

**CITY OF DOVER PLANNING COMMISSION  
AGENDA**

**Monday, November 19, 2018 – 7:00 P.M.  
City Hall, City Council Chambers  
15 Loockerman Plaza, Dover, Delaware**

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

ADOPTION OF MINUTES OF MEETING of October 15, 2018

**COMMUNICATIONS & REPORTS**

- 1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, December 17, 2018 at 7:00pm in the City Council Chambers.
- 2) Update on City Council Actions
- 3) Department of Planning & Inspections Updates
  - a. Report on APA Delaware 2018 Regional Conference – Planning 360°: Economy, Environment and Health

**OPENING REMARKS CONCERNING MEETING PROCEDURES**

**OLD BUSINESS**

- 1) Requests for Extensions of Planning Commission Approval:
  - a. S-16-13 Revised Dunkin Donuts at 1116-1128 Forrest Avenue – Request for One Year Extension of the Planning Commission conditional approval granted November 21, 2016 for the Site Development Plan application to permit the construction of approximately 34,813 S.F. of retail and office space in four buildings and other site improvements. The project is to include a Parcel Consolidation Plan to merge the six parcels on site. The project's initial phase consists of one 7,389 S.F. building with three tenant spaces, one of which will be occupied by a Dunkin Donuts, and one 3,712 S.F. building with one tenant space. Construction would involve demolition of all existing buildings on site. The property consists of 7.7 acres and is located on the south side of Forrest Avenue west of Saulsbury Road. The property is zoned C-2A (Limited Central Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Ennis Business Associates, LLC. And developer/purchaser is Franchise Management Services, Inc. Property Address: 1116-1128 Forrest Avenue. Tax Parcels: ED-05-076.11-02-22.00-000, ED-05-076.11-02-59.00-000, ED-05-076.11-02-20.00-000, ED-05-076.11-02-21.00-000, ED-05-076.11-02-23.00-000 and ED-05-076.11-02-20.01-000. Council District 1. *Waivers Granted: Partial Elimination of Curbing, and Opaque Barrier Requirements – Fence Component (Material & Location); and Consideration for Determination of Superior Urban Design.*
- 2) Update on Status of Eden Hill Farm TND: Residential District (Discussion only – No Application Pending)

### NEW APPLICATIONS

- 1) Z-18-03 Lands of Faithwork LLC, and Paul & Justine Davis at 971, 975, 983, 987, and 991 Forest Street, 21 and 27 Saulsbury Road, and 20 and 30 Carver Road – Public Hearing and Review for Recommendation to City Council on rezoning of nine parcels of land totaling 2.32 +/- acres located on the north side of Forest Street, between Saulsbury Road to the west, and Carver Road to the east. The properties are zoned IO (Institutional and Office Zone), C-1A (Limited Commercial Zone), and C-PO (Commercial and Professional Office Zone) and are subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-2A (Limited Central Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The owners of record are Faithwork, LLC and Paul Davis & Justine J. Davis (Paul and Justine Davis Rev Trust). Property Addresses: 971, 975, 983, 987, and 991 Forest Street, 21 and 27 Saulsbury Road, and 20 and 30 Carver Road. Tax Parcels: ED-05-076.07-01-62.00-000, ED-05-076.07-01-37.00-000, ED-05-076.07-01-36.00-000, ED-05-076.07-01-35.00-000, ED-05-076.07-01-34.00-000, ED-05-076.07-01-38.00-000, ED-05-076.07-01-39.00-000, ED-05-076.07-01-61.00-000, and ED-05-076.07-01-60.00-000. Council District 4. Ordinance #2018-11. The First Reading for this zoning map amendment was completed on October 22, 2018. The Final Reading/Public Hearing is scheduled before City Council for December 10, 2018
- 2) S-18-11 Lidl Grocery Store & Retail Space at North DuPont Highway and Kings Highway NE – Public Hearing and Review of a Site Development Plan Application to permit construction of two new buildings and accompanying site improvements. The larger 29,089 SF building is proposed to be used as a new Lidl Grocery Store. The second 6,000 SF building has a proposed use as a retail space. The previous structures on the site have been demolished, and the site is now vacant. The property consists of a total 6.73 acres (7.275 acres prior to right-of-way dedication) and is located on a site bounded by North DuPont Highway, Maple Parkway, and Kings Highway. The property is zoned C-4 (Highway Commercial Zone) and IO (Institutional and Office Zone) with all site improvements to occur in the C-4 zone. The owners of record are Davis H. Wood, and Kings Highway Land Partners, LL; and equitable owners are Lidl US Operations LLC. Property Addresses: 122, 136, 140 and 162 North DuPont Highway and 321 Kings Highway NE. Tax Parcels: ED-05-068.18-01-20.00-000, ED-05-068.18-01-21.00-000, ED-05-068.18-01-22.00-000, ED-05-068.18-01-23.00-000, ED-05-068.18-01-24.00-000 and ED-05-068.18-01-25.00. Council District 2. *This Application is to supersede Site Plan S-16-14 Lidl Grocery Store previously granted conditional approval by the Planning Commission in July 2016 and a previous submission S-18-03 Lidl Grocery Store & Retail Space.*

### NEW BUSINESS

- 1) Project for Dover's 2019 Comprehensive Plan
  - a. Update on Project Activities (Project Update October 2018)
  - b. Review of Preliminary Goals & Recommendations
  - c. Review of Preliminary DRAFT Land Development Plan Map Series
  - d. Review of Preliminary DRAFT Annexation Plan Map Series

### ADJOURN

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

**CITY OF DOVER PLANNING COMMISSION  
OCTOBER 15, 2018**

The Regular Meeting of the City of Dover Planning Commission was held on Monday, October 15, 2018 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Ms. Edwards, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Maucher and Mr. Tolbert. Mr. Roach and Mrs. Welsh were absent.

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

**APPROVAL OF AGENDA**

*Mr. Holt moved to approve the agenda as submitted, seconded by Ms. Edwards and the motion was unanimously carried 7-0 with Mr. Roach and Mrs. Welsh absent.*

**APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF  
SEPTEMBER 17, 2018**

*Ms. Edwards moved to approve the Planning Commission Meeting minutes of September 17, 2018, seconded by Ms. Maucher and the motion was unanimously carried 7-0 with Mr. Roach and Mrs. Welsh absent.*

**COMMUNICATIONS & REPORTS**

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Monday, November 19, 2018 at 7:00pm in the City Council Chambers.

Mr. Hugg provided an update on the regular City Council and various Committee meetings held on September 24 & 25, 2018 and October 8 & 9, 2018.

Mrs. Melson-William stated that the City's Customer Service division is actually having a public outreach event where you go to pay your electric and water bill at 5 East Reed Street. They will be having a public outreach event regarding a variety of energy assistance programs. They will have a number of groups there explaining their programs and any help. If you know of someone who may qualify for the Low Income Home Energy Assistance programs or may be interested in a Weatherization Assistance program, be sure to tell them about the outreach event which is scheduled for Tuesday, October 30, 2018 from 9-11AM. It is hosted by the City of Dover at the 5 East Reed Street location. It is open to all City of Dover residents. If you have questions about that please contact the Customer Service Department at 302-736-7035.

Mrs. Melson-Williams stated that she believes that flushing of the City's water system is ongoing and leaf collection begins today. If you have questions about leaf collection in your neighborhood, be sure to check out the City's website or contact the Public Works Office about those items.

Mr. Hugg stated that the Delaware Planning Association's Regional Conference for 2018 entitled "Planning 360 Degrees; Economy, Environment and Health" will be held October 23 & 24, 2018 at the Atlantic Sands Hotel in Rehoboth Beach, DE. He believes that there are still openings if

any members of the Planning Commission have decided that they may want to attend one of those days.

**OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS**

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

**OLD BUSINESS**

- 1) Requests for Extensions of Planning Commission Approval: None
- 2) Re-evaluation of Conditional Use:
  - a. C-17-04 House of Pride Offices at 45 South New Street – Re-evaluation One Year Review including Public Hearing for a Conditional Use Permit to convert an existing one-family dwelling structure into a philanthropic use as the administrative facility (offices) for House of Pride. The application was reviewed by the Planning Commission on August 21, 2017 with approval of the use conditioned upon a one-year review among other conditions. The property consists of a 9,090 SF +/- parcel. The property is zoned RG-1 (General Residence Zone). The property is located on the east side of South New Street, north of Reed Street, and south of Division Street. The owner of record is House of Pride, Inc. Property Address: 45 South New Street. Tax Parcel: ED-05-077.05-03-05.00-000. Council District: 4.

**Representatives:** Mr. Marion Lott, House of Pride

Mr. Diaz stated that this project is for converting a building that was previously used as a one family dwelling at 45 South New Street into office space for the House of Pride. Because the House of Pride is a philanthropic organization, it is possible for them to get office space in a residential zone through the Conditional Use process. The applicant started going through the process last year when they got Planning Commission approval at the August 21, 2017 meeting of the Commission. At that time, they were required to come back to the Commission in one year for what they call a One Year Review. The purpose of the One Year Review is to evaluate the project's progress towards meeting it's original conditions of approval and also to ensure its still meeting the overall goals of the Conditional Use process. In the packet, you will find a memo that gives a detailed response to these concerns. But to summarize, there are two main things that the applicant still needs to do to meet those conditions of approval. One is that they still need to submit the documentation needed to gain final approval for the Conditional Use application. The other is that they need to submit a Building Permit application to renovate the building so that it meets the Building Code requirements for an office building. These are expected to be relatively minor changes like ADA ramps and bathrooms and fire safety improvements. The applicant did tell Staff that they would be seeking the help of a design professional to meet these two requirements. As for meeting the overall goals for the Conditional Use process, which include things like accessibility for emergency response, harmony of location, size and character with the neighborhood and compatibility with the residential zone in particular, Staff believes that these goals are currently being met. This is in light of the various conditions of approval which have already been met by the



project which include keeping the building's appearance as a residential structure, prohibiting overnight sheltering in the building and maintaining the required vehicle and bicycle parking. The Commission should consider the applicant's responses to any questions they ask tonight as well as any public testimony given tonight in evaluating whether the goals of the Conditional Use process are still met. The Planning Commission does need to take action tonight on the One Year Review. Staff has four recommendations on what the action should be. First is that Staff recommends that the Commission renew the Conditional approval granted in August 2017 and require the Conditional Use Plan to be finalized in a timely manner. Second, Staff recommends the Commission require completion on the Building Permit process in a timely manner to formally establish the office in the building. Third, Staff recommends that the Commission directs the Planning & Inspections Department to open a Code Enforcement case to track and ensure the project's progress towards finalization. Fourth, Staff recommends that the Commission consider scheduling an additional review before the Commission in the future so that we can have another check-in similar to the one that we are having tonight. Staff believes that the best time for such a review would be one year after all of the construction work is completed and the office use is formerly established.

Mr. Holden stated that the Report indicates that the Conditional Use Plan doesn't need to be filed until August of 2019. What set that timeline? He is a bit unfamiliar with what sets that timeline but it seems like a long way out to require a plan for building that is now operating under a Conditional Use already. Responding to Mr. Holden, Mr. Diaz stated that two years is the standard approval window for all Site Plans and Conditional Uses. That's how long a project typically has to finalize their Site Plans, Building Permits and actually get shovels in the ground and start constructing. In this case, the office use is already there in the building although it hasn't yet finalized the process, but Staff did still give them the standard two year timeframe to finalize the process with a caveat that they would need to come in for a check-in at the one year mark.

Mr. Lott stated that he is the Executive Director of the House of Pride. When they were before the Commission one year ago, they were given those conditions and they were thinking that they were meeting them. At a meeting that they recently had with the City, they were informed that there were other conditions that they had not made any progress toward and needed to be completed. One of them was to get a designer. At the meeting before, they did present floor plans and plot plans but it was not professionally done. They were informed that they need to get that professionally done so they have acquired an architect that has already come out to the site and he will be there again tomorrow to make sure that they get all of their floor plans and the plot plan professionally done. He will show that the building meets all of Codes that is needed in order for the building to be an office.

Mr. Tolbert questioned if Mr. Lott would continue to cooperate with Staff or if he had a problem with the Staff recommendations? Responding to Mr. Tolbert, Mr. Lott stated that they are definitely going to continue to work with Planning Staff. They have been very cooperative with them. They have given them the information that they need in order to make sure that the project is a success. They do thank and appreciate all of the assistance that they have been receiving.

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

Mr. Holt stated that one of their big concerns was some problems with the personal and members of the club having problems with the law as far as having things going on there that were not good for the public. We had a lot of testimony at that time that people have been shot outside and they look like they needed more control on their members. He is wondering if that has been able to be corrected for this club.

Mr. Holden stated that he thinks Mr. Holt is referring to the Square Club, not the House of Pride office.

Dr. Jones questioned how things were going in terms of the accomplishments in terms of the objectives of the House of Pride? Responding to Dr. Jones, Mr. Lott stated that they are making good progress. Their goal was to assist people who have gone through a portion of recovery with after care. After care meaning that they provide them with housing while they are continuing to seek employment and while they are continuing to attend all of their meetings. Their goal was to house no more than ten men and they are at that capacity now. Those goals are being met. Of course, there is always improvement that can be made. Their goal was also to assist people with affordable housing and their definition for "affordable housing" is that they ask those individuals who are in need of housing how much they can afford based on their income at that time. Even though they know that there is a certain rate for one bedroom and two bedrooms or three bedrooms; their method of helping them is asking them to make a commitment to what they can actually afford monthly. They have been successful with that. They have worked with the Mayor's initiative for housing Veterans, especially a Vet who had problems with sex offending. They try to alleviate problems in that section of New Street by controlling the traffic of people. They utilize fence and light and they also house individuals that are not a part of the climate that really exists on New Street. With that being done, they have alleviated quite a few problems even though there are many others that have to be addressed.

Ms. Edwards asked Mr. Lott to tell them what the intent or the timeframe within which House of Pride will be applying for the Sign Permit and the Building Permits? Responding to Ms. Edwards, Mr. Lott stated that they are on it now. He is not anticipating it being a year. With the designer coming out tomorrow, they would give them the things that need to be done in reference to the handicap ramp and the direction in which the door would need to swing. All of the other things are pretty much in place so if they get that information tomorrow then they would be able to utilize the contractors that they have already consulted with in order to meet this criteria.

Ms. Edwards stated that they have a couple signs on the property now that do not have Sign Permits. Are they helping with that too? Responding to Ms. Edwards, Mr. Lott stated yes.

Mr. Tolbert questioned how many clients they had? Responding to Mr. Tolbert, Mr. Lott stated that they have ten clients now. That is not including the individuals that they are housing in the rental properties. They have a total of twenty-nine individuals that they are assisting.

Mr. Tolbert questioned if their funding looked stable and steady? Responding to Mr. Tolbert, Mr. Lott stated yes and the reason is because their overhead is very limited and they use volunteers to run the program. Even though he is the Executive Director, he is a volunteer. They don't have anyone who is on salary. All of their work is done by their volunteers. They have an extensive

community service program where individuals come maybe by court mandate to do so many hours. Those individuals do their community service here as well as other individuals that need community service for various reasons. They utilize interns from Delaware State University to assist with the counseling or anything else that is needed there for the program. They utilize the funds that do come in from the rental properties to meet all other expenses of the program.

Mr. Tolbert stated that he raised that question because it is his understanding that the program provides a valuable service to the City of Dover and he would like to see it continue. Without adequate funding you cannot continue and we do need your service.

*Mr. Holden moved to approve C-17-04 House of Pride Offices at 45 South New Street to remain in affect inclusive of all Staff comments with the note that one of those Staff comments also includes a Planning Commission request to refer this to the Code Enforcement Office to provide a path assuming if the House of Pride has some challenges with meeting the objectives and he appreciates the applicant's discussion tonight that they are going to move expeditiously to address the Building Permit and the Conditional Use Plan and Sign Permits. He includes in the motion a six month review to allow the Planning Commission to review the actions that are taken between here and there, seconded by Dr. Jones and the motion was carried 7-0 by roll call vote with Mr. Roach and Mrs. Welsh absent. Mr. Holden voting yes; due to Staff comments and the lack of public opposition. Ms. Edwards voting yes; as Mr. Tolbert said, it is a much needed service in the City of Dover and they are working diligently to take care of everything that needs to be taken care of. Mr. Holt voting yes; he feels that it is a good service for the City of Dover. Mr. Baldwin voting yes; based on the recommendation of Staff. Dr. Jones voting yes; on the basis of all that has been said as well as observing that there has been a long history of notable service from the House of Pride in the Dover community and we thank Mr. Lott and his staff. Ms. Maucher voting yes; for reasons previously stated. Mr. Tolbert voting yes; for all of the information that he is aware of and for the statements that have been made by the applicant.*

### **NEW APPLICATIONS**

- 1) Z-18-02 Lands of Hansen White Oak Partners, LLC at 951 White Oak Road – Public Hearing and Review for Recommendation to City Council on a rezoning of a parcel of land totaling 1.125 +/- acres located on the north side of White Oak Road and east of Halsey Road. The property area is zoned CPO (Commercial Professional Office Zone). The proposed zoning is IO (Institutional and Office Zone). The owner of record is Hansen White Oak Partners, LLC; the equitable owner 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. Ordinance #2018-10. *For this zoning map amendment, the First Reading was held at the City Council Meeting of September 24, 2018. The Final Reading/Public Hearing is scheduled for November 13, 2018 before City Council.*

**Representatives:** Ms. Sylvia Davis, L&S Davis Properties; Mr. Phil McGinnis, McGinnis Commercial Real Estate Company

Mrs. Melson-Williams stated that this is a Rezoning application for the property that is located at 951 White Oak Road. The current property owners are Hansen White Oak Partners, LLC. There

is an equitable owner L&S Davis Properties Inc that is a party to the application as well. The property is just over 1 acre in size; specifically, 1.1152 acres. It is currently vacant land. It is currently zoned CPO (Commercial Professional Office Zone). The proposed zoning is IO (Institutional and Office Zone). The reason for their request for the rezoning of the property is to allow for future development of a building for public assembly on the parcel of land. This is a property that is adjacent to White Oak Road having frontage on that road. To its west is a private drive that is named Halsey Road Ext. The surrounding land uses are the White Oak Farms single family detached housing to its east; to the north is the White Oak Condominiums which is an apartment style complex, and then to the west is the Center at Dover which is a multi-tenant shopping center with multiple buildings. Previously, there was a Rezoning application back in 2006 for this property to rezone it from CPO (Commercial Professional Office Zone) to IO (Institutional and Office Zone). That application at that time was successful; however, with no action taken at that time to develop the property it had to go through a process that reverted the zoning back to CPO (Commercial Professional Office Zone). Tonight, this is a totally new application for consideration. The *Comprehensive Plan* for the City identifies this as a land use category of Office and Office Parks. There are a number of zoning districts that comply with that including CPO (Commercial Professional Office Zone) as what it is currently zoned and IO (Institutional and Office Zone) their requested zoning classification and several others. The IO (Institutional and Office Zone) allows for a number of uses and rezoning to IO (Institutional and Office Zone) makes them eligible to establish any of the uses that are listed in the IO (Institutional and Office Zone) subject to future development application processes.

Staff is recommending that the request to rezone from CPO (Commercial Professional Office Zone) to IO (Institutional and Office Zone) be approved. The primary difference between IO (Institutional and Office Zone) and CPO (Commercial Professional Office Zone) is that the IO (Institutional and Office Zone) allows for a number of public and institutional type uses and some other things that can be considered through a Conditional Use process. There are some differences in what they call the bulk standards for CPO (Commercial Professional Office Zone) versus IO (Institutional and Office Zone). Those are the bulk standards related to the number of building stories, the overall height and things related to maximum lot coverage (how much of the property can be covered by building and parking and other hard surfaces). The Planning Staff also notes that the *Zoning Ordinance* does include when it comes to development, the requirements for parking, requirements additionally for buffering and landscape requirements but all of those are considered as part of the Site Development Plan application. This evening, we are focusing on a Rezoning application. She specifically notes that any concerns relating to site development are subject to a separate application, review and hearing process. That is not what is being considered tonight. Tonight is the application for Rezoning from CPO (Commercial Professional Office Zone) to IO (Institutional and Office Zone). The members of the Development Advisory Committee have provided comments in regards to this Rezoning application. The City's Public Works Office and Electric Departments have no objection to the Rezoning. They have provided some advisory comments about planning for utility services should the property move forward through a development process. Likewise, the Fire Marshal's Office has very similar comments, again noting that it is currently a vacant lot and they have no objections to the Rezoning but offer some advisory comments about future development. Tonight, the Planning Commission is considering a Rezoning. They are making a recommendation to City Council which will conduct their own Public Hearing and take final

action on the Rezoning request.

Ms. Davis stated that she agrees and will cooperate with Staff in this matter.

Mr. McGinnis stated that he represents both the owner of the property, Hansen White Oak Partners, LLC and Ms. Davis who would like to acquire the property in order to build a church. They are talking about a small neighborhood church. As Staff noted in their positive recommendation, it's a 1.15 acre lot which has its own constraints on how big a building you could build. The parking issues are Site Plan issues but they would be constrained by the four dimensions of the property. He also wants to point out that there is a fence that separates the White Oak Condominiums and also White Oak Farms on the east; and of course, there will be buffering and landscape requirements. The issue here is to build a church as he mentioned. The existing zoning permits an office which creates traffic 8AM-5PM five days a week and sometimes on the weekend. A church has traffic only on weekends. They are not talking about a mega church, they are talking about a small neighborhood church as you find commonly throughout Downtown Dover. He wants to reiterate that the property was once zoned IO (Institutional and Office Zone) so this application is not as far reaching as you may be lead to believe.

*Mr. Tolbert opened a public hearing.*

**Mr. Osman Sammender – 151 Lake Drive Smyrna, DE 19977**

Mr. Sammender stated that he is President of the White Oak Condo Association. He and Mr. James Munson, Vice President of the White Oak Condo Association are here on behalf of the Condominiums to submit some paperwork before they start talking about it. (*Mr. Sammender and Mr. Munson handed out paperwork to the Commissioners and Staff. These handouts included a letter dated October 1, 2018 regarding the status of Halsey Road Ext and an accompanying map.*)

Mrs. Melson-Williams stated that the Chairman was also handed a Petition that states “We the undersigned residents of the surrounding area of lot 951 White Oak Road, Dover DE are opposing the proposed rezoning of the above lot from CPO (Commercial Professional Office Zone) to IO (Institutional and Office Zone). As they are speaking she will go through and count so that we have a sense of how many people signed this petition.

Mr. Sammender stated that he has a letter (provided as the handout) from the City of Dover stating that the White Oak Condominiums is responsible for the extension of North Halsey Road. Two of their Board members are going to speak regarding this.

**Ms. Marie Hudson – 566 Gobbler Lane Milford, DE 19963**

Ms. Hudson stated that she owns a couple of the units in White Oak Condominiums. Their biggest problem with the property being rezoned from CPO (Commercial Professional Office Zone) to IO (Institutional and Office Zone) mean public assembly. Public assembly means a lot of people. The lot out front is not that big. According to the City, it is west of North Halsey Road. That is not a City road; its their road and they (White Oak Condos) maintain it. If there is a church there, hopefully a church is going to grow. It's going to outgrow the spot that they are in

and they are going to overflow into their driveway. The people on White Oak Road and Halsey Road, they are coming before the Commission because the lot is just not big enough for public assembly. They are also talking about a six-story building versus a three-story building.

