these uses occupy Dover’s original mall, the Blue Hen Corporate Center, which was closed as a retail center years ago and rezoned in 2015 as a Community Shopping Center (SC-2) to support offices, call centers, and similar commercial uses, and increasingly medical activities.

By virtue of being zoned SC-3 (Shopping Center Development Zone: Regional Shopping Center), the Dover Mall is limited to “retail, office, personal services, recreational and institutional facilities.” This SC-3 zoning classification does not allow distribution, warehousing

or logistics uses, light manufacturing, or goods processing activities, all of which have been identified as key industrial targets for inclusion in the County’s and City’s economic development plans.

Although interest is tentative at this time, the existing vacant anchor facility with its size, 19-foot ceilings, available ground and trailer height loading docks and ample parking has garnered some attention. The primary Dover Mall owner, Simon Properties, has expressed interest in alternative uses, but there are no firm proposals outstanding.

Code Review & Analysis

The definition of “Shopping Center” (Appendix B, - Zoning, Article 12. Definitions) reads:

Shopping center: A retail commercial complex of three or more establishments, which is designed, developed, operated and controlled by a single ownership, with accessory off-street parking located on the site to serve jointly all establishments in the complex.

The current definition of “Warehouse” (Appendix B – Zoning, Article 12. Definition) reads:

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

The current definition of “Warehousing” (Appendix B – Zoning, Article 12. Definitions) reads:

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

The current definition of “Logistics” (Appendix B – Zoning, Article 12. Definition) reads:

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

There are no *Zoning Ordinance* definitions applicable to “transshipment” or “distribution.”

Proposed Text Amendments

The proposed Text Amendment to the *Zoning Ordinance* as found in *Dover Code of Ordinances*, Appendix B: Zoning, Article 3 – District Regulations, Section 17 – Shopping Center Development, Subsection 17.33 – Regional Shopping Center Development is limited to the following:

- Add specific wording permitting “warehousing, transshipment and distribution, and logistics support” as permitted uses.
- Deleting wording “by market analysis” from the criteria as being otherwise undefined and vague.

Appendix B - Zoning, Article 3 - District Regulations, Section 17 - Shopping Center Development, Subsection 17.33 - Regional Shopping Center (SC-3) Permitted Uses of the Dover

Code is proposed to be amended by inserting the text indicated in bold, blue font and deleting the text indicated in red strikethrough as follows:

- 17.33 In a regional shopping center (SC-3), [the following are permitted uses:]

All retail, office, personal service, recreational and institutional facilities, **warehousing, transshipment and distribution, and logistics support**, which can be shown, ~~by market analysis~~, to be needed, and which will have no adverse effect on adjacent land uses.

Because this is a Text Amendment proposed to the *Zoning Ordinance*, a Public Hearing and Recommendation by the Planning Commission are required. This review process began when the proposed Ordinance was submitted to the City Council for First Reading on May 24, 2021. City Council has referred the Ordinance to the Planning Commission for a Public Hearing and consideration on June 21, 2021. Then it is scheduled for Final Reading, Public Hearing and Final Action by Council on July 12, 2021. At that meeting City Council may act to adopt the whole Ordinance, to reject it, to adopt part of the Ordinance, and/or to make other amendments to the proposed text.

Planning Review and Recommendations:

Planning Staff developed the proposed Ordinance for the Text Amendment to *Zoning Ordinance*, Article 3, Section 17.33 as a result of consideration of economic development strategies and interaction with developers/property owners. The Planning Office is in support of these changes to the permitted uses in the SC-3 zoning district.

1. The Planning Office provided an opportunity to Development Advisory Committee (DAC) members to comment on the proposed Text Amendment at their meetings on June 2 and June 9, 2021. No other Agency which partakes in the DAC process had any significant comment or objection with regards to the proposed Text Amendment.
2. The Proposed Ordinance is also subject to Legal Review by the City Solicitor which may identify additional clarifications or corrections.
3. The approval of this Text Amendment does not authorize the establishment of the uses on properties with the SC-3 zone. Prior to establishment of a use, the appropriate applications for site development activity review, Building Permits and other construction activity Permits, Business and Occupancy Licensing, etc. are required.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: JUNE 2, 2021



APPLICATION: Text Amendment: Permitted Uses within the SC-3 Zone

FILE #: MI-21-07

REVIEWING AGENCY: City of Dover Department of Public Works

CONTACT PERSON: Sharon J. Duca, P.E.

