COUNCIL COMMITTEE OF THE WHOLE
AGENDA

SEPTEMBER 25, 2018 - 6:00 P.M.

CITY HALL COUNCIL CHAMBERS
15 LOOCKERMAN PLAZA, DOVER, DELAWARE

PUBLIC COMMENTS ARE WELCOMED ON ANY ITEM AND WILL BE PERMITTED AT APPROPRIATE TIMES. WHEN POSSIBLE, PLEASE NOTIFY THE CITY CLERK (736-7008 OR E-MAIL AT CITYCLERK@DOVER.DE.US) SHOULD YOU WISH TO BE RECOGNIZED.

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

AGENDA ADDITIONS/DELETIONS

1. **REQUEST FOR WAIVER - APPENDIX B - ZONING, ARTICLE 5 - SUPPLEMENTARY REGULATIONS, SECTION 17 - EMERGENCY ACCESS REQUIREMENTS**
   A. **WAIVER OF EMERGENCY REAR ACCESS REQUIREMENTS - 35 AND 39 NORTH NEW STREET** (PLANNING REFERENCE NUMBER SB-18-03)
      (THE PLANNING COMMISSION RECOMMENDED APPROVAL OF THE WAIVER FOR THE ELIMINATION OF THE EMERGENCY REAR ACCESS)

2. **ADJOURNMENT OF SAFETY ADVISORY AND TRANSPORTATION COMMITTEE MEETING**

UTILITY COMMITTEE

AGENDA ADDITIONS/DELETIONS

1. **EVALUATION OF PROPOSALS - UNDERGROUND UTILITY LOCATING SERVICES**
   (STAFF RECOMMENDS AWARDING A ONE (1) YEAR CONTRACT WITH THE OPTION FOR TWO (2) ONE (1) YEAR EXTENSIONS TO W LOCCO, LLC AS PER THE PROPOSAL SUBMITTED IN RESPONSE TO RFP #19-0004COD)

2. **ADJOURNMENT OF UTILITY COMMITTEE MEETING**

ADJOURNMENT OF COUNCIL COMMITTEE OF THE WHOLE MEETING

/TM
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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

PETITION TO WAIVE ZONING ORDINANCE PROVISION:
ELIMINATION OF EMERGENCY ACCESS REQUIREMENTS
Before the City Council Committee of the Whole: Safety Advisory & Transportation Committee
On September 25, 2018
Report of Planning Commission Recommendations of September 17, 2018

Plan Title:	Minor Subdivision Plan for Lands of Larlham Construction (SB-18-03)
Plan Type:	Minor Subdivision Plan
Property Location:	Southeast corner of North New Street and Fulton Street
Property Addresses:	35 & 39 North New Street
Site Area:	0.22 ac. +/- (9.822 SF)
Parcels to be Created:	Lot 1: 5,174 SF Lot 2: 1,650 SF Lot 3: 2,998 SF
Present Zoning:	RG-3 (Group Housing Zone)
Present Use:	Vacant lots (previous house demolished)
Proposed Use:	Total of 3 townhouse units on 3 new separate parcels.
Waiver Recommended:	*Zoning Ordinance* Article 5 § 17.3 and 17.5(a) Elimination of the Emergency Rear Access

PLAN SUMMARY

This application is the Review of a Site Plan and Minor Subdivision Plan for two (2) parcels of land totaling 9,822 SF (0.22 acres) located at 35 & 39 North New Street. The applicant proposes to re-subdivide the land into three (3) parcels of 5,174 SF, 1,650 SF, and 2,988 SF. The applicant also proposes to build a townhouse unit on each new parcel and construct associated site improvements. The property is zoned RG-3 (Group Housing Zone). The property is located at the southeast corner of North New Street and Fulton Street. The owner of record is Larlham Construction, LLC. Property Addresses: 35 & 39 North New Street. Tax Parcels: ED-05-076.08-05-39.00-000 and ED-05-076.08-05-40.00-000. Council District 4.

PROJECT DESCRIPTION

The project is located on the east side of North New Street, just south of Fulton Street. Across Fulton Street to the north are the tennis courts of Wesley College. The properties to the east, south and west are all zoned RG-1 (General Residence Zone) and contain single family homes.