Mr. Tolbert stated that at this point they are only talking about the zoning. They are going to have to come back the Commission for anything else. Responding to Mr. Tolbert, Ms. Hudson stated that she has no problem with a church but if you change the zoning and the church decides not to go there, the zoning won't go back to CPO (Commercial Professional Office Zone). They are going to leave it IO (Institutional and Office Zone). There is already going to be a building there and someone else can come in and do what they want.

Mr. Tolbert stated that whatever they want to do later on, they are going to have to come before the Commission. She will be notified if she is within the area and he suggests that she come back at that time too to make a statement. Responding to Mr. Tolbert, Ms. Hudson stated that they will be.

**Ms. Ayesha Sammender – 151 Lake Drive Smyrna, DE 19977**

Ms. Sammender stated that she is here on behalf of the residents of the White Oak Condominiums and also the residents of the surrounding area of the 951 White Oak Road. They are here to express their opposition to the rezoning of the lot from CPO (Commercial Professional Office Zone) to IO (Institutional and Office Zone). The Commission had a copy of the petition of all the residents that includes the White Oak Road and North Halsey Road and also the residents of White Oak Condominiums. As they talked to each individual household, they were really furious and frustrated with the traffic and speeding that there already is. They wanted her to tell the Commission that this neighborhood used to be a really safe and quiet environment. They said that it isn't anymore. The traffic is so heavy on North Halsey Road. They are saying that they used to be able to walk across the street and talk to a neighbor or check on a neighbor. They used to be able to sit on a porch and enjoy the weather but not anymore. The traffic is so bad right now but changing the zoning and giving allowance to this application is going to generate even more problems with parking and everything else. On the other side of White Oak Condos there are eighty-four units, so each unit at least has about two cars plus visitors. We are talking about two hundred plus cars are coming out of White Oak Condominiums on a daily basis. Four doors down there is a church. The day that the church is meeting, they are parking all over both sides of White Oak Road. The shopping center behind the church is packed. Even people on North Halsey Road say they are being impacted by the parking when they meet. It is going to be a huge problem with parking and traffic. White Oak Road is not that wide. Down the street there is another community. The traffic from Towne Point is coming into White Oak Road. There is another community called Baytree Apartments and they are coming into White Oak Road. This is going to generate more chaos on White Oak Road. She is here to say that the bottom line is that what you are doing is creating a problem for this community that is going to create so much traffic and chaos that it is going to cause accidents and bring tragedy to the neighborhood. The bottom line is that this community is going to suffer as a result of rezoning. Please consider the concerns and the voices of the residents from White Oak Condominiums, from the surrounding neighbors and consider voting "no" to this proposed rezoning. They are the people who have to deal with this. They are the people who are being affected in their everyday life. It's easy to say that it's not going to affect anything, but the

residents are really frustrated as it already is.

Mr. Tolbert questioned if they had talked to DelDOT about the traffic problem in that area? Responding to Mr. Tolbert, Ms. Sammender stated that she personally did not, but she believes the people as she has talked to numerous people. The way they reacted as soon as we said that there was going to be a church they said they are not against a church but there is a problem. This road has become like a highway with traffic speeding. She believes that they are telling the truth and no, she has not spoken to DelDOT.

Mr. Tolbert questioned if she was speaking for the whole community? Responding to Mr. Tolbert, Ms. Sammender stated yes, all of these people in the audience plus the people who couldn't come but signed the petition.

**Mr. Osman Sammender – 151 Lake Dr Smyrna, DE 19977**

Mr. Sammender stated that the two lots across from 951 White Oak Road are two houses. They signed the petition and they were supposed to come but unfortunately, they called him at 6PM tonight stating that their son was sick and they couldn't make it. The residents on North Halsey Road are more affected than any other place because the road is so small. When they were going to the houses to speak with the residents, people were speeding so much that you would have thought that you were on Route 13. The two houses on the left side of North Halsey Road, said that they had a problem with neighborhood people parking there in the afternoons and they don't have enough parking. Almost seventy people signed the petition that was given to the Commission tonight. Some of them are from the residential areas around the lot and some of them are from the condominiums. He had two extra sheets signed but he couldn't pull it together to get it to the Commission. They have a problem with homeless people coming to sleep on the road. They call the Police and when the Police come they say that it is not their road and they can't do anything about it. There was a homeless person who parked their car on North Halsey Road two years ago. They came to one of the White Oak Condo buildings and slept in the laundry room (which whoever opened the door burned up the building). They already have problems with their own residents and the parking. Imagine if we have an extra building. He doesn't know where they are going to get their entrance and exit. White Oak Road wouldn't be a good idea because it is already crowded. He heard that before it was approved for this proposal but that was for residential housing; it wasn't for any type of public gathering. If they can't build a church, they could build a halfway house. He knows Mr. Lott because he used to own a house on New Street and he sold it to Mr. Lott. He is familiar with drug rehab programs and he doesn't want a drug rehab place built there. He doesn't mind a church but there is a church down the street in walking distance. A church is going to expand. It may be a small congregation now but, in a year, or two it could be 200, 300 or 500 people. They are going to park on North Halsey Road Ext. They are going to park all over the place and they are going to have accidents and problems. Right now, they are paving North Halsey Road Ext and the letter that was given to the Commission tonight came from the City. They have been fighting the City for almost a year and a half until they got that letter. We have to have some kind of monitoring system. We have to hire somebody to stop people from parking there. The only funding that we have is our condo fees; they don't have enough money to hire a security guard or something to block people from parking on North Halsey Road.

**Ms. Nancy Watson – 2364 Pearsons Corner Road Dover, DE 19904**

Ms. Watson stated that she works closely with Ms. Davis and Mr. McGinnis. She has lived in Dover for about fifteen years and she lived and walked on White Oak Road. She is very familiar with Dover. Their church is on Pearsons Corner Road. They are a small congregation and she has listened to the remarks from the White Oak Condominiums. In their congregation, they do have some members that do live in that area in those condominiums and they also live in that area, so she is very familiar with the area. She does understand Dover and she does understand the concern about the parking. They would appreciate if the Commission would accept the zoning. One of the plans that she doesn't mind sharing is that their parking will be closed within that unit. It is a small church; it will not proceed on the outside. They have also taken the consideration and looked at what DelDOT had to say in their proposal and what they presented to us. They also take in great consideration what the Fire Marshal had stated. They will take those statements and put them together with our architect to ensure that within the community it would not violate anyone that lives in the area. The zoning was there before and they ask that it be done again. They can provide to the community and they want to help the community. Having a small church can provide that spiritual guidance for that homeless man. It can provide the spiritual guidance and the help of the community to enhance what Dover already has. It has great value in Dover, from being a resident herself and having a church here and being in Delaware for a very long time. They can provide for and enhance the community. She understands the concern and she would be concerned as well. She can assure them that they have went to through the Fire Marshal and DelDOT comments and they will have everything that they have confined into that property. For the parking space that is allotted there, they have considered it and it will be on that property, not on the outside. There is nowhere that they see in the planning where it should interfere. If anything, it will help the residents or members that go to the church will be able to walk instead of driving.

Mr. Tolbert stated that he wants to make it clear that all the Commissioners are doing at this point is voting on a recommendation, pro or con to City Council. What goes on beyond this is going to require your attention at City Council and the attention of DelDOT and a lot of other things.

**Mr. Osman Sammender – 151 Lake Dr Smyrna, DE 19977**

Mr. Sammender stated that imagine if they are not successful for whatever reason. Suppose that they are not passed by the Fire Marshal, but the property has already been rezoned. They sell it to somebody else and they are going to come and build a halfway house or some other place that they don't want there. He is not against a halfway house; he used to work at a prison for twenty-seven years. He used to work at the drug rehab for the prison. If the association and the residents that are complaining about it, then obviously there must be a problem. He has a lot of problems with North Halsey Road. He doesn't know where they are going to have their entrance and exit because they are not allowed to use North Halsey Road because it is a private road. We already have a problem with parking and he knows that once the zoning is passed you can't go back to it. When it was approved for IO (Institutional & Office Zone) before, it was for a housing complex. He assumed that it would be like White Oak Condominiums. The reason that it wasn't approved was because they wouldn't accept Section 8 people. This is a good example; they couldn't do it so they sold it to somebody else. How do they know that they are going to do what they say they are going to do? They are not against a church but they are afraid that if something happens and



they cannot build the church.

Mr. Tolbert stated that they are only dealing with rezoning. They are not dealing with what might go on at that parcel of land. They can't go through all of the issues. Responding to Mr. Tolbert, Mr. Sammender said that all of the people in the back of the audience are against it and so are all of the people who signed the petition.

Mr. Tolbert stated that they are only dealing with the rezoning. All of the problems that you anticipate are going to come up at another time. You and all of the people that agree with you should go to City Council when the issue is heard before City Council. You should be in contact with DelDOT. There are a lot of things that you need to do besides address us here. They are limited and are only going to deal with the rezoning. What goes up on that lot is another ball game. A church doesn't necessarily have to go there.

*Mr. Tolbert closed the public hearing.*

Mrs. Melson-Williams stated that the Petition has names and signatures for a total of 64 individuals. A quick look through the addresses shows three categories that the addresses could be grouped in. Those addresses are on North Halsey Road which is the area to the south side of White Oak Road. There are about a dozen signatures from that area. The second address collection is for addresses specifically in White Oak Condominiums and there are around thirty signatures. There are about twenty addresses that are other than Halsey Road or White Oak Road. Some of them are out of the City. They may be owners of individual condo units that don't physically reside in the condo unit itself.

Mr. Holden stated that anything that happens on the parcel tonight relative to access either has to come off of the public right-of-way or they have to gain the approval and a cross access easement from a neighboring parcel. They can't, by their own choosing, provide themselves an entrance onto the condominium road of North Halsey Road Ext. That would have to be done with the joint agreement of both parties. A lot of the vehicle concerns that they heard raised can be raised with City Council and DelDOT. To the extent that they can benefit, they would be the ones to address those concerns too. Those concerns sound like they exist today regardless of what happens here on the parcel. There were some comments from Mr. McGinnis relative to the potential implications for traffic other than from the current zoning use relative to what could be done under the proposed zoning use. That's tough because it's a bit of a crystal ball to understand what could happen there in the future. He is certainly emphatic to the issues that you face there in that footprint. He has seen those issues crop up as growth has occurred across Dover and areas get more dense with population and they are challenges that they face similarly across the City as a whole.

Dr. Jones stated that as she is reading the application, the zoning was initially CPO (Commercial Professional Office Zone) then to IO (Institutional and Office Zone) and then back to CPO (Commercial Professional Office Zone) over a period of time. There was this reversal. What was going on? Nothing was going on with the application at that time? Responding to Dr. Jones, Mrs. Melson-Williams stated that there was a rezoning application from 2006 that was to rezone the property from CPO (Commercial Professional Office Zone) to IO (Institutional and Office

Zone). She is not familiar enough to know what the proposed development was at that time. However, at the time there were provisions in the *Zoning Ordinance* that looked at all rezoning applications to see if development moved forward. You could not do speculative rezoning meaning rezone it and hope something comes. That's what happened with the previous rezoning application for this property. It was rezoned. They had a specific time frame to move forward with establishing or making an application to develop the property and that did not occur so there was a process to reverse the zoning from IO (Institutional & Office Zone) back to CPO (Commercial Professional Office Zone). It was a provision in the *Zoning Ordinance* at the time but that provision is no longer part of our Code.

Dr. Jones questioned if they were talking about the same owners? Responding to Dr. Jones, Mrs. Melson-Williams stated that she is not sure that she can answer that but she doesn't quite think so. She doesn't think that the (current) equitable owner was involved in the earlier one but it may be a question that Mr. McGinnis can answer.

Mr. McGinnis stated that at some point Mr. Leon Hansen purchased the property in 2004 or 2005. He has since passed away as has his wife so his son and two daughters are now the owners of the property. It's the same family ownership and he thinks that they owned it during the first rezoning stage.

Mr. Holden stated that he thinks the concerns that the public has raised are very valid relative to issues that it sounds like everybody feels are pretty consistent within the neighborhood. He doesn't personally know that the proposed zoning is going to result in a better or worse outcome than the current zoning for you.

*Mr. Holden moved to recommend approval to City Council for Z-18-02 Lands of Hansen White Oak Partners, LLC at 951 White Oak Road, seconded by Mr. Holt and the motion failed by a 3-4 by roll call vote. Mr. Holden voting yes; due to Staff comments and compliance with the City's Comprehensive Plan. Ms. Edwards voting no; due to the outpouring of the residential concern. Mr. Holt voting yes; and throw the ball back to City Council to see what happens. Mr. Baldwin voting no. Dr. Jones voting no. Ms. Maucher voting no; this is a permanent zoning change and as expressed that should this project not go forward something else could come in. Mr. Tolbert voting yes; he agrees with the motion as it was stated. The only thing that they are dealing with here is the rezoning. Even if it's not rezoned, they have no guarantee that something won't go up in that area that may hinder traffic and all of that as it stands now. The issue is not over; it has to go before City Council and there are issues with DelDOT regarding traffic concerns. There is a lot to be done and voting for the motion is not a problem at this time for him.*

## **NEW BUSINESS**

### **1) Project for Dover's 2019 Comprehensive Plan**

#### **a) Update on Project Activities**

Mrs. Melson-Williams stated that there have been a number of project activities that are ongoing that we will bring to the Commission's attention. Staff has continued to meet with what they call

the various stakeholders: the meetings with Staff of DNREC, DelDOT and the Kent MPO as well as the City Departments. They have met with people from the Library and the Parks Department. We actually have a meeting scheduled with the Police Department later this week. A couple of weeks ago they were invited to present to a class at Wesley College. Some of those students were in attendance at the last Planning Commission meeting and learned a little bit about your process and they continue to learn about the *Comprehensive Plan*. That presentation introduced them to what the plan was and then they had a discussion of how the college students can be involved in the success of Dover as a city and in particular in the Downtown area. It was another opportunity to gather comment from residents of our City. They continue to remind the Commission that there is the Comprehensive Plan web page for information. They have recently posted or are in the process of posting the three items that are on the agenda tonight for discussion. The Preliminary Draft Goals and Recommendations was provided to the Commission and we would like to have a discussion on that tonight. We have also issued in late August, the Preliminary Draft of the Land Development Plan Map Series and also about a week and a half ago issued the Preliminary Draft Annexation Plan Map Series. Before we move into discussions of those Preliminary Draft documents she will go to Mr. Hugg for any comments that he may have on where we stand process and activity wise.

Mr. Hugg stated that Mrs. Melson-Williams pretty well covered where they are. Preliminary Goals and Recommendations as Mrs. Melson-Williams indicated will soon be posted on our website and the Commission will be getting a copy of them as well. They are rapidly reaching that stage in the *Comprehensive Plan* where words start to appear on paper and maps start to appear. They begin to focus on what the real recommendations are. They have sent letters of request to the four adjacent communities: Cheswold, Little Creek, Camden and Wyoming and they will be meeting this week with people from Kent County to talk about related issues. He has heard back from the Town of Cheswold who looks forward to sitting down and talking with them sometime in the next week or so. They will be doing that part of their intergovernmental coordination outreach. It is very important that the members of the Planning Commission take the time to carefully look at the materials that are being presented to them. Ultimately, Staff will be coming back before the Commission with a Preliminary Plan and asking for their blessing and we want to make sure that we are all on the same page.

#### b) Review of Preliminary Goals & Recommendations

Mrs. Melson-Williams stated that tonight, take at least a couple minutes to look at the Preliminary Draft Goals and Recommendations. This was delivered to the Commission last Thursday or Friday. This is the series of chapters in the center of the document that deal the particular topic areas and what it does is sets up a series of goals and then each goal has recommendations. Then under the recommendations are bullet point items which are really the action items to achieve the stated recommendation and goals. They have a series of goals and recommendations for the following chapters: the Natural Resources and Environmental Protection Chapter, the Historic Preservation Chapter, the Utilities Chapter, the Community Services and Facilities Chapter which really focuses on the other things that the City does, the Transportation Chapter, the Economic Development Chapter, and Housing and Community Development. Hopefully the Commissioners have had a chance to at least read through it. Staff

would be happy to take any comments or general questions that the Commissioners might have on these goals and recommendations.

Mrs. Maucher questioned if these recommendations would be more finely tuned as we move forward? There are a lot of very broad statements that seem to encompass just about anything without much precision. Responding to Mrs. Maucher, Mr. Hugg stated that the goals are obviously very broad as are most of the recommendations. The sort of bullet points that fall below them are actual action items and that is where they are attempting to be as specific as they can. This is a ten year plan so some things will be broader than others simply because they are an ongoing project of the Staff or the Department. But clearly as you work down the hierarchy the goals set the frame work and the recommendations are things that they want to focus on and the specific bullet items are the action items.

Mrs. Maucher questioned if they went 1, 3, 5 and 10 year? These are the things that we want to do in the next year; these are the things that we want to do in the next three years and so on. Understanding that you have a 10 year goal to reach but what are the steps in between? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that there is an Implementation Chapter to the *Comprehensive Plan* which the Commission does not have, which then does that short term, medium term and long term scenario. It draws on the action items as to where we place those. You have to remember that this is not just the Planning Office doing all of these actions; this is a City document that involves various City Departments and even State Agencies as well in some instances. There will be an implementation scenario of what do you intend to focus on in the near term versus the long term. If you want to look at the current 2008 Plan, she thinks that it is Chapter 15 of that plan. It gives us a guideline of what they should be working on. There are always other initiatives that come forward that redirect Staff efforts so it will be their best suggestion for what that 10 year plan looks like from the action items standpoint. It looks holistically at the entire plan for implementation.

Mr. Hugg stated that they are certainly open and would welcome the Commission's suggestions and priorities as they go through the actions. If there is something that really just strikes you please feel free to give Staff that input. Their pride of ownership is only so long and they are certainly open to, if you think we are crazy tell us, if you think we have missed something tell us and if there are things that you feel very strongly about then they want to know them too.

Dr. Jones stated that under Recommendation 5: Expand and improve transit service. She is looking at Bullet #1 – Support the addition of new transit stops. Along those lines, in the drafts and in all of the input including hers, was there not something that addressed the appropriate bus stops for the residents of the City of Dover? Responding to Dr. Jones, Mr. Hugg asked if she was referring to the regional transportation and not the local transportation.

Dr. Jones stated that for instance, the Greyhound Bus line stops at the Wawa (7-Eleven) near where Kirby and Holloway used to be. Some of the new residents to Dover wonder why hasn't the City addressed having a decent stop for the bus lines. Responding to Dr. Jones, Mr. Hugg stated that was a very relevant comment. One of the Staff related comments that they have made as they have looked through this is that the fundamentals of the Transit Neighborhood planning effort that was done a couple of years ago envisioned that transit center as being more than just a

place for the City buses pick up people and discharge people. He thinks that is something that they will be commenting on in the plan.

Dr. Jones stated that is good because it was suggested to her for them to utilize the current transit center. It is more user friendly.

Mr. Holt stated that he is very familiar with the DART Bus that he used to take constantly because he can't drive. Recently, it has gotten more and more expensive and he just throws a comment in that if the prices are making the DART Door to Door Transit out of reach for a lot of people that would benefit by it. It's very convenient especially in inclement weather to leave your house and go right to where you need to go. At this point, it becomes too expensive to keep taking the DART bus. He would like to know the reason for the added expense and see if they could back off on some of that. It started out very reasonable but now it's just getting out of hand. Responding to Mr. Holt, Mr. Diaz stated that one of the meetings that they are currently trying to schedule is with DART and the Delaware Transit Corporation. So certainly when they have a discussion with them that is an issue that they can bring up.

Mr. Holt stated that he would suggest to them that if they want to do a community service they can't have the rates out of reach for a lot of people. People that really need it are the ones that financially can't really afford to drive or have other means of transportation.

Ms. Edwards stated that obviously this is a Preliminary Draft so she is wondering if they are supposed to really dive into this over the next month before the next Planning Commission meeting. Are they looking at the entire document tonight? Are they just commenting on it? She is a little confused, especially because they got it so late. It's very comprehensive to have a conversation about after only having it for a couple of days. Responding to Ms. Edwards, Mr. Hugg stated that the short answer is yes to all of the questions. The Commission received it about 24 hours after the rest of Staff shared it. He would like the Commission to review it. It is certainly not the entire plan document but it probably is the crux of what the plan is all about. He wants the Commission to take the time to critique it and question it and if there are issues that need to be elaborated on. Each time that he has looked at pieces of it he has edited it more. They really do want the Commission's input. They are reaching that point in the production of the plan where within a month they are going to try to have that first cut of the whole document which is why you have received the critical maps already.

Ms. Edwards questioned if there was a timeline that Staff wants the Commission to have this completed by? Responding to Ms. Edwards, Mrs. Melson-Williams stated that certainly by the next Planning Commission meeting if they could have mark-up comments back to Staff. The Commission basically got it the same time as Staff got each other's chapters so they haven't even done a really thorough in house mark-up review. They certainly encourage any thoughts that the Commission has which is why it is not a public hearing on it tonight. It is just another bit of information Staff is pushing out that they want to have a response to. The same thing goes with the two map series as well. Take your copy, mark it up and stop by the office so that Staff can make a copy of your comments. They would like to have comments back by the November meeting because Mr. Hugg is correct, they are into the writing the whole document phase at this point. The Planning Commission is the first group to really see it. The Historic District

Commission will see their chapter in November. It is their thought that they are going to be doing some kind of project update presentation to City Council also in November to really get the initial thoughts out in front of them. Now is the time to do the heavy thinking about at least the Goals and Recommendations section and the Key Map series.

Dr. Jones questioned if the *Comprehensive Plan* is in essence work plans? Work plans to the extent of being tied to specific areas of responsibility followed by evaluation on progress. Responding to Dr. Jones, Mr. Hugg stated that the short answer is yes. The *Comprehensive Plan* as a variety of purposes. One, it is the documented guide of how Staff makes recommendations to the Planning Commission for land use and development but it is also the guide for the City's Capital Improvements Program because it does set forth not only the land uses but the densities and the timing of development. Many of the recommendations as you look at it are in fact work item task kinds of things. Some pieces are broad and some pieces are fairly specific that continue to amend zoning ordinances. One of the things that they will be doing and sort of one of the challenges that they took on when they started this process was to actually look at this as a report card as to where they have been for the last ten or eleven years with the idea that we said a lot of these things ten years ago and have we made progress or moved forward.

Mr. Tolbert stated that under Natural Resources and Environmental Protection is Goal #3: Improve Air Quality. It deals for the most part with public transportation with motor vehicle emissions. Should he assume that there are not businesses that are also polluting the air in this area that they should be concerned about? All of the pollution in the air doesn't come from motor vehicles. Responding to Mr. Tolbert, Mr. Hugg stated that he is definitely correct. Recognizing that the City's ability to make meaningful improvements in air quality is probably pretty limited but that is a good point and they will certainly take a look at that topic.

Mrs. Melson-Williams stated that she thinks this air quality goal was actually in the Transportation Chapter and we moved it to the Natural Resources and Environmental Chapter so it probably does have some additional tweaking to make it more holistic.

Ms. Maucher stated that under the encourage green development and sustainable energy practices and probably elsewhere in the document there is "develop a program" and that always with her line of work has dollar signs associated with it. There is also already existing programs that can be leveraged. That was one of her comments on the drafts initially is that it seems we are all working in silos and there is no communication between groups and who is doing what and what gaps need to be filled. Should the City be starting something that is already there or can it enhance something, leveraging public/private partnerships, leveraging other programs that are in existence? DNREC has a number of programs that they could work from that already have a good foundation.