CONTACT PHONE #: 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:

STORMWATER / STREETS / SANITATION

1. None.

GENERAL

1. Our office has no objection to the text amendment.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

STORMWATER / STREETS / SANITATION / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT:

STORMWATER / STREETS / SANITATION / GENERAL

1. None.



CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: JUNE 2, 2021

APPLICATION: Text Amendment: Permitted Uses within the SC-3 Zone
FILE #: MI-21-07
REVIEWING AGENCY: City of Dover Department of Water & Wastewater
CONTACT PERSON: Jason A. Lyon, P.E., Director of Water & Wastewater
CONTACT PHONE #: 302-736-7025
CONTACT PHONE #: jlyon@dover.de.us

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

WATER / WASTEWATER / GENERAL

1. Our office has no objections to the proposed text amendment of permitted uses within the SC-3 Zone.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

WATER / WASTEWATER / GENERAL

1. None

ADVISORY COMMENTS TO THE APPLICANT

WATER / WASTEWATER / GENERAL

1. None

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

CITY OF DOVER ELECTRIC

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JUNE 2, 2021

APPLICATION: Text Amendment: Permitted Uses within the SC-3 Zone

FILE #: MI-21-07

REVIEWING AGENCY: City of Dover Electric Department

CONTACT PERSON: Paul Waddell, Electric Director

CONTACT PHONE #: 302-736-7072

CONTACT EMAIL #: pwaddell@dover.de.us

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. Electric Department has no objections to the proposed text amendment referencing Permitted Uses within the SC-3 Zone.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

1. None

ADVISORY COMMENTS TO THE APPLICANT

1. None

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

MI-21-07CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 06/02/21

APPLICATION: Text Amendment Permitted uses within SC-3 Zone

FILE #: MI-21-07

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

CONTACT PERSON: Jason Osika, Fire Marshal

PHONE #: (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

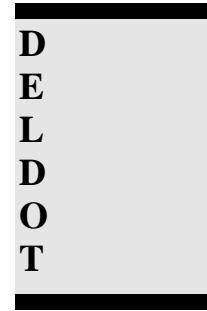
1. This is a text amendment. This office has no objections.

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY



=====

APPLICATION: Text Amendment (Permitted Uses within the SC-3 Zone)

FILE#: MI-21-07

REVIEWING AGENCY: DeIDOT

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:

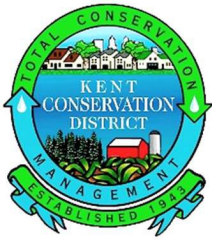
CITY & STATE CODE REQUIREMENTS:

No person, firm, corporation or the like shall construct, open, reconstruct, maintain, modify or use any crossing or entrance onto a state-maintained highway, street or road, including any drainage modifications leading into or carried by the highway drainage system, without first having complied with standards and regulations adopted by the Department and having obtained a permit issued by the Department. Please contact the Delaware Department of Transportation - Development Coordination section to begin permit process.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. No comment to the Text Amendment



KENT CONSERVATION DISTRICT

Item 8.

1679 SOUTH DUPONT HIGHWAY • DOVER, DELAWARE 19901 • (302) 608-5370 • WWW.KENTCD.ORG

**CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
June 2021**

APPLICATION: Text Amendment: Permitted Uses within the SC-3 Zone
FILE #: MI-21-07

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Kate Owens **PHONE #:** 302-608-5370

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:

Kent Conservation District has no objection to the text amendments to the *Zoning Ordinance*, Article 3 – District Regulations, Section 17 – Shopping Center Development Zone.

CITY OF DOVER PROPOSED ORDINANCE #2021-12

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

3 That Chapter Appendix B - Zoning, Article 3 - District Regulations, Section 17 - Shopping Center
4 Development, Subsection 17.33 - Regional Shopping Center (SC-3) Permitted Uses of the Dover
5 Code be amended by inserting the text indicated in bold, blue font and deleting the text indicated in
6 red strikethrough as follows:

7 17.3 Permitted uses.

8 17.33 In a regional shopping center (SC-3), [the following are permitted uses:]

- 9 1. All retail, office, personal service, recreational and institutional
10 facilities, warehousing, transshipment and distribution, and
11 logistics support, which can be shown, by market analysis, to be
12 needed, and which will have no adverse effect on adjacent land uses.

13 (Ord. of 4-12-1982, § 1; Ord. of 4-25-1994; Ord. of 2-12-2001; Ord. No. 2011-25, 12-12-2011; Ord.
14 No. 2014-06, 5-12-2014)

15 ADOPTED: *
16 S:\ORDINANCES\2021\ORDINANCE #2021-12 - APPX B, ART III, SEC 17 - REGIONAL SHOPPING CENTER\ORDINANCE 2021-12 APP B ART III SEC 17 - SC-3 REGIONAL
17 SHOP CTR.wpd

18 SYNOPSIS

19 This amendment adds "warehousing, transshipment and distribution, and logistics
20 support" to the list of permitted uses in a regional shopping center as a result of the
21 ongoing evolution of such centers across the country away from primarily retail to
22 a mix of uses. These changes reflect changing customer concepts of shopping, the
23 decline of the traditionally large format retailer, the influence of online retail
24 operations, and the evolution of the wholesale, and logistics distribution sector.

25 (SPONSORS: ANDERSON AND HUGG)

26 Actions History (Most recent first)
27 05/24/2021 - Introduction/First Reading - City Council