This Minor Subdivision Plan proposes to resubdivide the two Larlham Construction properties into three new parcels and reorient them away from the North New Street frontage, to face Fulton Street. Lot 1 as proposed is the furthest east and has access off an alley that will provide site access to a parking lot with three parking spaces, one for each dwelling unit. The applicant also proposes one (1) new townhouse on each of the newly resubdivided parcels of land, for three (3) total townhouse units.

Application V-18-01 previously went to the Board of Adjustment at their March 21, 2018 meeting. Specifically, the applicants were requesting two variances from the *Zoning Ordinance* for the requirements of the minimum lot size in the RG-3 zone, as well as the minimum lot depth. The applicants were requesting that the minimum lot size of Lot 2 be 1,650 SF instead of 1,800 SF, and that the minimum lot depth for all 3 lots be 91.6 ft. instead of 100 ft. The Board of Adjustment approved the requests.

ZONING REVIEW

RG-3 Zoning District

The property is zoned RG-3 (Group Housing Zone) and is subject to the regulations of *Zoning Ordinance*, Article 3 §3 and Article 4 § 4.4. The proposed use of townhouses is a permitted use in the RG-3 zone.

Townhouse

A Townhouse is given the following definition within the *Zoning Ordinance* Article 12:

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

Waiver Request: Elimination of Emergency Rear Access Requirements

The *Zoning Ordinance* requires a 16-foot alley to provide emergency access to the rear of the three townhouse units (Article 5 §17.5(a)); this alley requirement is for sets of 3-8 townhouse units that are not fire protected. The term "fire-protected townhouse" means "individual units are separated by an NFPA-approved fire barrier and alternating pattern of noncombustible exterior siding separating combustible exterior siding." The Ordinance provides for consideration of a waiver of the emergency access requirements; see Code citation as follows:

> **Article 5 Section 17. - Emergency access requirements.**
>
> (1) *General purpose.* The purpose of this section is to establish standards and requirements for the fire protection of structures and inhabitants by providing emergency vehicle access to structures that enable the City of Dover Bureau of Fire to approach and attack fires in such a way that there is a reduced threat to the lives and safety of citizens.
>
> (2) *Waiver.* Should the planning commission determine, after demonstration by an applicant, that alternative means of fire protection can be provided which are equivalent to or greater than the public safety protection provided by this ordinance, then the planning commission may recommend to [the] city council to waive certain provisions of this ordinance that are not required under other city or state laws.

The plan currently does not provide rear emergency access (alley) to any of the townhouse units on the site. The applicant is requesting a waiver allowing for the elimination of this requirement. The applicant is instead proposing residential fire protection for the three (3) proposed units

rather than construction of the alley given the proposed configuration of the lots and building placement.

The requested waiver is further summarized in the following chart:

Zoning Ordinance	Required	Proposed	Waiver
Emergency Rear Access for Townhouse three – eight units; no fire protection	Sixteen (16) foot alley for rear access	No alley. The lot layout does not include this form of rear emergency access.	Elimination of the required rear alley with the intent to provide alternative means of fire protection (potentially Sprinkler system).

Staff Recommendation on Waiver Request for Elimination of Emergency Rear Access Requirement
Planning Staff recommends approval of the Waiver Request to eliminate the requirement for a 16-foot alley. The proposed new townhouse units are proposed to be equipped with residential fire protection method (likely a sprinkler system) for the three (3) proposed units to give them public safety protections in excess of those provided by the *Zoning Ordinance*. The applicant is working with the Fire Marshal's Office to provide an appropriate fire protection strategy for this units. The Fire Marshal has provided attached comments regarding compliance with fire protection regulations.

Findings and Recommendations of the Dover Planning Commission
A written waiver request for the elimination of the rear access requirement was submitted for consideration by the Planning Commission. Planning Commission formulated a recommendation as part of the review of the project. This Report with their recommendation is forwarded to the Council Committee of the Whole: Safety Advisory and Transportation Committee and City Council who has the final authority to grant the request for the elimination of the emergency rear access for the townhouse units.

The Planning Commission at its meeting on September 17, 2018 reviewed the proposed waiver request as part of its review of the Minor Subdivision Plan for the Lands of Larlham Construction at 35 & 39 North New Street.