#### c) Review of Preliminary DRAFT Land Development Plan Map Series

Mrs. Melson-Williams stated that the Commission has another homework task. The homework task for the next month is to do some more careful reading and markup. She does want to note the other two things that are in the packet. You can do the same thing if you have a question about an area or you don't understand why we are showing something the way we are. The first

is the Preliminary Draft Land Development Plan Map Series. The Land Development Plan Map is the one where it gives the land use classifications for the City. The Map right now is divided up into four quadrants just for ease of readability. Each of the land use categories then translates into a series of zoning districts that could happen there. A couple of things that they have actually changed is splitting Public Utilities away from Industrial lands, so you will see that change if you look at it from the 2008 Map Series. There are still some areas that they are trying to sort out, one of which is clearly on this map and that is the area related to Dover International Speedway. Staff did meet with them a couple of weeks ago to talk about that and it's an ongoing discussion at this point.

d) Review of Preliminary DRAFT Annexation Plan Map Series

The other map series that they have included in the Preliminary Draft is the Annexation Plan Map Series and that consists of two maps. The first one is where they have to identify potential annexation areas for the City. The dark green is Category 1 as enclave areas, areas that are pretty much totally surrounded by land that is already in the City. The light yellow is Category 2 which would be areas that could seek annexation within a ten year timeframe. The orange areas are Category 3, that is the next level out and in a lot of cases they aren't necessarily anticipated for immediate annexation or they require annexation of other lands before you get to them because to annex you have to be contiguous. There are also areas of concern. A number of areas around the City where they are concerned about what its future may hold whether that is with our jurisdiction or with another jurisdiction. The second Map that is related to annexation is basically the land use for those potential annexation areas. Any areas that are identified as Category 1 or Category 2 they have to identify a future potential land use classification. They used the same color system for use categories as the Land Development Plan Map but they have to do it for the Annexation Areas. There are several areas that Staff is still trying to sort out so any questions or comments that the Commission may have on this map is important as well. Take a good look at those and if you have questions, Staff wants to hear about it. These maps are probably the most significant maps of the entire plan because they have ramifications of how people will develop in the City and future applications that would come before this body.

Mr. Holden questioned what they intend to convey with it being an Area of Concern on the map? Does that mean that we might want to put it in a potential annexation area in the future? He is not sure how it fits in if we are not saying that they want to annex it or don't want to annex it. Responding to Mr. Holden, Mrs. Melson-Williams stated that "Areas of Concern" was the name that they utilized in the last Comprehensive Plan. It kind of arose from some areas in the southwest section near the City that Dover was very interested in becoming part of the City of Dover and there was also interest on the behalf of the Town of Wyoming having those areas become part of the Town of Wyoming. The negotiated statement was "Areas of Concern" meaning that if that property area would seek to develop in the future, the City certainly wants a seat at the table about the discussion of where they would do that development. Some of the areas that are marked as Areas of Concern as you can see is in the southwest sector of the City. A lot of those properties are actually in an Ag Preservation District so there are some limitations about development for a given timeframe. The other Areas of Concern really fall on the east side of Route 1 which has similar other issues related to future development from the State's view

point. “Area of Concern” gets discussion in the text which you will have to remember that with all of these maps there is a text component too.

Mr. Holden stated that it seems that if the property is adjacent to our boundary we are concerned about the future land use. Why not identify for annexation so that we can control what happens there versus pointing out that we are worried about it but we are keeping our hands off of it? He thinks about the municipality of Lewes and how they were greatly concerned about growth around Lewes and they didn’t want to annex anything in but they lost all control around them anyway. Responding to Mr. Holden, Mr. Hugg stated that as Mrs. Melson-Williams indicated, some of those areas both to the south and east are properties that are in Ag Preservation but not necessarily in permanent preservation. In some cases there is no reason to consider them for annexation but we want to make sure that if should come out of the preservation program that we are prepared to be involved. With the properties to the east, the State’s policy basically mandates limited growth or no growth east of Route 1 so those areas under the State Strategies would not necessarily be right for annexation. The flip side of that is that we also have to be cognoscente of the City’s ability to actually provide water, sewer and electric services. Some of those areas are already City of Dover Electric customers. He thinks that what they are trying to find is that balance between where would it make sense to grow in the next five or ten years if we have the opportunity versus a broader horizon out there. They want to get on the record before the County or anybody else makes a move.

Mr. Holden stated that on the south side, he thinks the City provides water to the Boys and Girls Club. He knows often times they struggle with the State Strategies but the State doesn’t control land use jurisdiction on our boarder, Kent County does. They kind of bend at the will of the State while the County is going a different direction and we are concerned about what happens on our foot-steps. Responding to Mr. Holden, Mr. Hugg stated that this is why they are engaged in and will be continuing to engage in discussions with Kent County. The one thing in our favor is that Kent County did just adopt a new Comprehensive Plan and their growth boundaries at least in this area are probably significantly less than what we are proposing.

Ms. Edwards asked for Staff to re-define the dark green area on the map. Responding to Ms. Edwards, Mrs. Melson-Williams stated that on the Annexation Plan Map the dark green is Category 1 which is typically enclaves meaning they are almost totally surrounded by the City already. Obviously, that is a priority for annexation. They are often called High Priority Annexation Areas. The property on Mifflin Road that the Commission just dealt with is an example of that. The light yellow is Category 2 which is still a priority for annexation but it’s more within a ten-year time frame for annexation. Category 3 is still considered a potential annexation area, but it likely requires other properties to come in first or it’s much more of a long term vision for annexation.

**Meeting adjourned at 8:58 PM.**

**Sincerely,**

**Kristen Mullaney**  
**Secretary**





## INSTITUTE FOR PUBLIC ADMINISTRATION 2018–2019 Training Series

### Demystifying Historic Preservation in Delaware

This NEW IPA training course focuses on both the economic and cultural benefits of historic resources in cities and will provide tools and insights into how to maximize those resources.

**October 4, 2018 | 9 a.m. to noon | The Barrett Room, B-Floor, Duncan Center, Dover, Del.**

Cost: \$50 | Registration deadline: October 3  
*Instructors: Catherine Morrissey and Michael Emmons*

### Delaware Institute for Local Government Leaders

This year's institute focuses on civic engagement for community solutions through creative approaches to community design and leveraging public data.

**November 16, 2018 | 9 a.m. to 1 p.m. | Outlook at the Duncan Center, Dover, Del.**

Cost: \$65 | Registration deadline: November 9

### Introduction to HR Issues for Local Government

**November 30, 2018 | 9 a.m. to 1 p.m. | Killens Pond Nature Center, Felton, Del.**

Cost: \$50 | Registration deadline: November 29  
*Instructor: Aaron M. Shapiro*

### Planning Your Community's Future (PLN 101)

"Planning 101" focuses on community planning and land-development matters.

**January 18, 2019 | 9 a.m. to noon**

Cost: \$50 | Registration deadline: January 17  
*Instructors: Ed O'Donnell, AICP; Linda Raab, AICP; Max Walton, Esq.; and David Edgell, AICP*

### Municipal Clerks Certificate Training Program

A 40-hour program consisting of six Friday sessions in March and April. Additional details to come.

### Land-Use Law, the Constitution, and Takings (PLN 102)

"Planning 102" topics include basic principles governing land-use law, delegation of authority, due process, just compensation, and vested rights.

**February 15, 2019 | 9 a.m. to noon**

Cost: \$50 | Registration deadline: February 14  
*Instructors: Ed O'Donnell, AICP, and Max Walton, Esq.*

### Land-Use and Development Administration (PLN 103)

"Planning 103" is primarily a hands-on course designed to build the skills for administering and interpreting land-use regulations. Participants will be introduced to zoning, subdivision, and land-use codes.

**March 1, 2019 | 9 a.m. to noon**

Cost: \$50 | Registration deadline: February 28  
*Instructors: Linda Raab, AICP, and Ann Marie Townshend, AICP*

### Advanced Land-Use and Development Administration (PLN 203)

"Planning 203" is a hands-on course designed to provide participants with table-top exercises to build their skills for administering and interpreting land-use regulations.

**March 22, 2019 | 9 a.m. to noon**

Cost: \$50 | Registration deadline: March 21  
*Instructors: Linda Raab, AICP, and Ann Marie Townshend, AICP*

### Creating a Flood Ready Community (PLN 201)

This popular course returns for the 5th year. "Planning 201" reviews the multiple sources of flood risks to Delaware communities that can be addressed and mitigated through planning, codes, and ordinances. It covers floodplain requirements for municipalities and tools for adapting to flood risk. Sources of funding and technical assistance will also be presented. Additional details to come.

**Register online at [www.ipa.udel.edu/events.html](http://www.ipa.udel.edu/events.html)**

*For more information, Sean O'Neill ([oneill@udel.edu](mailto:oneill@udel.edu) or 302-831-4926).*



Franchise Management Services, Inc.  
9919 Golf Course Rd  
Ocean City, MD 21842  
Tel: 410-520-0176  
Fax: 410-520-0199

November 7, 2018

City of Dover Delaware  
Office of Planning and Inspections  
15 Loockerman Plaza  
Dover, DE 19901

Re: Planning Commission Approval Extension Forrest Ave Dunkin Donuts

Dear Mr. Diaz:

We are writing to request a formal extension of our original planning commission approval in the event we are unable to begin construction by the November 30<sup>th</sup> expiration. As you are aware there have been numerous delays in working through the permitting process involving utilities. While we expect to likely have begun work by the November 30<sup>th</sup> deadline, out of an abundance of caution, we are requesting a formal extension of the approvals in the event of unforeseen circumstances.

Best Regards

Nick Nistazos

## **Update on Status of Eden Hill Farm TND: Residential District (Discussion only – No Application Pending)**

The following items are provided for reference:

- Letter of September 5, 2018 (Issued by City Planning Office) – Request for Placement on Planning Commission September 2018 Meeting Agenda and Notice of Planning Commission Actions on Previous Discussion of MI-18-10 Eden Hill Farm TND Residential District: Architecture Concept
- Response Letter of September 24, 2018 from Investment Property Associates, LLC – Re: Eden Hill Farm TND Residential District: Architecture Concept
- Letter of October 26, 2018 (Issued by City Planning Office in response)

City of



Dover

September 5, 2018

Mr. Leonard Iacono

Mr. Mark Prata

Investment Properties Associates, LLC

102 Larch Circle, Suite 301

Wilmington DE 19804

Via Email: [liacono@daisyconstruction.com](mailto:liacono@daisyconstruction.com)

[mprata@daisyconstruction.com](mailto:mprata@daisyconstruction.com)

**RE: Request for Placement on Planning Commission September 2018 Meeting Agenda  
And  
Notice of Planning Commission Actions on Previous Discussion of MI-18-10 Eden  
Hill Farm TND Residential District: Architecture Concept**

Dear Mr. Iacono and Mr. Prata:

This letter is in response to your email requests of August 28, 2018 and September 4, 2018 to be placed on the City of Dover Planning Commission Meeting Agenda for September to discuss the Eden Hill Farm TND: Residential District. This item will not be made part of the Planning Commission's September 17, 2018 Meeting as no application for review has been made in accordance with the provisions of the *Zoning Ordinance*, Article 3 §28 – Traditional Neighborhood Design (TND). See specifically Article 3 §28.42 and 28.43 and 28.44. Through previous discussions on the project, the City Planner has determined that several of the concepts for revision to be major amendments to the TND which require formal application submission (a Revised Implementation Plan) to the Planning Commission. The Planning Staff does not have the authority "to approve" certain aspects of your proposal in absence of an application.

This letter also documents the previous discussions on the Eden Hill Farm TND: Residential District that have recently occurred with the Planning Commission. After multiple discussions with representatives of the potential owner and potential housing unit developer and following a request (email of 5/11/2018) to appear before the Planning Commission, Planning Staff allowed the project concept to be presented to the Planning Commission in order to provide some preliminary feedback on the concept. This is identified by file number MI-18-10. It was specifically noted that the Request for Discussion with the Planning Commission was not a formal application for review of a Revised Implementation Plan and/or Revised Comprehensive Design Standards Manual as a formal application would need to be made in order to complete the detailed review along with any necessary Public Hearings for its implementation.

The Request provided information on the Concepts including Architecture for townhouse units and an Architecture and Concept for single family detached dwellings (in a 55+ community format) with a request for removal of alleys within the Eden Hill Farm TND: Residential District. At their June 18, 2018 Meeting, the Planning Commission discussed the Eden Hill Farm TND Residential District: Architecture Concept with representatives of a potential property owner and homebuilder. This discussion was intended to provide guidance and preliminary feedback on the concepts only. The Planning Commission by the motion directed Planning Staff

P. O. Box 475 Dover, DE 19903

**Community Excellence Through Quality Service**

to meet with the project representatives prior to the July Meeting of the Commission to sort out the necessary review processes. See the following motion excerpt from the June 18<sup>th</sup> Planning Commission Meeting Minutes:

*Dr. Jones moved that the Planning Staff meet with Ryan Homes prior to the next Planning Commission meeting with consideration on the matter of the alleys, seconded by Mr. Holt and the motion was carried 7-0 by roll call vote. Mr. Roach voting yes; with the comment that through the dialogue between Planning Staff and this project that we figure out the process to be able to move it forward. Whether that be an amendment to the TND, whether it be the applicant filing something with the Planning Staff to be able to rectify the issues in regards to the front-loading garages and alleys so that you can continue to move forward with the project. Mr. Holt voting yes; he thinks that it is long overdue and hopefully they can get things straightened out and get this project moving ahead again. Mr. Baldwin voting yes; for the aforementioned statements. Dr. Jones voting yes; she thinks this project is worthy of further discussion and resolution where ever possible. Mrs. Welsh voting yes; she concurs with Dr. Jones. Ms. Maucher voting yes; she thinks this project is important to the City and we need to work better to overcome these kinds of barriers between getting things done quickly. Mr. Tolbert voting yes; in considering the time that we have dealt with the Eden Hill project he would like to see the thing get through and finalized.*

This Meeting with Planning Staff was held on Monday, July 9, 2018. As a result of this Meeting, the following review processes were identified:

- **Townhouse Area Concept (north of Little Eden Way):** An Administrative Plan Review process could be utilized to subdivide (replat) portions of this area into Townhouse Lots i.e. the multi-family large lots into townhouse lots. This would require a Minor Lot Line Adjustment (Record Plan) submission for review of the new lot configuration. Also, a Revised Construction/Infrastructure Plan set would be necessary related to utilities (water, sanitary sewer, etc.), stormwater management, open space, etc. for Administrative Review. The architecture compliance issues with the Pattern Book could be addressed by identifying proposed alternatives such no shutters, siding two tone detail on ends, etc. As an Administrative Plan Review process, there is no specific filing deadline. The plan documents could be submitted at any time for review by Planning Staff and the other appropriate agencies.
- **55+ Community Concept for Single Family Detached Dwellings (south of Little Eden Way):** With the proposal for elimination of the alleys and reconfiguration of areas to create a Clubhouse specific to the proposed 55+ Community format, submission of a Revised Implementation Plan application would be required for the area. This would be a formal application subject Public Hearing before the Planning Commission. It required submission must meet the filing deadlines established for applications to the Planning Commission; this process begins with a Pre-Application Meeting with Planning Staff to go over application submission requirements. The Revised Implementation Plan would need to include a Record Plan to reconfigure lots, show removal of the alleys, street revisions, etc. in addition to information on the changes to the Active Recreation/Open Space areas. In addition, any proposed changes or amendments to the Comprehensive Design Standards Manual (Pattern Book) would need to be identified and submitted for review. Also, revisions to the Construction/Infrastructure Plans for this area would need

to be made and updated for the new lot layout once it is approved.

An update on the meeting was provided to the Planning Commission on July 16<sup>th</sup>. See the July 16, 2018 Planning Commission Meeting excerpt. The Planning Commission took action to accept the report update from Planning Staff.

The continued progress of development in the City of Dover is important and the *Zoning Ordinance* has established application and review processes for such activities. We understand that the Eden Hill Farm TND is a unique property with its three districts: the Residential District, the Neighborhood Commercial District, and the Profession Office, Medical & Financial District. The three TND district areas have been through similar Administrative Plan reviews and Revised Implementation Plan review processes as changes/revisions in their development activities were proposed. We look forward to submission of plans for review of any proposed revisions in the Residential District.

Sincerely,  
Department of Planning & Inspections



David S. Hugg, III  
Planning Director



Dawn E. Melson-Williams, AICP  
Principal Planner

Enclosures: Excerpts of Minutes of June 18, 2018 and July 16, 2018 Planning Commission Meetings

Cc: Katie Burke, Ryan Homes via email: [kburke@nvrinc.com](mailto:kburke@nvrinc.com)  
William Russell via email: [brussell@wyerealtyadvisors.com](mailto:brussell@wyerealtyadvisors.com)  
Gregg Moore, Becker Morgan Group via email  
Gregory Pettinaro, Eden Hill, LLC  
File MI-18-10

Investment Property Associates, LLC  
201 Larch Circle, Suite 301  
Newport, DE 19804-2364

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

September 24, 2018

ATTN: Mr. David S. Hugg  
Planning Director

VIA: E-MAIL- dhugg@dover.de.us

Re: Eden Hill Farm TND Residential District: Architecture Concept

Dear Mr. Hugg:

The purpose of this letter is to summarize the status of the dialog between Investment Property Associates ("IPA"), the prospective purchaser and equitable owner of the Eden Hill residential community, and the City Of Dover, including both the *Department Of Planning & Inspection* and the *Planning Commission*, regarding proposed revisions to the Eden Hill community to permit i) our acquisition of the property, ii) its development as a two phased residential community, including a townhouse component and an Active Adult/+55 component, and iii) construction by Ryan Homes of its Simply Ryan townhome product and Lifestyle Homes +55 product. The changes proposed will reduce the overall density from its original count of 665 units to To 547 units +-. Consisting of approximately 26 duplex units, 314 townhomes and 207 single family detached active adult units with two separate clubhouses.

Pursuant to our discussions, after numerous meetings between representatives of IPA, Ryan Homes, and Wye Realty Advisors, with the *Department of Planning & Inspections* staff during the course of 2017 and 2018, the matter was placed on the *Planning Commission* agenda and discussed at its June 18, 2018 meeting under the following heading:

**"MI-18-10 Eden Hill Farm TND Residential District: Architecture Concept – Request for Consideration by *Planning Commission* of an Architecture Concept for townhouse units and an Architecture Concept for single family detached dwellings (in a 55+ community format) with a request for removal of alleys within the Eden Hill Farm TND: Residential District. The property is zoned TND (Traditional Neighborhood Design Zone). The owner of record Eden Hill Residential, LLC. Property Address: area southeast of intersection Wemyss Road and POW-MIA Parkway. Tax Parcels: areas on map ED-05-076.04. Council District 2."**

Following that meeting, and based on the discussion conducted therein, the *Planning Commission* proposed and passed a resolution directing the *Planning & Inspections Department* to work with IPA, as prospective developer, and Ryan Homes, as prospective homebuilder, to seek to move the project forward; the motion from the June 18th *Planning Commission* Meeting Minutes is excerpted below:

**“Dr. Jones moved that the *Planning Staff* meet with Ryan Homes prior to the next *Planning Commission* meeting with consideration on the matter of the alleys, seconded by Mr. Holt and the motion was carried 7-0 by roll call vote. Mr. Roach voting yes; with the comment that through the dialogue between *Planning Staff* and this project that we figure out the process to be able to move it forward. Whether that be an amendment to the TND, whether it be the applicant filing something with the *Planning Staff* to be able to rectify the issues in regards to the front-loading garages and alleys so that you can continue to move forward with the project. Mr. Holt voting yes; he thinks that it is long overdue and hopefully they can get things straightened out and get this project moving ahead again. Mr. Baldwin voting yes; for the aforementioned statements. Dr. Jones voting yes; she thinks this project is worthy of further discussion and resolution where ever possible. Mrs. Welsh voting yes; she concurs with Dr. Jones. Ms. Maucher voting yes; she thinks this project is important to the City and we need to work better to overcome these kinds of barriers between getting things done quickly. Mr. Tolbert voting yes; in considering the time that we have dealt with the Eden Hill project he would like to see the thing get through and finalized.”**

Based on the directive of the *Planning Commission* motion, which motion was unanimously approved by its members, representatives of IPA, Ryan Homes, and Wye Realty Advisors, along with Mr. Gregg Moore of the architectural/engineering firm Becker Morgan, met with the *Planning & Inspections Department* at its offices on July 9, 2018. With the benefit of that meeting, and specifically Mr. Moore’s input on the steps needed to gain expedited City Of Dover approval for the changes to the Eden Hill residential project required by IPA and Ryan Homes, I will summarize our understanding of the expedited path forward to project approval, herein below:

- The existing subdivision will be split into two sections along Little Eden Way. The area north of Little Eden is referred to as the “Upper” section, and the area to the south of Little Eden is referred to as the “Lower” section. The proposal is to expand the Upper section to primarily a townhome community, eliminating condos/apartments, and changing the Lower section to an Active Adult project for +55 and over residents, which will need a separate recordation and Home Owners Association (HOA).
- Our intent for the revised Upper Section is to convert the proposed condominiums identified in Phase 4 of the Residential District to Townhomes. Additionally, we would also like to downsize the previously planned clubhouse. Previously, the Lower section of Eden Hill was comprised of both duplex and single-family lots. We propose to revise the plan to accommodate single-family Ryan Homes designs, which are typically lots of 41’ by 63’; this product requires the removal of alleys and the use front loaded garages. To support the Lower Section single family homes we propose to convert lots 327 through 338 of Phase 6 into a clubhouse area to serve the residents of the Lower section.
- Per our July 9<sup>th</sup> meeting with City of Dover, the proposed changes to the Upper Section (townhomes) will require an administrative review only. Therefore, revision to the HOA documents will not be necessary. Public notice and public meetings will not be required for the Upper Section revisions. The Lower Section (Active Adult/+55) will require submission to the *Planning Commission*, including public notice and public meetings. New HOA documents will be required for recordation of the lower section.



- Revision and consolidation of the Eden Hill Pattern Book will not be required, with the exception of providing a list of the revisions, exceptions and/or variations proposed for the Active Adult/+55 development area to be added to the pattern book. We will present the conceptual architectural plans to the *Planning Commission* as stand-alone documents. It is our understanding that the Pattern Book provides the basis for architectural design and is not supposed to serve as the exact construction document of what is being built, nor does it require an update when new projects are presented. We will provide a revised plat landscape plan and architectural concepts of the clubhouse. We believe the pattern book directs our architectural efforts and should not need to be modified to accommodate these changes.
- Our present assumption is that previous approved road sections, alignments and grades will not change. Per City of Dover Zoning Code, Section 28, Traditional Neighborhood Design Zone (TND), the process will require an as-built survey of existing conditions, submission of the residential district for review, construction document revisions and an update of the Record Plan.
- The revisions proposed will reduce the number of intended living units on the site. DelDOT has recently completed work on the West Dover Connector adjacent to the property. As a result, we do not anticipate resubmission of construction plans to DelDOT. However, we will seek a *Letter of No Objection* from DelDOT to allow for the re-recording.
- A submission to Kent Conservation District will be required as total impervious will change. Notwithstanding this, we submit that the previously approved Stormwater management design is adequate for the revisions planned and anticipate approval for this by the Kent Conservation District.