- The Planning Commission granted conditional approval of the Minor Subdivision Plan to reconfigure the existing two lots into three lots to construct three townhouse units (one per Lot) with a shared parking lot accessed from an existing alley on the east side of the subject site.
- The approval is subject to the Development Advisory Committee Report (with agency comments) and including adoption of the Staff Recommendations.

- **The Planning Commission recommends approval of the waiver for the Elimination of the Emergency Rear Access.** Pursuant to *Zoning Ordinance*, Article 5 §17.5(a), the Planning Commission recommended approval of the waiver for the elimination of the Emergency Rear Access requirement for a sixteen-foot alley noting that the applicant working with the Fire Marshal's Office on this matter.
- The motion passed unanimously 8-0 of the members present. See Excerpt of the Draft Planning Commission Meeting Minutes of September 17, 2018 for this application.

Attachments:

- Plan Sheet: Minor Subdivision/Site Development Plan
- Waiver Request of August 13, 2018
- DAC Report Comments from the Fire Marshal's Office
- Excerpt of Planning Commission Meeting Minutes of September 17, 2018

**The complete application file SB-18-03 Lands of Larlham Construction including complete plan set and full Development Advisory Committee (DAC) Report are available at the Planning Office.*

DATA COLUMN:

KENT PROPERTY ID # - ALL OF:	ED-05-076.08-05-39.00-000 ED-05-076.08-05-40.00-000
ZONING CLASSIFICATION:	RG3 - RESIDENTIAL GROUP HOUSING ZONE
PROPERTY ADDRESS:	PARCEL 39.00 - 35 NORTH NEW STREET DOVER, DELAWARE 19901
	PARCEL 40.00 - 39 NORTH NEW STREET DOVER, DELAWARE 19901
OWNER OF RECORD:	LARLHAM CONSTRUCTION , LLC #1529 JUDITH ROAD HARTLY, DELAWARE 19953
SURVEYOR:	ELLIOTT SURVEYING, CORP. #332 AUDREY LANE SMYRNA, DELAWARE 19977

-- BUILDING SETBACKS - CITY OF DOVER ZONING ORDINANCE - RG-3 GROUP HOUSING

FRONT YARD SETBACK:	15'
SIDE YARD SETBACK:	15'
REAR YARD SETBACK:	30'

-- PROPOSED TOWNHOUSE DATA

UNIT #1:	1,584 SQ. FT.
UNIT #2:	1,620 SQ. FT.
UNIT #3:	1,584 SQ. FT.
BUILDING SIZE - TOTAL:	4,788 SQ. FT.
BUILDING HEIGHT - ALLOWED:	35'
BUILDING HEIGHT - PROPOSED:	34.9'
BUILDING, # OF STORIES - ALLOWED:	3
BUILDING, # OF STORIES - PROPOSED:	3

-- SITE ACREAGE

SITE ACREAGE - PARCEL 39.00 - EXISTING:	5,947 SQ. FT. +/-
SITE ACREAGE - PARCEL 40.00 - EXISTING:	3,875 SQ. FT. +/-
SITE ACREAGE - LOT #1 - PROPOSED:	5,174 SQ. FT. +/-
SITE ACREAGE - LOT #2 - PROPOSED:	1,650 SQ. FT. +/-
SITE ACREAGE - LOT #3 - PROPOSED:	2,998 SQ. FT. +/-
SITE ACREAGE - TOTAL:	9,822 SQ. FT. +/-

-- TOTAL NUMBER OF PARCELS

PARCELS - EXISTING:	2
PARCELS - PROPOSED:	3

DATA COLUMN - CONTINUED:

-- PARKING

OFF-STREET PARKING SPACES - REQUIRED:	3
OFF-STREET PARKING SPACES - PROPOSED:	3
SANITATION - EXISTING:	CITY OF DOVER
PERMITTED IMPERVIOUS BUILDING COVERAGE - ALLOWED:	45%
PERMITTED IMPERVIOUS BUILDING COVERAGE - EXISTING:	NONE - PARCELS "VACANT"
PERMITTED IMPERVIOUS BUILDING COVERAGE - PROPOSED:	LOT #1 - 550 SQ. FT. (10.6%) LOT #2 - 564 SQ. FT. (34.2%) LOT #3 - 550 SQ. FT. (18.3%)
TOTAL IMPERVIOUS COVERAGE - PROPOSED:	LOT #1 - 2,175 SQ. FT. (42.0%) LOT #2 - 564 SQ. FT. (10.6%) LOT #3 - 550 SQ. FT. (18.3%)
SITE DISTURBANCE (MINUS LANDSCAPING):	3,289 SQ. FT. +/-
TREES - REQUIRED:	4
TREES - EXISTING:	3
TREES - PROPOSED:	1
MONUMENTS FOUND:	6
MONUMENTS PROPOSED:	6
WASTEWATER:	CITY OF DOVER
WATER:	CITY OF DOVER
EXISTING USE:	"RESIDENTIAL"
PROPOSED USE:	"RESIDENTIAL"
HORIZONTAL DATUM:	D/R 8561-203