As the above process, though ostensibly streamlined, represents a significant commitment of time and financial resources by IPA, as purchaser/developer, we would like to gain the *Planning & Inspections Department's* approval of the process prior to moving forward with the extensive architectural and engineering required to finalize the approvals for the community, as conceptualized herein.

Accordingly, we are asking for the Planning Departments position on the changes we want to make in the residential section of Eden Hill. Attached is concept plan # 2 showing where the townhouse section and the active adult units will be located. The townhouse section will be to the north of Little Eden way. The units to the south of Little Eden Way will be the active adult section. Both with separate, smaller clubhouses and Home Owner Associations. All current approved roads will remain. All alleyways will remain in the townhouse section. All alleyways in the active adult section will be eliminated. We are also asking for the Planning Departments position on the architectural plans that Ryan Homes wants to build in the townhouse section and the active adult section. Some of the key changes are listed below:

Simply Ryan Townhouse changes:

- No garages on the townhomes. Rear driveways will remain. A modification to the attached elevation plan for the 3-story townhouse plan will be made showing no garage,
- Two tone siding on the sides at the corners and intersections.
- No side or faux windows.

- Varying color schemes on the entry doors and shutters
- One consistent front porch detail for all townhomes. No full porches.
- No decks will be included.

Lifestyle Collection Active Adult Single Family Detached Home changes:

- There are four different models with two different elevations per model.
- All units will be front loaded garages with no offsets.
- All alleyways will be eliminated.
- Front entry doors will be a verity of colors.
- No shutters.
- No porches or side entrances.

We have attached the Elevation Plans and Streetscape Renderings for the Simply Ryan and Lifestyle at Eden Hill for your review. Please keep in mind that Ryan Homes has carefully assessed the market and has tailored their product to meet the specific needs and affordability of potential homebuyers to meet the Dover's housing needs. Should you have any questions, please don't hesitate to contact me.

Respectfully Requested,



Mark Prata,  
Project Manager  
Investment Property Associates, LLC

CC: Leonard Iacono, IPA  
Greg Moore, Becker Morgan  
Katie Burke, NVR, Ryan Homes  
Bill Russell, Wye Realty Advisors



Concept #2

# Simply Ryan & Lifestyle at Eden Hill

Elevation Plans and Streetscape Renderings

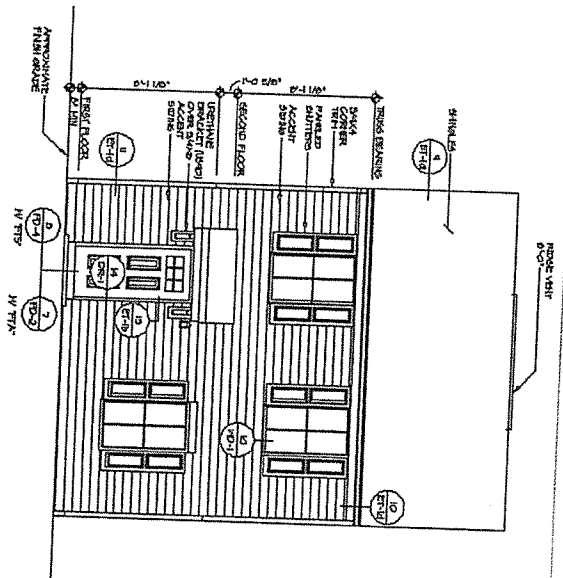


Easy. Affordable. Simply Yours.

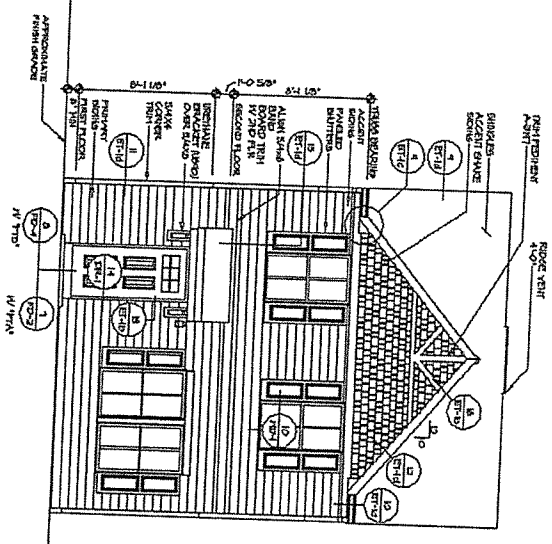


Easy. Affordable. Fits your lifestyle.

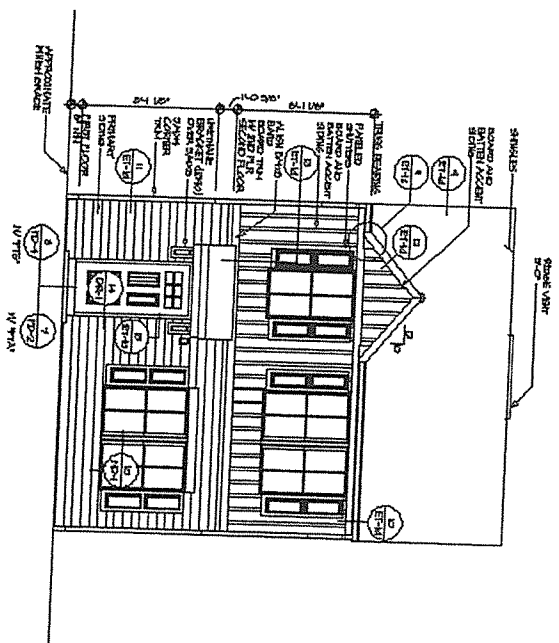
# Simply Ryan – Plan 1220 2-Story



1 FRONT ELEVATION "A"  
SCALE: 1/4" = 1'-0"  
1/4" LEVEL ENTRY ON BLVD SIDE  
ON LEVEL ENTRY SIDE

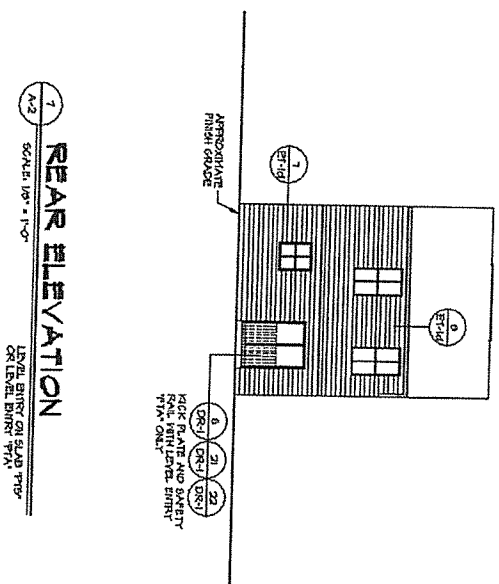
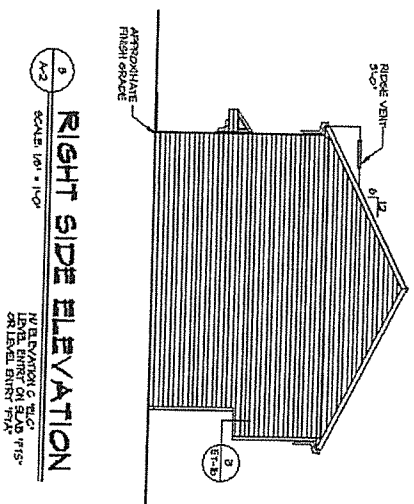
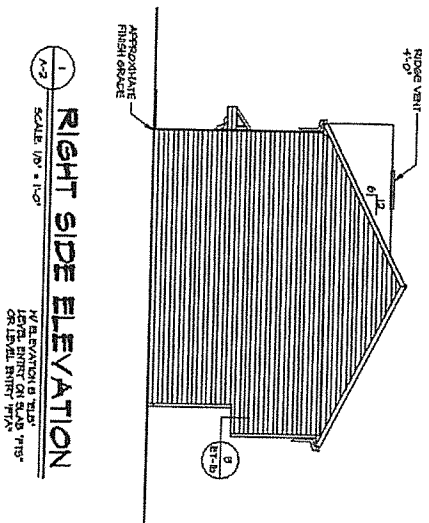


1 FRONT ELEVATION "B"  
SCALE: 1/4" = 1'-0"  
1/4" LEVEL ENTRY ON BLVD SIDE  
ON LEVEL ENTRY SIDE



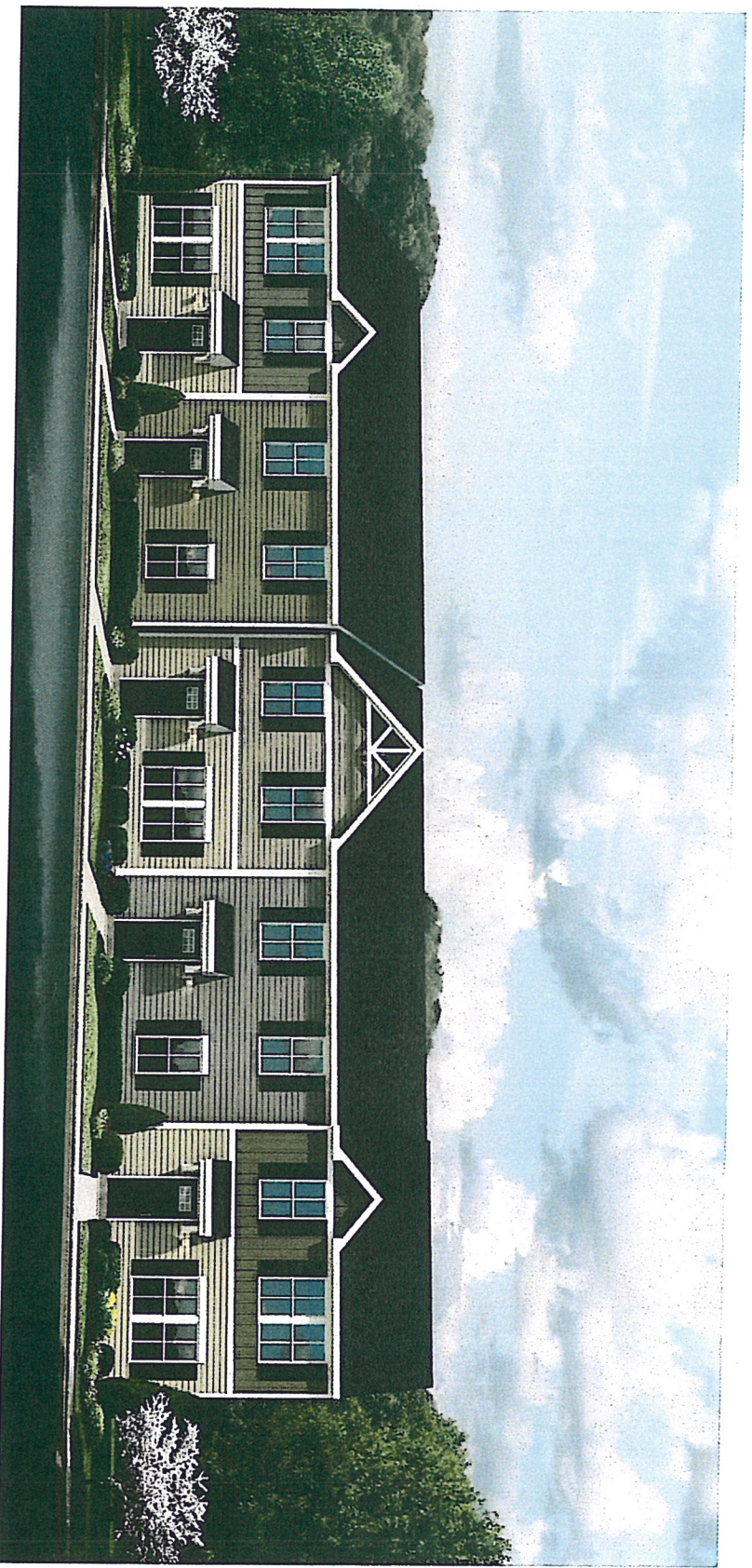
1 FRONT ELEVATION "C"  
SCALE: 1/4" = 1'-0"  
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ON LEVEL ENTRY SIDE

# Simply Ryan – Plan 1220 2-Story Side & Rear Elevations





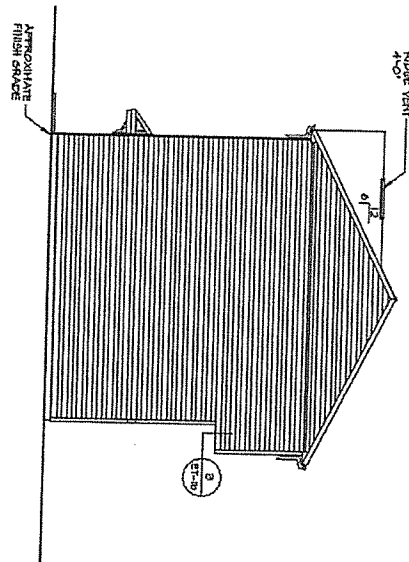
# Simply Ryan – Plan 1220 2-Story



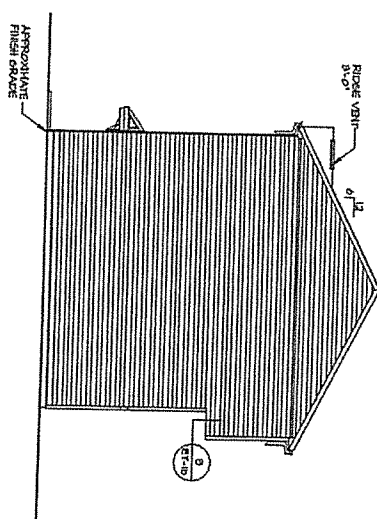




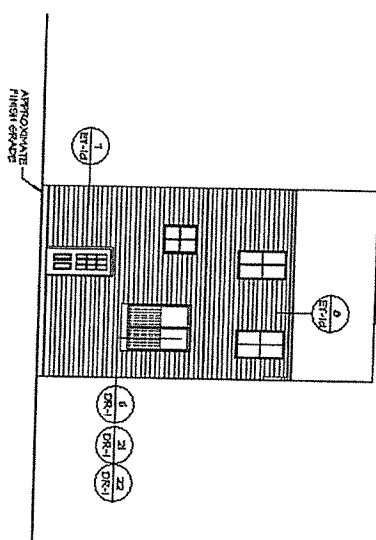
# Simply Ryan – Plan 1220 3-Story Side & Rear Elevations



2 RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"  
IV ELEVATION B FLD  
BASEMENT LEVEL, ENTRY "TYP"



4 RIGHT SIDE ELEVATION  
SCALE: 1/8" = 1'-0"  
IV ELEVATION C FLD  
BASEMENT LEVEL, ENTRY "TYP"



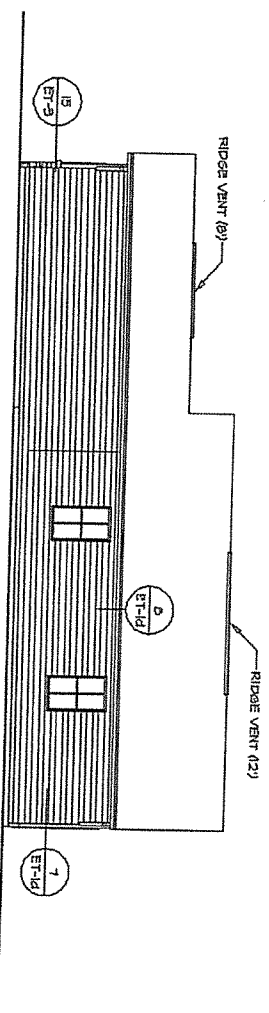
9 REAR ELEVATION  
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IV BASEMENT LEVEL, ENTRY "TYP"

# Simply Ryan – Plan 1220 3-Story

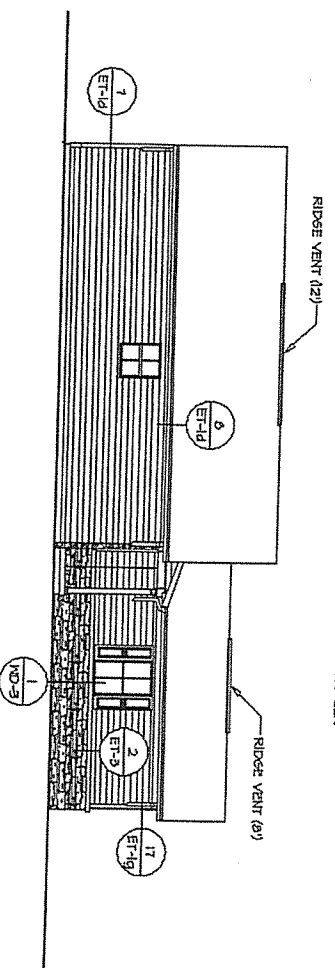




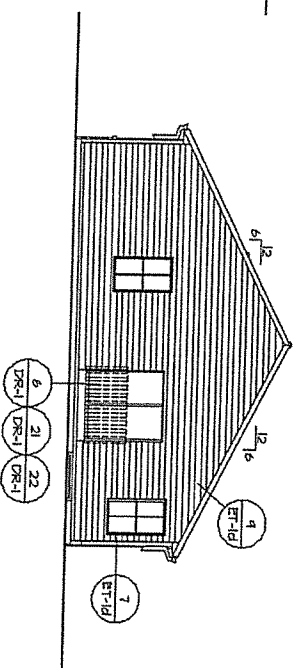
# Lifestyle – Aruba Elevation K Side & Rear Elevations



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ELEVATION K "ELK"



**LEFT ELEVATION "K"**  
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ELEVATION K "ELK"



**REAR ELEVATION "K"**  
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ELEVATION K "ELK"

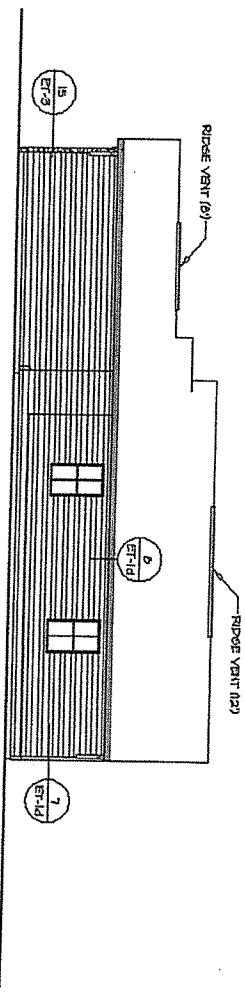
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FRONT ELEVATION "L"

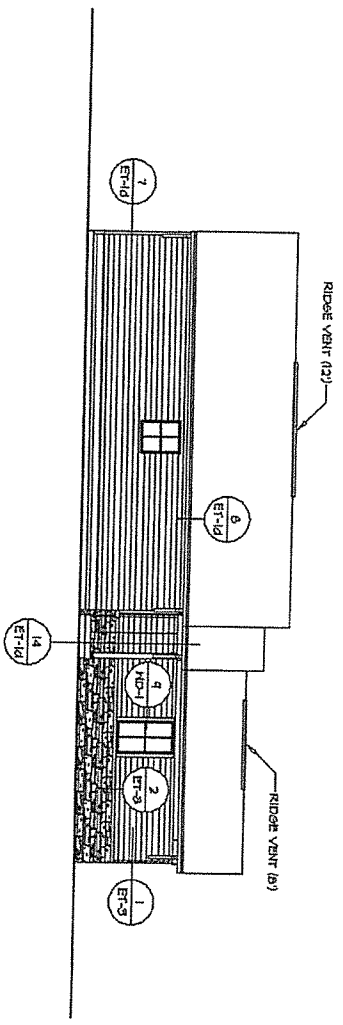
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ELEVATION 1, "ELL"

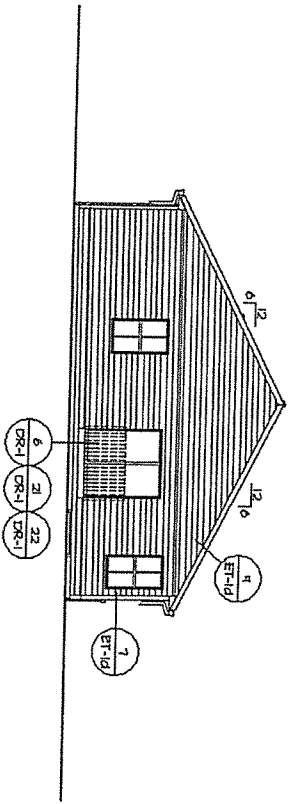
# Lifestyle – Aruba Elevation L Side & Rear Elevations



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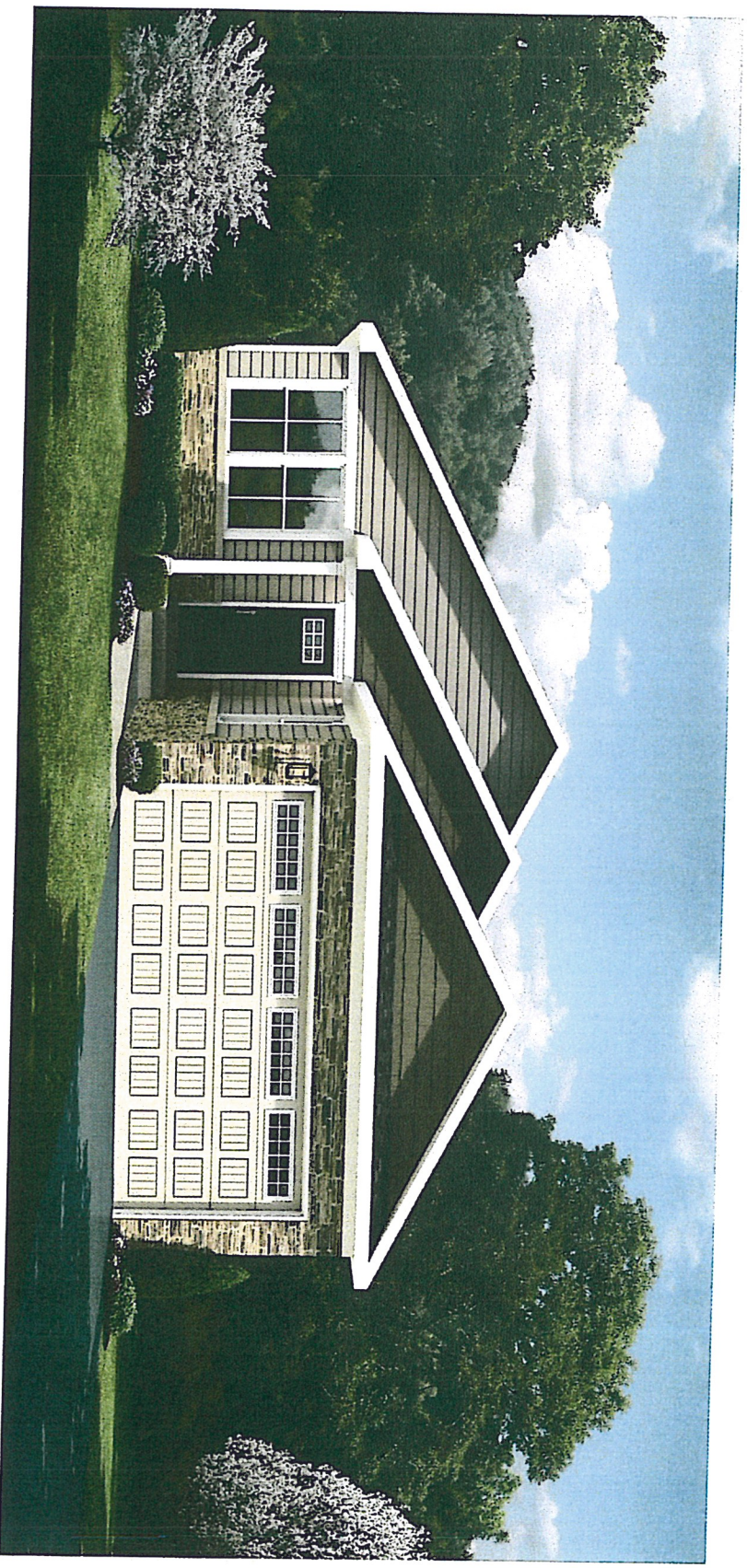
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ELEVATION L "ELL"