LINE TABLE		
NO.	BEARING & DISTANCE	
L1	S 08°17'00" E	20.44'
L2	N 81°43'51" E	29.22'
L3	S 08°17'00" E	25.59'

GENERAL NOTES:

1. IMPROVEMENTS ARE LOCATED AS SHOWN. IMPROVEMENT DIMENSIONS ARE SHOWN FOR CONFORMITY PURPOSES ONLY; ANY OTHER USE OF SAID DIMENSIONS SHALL BE AT THE RISK OF THE USER(S). ELLIOTT SURVEYING, CORP. SHALL BEAR NO LIABILITY OF MISUSE OF SAID DIMENSIONS.
2. LOT SHOWN IS SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.
3. **ALL CERTIFICATIONS HEREON ARE VALID FOR THIS PLAN AND COPIES THEREOF, ONLY IF SAID PLAN AND COPIES BEAR THE IMPRESSION SEAL AND SIGNATURE, IN RED INK, OF THE LICENSED LAND SURVEYOR WHOSE NAME APPEARS HEREON. THIS PLAN IS NOT TO BE DUPLICATED/COPIED/TRANSMITTED FOR ANY REASON WITHOUT THE WRITTEN CONSENT OF ELLIOTT SURVEYING, CORP. FURTHERMORE, ELLIOTT SURVEYING, CORP. SHALL BEAR NO LIABILITY FOR UNAUTHORIZED USE OF THIS MAP.**
4. **WE HEREBY CERTIFY THAT THIS PLAN WAS PREPARED FOR THE INDIVIDUAL(S) NOTED BELOW, NO RESPONSIBILITY IS IMPLIED AND/OR ASSUMED BY THE SURVEYOR TO ANY FUTURE LAND OWNER OR OCCUPANT.**
5. THIS PLAN IS BASED UPON THE RECORD PLAN(S) NOTED AND/OR DEED RECORDS SHOWN THUS (D/R), AND PHYSICAL EVIDENCE FOUND.
6. NO CERTIFICATION AS TO TITLE TO THE SUBJECT LOT IS EXTENDED, AND/OR ASSUMED BY, THE PREPARER HEREOF.
7. FLOOD MAP PANEL 10000I C0167H, EFFECTIVE 07/07/2014 REVEALS NO IMPACT ON THIS PROPERTY.
8. SOURCE OF TITLE TO PARCELS 39.00 & 40.00 BEING D/R 8561-203, DATED 31-MAR-2017.
9. PART II, CHAPTER 180, ARTICLE III, SECTION 180-10 OF THE CODE OF KENT COUNTY REQUIRES THAT "NO PERSONS SHALL DISCHARGE OR CAUSE TO BE DISCHARGED ANY STORMWATER, SURFACE WATER, UNCONTAMINATED GROUNDWATER, ROOF RUNOFF, SUBSURFACE DRAINAGE, UNCONTAMINATED NON-CONTACT COOLING WATER OR UNPOLLUTED INDUSTRIAL PROCESS WATERS TO ANY SANITARY SEWER". THIS SHALL INCLUDE CONDENSATE. SECTION 110-231 OF THE CITY OF DOVER CODE DEFINES STORM SEWER AS "... ANY SYSTEM USED FOR CONVEYING RAIN WATER, SURFACE WATER, CONDENSATE, COOLING WATER OR SIMILAR LIQUID WASTES, EXCLUSIVE OF SEWAGE." THE CONTRACTOR, DEVELOPER, OWNER, AND DESIGNERS SHALL ENSURE DURING CONSTRUCTION THAT NO ILLEGAL DISCHARGES TO THE SANITARY SEWER SYSTEM ARE CREATED WITH THE SITE IMPROVEMENTS.
10. PER VARIANCE APPLICATION V-18-01, DATED 18-APR-18, THE BOARD OF ADJUSTMENTS UNANIMOUSLY GRANTED APPROVAL OF THE FOLLOWING VARIANCES:
    1) ALLOWS FOR LOT NO. 2 OF THE PROPOSED MINOR SUBDIVISION TO HAVE A LOT SIZE OF 1,650 SQUARE FEET WHERE AS ZONING ORDINANCE REQUIRES A MINIMUM LOT SIZE OF 1,800 SQUARE FEET
    2) ALLOWS FOR ALL THREE (3) PROPOSED LOTS TO HAVE A DEPTH OF 91.6' +/- WHERE AS ZONING ORDINANCE REQUIRES A MINIMUM LOT DEPTH OF 100'