4 REAR ELEVATION "L"  
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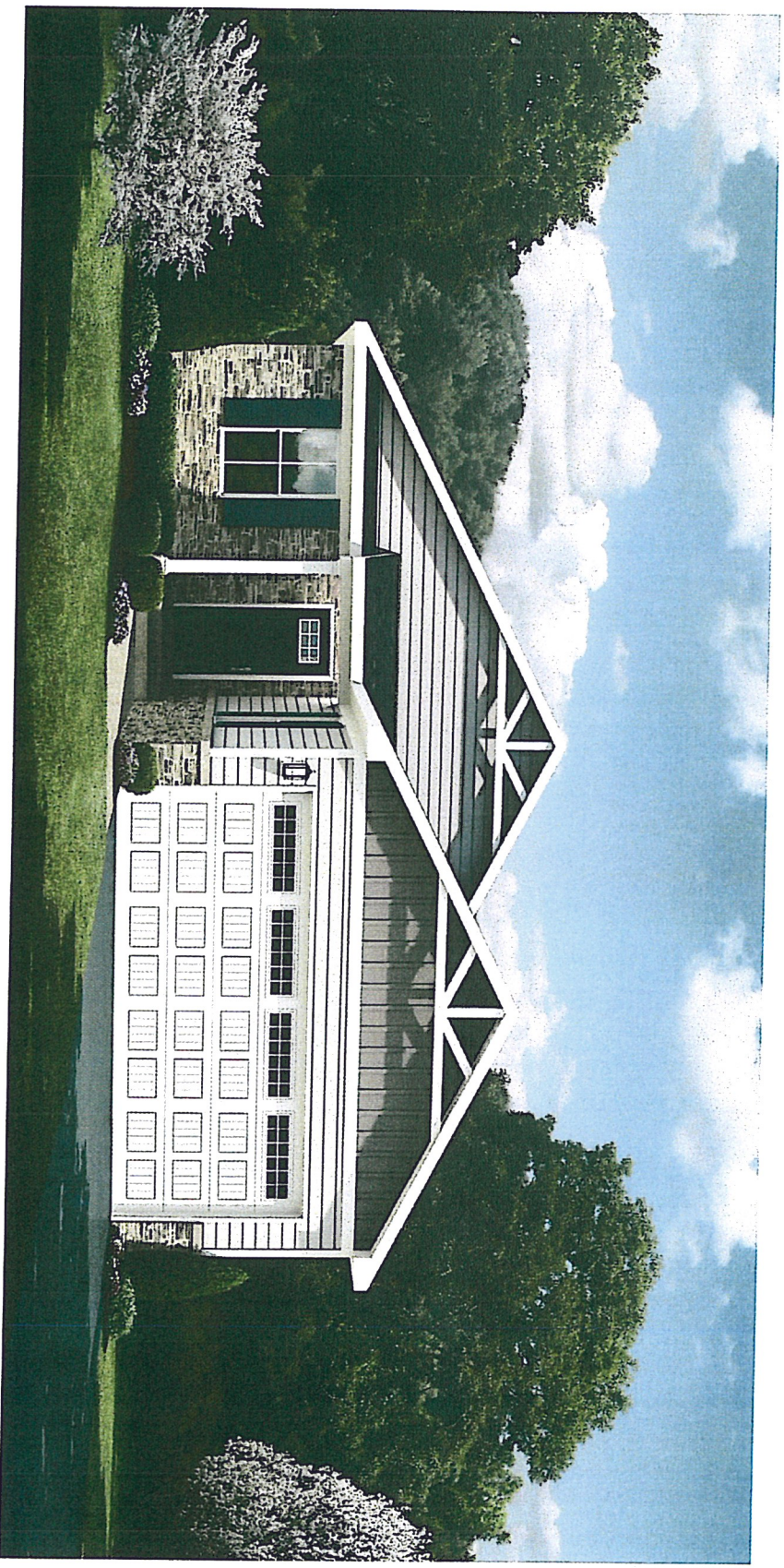


# Lifestyle – Aruba Elevation L





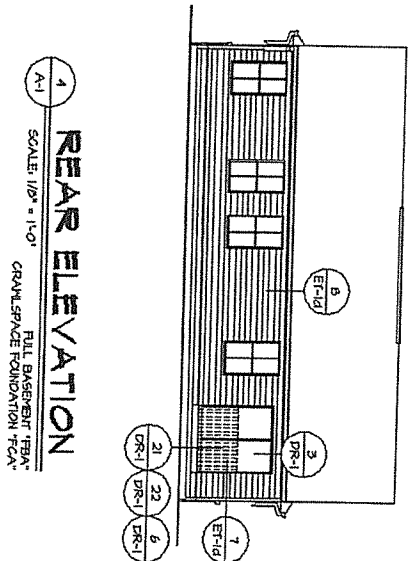
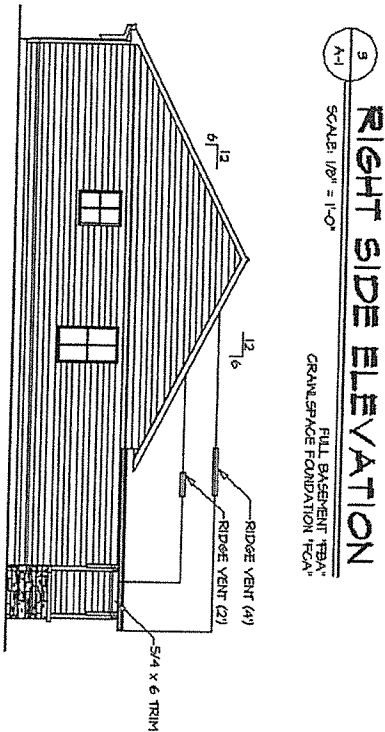
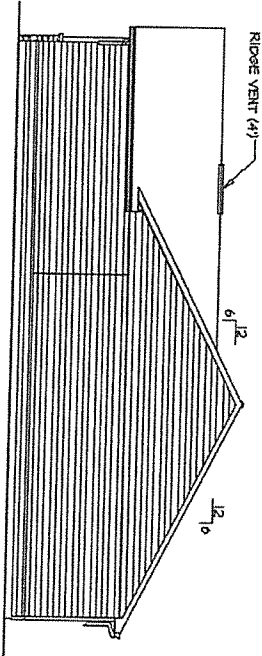
# Lifestyle – Aruba Elevation K





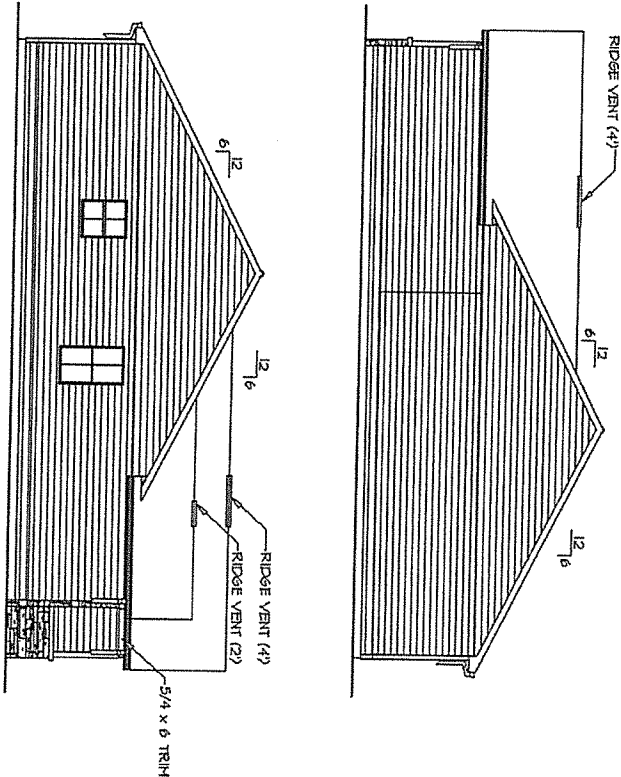
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# Lifestyle – Bahama Elevation K Side & Rear Elevations

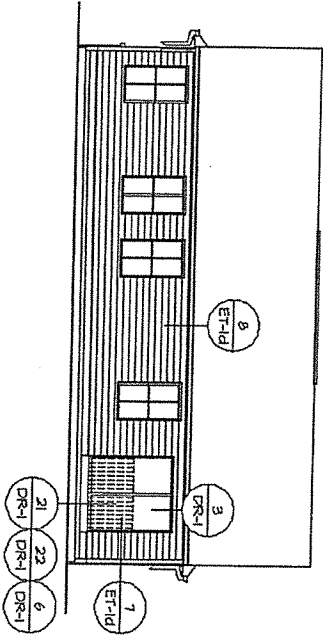


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# Lifestyle – Bahama Elevation L Side & Rear Elevations

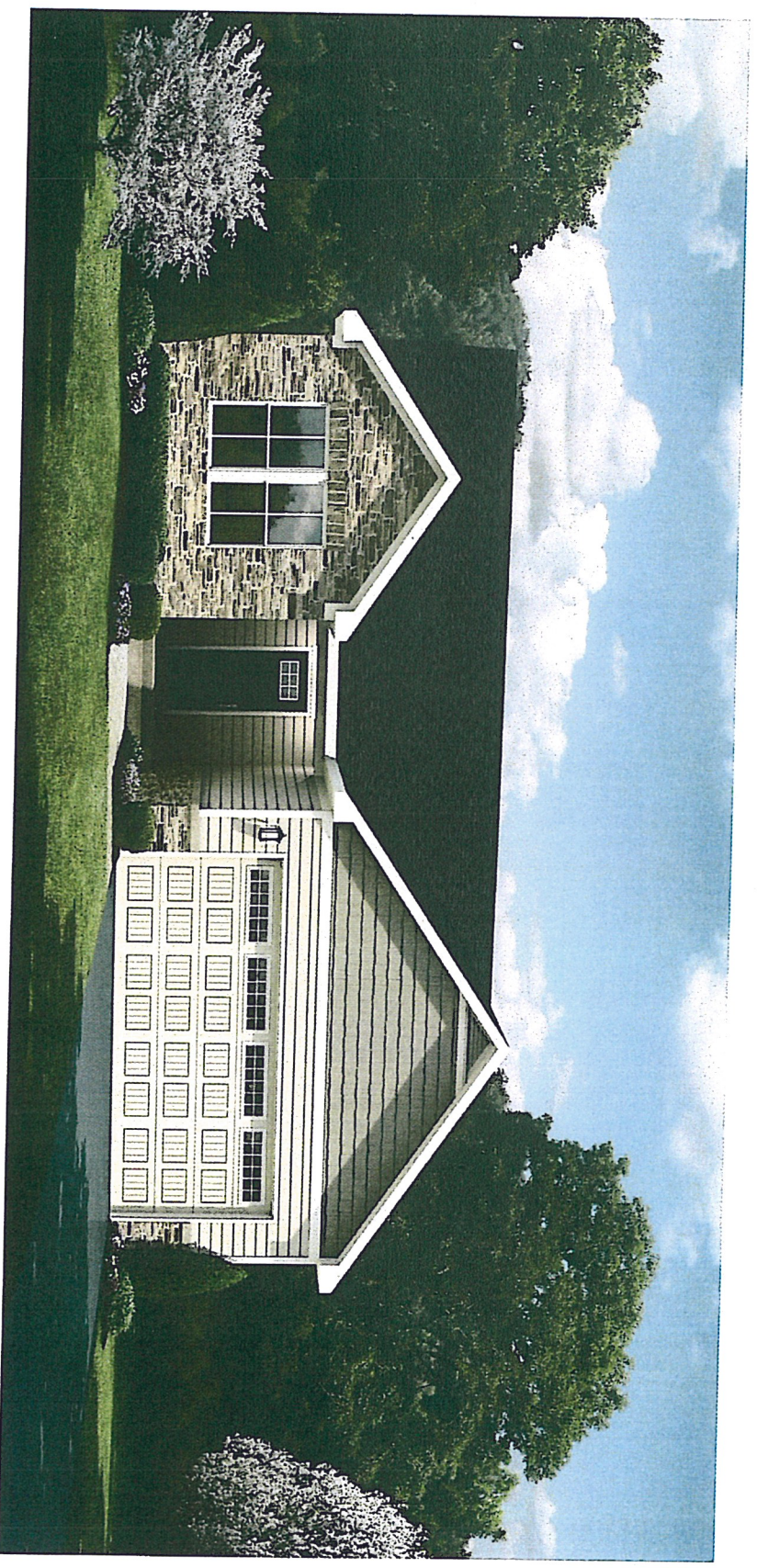


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FULL BASEMENT "TBA"  
CRANESPACE FOUNDATION "TCA"



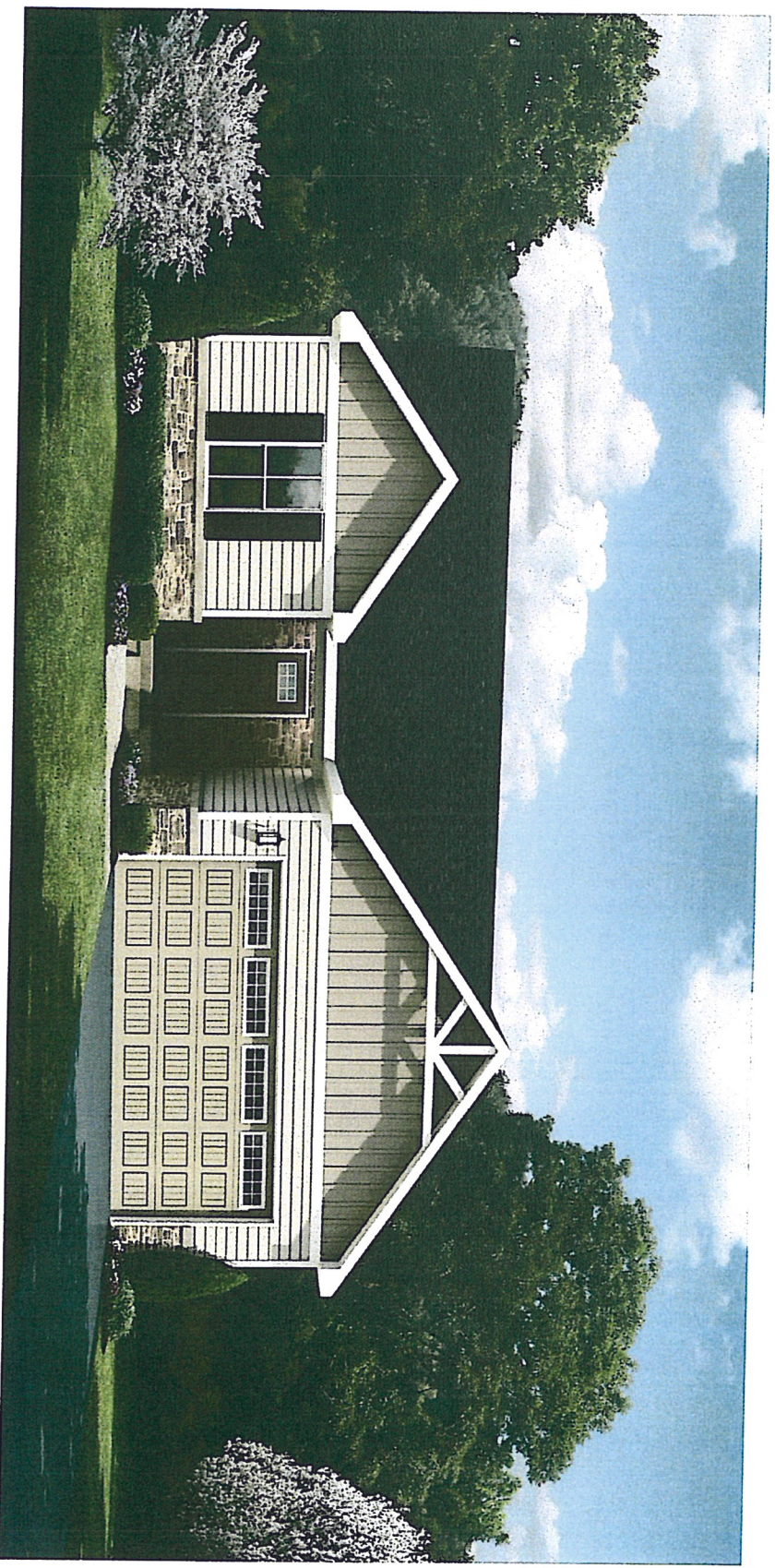
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CRANESPACE FOUNDATION "TCA"

# Lifestyle – Bahama Elevation L





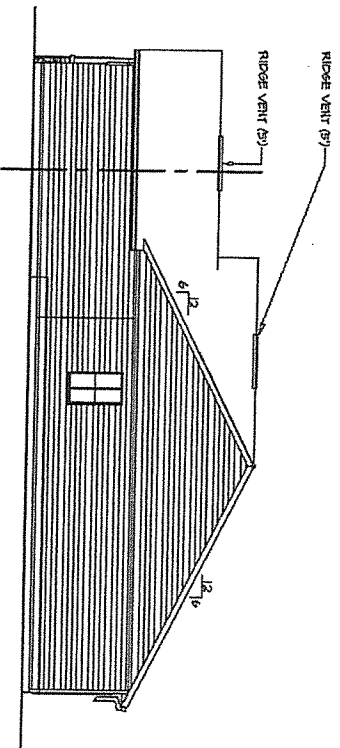
# Lifestyle – Bahama Elevation K



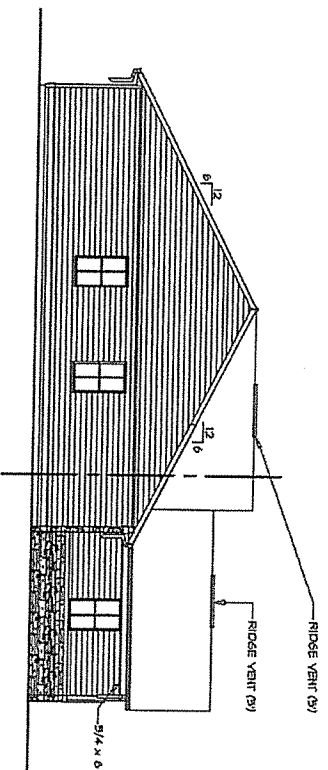
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FRONT ELEVATION "K"

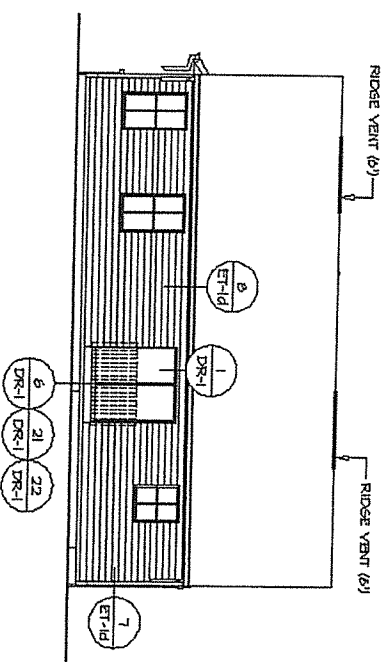
# Lifestyle – Cayman Elevation K Side & Rear Elevations



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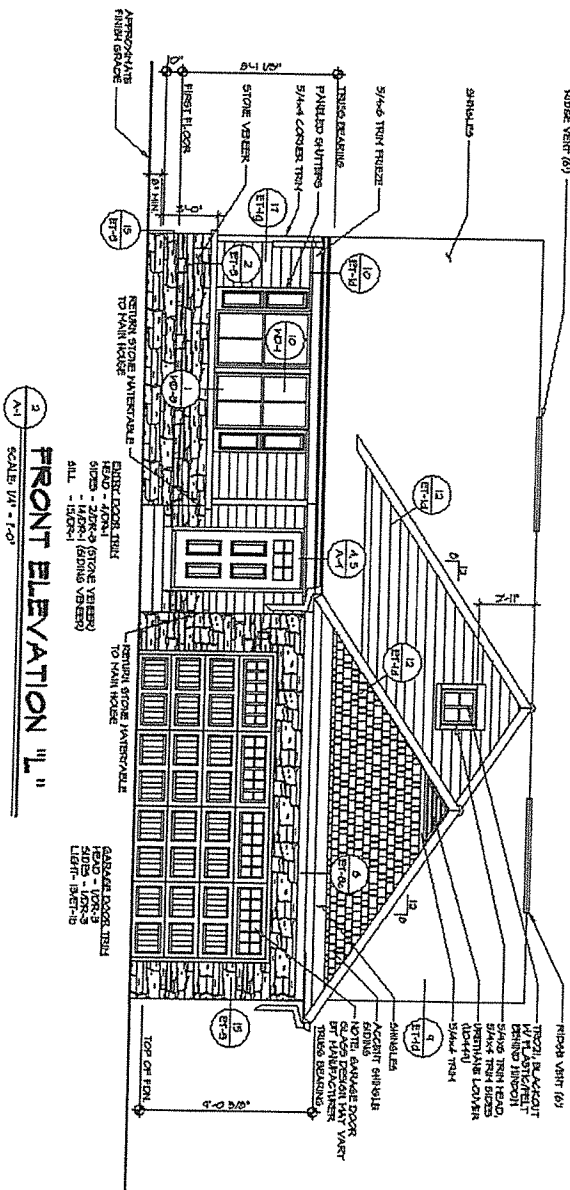
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SCALE: 1/8" = 1'-0"



3 REAR ELEVATION  
SCALE: 1/8" = 1'-0"



# Lifestyle – Cayman Elevation L

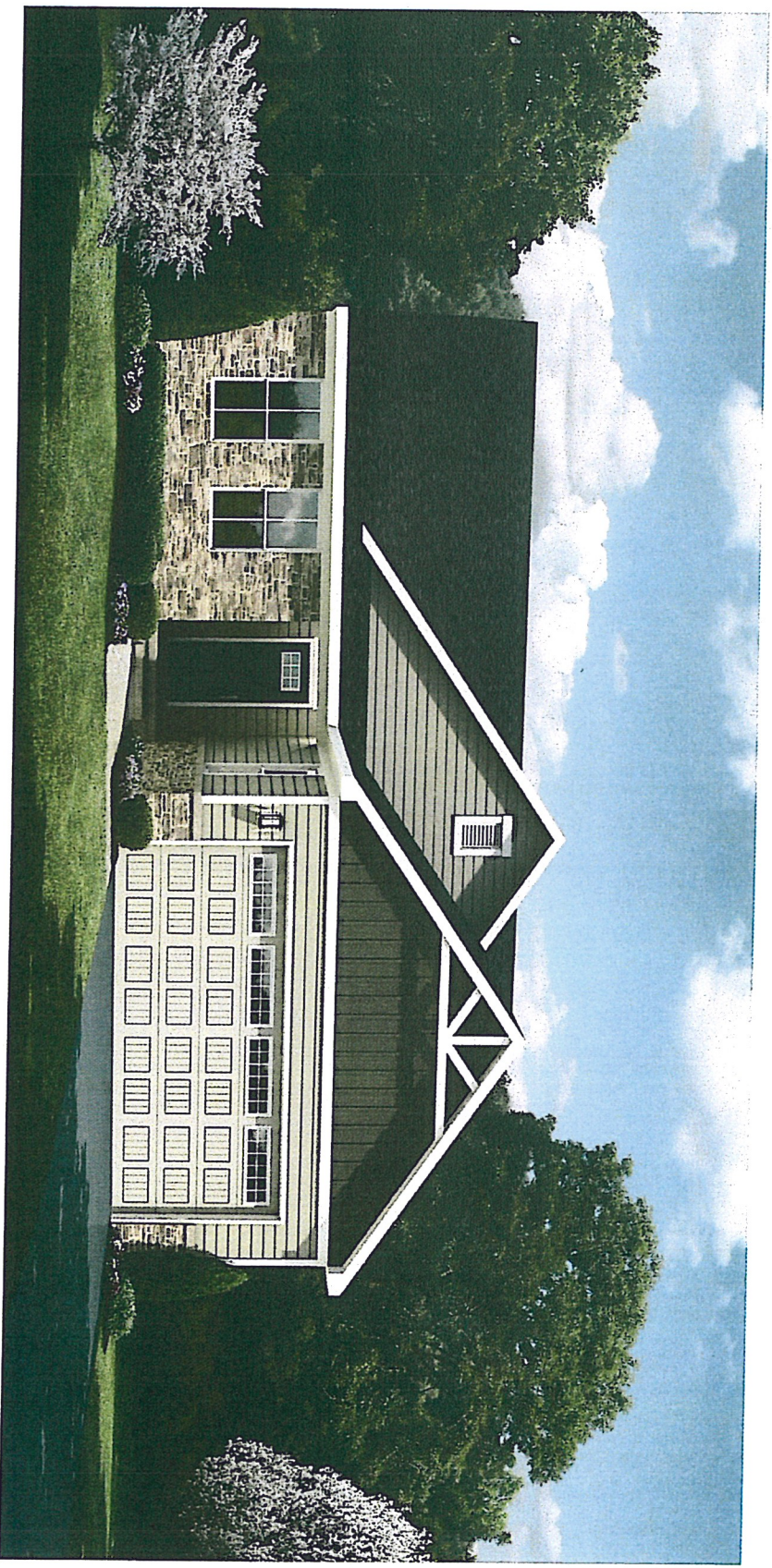


# Lifestyle – Cayman Elevation L



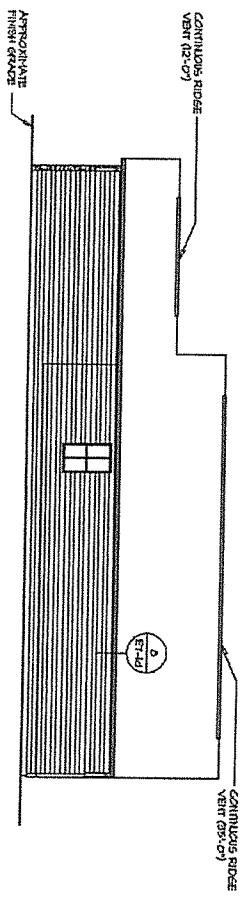


# Lifestyle – Cayman Elevation K

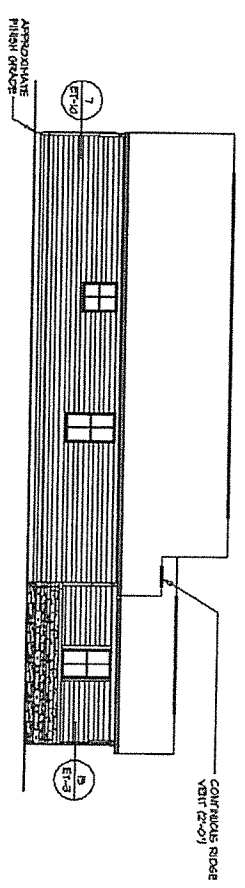




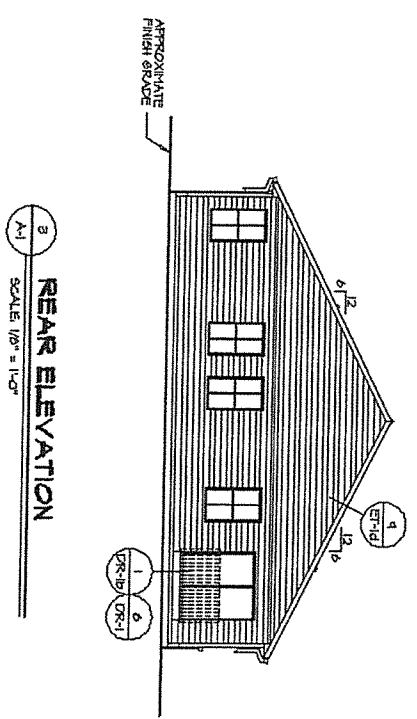
# Lifestyle – Dominica Elevation K Side & Rear Elevations



4 RIGHT ELEVATION  
SCALE 1/8" = 1'-0"

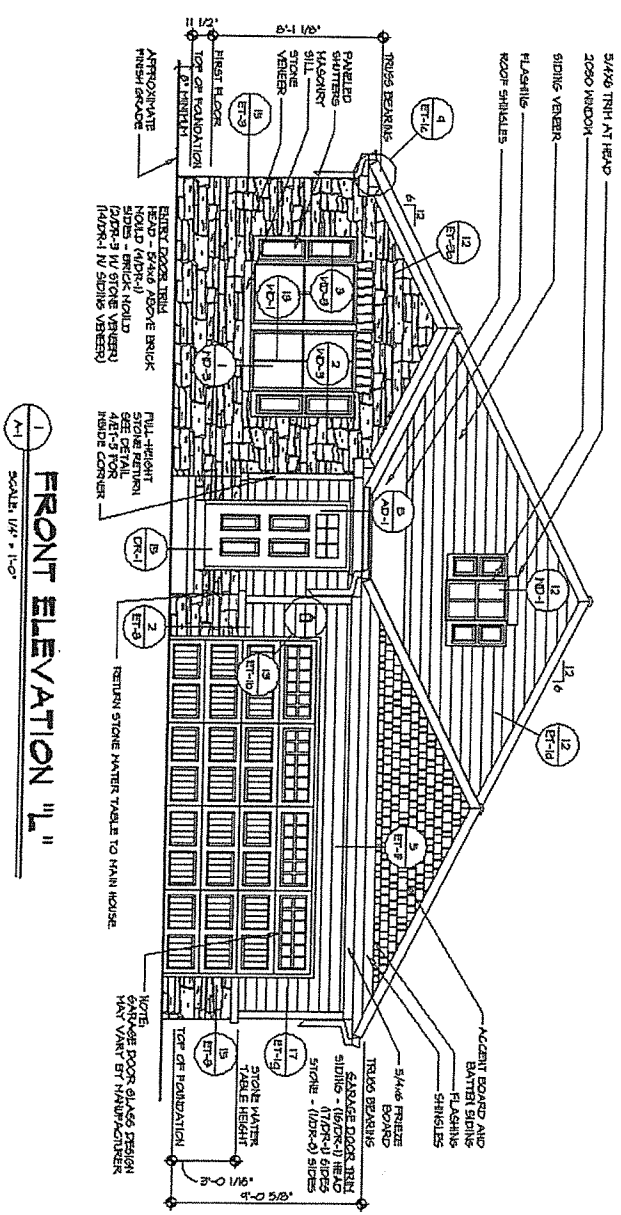


3 LEFT ELEVATION  
SCALE 1/8" = 1'-0"

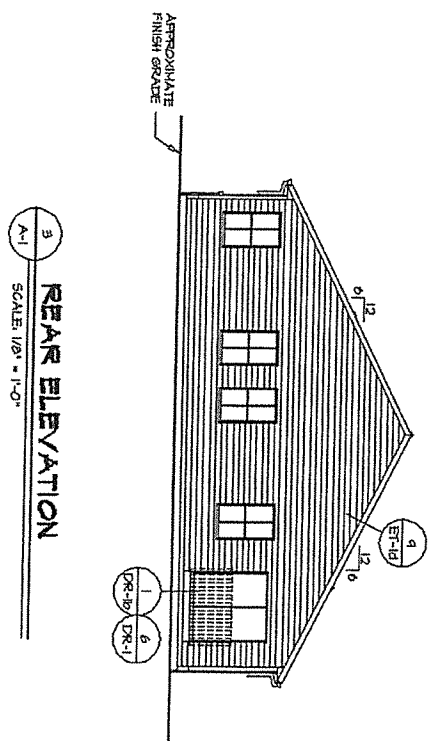
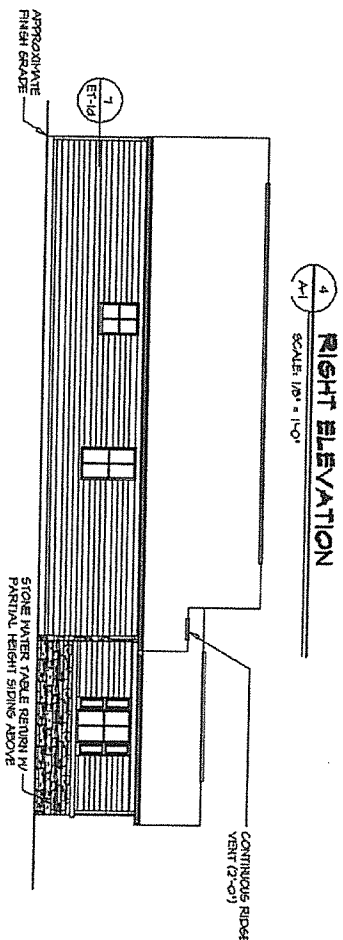
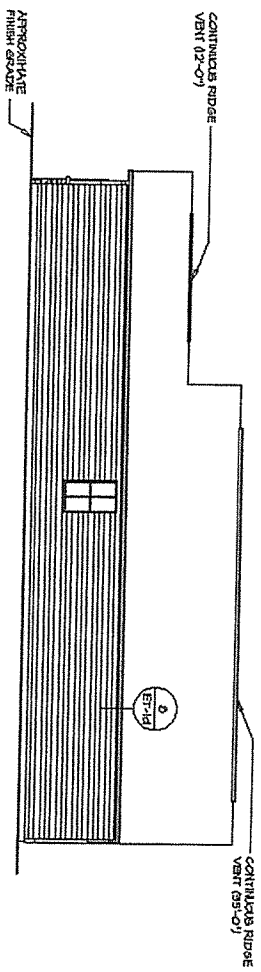


3 REAR ELEVATION  
SCALE 1/8" = 1'-0"

# Lifestyle – Dominica Elevation L



# Lifestyle – Dominica Elevation L Side & Rear Elevations



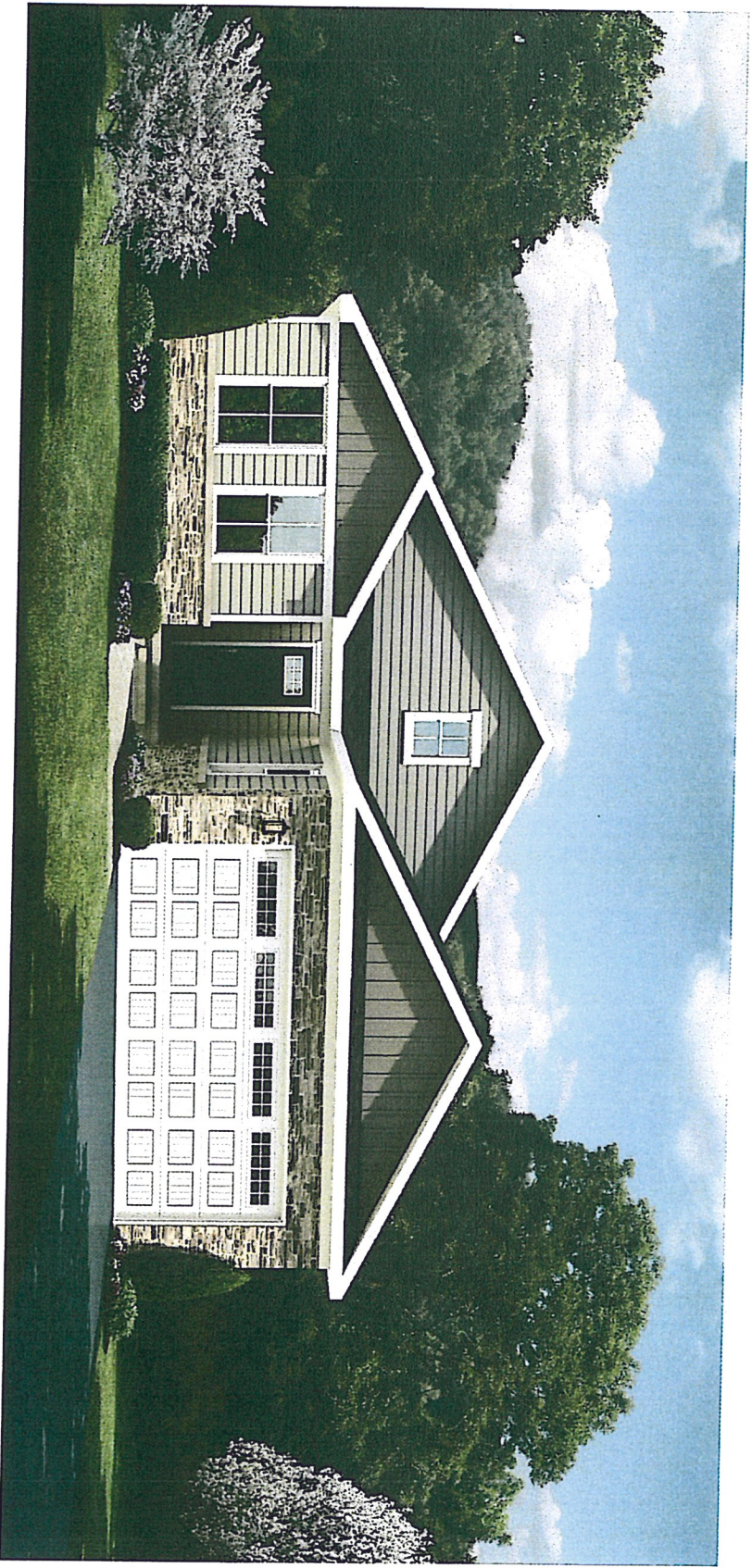


# Lifestyle – Dominica Elevation L





# Lifestyle – Dominica Elevation K





Date Revised to October 26, 2018  
September 26, 2018

Mr. Leonard Iacono  
Investment Property Associates, LLC  
201 Larch Circle, Suite 301  
Newport, DE 19804-2364

Dear Leonard:

I believe our letter of September 5, 2018 reflects the steps needed to move your Eden Hill Farm TND: Residential District project forward. I reiterate them here:

- **Townhouse Area Concept (north of Little Eden Way):** An Administrative Plan Review process could be utilized to subdivide (replat) portions of this area into Townhouse Lots i.e. the multi-family large lots into townhouse lots. This would require a Minor Lot Line Adjustment (Record Plan) submission for review of the new lot configuration. Also, a Revised Construction/Infrastructure Plan set would be necessary related to utilities (water, sanitary sewer, etc.), stormwater management, open space, etc. for Administrative Review. The architecture compliance issues with the Pattern Book could be addressed by identifying proposed alternatives such as no shutters, siding two tone detail on ends, etc. As an Administrative Plan Review process, there is no specific filing deadline. The plan documents could be submitted at any time for review by Planning Staff and the other appropriate agencies.
- **55+ Community Concept for Single Family Detached Dwellings (south of Little Eden Way):** With the proposal for elimination of the alleys and reconfiguration of areas to create a Clubhouse specific to the proposed 55+ Community format, submission of a Revised Implementation Plan application would be required for the area. This would be a formal application subject Public Hearing before the Planning Commission. It required submission must meet the filing deadlines established for applications to the Planning Commission; this process begins with a Pre-Application Meeting with Planning Staff to go over application submission requirements. The Revised Implementation Plan would need to include a Record Plan to reconfigure lots, show removal of the alleys, street revisions, etc. in addition to information on the changes to the Active Recreation/Open Space areas. In addition, any proposed changes or amendments to the Comprehensive Design Standards Manual (Pattern Book) would need to be identified and submitted for review. Also, revisions to the Construction/Infrastructure Plans for this area would need to be made and updated for the new lot layout once it is approved.

I reiterate that the TND concept and the ordinance provisions associated with it are intended to emphasize good design and architecture that separates it from more standard residential developments. I am concerned if your approaches to either the townhouse or the 55+ portion reflect that intent. Frankly, I anticipated that any issues relating to the townhouse portion would have been resolved by now and that you would be under construction. As you know we are most concerned with the



treatment of the end units at corners and street intersections and hoped to see a more creative design solution than simply a change (to two-tone) of the siding color.

I appreciate that you are trying to minimize design and engineering outlays, but it is unreasonable to ask us to respond to an 8 ½ x 11 hand marked copy of the current plan. This simply is not how the process works. We (and ultimately the Planning Commission) need an application to review to provide anything approaching an “approval”. At a minimum, we need a revised development plan (Application Submission of Revised Implementation Plan) clearly indicating the new proposal without alleys, with a centralized park, and any other changes. As far as Planning Commission consideration, they function to review and approve applications; their processes and procedures do not include conceptual discussions. Again, a revised plan is needed before any official “agreements or approvals” can be provided.

Relative to the specific items outlined in your recent letter (September 24, 2018), by way of guidance and not necessarily any approval, we concur with splitting the project into two components: a townhouse portion north of Little Eden Way and a 55+ Community south of that road, and with the elimination of the condominium component.

Regarding the architectural elements, we do not believe that simply changing the end unit color is sufficient and would ask that you and Ryan reconsider either building, or possibly landscaping, options that better address the design intentions of the TND zone. Again, as set forth in our letter of September 5th, these changes to create townhouse lots can be accomplished through an Administrative Plan Review process.

Without a Revised Implementation Plan it is difficult to address the development changes for the 55+ Community. For example, what happens to the land area originally allocated to alleys? With the conversion to a single family 55+ Community how have the lots originally proposed for duplexes been addressed? What is the status of other open spaces originally included in the plan with the creation of the “clubhouse” area? Are there any changes to the road system and utility infrastructure by the elimination of the alleys? As we have discussed previously, we have significant concerns with the 100% commitment to only front-loaded garages. The TND’s design and architectural concept clearly envisions a variety of options and approaches. Could not some greater consideration be given to inclusion of a recessed garage or side-loaded garage (perhaps for lots at the ends of blocks)? The approach suggested in your latest submission simply does not achieve the intent of the Eden Hill TND.

In the absence of a Revised Implementation Plan, we cannot comment on whether any changes to road sections, DelDOT requirements, Kent Conservation District approvals or any other City Departments or agency revisions will be needed.

It is not our intention to delay progress on this project or subject you or Ryan Homes to any added costs or requirements. We are required to follow the review procedures and provisions of the *Zoning Ordinance*. We want to work with you to ensure that the intent and purposes of the TND zone are achieved.

October 26, 2018

Page 3 of 3

Sincerely,

A handwritten signature in dark ink, appearing to read "David S. Hugg III", with a long, sweeping horizontal line extending to the right.

David S. Hugg III

Director of Planning, Inspections and Community Development

CC: Gregg Moore, Becker Morgan Group  
Mark Prata  
Gregory Pettinaro, Eden Hill, LLC  
Katie Burke, Ryan Homes  
Dawn Melson-Williams, AICP, Principal Planner  
MI-18-10



PETITION TO AMEND ZONING DISTRICT  
Public Hearing Before the Planning Commission  
November 19, 2018

Applicants/Owners: Faithwork, LLC (Tolano Anderson)  
Paul and Justine Davis Rev Trust (Paul Davis and Justine J. Davis)

Addresses: 971, 975, 983, 987, and 991 Forest Street Dover, DE  
21 and 27 Saulsbury Road Dover, DE  
20 (and 26) and 30 Carver Road Dover, DE

Location: North side of Forest Street between Saulsbury Road to the west  
and Carver Road to the east

Tax Parcels: ED-05-076.07-01-62.00-000 ED-05-076.07-01-38.00-000  
ED-05-076.07-01-37.00-000 ED-05-076.07-01-39.00-000  
ED-05-076.07-01-36.00-000 ED-05-076.07-01-61.00-000  
ED-05-076.07-01-35.00-000 ED-05-076.07-01-60.00-000  
ED-05-076.07-01-34.00-000

Size: 2.32 acres (Total of nine parcels)

Present Use: Restaurant, 5 Single Family Detached Residences, Emergency  
Shelter (youth group home facility in 3 buildings) and Motor  
Vehicle Service & Auto Detailing

Proposed Use: Redevelopment (specific uses not identified)

Comprehensive  
Plan Designation: Commercial

Present Zoning: IO (Institutional and Office Zone), C-1A (Limited Commercial  
Zone), and C-PO (Commercial and Professional Office Zone)  
and subject to the COZ-1 (Corridor Overlay Zone)

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

Reason for Request: Request for Rezoning of nine properties for future redevelopment

File Number: Z-18-03  
Ordinance Number: 2018-11

This rezoning application consists of nine parcels of land totaling 2.32 +/- acres located on the north side of Forest Street, between Saulsbury Road to the west, and Carver Road to the east. The properties are zoned IO (Institutional and Office Zone), C-1A (Limited Commercial Zone), and C-PO (Commercial and Professional Office Zone) and are subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-2A (Limited Central Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The owners of record are Faithwork, LLC and Paul Davis & Justine J. Davis (Paul and Justine Davis Rev Trust). Property Addresses: 971, 975, 983, 987, and 991 Forest Street, 21 and 27 Saulsbury Road, and 20 (and 26) and 30 Carver Road.

Existing Properties:

The subject property area consists of nine separate parcels which collectively are the southern portion of the block area bounded by Carver Road, Forest Street (Route 8), and Saulsbury Road. The existing properties are a mix of zoning districts including IO (Institutional and Office Zone), C-1A (Limited Commercial Zone), and C-PO (Commercial and Professional Office Zone); the area is also subject to the COZ-1 (Corridor Overlay Zone). See the Summary Table below for information on each parcel.