OWNER CERTIFICATION:

WE, LARLHAM CONSTRUCTION LLC, HEREBY CERTIFY THAT WE ARE THE LEGAL OWNERS OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT OUR DIRECTION AND THAT WE ACKNOWLEDGE THE SAME TO BE OUR ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

LARLHAM CONSTRUCTION LLC — DATE

Elliott Surveying
SURVEYOR

PROPOSED SITE PLAN
-- SCALE = 1"=10' --

EXISTING PARCEL CONFIGURATION
-- SCALE = 1"=20' --

SURVEYOR CONTACT INFORMATION

ELLIOTT SURVEYING, CORP.

OFFICE LOCATION:
490 N. DUPONT HIGHWAY, DOVER, DE 19901

MAILING ADDRESS:
332 AUDREY LANE, SMYRNA, DE 19977

PHONE: (302) 678-8115 FAX:(302) 678-8255

SURVEYORS CERTIFICATION

I, WILLIAM A. ELLIOTT, HEREBY CERTIFY THAT I AM A REGISTERED SURVEYOR 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 SURVEYING AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

WILLIAM A. ELLIOTT, PLS

REG. NO. — DATE

REVISIONS

MARK	DATE	DESCRIPTION

OWNERS INFORMATION

LARLHAM CONSTRUCTION, LLC

#1529 JUDITH ROAD
HARTLY, DELAWARE 19953

CLASS "A" SURVEY

SITE PLAN AND MINOR SUBDIVISION PLAN PREPARED FOR

LARLHAM CONSTRUCTION, LLC

#35 & #39 NORTH NEW STREET
DOVER, DELAWARE 19901

TAX MAP #: ED-05-076.08-05-39.00-000
TAX MAP #: ED-05-076.08-05-40.00-000

EAST DOVER HUNDRED
CITY OF DOVER, KENT COUNTY, DELAWARE

DRAWN BY:	NIK PATEL
CHECKED BY:	W. A. ELLIOTT
SCALE:	AS NOTED
DATE:	20-JAN-2018
DATE OF FLD WRK:	JAN-2018
DATE CRNRS SET:	TBD
FIELD BOOK/PAGE:	N/A
SCJ FILE NAME:	Larlham_NewSt
DRAWING #:	Larlham_NewSt
CONTRACT #:	Larlham_NewSt

SHEET 1 OF 1

ELLIOTT Surveying
Professional Land Surveying

* GENERAL LAND SURVEYING
* MINOR SUBDIVISION PLANNING & DESIGN
* MINOR LOT LINE ADJUSTMENTS
* LOT CONSOLIDATIONS
* FLOOD CERTIFICATIONS
* CONSTRUCTION STAKEOUTS & AS-BUILTS
* RESIDENTIAL/COMMERCIAL/ FARM SURVEYING
* ENGINEERING/SITE PLANNING
* TOPOGRAPHIC SURVEYING

"SERVING NEW CASTLE, KENT, AND SUSSEX COUNTIES"

Elliott Survey, Corp. - 332 Audrey Lane Smyrna, DE 19977 Ph: (302) 678-8115
Fax: (302) 678-8255

August 13, 20118

To: CITY OF DOVER PLANNING SERVICES
DIVISION OF PLANNING
15 Lockerman Plaza
Dover, Delaware 19901
(302) 736-7008