Address	Size	Current Use	Current Zoning	Proposed Zoning
971 Forest Street	0.37 acres	Single family detached dwelling (Rental Dwelling)	CPO, COZ-1	C-2A, COZ-1
975 Forest Street	0.19 acres	Single family detached dwelling (Rental Dwelling)	CPO, COZ-1	
983 Forest Street	0.23 acres	Emergency Shelter: Youth Group Home facility (Lodging – 2 units)	IO, COZ-1	
987 Forest Street	0.18 acres	Restaurant (Subway)	CPO, COZ-1	
991 Forest Street	0.23 acres		CPO, COZ-1	
21 Saulsbury Road	0.36 acres	Emergency Shelter: Youth Group Home facility (Lodging – 4 units)	IO, COZ-1	
27 Saulsbury Road	0.22 acres	Emergency Shelter: Youth Group Home facility (Lodging – 2 units)	IO, COZ-1	
30 Carver Road	0.18 acres	Single family detached dwelling (Rental Dwelling)	C-1A, COZ-1	
20 Carver Road 26 Carver Road	0.36 acres	2 Single family detached dwellings (2 Rental Dwellings) Motor Vehicle Service & Auto Detailing	C-1A, COZ-1	
TOTAL	2.32 acres			

The applicant is seeking rezoning to C-2A (Limited Central Commercial Zone) and remaining subject to the COZ-1 (Corridor Overlay Zone) to allow for future development of the properties. The redevelopment of the site will be subject to a separate application submission.



### Surrounding Land Uses:

To the north of the subject area moving towards Carver Road, the properties are zoned CPO, C-1A, and RGO. Uses in this area include an Office Building at 31 Saulsbury Road (S-03-31); a Credit Union office facility at 58 Carver Road (S-02-17); other offices and several single family detached residences. Properties at the northwest and southeast corners of the Saulsbury Road/Forest Street intersection are zoned C-2A (Limited Central Commercial Zone) for the Walgreens and CVS Pharmacies, and the southwest corner of the intersection is zoned SC-2 (Community Shopping Center) with a Restaurant, Retail Stores and the Gateway West Shopping Center. These areas are also subject to the COZ-1 (Corridor Overlay Zone). Property to the east of Carver Road is zoned IO (Institutional and Office Zone) and includes the school facilities of William Henry Middle School and Booker T. Washington Elementary School.

### Previous Applications

Since 2005 there have been several rezonings involving this block area; the area has been subject to the COZ-1 since the 1990s.

- As of result of the *2003 Comprehensive Plan* designation of the block area with the land use classification of Office/Office Parks, the 2005 Comprehensive Rezoning Project (MI-05-02) took the following actions: rezoned 983, 987 and 991 Forest Street from C-2A to CPO; rezoned 27 Saulsbury Road from RG-1 to CPO; and other properties on Carver Road from RG-1 to CPO.
- The *2008 Comprehensive Plan* revised the land use classification of the block area to Commercial. Then the 2009 Comprehensive Rezoning Project (MI-09-08) acted to rezone 20 and 30 Carver Road (and other properties on Carver Road) from CPO to C-1A.
- The most recent Rezoning Application is Z-14-04 Lands of Faithwork LLC which rezoned the properties at 21 and 27 Saulsbury Road and 983 Forest Street from CPO (Commercial Professional Office) to IO (Institutional and Office Zone). This rezoning was recommended for approval by the Planning Commission in December 2014 with the final approval of the rezoning from C-PO to IO by the City Council on February 9, 2015. The properties remained subject to the COZ-1 (Corridor Overlay Zone). For these three properties, the rezoning to IO was to establish a (Emergency Shelter) group home for youth facility within the complex of three buildings.

In addition, City Council on February 11, 2013 adopted Resolution #2013-03 which abandoned an unimproved alley (running east to west) along the northern property lines of 971 and 975 Forest Street.

### Comprehensive Plan:

The *2008 Comprehensive Plan* depicts the subject area with the Commercial land use classification on Map 12-1: Land Development Plan Map. Table 12-1: Land Use and Zoning Matrix specifies that the following zones are compatible with this land use classification:

- C-1 (Neighborhood Commercial)
- C-1A (Limited Commercial)
- C-2 (Central Commercial)
- C-2A (Limited Central Commercial)
- C-3 (Service Commercial)
- C-4 (Highway Commercial)

- SC-1 (Shopping Center Commercial)
- SC-2 (Shopping Center Commercial)
- SC-3 (Shopping Center Commercial)
- RC (Recreational and Commercial)
- RGO (General Residence and Office)
- CPO (Commercial/Professional Office)
- IO (Institutional and Office)

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

The types of permitted uses in the C-2A Zone are given Article 3 §14 of the *Zoning Ordinance*. The permitted uses are listed in the following code excerpt:

##### **Article 3 Section 14. - Limited central commercial zone (C-2A).**

14.1 *Uses permitted.* In a limited central commercial zone (C-2A), 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 governmental 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 offstreet 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.

#### Corridor Overlay Zone

The provisions of the COZ-1 (Corridor Overlay Zone) in *Zoning Ordinance*, Article 3 §27 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 redevelopment of the properties is proposed.

Recommendation of the Planning Staff:

This request is to rezone lands from C-PO (Commercial/Professional Office Zone), IO (Institutional and Office Zone), and C-1A (Limited Commercial Zone) to C-2A (Limited Central Commercial Zone). The properties would remain subject to the COZ-1 (Corridor Overlay Zone). Staff notes that the parcels proposed for rezoning meet 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 redevelopment of the properties once zoned C-2A with the COZ-1 would be subject to those bulk standards and provisions and the review processes for site development.

Staff recommends that the rezoning for C-2A (Limited Central Commercial Zone) be granted as requested to the nine properties, as the proposed zoning is consistent with the 2008 *Comprehensive Plan* for the Commercial land use classification. Staff also recommends that the properties remain subject to the COZ-1 (Corridor Overlay Zone) due to their frontage on and proximity to Forest Street and Saulsbury Road. 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). This area is part of the gateway leading from the west into the Downtown area of Dover and is also a key intersection in the transportation system. Also, the consistency of a larger block area with the same C-2A zoning may encourage commercial redevelopment, consolidation of site entrances, cross access between properties, bicycle & pedestrian improvements, and better designed buildings and landscaping in this Route 8 corridor.

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.

ADVISORY COMMENTS TO THE APPLICANT:

- 1) The properties are subject to the requirements of the COZ-1 (Corridor Overlay Zone), regardless of the outcome of the rezoning application.
- 2) 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 regards 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, redevelopment 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.
- 3) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit, Demolition 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) All businesses operating in the City of Dover are required to obtain a City of Dover Business Licenses from the 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: OCTOBER 31, 2018**

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

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**APPLICATION:** LANDS OF FAITHWORK LLC, AND PAUL & JUSTINE DAVIS AT 971, 975, 983, 987, AND 991 FOREST STREET, 27 SAULSBURY ROAD AND 20 AND 30 CARVER ROAD

**FILE #:** Z-18-03

**REVIEWING AGENCY:** City of Dover

**CONTACT PERSON:** Paul Waddell - Electric  
Jason A. Lyon, P.E. – Public Works

**CONTACT PHONE #:** ELECTRIC - 302-736-7072 PUBLIC WORKS – 302-736-7025

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

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

**CITY AND STATE CODE REQUIREMENTS**

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

Electric has no objections to the rezoning of the nine parcels:

ED-05-076.07-01-62.00-000  
ED-05-076.07-01-37.00-000  
ED-05-076.07-01-36.00-000  
ED-05-076.07-01-35.00-000  
ED-05-076.07-01-34.00-000  
ED-05-076.07-01-38.00-000  
ED-05-076.07-01-39.00-000  
ED-05-076.07-01-61.00-000  
ED-05-076.07-01-60.00-000

**RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES**

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

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 electric, 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 Department of Public Works standards and specifications.
2. Any redevelopment shall adhere to the City of Dover Water/Wastewater Handbook, the Specifications, Standards & Procedures for City of Dover Public Works requirements, and the City of Dover's Electric Service 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 Public Works during the planning phase for this site. Additional impact fees may apply for future development.

**ADVISORY COMMENTS TO THE APPLICANT**

**ELECTRIC / WATER / STORMWATER / STREETS / SANITATION / GROUNDS**

1. None.

**WASTEWATER**

1. Please be advised that a City-maintained, active sanitary sewer main exists outside of the public right-of-way on specific parcels included in this rezoning plan, which serves parcels not included in this rezoning plan. Should the rezoned parcels be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing any necessary system upgrades, extensions or protection. Any redevelopment shall adhere to the City of Dover Water/Wastewater Handbook, the Specifications, Standards & Procedures for City of Dover Public Works requirements.

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.



Z-18-03

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

**D.A.C. MEETING DATE:** 11/07/18

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**APPLICATION:** Lands of Faithworks LLC and Paul & Justine Davis at 971, 975, 983, 987, and 991 Forest St, 21 and 27 Saulsbury Rd, and 20 and 30 Carver Rd

**FILE #:** Z-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. This is for rezoning only. 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)

3. Project to be completed per approved Site Plan.

#### ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Each parcel currently has an assigned occupancy classification which, per the Planning Department, will be considered a legal nonconforming use if it does not fall into the proposed rezoning. Any vacancies could result in the loss of the legal nonconforming use status.
2. Any change to any existing parcel/structure must be done through the appropriate process at which time additional comments may apply.

#### APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

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

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

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

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

2009 IBC (International Building Code)

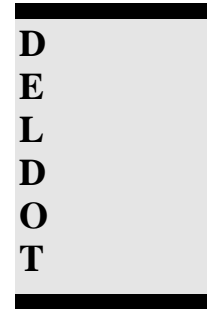
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations

2015 Delaware State Fire Prevention Regulations

City of Dover Code of Ordinances

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

CITY OF DOVER  
DEVELOPMENT ADVISORY COMMITTEE  
APPLICATION REVIEW COMMENTARY  
D.A.C. MEETING DATE: October 31, 2018



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APPLICATION: Lands of Faithworks LLC and Paul and Justine Davis (971, 975, 983, 987, and 991 Forest Street, 21 and 27 Saulsbury Road, and 20 and 30 Carver Road)

FILE#: Z-18-03

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Joshua Schwartz

PHONE#: 302-760-2768

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

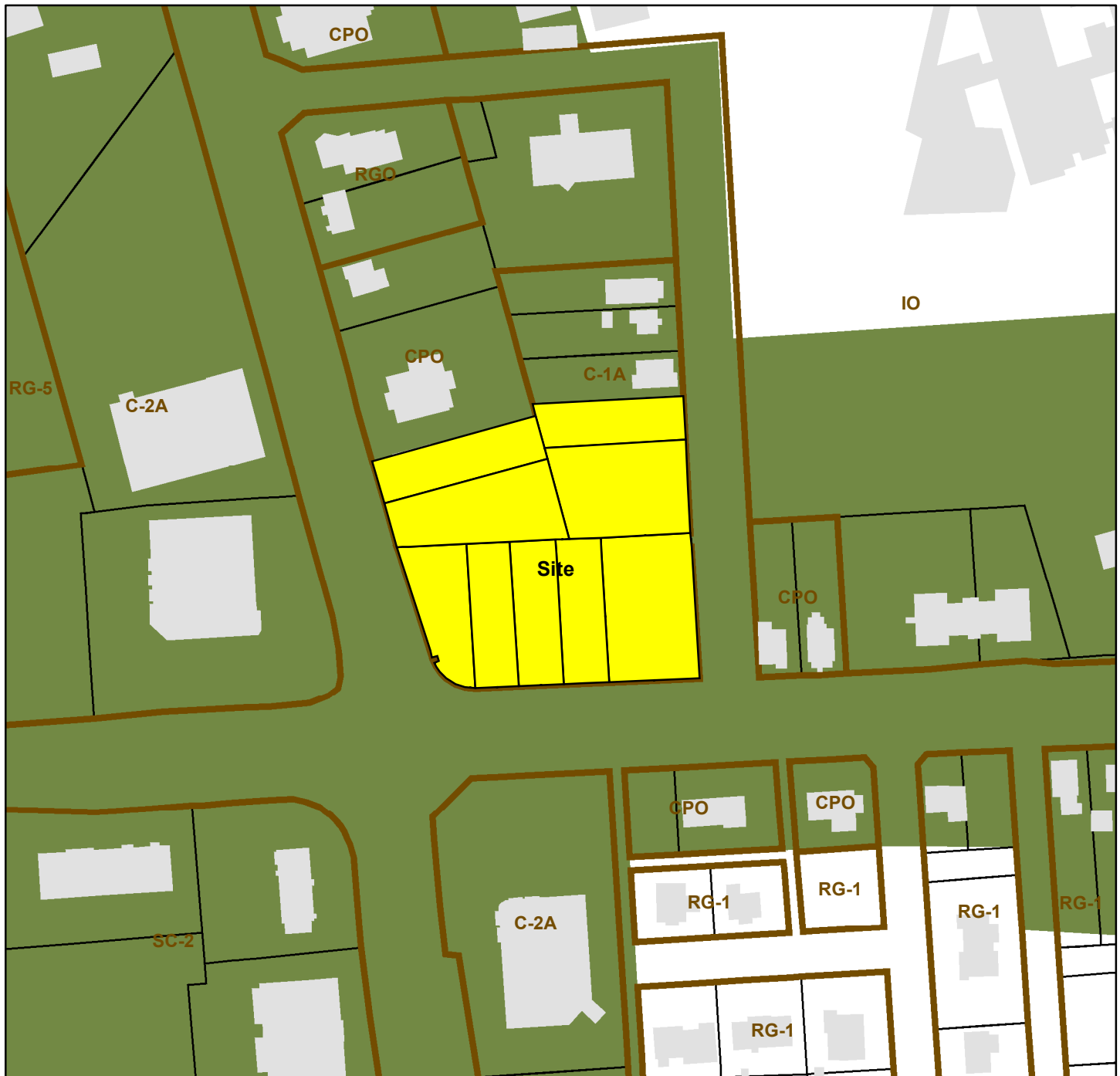
THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

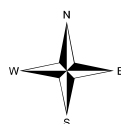
ADVISORY COMMENTS TO THE APPLICANT:

1. No Objection to the rezoning. Once Properties develop, properties shall be reviewed and approved by DelDOT Subdivisions.



**Title:** Faithwork LLC, and Paul & Justine Davis  
**Ordinance #:** 2018-xx  
**Address:** 971, 975, 983, 987, and 991 Forest St, 21 and 27 Saulsbury Rd, and 20 and 30 Carver Rd  
**Parcel IDs:** ED-05-076.07-01-62.00-000, ED-05-076.07-01-37.00-000, ED-05-076.07-01-36.00-000, ED-05-076.07-01-35.00-000, ED-05-076.07-01-34.00-000, ED-05-076.07-01-38.00-000, ED-05-076.07-01-39.00-000, ED-05-076.07-01-61.00-000, and ED-05-076.07-01-60.00-000  
**Existing Zoning:** IO (Institutional and Office Zone), C-1A (Limited Commercial Zone), C-PO (Commercial and Professional Office Zone), COZ-1 (Corridor Overlay Zone)  
**Proposed Zoning:** C-2A (Limited Central Commercial Zone) and COZ-1 (Corridor Overlay Zone)  
**Owner:** Faithwork LLC, and Paul & Justine Davis  
**Date:** 10/10/2018

0 100 200 400 Feet



### Legend

- 2012 Buildings
- Zoning
- Dover Parcels
- Subject Property

City of



Dover

DATA SHEET FOR SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF November 7, 2018

PLANNING COMMISSION MEETING OF November 19, 2018

Plan Title: Lidl and Retail Store, S-18-11

Plan Type: Site Development Plan with Parcel Consolidation Plan

Owners of Record: Davis Wood; Kings Highway Land Partners, LLC (Owner at time of Application)  
Equitable Owner: Lidl US, LLC

Location: Bounded by North DuPont Highway, Maple Parkway, and Kings Highway

Addresses: 122, 136, 140, and 162 North DuPont Highway; 321 Kings Highway NE

Tax Parcels: ED-05-068.18-01-20.00-000, ED-05-068.18-01-21.00-000, ED-05-068.18-01-22.00-000, ED-05-068.18-01-23.00-000, ED-05-068.18-01-24.00-000 and ED-05-068.18-01-25.00-000

Site Area: 7.275 acres (Total of existing 6 parcels)  
6.73 acres (Total after right-of-way dedication)  
5.20 acres (Development parcel)  
1.53 acres (Residual parcel)

Zoning: C-4 (Highway Commercial Zone) and IO (Institutional and Office Zone)

Existing Uses: Vacant; Parking Lot  
Proposed Use: Grocery Store and Retail Building

Building Areas: Existing to be removed: 1,392 SF  
Proposed Grocery Store: 29,089 SF  
Proposed Retail Building: 6,000 SF  
TOTAL: 35,089 SF

Impervious Areas: Existing – unknown  
Proposed – 3.07 acres (59.04% of Development parcel)

Off Street Parking: Required – 117 parking spaces  
Proposed – 146 spaces (not including 25 spaces for off-site use)

Sanitary Facilities: City of Dover  
Water Supply: City of Dover

Waivers Requested: None

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 7, 2018

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APPLICATION: Lidl and Retail Store at 122, 136, 140, and 162 North DuPont Highway and 321 Kings Highway NE

FILE #: S-18-11

REVIEWING AGENCY: City of Dover Planning Office

CONTACTS: Eddie Diaz, Planner I

PHONE #: (302) 736-7196

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**I. PLAN SUMMARY**

Review of a Site Development Plan Application to permit construction of two new buildings and accompanying site improvements. The larger 29,089 SF building is proposed to be used as a new Lidl Grocery Store. The second 6,000 SF building has a proposed use as a retail space.

Construction would involve demolition of the existing building on site. The property consists of a total 6.73 acres (7.275 acres prior to right-of-way dedication) and is located on a site bounded by North DuPont Highway, Maple Parkway, and Kings Highway. The property is zoned C-4 (Highway Commercial Zone) and IO (Institutional and Office Zone) with all site improvements to occur in the C-4 zone. The owners of record are Davis H. Wood, and Kings Highway Land Partners, LLC. Property Addresses: 122, 136, 140 and 162 North DuPont Highway and 321 Kings Highway NE. Tax Parcels: ED-05-068.18-01-20.00-000, ED-05-068.18-01-21.00-000, ED-05-068.18-01-22.00-000, ED-05-068.18-01-23.00-000, ED-05-068.18-01-24.00-000 and ED-05-068.18-01-25.00. Council District 2.

**Previous Applications**

The proposal to build a Lidl Grocery Store on this site first came before the Planning Commission on July 18, 2016 as Site Plan Application S-16-14. At the time, the proposal was for a single building, a 36,185 SF grocery store. In February 2018, the applicants brought to the Planning Office a revised plan (S-18-03), which in addition to shrinking the grocery store and proposing a new building, included various changes to parking, utilities, landscaping, and other elements of the site design. Though originally scheduled for review at the March 19, 2018 meeting of the Planning Commission, the applicants withdrew this new version of the application before the hearing.

The present version of the plan (S-18-11) is substantially like the version seen in February, with adjusted building sizes and orientations, a new location for cross-access to the residual parcel, and other minor changes. S-18-11 is intended to supersede the original application S-16-14. Currently, S-16-14 remains the approved and active plan for the property, having received a one-year extension of approval from the Planning Commission at their July 16, 2018 meeting (meaning a new expiration date of July 31, 2019).



Related recent plans in the vicinity include Administrative Plan S-17-10 Wells Fargo Parking Reconfiguration approved on August 22, 2017 and Site Plan Application S-17-12 Capital Station conditionally approved by the Planning Commission on June 19, 2017. Plan S-17-10 redesigns the parking lot of the adjacent Wells Fargo Bank at the corner of North DuPont Highway and Maple Parkway. The redesign ties the bank parking lot directly into the Lidl's main drive aisle which connects to Maple Parkway. Variance V-16-12, approved September 21, 2016, is associated with the plan to allow 13 extra parking spaces. Reconstruction of the parking lot is currently underway. Plan S-17-12 proposes a new shopping center known as Capital Station across Maple Parkway to the south of the site; this project is also currently under construction.

The current zoning of the property dates from September 11, 2006, when City Council rezoned the property from the IPM (Industrial Park Manufacturing) Zone to the existing split between the C-4 and IO Zones. Playtex Manufacturing, the previous owner, applied for the rezoning with Application Z-06-08. Application C-08-11 followed with a proposal to build a hotel and three restaurants under a Conditional Use Site Development Master Plan. That plan was conditionally approved by the Planning Commission in September 2008 but has expired.

## **II. PROJECT DESCRIPTION**

The property was previously the site of several small commercial uses along the DuPont Highway/Route 13 roadway frontage, all of which are now either demolished or vacant. The property is divided into a large parcel fronting Kings Highway and Maple Parkway, known as 321 Kings Highway NE, and five (5) small parcels fronting North DuPont Highway, known as 122, 136, 140 and 162 North DuPont Highway. Though the property has frontage on three streets it does not front on any corners; the corners of the block are taken up by a Wells Fargo Bank at the corner of North DuPont Highway and Maple Parkway, the Probation and Parole Building at the corner of Maple Parkway and Kings Highway, and a multi-tenant building at the corner of Kings Highway and North DuPont Highway. Other nearby uses include Silver Lake Park and one-family residences to the west, Luther Towers and Dunkin Donuts to the north, various commercial uses to the east, and the site of the old Playtex factory to the south, which is being redeveloped as the Capital Station shopping center.

Rezoning Application Z-06-08 zoned 122-162 North DuPont Highway as C-4 and divided 321 Kings Highway NE into an eastern section zoned C-4 and a western section zoned IO. As part of the current application, the applicant is preparing a Record Plan to consolidate all six parcels, but also subdivide the IO-zoned area into a separate "residual" parcel. The total property area is 6.73 acres (after DelDOT dedications); after subdivision and consolidation, the residual parcel would be 1.53 acres and the main parcel proposed for development would be 5.20 acres.

Additional items to be accomplished with the Record Plan include clearing previous titles associated with the property (such as the paper street "Midland Road" and the paper subdivision "Ridgewood") and recording an easement for the benefit of the adjacent Wells Fargo Bank. The easement covers a portion of the Lidl's main drive aisle so that bank patrons may use it to access Maple Parkway. Additional parking for the bank is also to be constructed in the easement area adjacent to the drive aisle.

The 29,089 SF proposed Lidl Grocery Store is to be built on the western edge of the 5.2-acre parcel. The main drive aisle on the property would run north from Maple Parkway along the east

side of the Grocery Store, then turn and run west along the north side of the store. One spur from the main aisle would run east to connect with North DuPont Highway; another would run west along the south side of the store to provide cross-access to the residual parcel. Parking for the grocery store is proposed mainly in the north part of the site; the parking here features an additional connection to Kings Highway.

East of the Grocery Store across the main aisle is the proposed 6,000 SF retail store, together with its own parking. The plan draws a boundary around the store delineated by the east edge of the main drive aisle, the south edge of the spur to North DuPont Highway, the easternmost property line, and the southern property line adjacent to the Wells Fargo Bank. This boundary is described as a “proposed lease line,” which likely indicates both the retail building and the area of land around it will be rented out by the property owner.

The 1.53-acre residual parcel is not proposed for development at this time.

### III. ZONING REVIEW

#### C-4 Zoning District

The development site is zoned C-4 (Highway Commercial Zone) and is subject to the regulations of *Zoning Ordinance* Article 3 §16 and Article 4 §4.15. According to Article 3 §16, retail stores, including grocery stores, are a permitted use in the C-4 Zoning District. According to 4 §4.15, the proposed development meets the setback, maximum lot coverage, and Floor Area Ratio requirements of the C-4 zone.

When the project was originally proposed in 2016, the C-4 Zone did not yet have a maximum lot coverage requirement. This requirement became part of the *Zoning Ordinance* through Ordinance #2018-06, adopted by City Council in August 2018. The project at approximately 59% coverage does comply with the new 75% coverage limit.