From: NIK PATEL
ELLIOTT SURVEYING, CORP.
332 Audrey Lane
Smyrna, Delaware 19977

RE: WAIVER REQUEST ~ STATEMENT OF THE NATURE OF REQUEST

To Whom It May Concern;

As per the Site Plan Waiver Application Requirement, I, on behalf of my client "Larlham Construction, LLC" , would like to request a waiver from the City of Dover Code of Ordinances Article 5 §17.5(a). Our client is in the process of applying for a "MINOR SUBDIVISION" Application (Application: SB-18-03) for Elimination of Emergency Rear Access Requirements for the properties located at #35 & #39 North New Street, Parcel # ED-05-076.08-05-39.00-000 & Parcel # ED-05-076.08-05-40.00-000; being further located in the City of Dover, Kent County.

Article 5 Section 17.5(a) - Emergency access requirements.

(1) General purpose. The purpose of this section is to establish standards and requirements for the fire protection of structures and inhabitants by providing emergency vehicle access to structures that enable the City of Dover Bureau of Fire to approach and attack fires in such a way that there is a reduced threat to the lives and safety of citizens.

(2) Waiver. Should the planning commission determine, after demonstration by an applicant, that alternative means of fire protection can be provided which are equivalent to or greater than the public safety protection provided by this ordinance, then the planning commission may recommend to [the] city council to waive certain provisions of this ordinance that are not required under other city or state laws.

As per the Article above, the *Zoning Ordinance* requires a 16-foot alley to provide emergency access to the rear of the three townhouse units. In lieu of the 16-foot alley, the owner, with initial conversations with the City of Dover, Office of the Fire Marshal, is proposing residential fire protection for the (3) proposed units. The Office of the Fire Marshal has agreed to move forward with this proposal pending submittal and review of detailed building plans highlighting the design of the fire protection being proposed.

We respectfully request that the City of Dover Planning Services office please consider the facts given and grant the approval of this waiver request. If you have any questions or concerns, please contact me directly at my office at (302) 678-8115. Thank you again for your time and assistance on this matter.

Sincerely,

Nik Patel
Elliott Surveying, Corp.

SB-18-03

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 08/08/18

CITY OF DOVER FIRE MARSHAL

APPLICATION: Lands of Larlham Construction LLC at 35 & 39 North New St

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

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

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is residential townhouses.

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

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

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

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

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

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

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

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

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

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

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

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

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

   Arabic numerals, all numbers used shall be Arabic numerals,

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

5. Project to be completed per approved Site Plan.

6. Full building and fire plan review is required.

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

8. Fire alarm systems, fire suppression systems, hoods, and hood suppression systems require a fire permit from the Fire marshal's Office. This work cannot be started until the permit is approved.

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. A meeting in regards to item # 2 listed above (rear access) needs to take place with the Fire Marshal and Chief Building Inspector. At that time, a sprinkler system and noncombustible siding can be discussed in lieu of the rear access. If a sprinkler system is installed, additional comments will be provided.
2. Each unit will need a proper address (Fulton St).

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 PLANNING COMMISSION
September 17, 2018
Excerpt from Meeting Minutes – Draft

The Regular Meeting of the City of Dover Planning Commission was held on Monday, September 17, 2018 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Ms. Edwards, Mr. Holt, Mr. Baldwin, Mrs. Welch, Ms. Maucher and Mr. Tolbert. Staff members present were Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Julian Swierczek, Mrs. Tracey Harvey, and Mrs. Kristen Mullaney.

SB-18-03: Lands of Larlham Construction LLC at 35 & 39 North New Street – Public Hearing and Review of a Site Plan and Minor Subdivision Plan for two (2) parcels of land totaling 9,822 SF (0.22 acres) located at 35 & 39 North New Street. The applicant proposes to re-subdivide the land into three (3) parcels of 5,174 SF, 1,650 SF, and 2,988 SF. The applicant also proposes to build a townhouse unit on each new parcel and construct associated site improvements. The property is zoned RG-3 (Group Housing Zone). The property is located at the southeast corner of North New Street and Fulton Street. The owner of record is Larlham Construction, LLC. Property Addresses: 35 & 39 North New Street. Tax Parcels: ED-05-076.08-05-39.00-000 and ED-05-076.08-05-40.00-000. Council District 4. *Waiver Request: Elimination of Rear Emergency Access Requirement. This application is the subject of Variance V-18-01, approved by the Board of Adjustment on March 21, 2018. The variance permits the applicant to go below the minimum lot size in the RG-3 zone for the 1,650 SF parcel and the minimum lot depth in the RG-3 zone for all three parcels.*

Representatives: Mr. Dan Larlham, Larlham Construction; Mr. Nik Patel, Elliott Surveying

Mr. Swierczek stated that this application is a review of a Minor Subdivision Plan and Site Plan to permit two parcels of land totaling 0.22 acres located at 35 and 39 North New Street to be re-subdivided into three new lots re-orienting them away from the North New Street frontage and instead having a Fulton Street frontage. The applicant also proposes one new townhouse unit to be built on each of the three new parcels with associated site improvements. The properties are zoned RG-3 (Group Housing Zone) and the townhouses are a permitted use in this zone. These properties previously went to the Board of Adjustment as Application V-18-01 which was reviewed on March 21, 2018 by the Board of Adjustment. The applicants had requested two variances from the *Zoning Ordinance* for the requirements of the minimum lot size in the RG-3 (Group Housing Zone) as well as minimum lot depth. The applicants were requesting that the minimum lot size of the new Lot 2 to be 1,650 SF instead of the required minimum of 1,800 SF and that the minimum lot depth for all three lots be 91.6 feet instead of the required minimum of 100 feet. The Board of Adjustment has reviewed and approved those requests. The proposed plan shows a sidewalk access from the existing sidewalk along Fulton Street frontage to the north to each of the three townhouse units. There is also one vehicular point of access from an unnamed alley to the east that is twelve feet wide. This access is for the parking lot that contains one parking space for each townhouse unit and there is no parking provided on the other lots. Because the parking spaces for all three units are to be located on Lot 1, Staff recommends both a parking easement and an access easement to be put in place to ensure access between the

parking lot and all three townhouse units. Staff has further recommended a connecting sidewalk from the parking area north to the sidewalk along the Fulton Street frontage. The applicant will also need to identify the location of storage areas for trash and recycling cans for the townhouse units. The applicant is also submitting a waiver request for the elimination of the emergency rear access requirements.

Mr. Larlham stated that he agrees with everything that Mr. Swierczek said, and he is going to work cooperatively with the City throughout this project.

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

Mr. Holden stated that Staff had a number of different recommendations: an easement to allow property owners on Lots 2 and 3 to the parking lot on Lot 1 and a sidewalk to allow access. Is the applicant okay with those actions? Responding to Mr. Holden, Mr. Larlham stated yes.

Mr. Holden questioned if Staff got any commentary from the Fire Marshal on the waiver request regarding the emergency rear access? Responding to Mr. Holden, Mrs. Melson-Williams stated that the Fire Marshal's comments were part of the Report. They do talk specifically about townhouses. They are recommending a meeting of the applicant with the Fire Marshal and Chief Building Inspector. There are several alternatives that they could explore for the property for fire protection other than just the rear emergency access. Specifically, the Fire Marshal suggests a sprinkler system which they have seen in townhouse units before and also, the series of non-combustible siding. The Building Code is going to have fire walls between units but there are some additional measures that could be approached. A sprinkler system obviously has some other implications about water service coming to the properties and things like that, but they did not seem opposed to looking at alternatives. With that waiver request for the elimination of rear emergency access, the Planning Commission makes a recommendation and that recommendation has to be forwarded to City Council for their review. It moves up through the Safety Advisory and Transportation Committee and then ultimately to City Council.

Mr. Roach questioned if the applicant had an idea of who he planned on servicing with these townhouses in the area because he knows that Wesley College is in the area and there are a lot of low-income families in the area? Responding to Mr. Roach, Mr. Patel stated that it was primarily in hopes to make it feasible for the students and that is the reason that they went with a townhouse concept. Regarding the waiver request, they have had preliminary conversations with the Fire Marshal's Office and currently they are working with the architect to design the sprinkler system that they would be proposing in the townhomes to accommodate that waiver request.

Mr. Holden moved to recommend approval to City Council for SB-18-03: Lands of Larlham Construction LLC at 35 & 39 North New Street and to also approve the waiver request with the understanding that the applicant will satisfy the Fire Marshal's concerns and that the waiver makes its way through the process that Mrs. Melson-Williams defined, seconded by Mrs. Welsh and the motion was carried 8-0 by roll call vote with Dr. Jones absent. Mr. Holden voting yes; due to Staff comments, due to the need for affordable housing in the area and due to the

applicant's willingness to work with Staff and the Fire Marshal. Mr. Roach voting yes; due to the fact that it is providing more housing for Wesley College students and working collaboratively with the Fire Marshal in regards to the rear access. Ms. Edwards voting yes; based on the reasons previously stated. Mr. Holt voting yes; based on the reasons previously stated. Mr. Baldwin voting yes; for the reasons previously stated. Mrs. Welsh voting yes; for the reasons previously stated and there are quite a few new residences going up there and she thinks that this will be a welcomed addition and much more in keeping with the new properties in the area. Ms. Maucher voting yes; for reasons previously stated. Mr. Tolbert voting yes; the housing in that area is certainly needed and we can appreciate the work that will be done there.

ACTION FORM

PROCEEDING: Committee of the Whole (Utility) **AGENDA ITEM NO.:**
DEPARTMENT OF ORIGIN: Public Works / Electric **DATE SUBMITTED**: 9/14/18
PREPARED BY: Jason A. Lyon, P.E., Water / Wastewater Manager and James S. Robinson, Electric Director
SUBJECT: Evaluation of Proposals – Underground Utility Locating Services
REFERENCE: N/A
RELATED PROJECT: N/A
APPROVALS: City Manager, Controller
EXHIBITS: N/A
EXPENDITURE REQUIRED: As Needed **AMOUNT BUDGETED**: $ 60,000 in FY 19
FUNDING SOURCE (Dept/Page in CIP & Budget): Funding is provided within the operations budget. FY 19 budget includes $30,000 in each of the Contractual Services accounts for Water-Wastewater Engineering (412-2600-553.30-31) and Electric Engineering (480-8300-563.30-31).
TIMETABLE: Contract to be executed within two (2) weeks of Council Approval.
RECOMMENDED ACTION: Staff recommends awarding a one (1) year contract with the option for two (2) one (1) year extensions to W Locco, LLC as per the proposal submitted in response to RFP #19-0004COD.

BACKGROUND AND ANALYSIS

The City of Dover is a member of the Utilities Service Protection Center of Delmarva, Inc., also known as Miss Utility. This is an organization that receives excavation requests from all parties and notifies the facility owners of locating requests in our service area. Currently, the City of Dover utilizes W Locco, LLC as our sole locating contractor. Over the last three (3) fiscal years (FY16-FY18), the average cost for using W Locco, LLC is $61,676; based upon the proposal this cost would be approximately $60,840, based on hourly rate option.

Proposals were solicited and advertised according to City Policy by the City's Contract and Procurement Manager under RFP #19-0004COD and submissions were received from two (2) contractors. The proposals were evaluated based on work experience with locating water, wastewater, electric and fiber lines; safety record; ability to meet response time; cost; geographical knowledge of Dover; ability to handle all aspects of ticketing and contractors and ability to sustain locators. The proposer evaluated the highest was also the one with the lowest cost proposal. The contractor will be responsible for locating underground utilities owned by the City of Dover and will be liable for damaged utilities due to incorrect locating. Additionally, the contractor will manage the Miss Utility ticket process, which includes receiving the tickets directly from Miss Utility, marking the involved utilities, and entering the information on the web-based reporting system. Dover will be responsible for providing the contractor with periodic updated prints and files of newly installed utilities.

The proposal had two (2) methods of billing, the first is price per ticket, and the second is hourly rate. Staff concluded that the hourly rate would be the cheaper option. Historical data indicates that W Locco can process roughly thirty (30) tickets per day. The proposed contract from W Locco is for a period of one (1) year with two, one (1) year extensions and includes an annual increase of 2% the second year and 1% in the third year.

The following is a summary of the hourly expense from each proposer:

Company Name	Location	Business Hour Rate	After Hours Rate	Evaluated Business Hour Rate	Evaluated After Hours Rate
Century Engineering	Dover, DE	$63.00	$72.00	$61.11*	$69.84*
W Locco, LLC	Georgetown, DE	$29.25	$38.75	$29.25	$38.75

**=Century Engineering claimed Local Vendor Preference, which entitles a 3% reduction on the evaluation of prices.*