#### IO Zoning District

The western area adjacent to Kings Highway NE is zoned IO (Institutional and Office Zone) and subject to the regulations of the *Zoning Ordinance*, Article 3 §10. Retail stores are not a permitted use in the IO Zoning District. However, the portion of the subject property zoned IO is not proposed for development at this time and is to be divided off into a separate parcel. If the IO-zoned parcel is developed in the future, it must be developed with a use appropriate to that zoning district.

A potential cross-access location is located just to the south of the grocery store building to access the IO portion of the property. If future development is to take advantage of this connection, it will have to be a use permitted in both the C-4 and IO zoning districts, per the requirements of the *Zoning Ordinance*, Article 6 §1.13.

### IV. BUILDING ARCHITECTURE

The applicant has submitted elevations for the revised Lidl Grocery Store, but not the new retail building. The architecture of the revised Lidl building differs significantly from that of the larger grocery store submitted for the 2016 version of the project.

The front of the grocery store is divided into six main bays and a larger entrance bay towards the north end of the building. Each of the six main bays features a white EIFS face, with grey EFIS plaster column elements dividing each bay. Service entries are located on the third and seventh bays from the north. The bays have a common gray split face block wainscot and are topped by a coping cap. The larger entrance bay features brick veneer, a cart corral, a signage location, and aluminum with glass storefront. The main entrance to the building is located on this storefront.

The rear of the building features six bays of varying sizes. The façade is composed principally of white split face block, with a gray split face block base. A row of windows runs along the top of the wall. A service entry is located on the first bay from the north. From this side the building's straight sloped roof can be seen. The high point of the roof is at about 25' 7" elevation, while the low point is at 18' 3". The roof material is TPO (thermoplastic polyolefin), colored white. There is a line of evergreen trees plantings to the west of building.

The north side of the building features an aluminum and glass storefront across most of the façade. The right side of the façade has a portion covered by brick veneer and a gray split face block base. Another signage location is located on the upper left corner of the façade.

The south side of the building, adjacent to the building's loading area, is largely blank. However, this southern façade will be screened by evergreens and shrubbery planted for this purpose. The wall is composed of white EIFS with a gray split face block base.

The public-facing east elevation currently presented may not meet the *Zoning Ordinance's* requirement to avoid blank walls found in Article 5 §19.4. Factors to be considered in judging whether a wall is blank include the presence of windows, entryways, and projecting elements.

Because the new Retail Building has no architecture submitted, it is difficult to tell which sides of the building present a public façade, and where the building entrances might be. However, based on its location the building will be prominently visible from all sides.

## V. PARKING SUMMARY

The parking requirement in the C-4 zoning district is one (1) parking space per 300 S.F. of floor area or one space per employee, whichever is greater. The number of employees to be employed on site is unknown. Based on a building size of 29,089 S.F., the Grocery Store must be served by at least 97 parking spaces. The 6,000 SF Retail Store meanwhile must be served by at least 20 spaces. The total requirement is 117 spaces, and the applicant is proposing 146 parking spaces to serve the two buildings, meeting the parking requirement.

An additional 25 parking spaces are proposed near the southern end of the site. These spaces are being constructed for use by the Wells Fargo Bank, with an associated easement recorded. Thirteen (13) of the extra 25 parking spaces were previously approved under Variance V-16-12, with the rest approved under the joint facilities parking provisions of the *Zoning Ordinance* in Article 6 §3.7. These specific approvals are no longer necessary, because the property no longer has a maximum parking requirement (limitation). When the project was originally proposed in 2016 the *Zoning Ordinance* still had a maximum parking requirement, but this was replaced with the 75% maximum lot coverage requirement through the previously-mentioned Ordinance #2018-06.

### Loading Spaces

For buildings with retail sales of at least 8,000 SF, one loading berth is required for each 25,000 SF or fraction thereof. For this project with a total building area of 35,089 SF, the requirement is two (2) loading berths. The applicant proposes to provide two (2) loading berths on the south side of the grocery store building, one sized 22 feet by 116 feet sitting parallel to the short edge of the building, and one sized 12 feet by 40 feet sitting parallel to the long edge of the building.

### Bicycle Parking

The site is required to provide bicycle parking at a rate of one (1) space for every twenty (20) regular parking spaces. Based on the proposed 146 regular spaces, eight (8) bicycle spaces must be provided. The plan indicates that two (2) bicycle spaces will be provided on the east side of the grocery store near the cart corral. A minimum of ten (10) bicycle spaces will also be provided just to the west of the grocery store's ADA-accessible parking spaces in a "secondary proposed bike rack area." No bike racks are shown near the Retail Building.

## VI. SITE CONSIDERATIONS

### Entrances and Drive Aisles

The Site Plan shows three (3) entrances to the site. The first entrance is from the southbound lanes of North DuPont Highway as a right-in/right-out entrance. The second entrance is from Kings Highway as a full movement entrance. The third entrance is from Maple Parkway also as a full movement entrance; this entrance is being constructed under the Wells Fargo plan. A Traffic Impact Study (TIS) was required by DelDOT for the 2016 version of the project, and its requirements are also applicable to the current plan.

The heaviest traffic on the site is anticipated to be in the main drive aisle and spur connecting Maple Parkway and North DuPont Highway. A row of 10 parking spaces directly in front of the grocery store as well as a second row of 6 ADA spaces back into this drive aisle. These spaces may be inappropriately located due to the large amounts of turning movement and traffic circulation that must take place in this area.

A cross-access location for the residual parcel is located south of the grocery store, at the end of a drive aisle spur which will dead-end at the property line until something is built on the residual parcel to connect to it. A second potential cross-access location was previously located near the north end of the site, to allow future connection to the corner lot occupied by the loan center. The revised parking lot design does not clearly maintain that potential connection.

### Pedestrian and Bicycle Considerations

In the previous version of the plan, the applicant was required to provide a 10-foot-wide multi-use path along the North DuPont Highway and Kings Highway frontages of the site. The current plan design retains both multi-use paths. The existing sidewalk along Maple Parkway is also to be retained.

The existing bike lane along the North DuPont Highway frontage will remain after development. This bike lane currently ties the site into the City's wider bicycle network.

Internal to the site, there are pedestrian connections to the buildings from North DuPont Highway

and Kings Highway, and Maple Parkway. Some changes to the internal sidewalk network shown on the current plan may be needed to allow the pedestrian routes to the buildings to be as direct as possible; Planning Staff has discussed possible additional routes with the applicant.

### Lighting

The applicant has provided a Lighting Plan with the plan submission. Lighting in the parking lot is generally between 1.5 and 7.0 foot-candles. The lighting tapers off appropriately toward the edges of the site so that it will not be distracting to traffic on adjacent roads or nearby residential areas. However, the two pedestrian entries from North DuPont Highway may be under-lit. This is uncertain because street lights are not accounted for in the Lighting Plan. There is a street light proposed to be located just north of the northern of the two entrances. There is no street light near the southern of the two entrances.

### Dumpsters

For office and retail uses less than 50,000 square feet in size, two dumpsters are required for the first 16,000 SF of building area, and one for each additional 16,000 SF of building area or fraction thereof. For this project with a total building area of 35,089 S.F., the requirement is for four (4) dumpsters. The requirement has changed since the 2016 version of the plan via Ordinance #2017-12, approved by City Council on October 9, 2017. At present the applicant is proposing two dumpster enclosures, one just south of the grocery store and one just south of the retail building. Each of these enclosures is to have two dumpsters, meeting the requirement. The applicant has also shown a reserved dumpster space to the south of the grocery store dumpsters, where an additional enclosure could be constructed if needed in the future.

The applicant must ensure the provided dumpsters include receptacles for both trash and recycling.

### Curbing

Six-inch upright curbing is provided around all parking and drive areas except adjacent to the entry plaza to the building. This is so grocery carts can easily move between the store and the parking lot. Bollards are provided along the depressed curb edge to prevent cars from driving into the entry plaza.

## VII. TREE PLANTING AND LANDSCAPE PLAN

A Landscape Plan in accordance with the *Zoning Ordinance*, Article 5 §16 was prepared. The tree planting requirement is based on the development area; one (1) tree is required for every 3,000 SF. Because only the larger of the two parcels proposed is being developed, the landscaping requirements apply to that lot only. The development parcel consists of 5.20 acres (226,512 S.F.); therefore, a total of 76 trees are required. This requirement has also changed via Ordinance #2017-12; previously, the entire site area (including the 1.53-acre residual lot) would have been required to calculate the needed number of trees.

The applicant has proposed a total of 81 trees on the development parcel, including 36 Red Maples, fifteen (15) Littleleaf Lindens, nine (9) Green Vase Zelkovas, sixteen (16) Eastern Redbuds, and five (5) American Hollies. The Zelkovas are within the Arterial Street Buffer area adjacent to North DuPont Highway and previously could not be counted toward the tree density requirements, but now can.

Although the residual parcel does not currently have a tree density requirement, as it is not being developed, several trees were previously required to be planted on this parcel by the Planning Commission. These include a line of thirty (30) Leyland Cypress trees intended to screen the back of the building from the nearby residential area, and a line of eleven (11) additional Green Vase Zelkova trees intended to act as street trees for Kings Highway. It will be the responsibility of the owner of the residual parcel to maintain the trees unless a special arrangement with Lidl is made. If these trees are required for the Lidl development, they will not be able to count toward the tree density of the residual parcel when it is developed.

There are four (4) existing trees on the residual parcel not currently proposed to be removed.

#### Arterial Street Buffer

North DuPont Highway (U.S Route 13) is considered as a principal arterial street and requires a thirty (30) foot landscape buffer along the road frontage known as an Arterial Street Buffer. The buffer is measured from the edge of the right-of-way. This plan provides the required thirty (30) foot width landscape buffer along DuPont Highway. The proposed improvements in the new landscape area involve grass areas, tree and shrub plantings, and connecting sidewalks leading into the site.

#### Parking Lot Screening

Screening is required for portions of the parking lot, as the parking is across from a residential use along portions of Kings Highway (*Zoning Ordinance*, Article 5 §7.23 and Article 6 §5.43). The two rows of parking subject to this provision, in the area adjacent to the Kings Highway entrance, are shown with evergreen shrub plantings.

### VIII. CITY AND STATE CODE REQUIREMENTS

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

- 1) No architectural information was provided for the new retail building. Because of this, the architecture of the building will have to be evaluated at a future meeting of the Planning Commission prior to its construction.
- 2) A Record Plan (Parcel Consolidation Plan) sheet must be submitted prior to Final Site Plan Approval to consolidate and re-subdivide the property, dedicate right-of-way, and establish easements. The Record Plan shall be submitted for review and approval prior to recordation in the Kent County Recorder of Deeds Office.
- 3) The entrance shown onto Maple Parkway does not appear to match what was approved under the Wells Fargo parking lot reconfiguration plan. The entrance shown retains a narrow turning radius on the west side of the entrance; the bank was asked to remove two public parking spaces on Maple Parkway to allow a wider turning radius. A page from the final version of the Wells Fargo plan is attached to this report; consult with the engineers of that project if more information is needed.



- 4) Please specify whether trash collection will be front load or side load; at present it appears the trash enclosures are optimized for different types of trucks. Trash and recycling needs must both be met for the site.
- 5) Please verify that a minimum lighting level of 1.5 footcandles is achieved at the two pedestrian entrances to the site from North DuPont Highway. Street lighting may be used to achieve the required lighting level.
- 6) All Sheets:
  - a. Add “North” or “N” in all listings (in page titles and General Notes) of the DuPont Highway property addresses, so they read as “North DuPont Highway” or “N DuPont Hwy.”
  - b. Please correct all instances of “Kings Parkway” shown on the Site Plan to “Kings Highway.”
  - c. Please use the heaviest line weight available to mark the proposed property line between the development parcel and the residual parcel.
- 7) Cover Sheet:
  - a. Please update the Legend so that the property line marking is given as a dash followed by three dots. A Dash followed by two dots is now the marking of the boundary of the proposed lease area. It is recommended to include both these line types and what they mean in the Legend.
  - b. In the General Notes column, please specify the IO Zoning in addition to the C-4 Zoning and give reference to which parts of the property are zoned which.
- 8) Existing Conditions Plan/Sheet 2:
  - a. Please use the heaviest line weight available (similar to that used for the proposed lots on later sheets) to delineate the current boundaries of the title parcels.
  - b. Please mark the existing overhead electric line as “to be removed.”
  - c. Please show the boundary line between the two soil types on the plan drawing.
- 9) Site Plan/Sheet 3:
  - a. The City of Dover Application number is now S-18-11 instead of S-18-03.
- 10) Landscape Plan:
  - a. The provided number of trees to meet density requirements should be listed as 81 trees. This includes the Holly trees adjacent to the loading space; the hashtag used to indicate material contributing to the requirement should be extended to these trees.
  - b. The labels for one Red Maple tree on the east side of the site and one Littleleaf Linden tree on the north side of the site are misplaced.
- 11) Document on the plan whether any of the proposed utilities are proposed to be dedicated to the City and require easements (to be shown on the Record Plan).
- 12) Provide a Details sheet in the plan set to include details on Dumpster enclosures, the temporary barricade, sidewalks, curbing, bike racks, light fixtures, sanitary sewer and water systems, and any other utility details required.

- 13) Provide a plan which shows in detail paving striping and markings, signage for fire lanes and for traffic control measures, etc.
- 14) The Site Plan must be updated with changes required or approvals granted, including any waivers granted by the Planning Commission, prior to Final Plan Approval.
- 15) Any Sediment & Stormwater Management Plans granted approval by the Kent Conservation District must reflect the Site Plan layout and design conditionally approved by the Planning Commission and be in compliance with the *Zoning Ordinance* and technical review requirements of other agencies.
- 16) The property qualifies for consideration of a Unified Comprehensive Sign Plan to address signage on the site. All signage depicted on the Site Plan is subject to a separate Sign Permit process.

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 listed in subsections 2.21 to 2.28.

- 1) Architecture: To further subsection 2.28 related to architectural characteristics of proposed buildings, Staff recommends the Planning Commission pay special attention to the architecture of the Lidl Grocery Store and determine acceptability. Staff assessment of the architecture is that the east façade of the building does not have enough articulation to be a public face of the building and would be considered a blank wall. This could be remedied through additional windows, projecting elements, greater material differentiation, landscape screening, or a combination of these elements.
- 2) Parking Locations: To further subsection 2.21 related to safety and convenience of vehicular, transit, bicycle, and pedestrian traffic, Staff recommends the Planning Commission ask that some or all of the sixteen (16) parking spaces immediately to the east of the grocery store be moved to other areas of the site. It is especially important that the spaces in front of the intersection of the main drive aisle with the secondary aisle leading to DuPont Highway be moved. This change would reduce the chance of collisions and improve vehicle circulation in the main drive aisle. Possible areas the spaces could be relocated to include the northwest corner of the development parcel and the eastern edge of the retail lease area.
- 3) Internal Pedestrian Facilities: To further subsection 2.21 related to safety and convenience of vehicular, transit, bicycle, and pedestrian traffic, Staff recommends the Planning Commission ask for improved pedestrian and bicycle facilities in the interior of the site. Specifically, Staff recommends the Commission ask for:

- a. An additional sidewalk from Kings Highway leading into the site and connecting to the grocery store near the secondary bike rack area, so that pedestrians and bicyclists coming from the west don't have to first go past the grocery store and cross a site entrance to reach a sidewalk that can take them to it.
  - b. One or more bicycle parking spaces to be located near the proposed Retail Building. These may be relocated from near the grocery store if necessary.
- 4) Cross Access: To further subsection 2.21 related to safety and convenience of vehicular, transit, bicycle, and pedestrian traffic, Staff recommends the Planning Commission ask for a potential cross-access location between the Lidl parcel and the multitenant parcel at the corner of Kings Highway and North DuPont Highway (178 North DuPont Highway). This would be a stub-out from the nearest drive aisle, like the one leading to the IO residual parcel. A cross access easement would have to be recorded. Cross access here is needed because any future redevelopment of the corner parcel is unlikely to retain direct access to North DuPont Highway according to DelDOT requirements.

An actual, physical connection between the parking lots on the two properties is not recommended at this time, as this would encourage visitors to the Lidl to cut through the multi-tenant building (loan center site) to reach the store. The entrances and site layout for this adjacent property are not designed to accommodate such a traffic flow.

- 5) Landscaping: To further subsection 2.25 related to landscaping, Staff recommends the Planning Commission renew the requirements for a row of evergreen trees behind the grocery store and a row of street trees on the residual parcel adjacent to Kings Highway. The purpose of the evergreen trees is to screen the rear of the grocery store from the residential uses facing it across Kings Highway. The purpose of the street trees is to shade the adjacent multi-use path and provide a parkway-like environment for Kings Highway.
  - a. Staff further recommends the Commission ask for a mix of evergreen species for the row of evergreen trees, to reduce the risk of disease affecting these trees.

#### X. ADVISORY COMMENTS TO THE APPLICANT

- 1) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.
- 2) The engineer and landscape architect sealing the plan are required to have a current City of Dover Business License; the licensing year has changed to August 1<sup>st</sup> – July31<sup>st</sup>. For licensing information contact the Permitting & Licensing Division at (302)736-7010.
- 3) Following Planning Commission approval of the Site Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff and directly to other agencies. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.

- 4) In the event, that major changes and revisions to the Site Development Plan occur in the finalization of the Site Plan contact the Planning Office. Examples include reorientation of the building, relocation of site components or site entrances, 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 regarding the plan.
- 5) For building construction, the requirements of the building code or fire code must be complied with. Consult with the Chief Building Inspector and City of Dover Fire Marshal for these requirements. The resolution of these items may impact the site design including such items as building dimensions and height, building openings, and fire protection needs, etc.
- 6) The applicant should be aware of the potential for environmental concerns. Properties involved in this project include a previous gas station site and a previous dry cleaner/laundrer location. The property is certified by DNREC as a Brownfield site (Reference number DE-1643). An Agreement is in place to perform remediation of the Brownfield.
- 7) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections, Pre-Construction meetings (including a City of Dover Pre-Construction meeting), and permits are required.
- 8) Construction may affect adjacent property owners and nearby travel lanes. Any work requiring the closing or rerouting of potential customers or visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience to the adjacent property owners.
- 9) The applicant shall be aware that Site Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign shall require a Sign Permit from the City of Dover prior to placement of any such sign.
- 10) The applicant shall be aware that Site Plan approval does not represent a Building Permit, Demolition Permit, and associated construction activity permits. A separate application process is required for issuance of these Permits from the City of Dover. A Demolition Permit will be required prior to demolition of any existing building remaining on the site.

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

**CITY OF DOVER**  
**DEVELOPMENT ADVISORY COMMITTEE**  
**APPLICATION REVIEW COMMENTARY**  
**STAFF D.A.C. MEETING DATE: OCTOBER 31, 2018**

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

**APPLICATION:** Lidl Grocery Store and Retail Space at N. DuPont Highway and Kings Highway NE

**FILE #:** S-18-11

**REVIEWING AGENCY:** City of Dover Electric and Public Works Departments

**CONTACT PERSON:** Paul Waddell - Electric  
Jason Lyon, P.E. – Public Works

**CONTACT PHONE #:** Electric - 302-736-7070 PUBLIC Works – 302-736-7025

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

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

**CITY AND STATE CODE REQUIREMENTS**

**ELECTRIC**

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

## **WATER**

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
3. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter. Please revise Note #10 on Sheet 5 of 7 as the meter sizing shall be calculated once the water usage projections are received.
4. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
5. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.
6. Please provide location of the water meters and curb stops for each of the proposed structures.

## **WASTEWATER**

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The size, length, slope, type and flow directions must be shown on all existing sanitary sewer lines, **including force main**. Rim and invert elevations must be labeled on all sanitary structures.
3. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
4. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
5. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.
6. Sanitary sewer laterals shall be connected directly to the main, not manholes, unless impracticable, as determined by the Department of Public Works. Please show proposed sanitary sewer connection to existing main in Kings Highway.
7. Sheet 5:
  - Please provide the layout (including cleanout) of the sanitary sewer service for the Retail Space.
  - Note #1 under Notes: Please revise the note to state: "...and storm sewer crossings, the minimum **vertical** clearance with a water main shall be 18 inches."

## **STORMWATER**

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



2. The size, length, slope, type and flow directions must be shown on all existing and proposed storm sewer lines. Rim and invert elevations must be labeled on all stormwater structures.
3. Sheet 5: Please revise Note #12 to read: "All roof drains will be connected underground to the ***privately maintained*** storm drain system.

#### **STREETS**

1. Final site plan approval will not be granted until a copy of the approved entrance plan, signed by DelDOT is submitted to our office.
2. Please revise the "Kings Parkway" street name to "Kings Highway" on all plan sheets.

#### **SANITATION**

1. None.

#### **GROUND**

1. An official street tree species list has been approved by the superintendent of grounds for tree plantings along streets and avenues of the city. (The official list will be kept on file in the office of the city clerk.) No species other than those included in this list may be planted as street trees without the written permission of the superintendent of grounds.
2. Spacing of trees shall be determined by the superintendent of grounds, but, generally, all large trees shall be planted no closer than 35 feet, medium trees no closer than 30 feet and small trees no closer than 25 feet, except in special plantings designed or approved by a landscape architect.
3. No street tree shall be planted closer than 30 feet to any street corner and no closer than ten feet to any fireplug.
4. Only trees listed as small to medium shall be planted under power lines; and no trees shall be planted within ten feet of any underground water line, sewer line, transmission line or other utility.
5. It shall be unlawful and a nuisance for any person to plant any vegetation in any public right-of-way. Upon receipt of notice from the city to remove any vegetation located in a public right-of-way, the owner of the abutting property shall remove such vegetation at his own expense within the time limit provided in such notice.
6. It shall be unlawful and a nuisance for any person to plant any tree, shrub or bush within 16 feet of the curblin. Upon receipt of notice from the city to remove any tree, shrub or bush which is located within 16 feet of the curblin, the owner of the property upon which such tree, shrub or bush is located shall remove the same at his own expense within the time limit fixed in such notice.

#### **GENERAL**

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. Please add a note on the Utility Plans that all water, wastewater and stormwater infrastructure shall be privately owned and maintained.
3. Please provide construction details for the proposed work, which comply with the City of Dover Water / Wastewater Handbook.
4. Trees shall be installed at least ten feet (10') away from all underground infrastructure.
5. Sheet 3: Please provide the City with documentation of the executed cross access easement.
6. The final site plan must be submitted in the following compatible digital formats:
  - a. AutoCAD 2004 (.dwg format).
  - b. Adobe Reader (.pdf format).

#### **RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES**

##### **ELECTRIC**

1. Owner must give the City of Dover Electric Department three (3) months' notice prior to construction. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is now available on the website at the following link: <https://evogov.s3.amazonaws.com/media/27/media/13111.pdf>.

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

1. None.

**ADVISORY COMMENTS TO THE APPLICANT**

**ELECTRIC**

1. Please provide updated load sheets for the Lidl Grocery Store and for the new 6,000 square foot building when possible.

**WATER**

1. The City of Dover water system is available to this site. The developer is responsible for all costs associated with extending and providing service to the proposed development.
2. Prior to plan approval, the water system plans must be submitted to the Division of Public Health, Office of Drinking Water for review and approval. The owner/developer will be responsible for providing all completed forms and plan sets to the City of Dover as required for submission to the Office of Drinking Water. Plans will not be submitted to the Office of Drinking Water until review has been completed by our office.
3. Hydrant flow testing is currently only performed during the spring and fall. The applicant must call the Department of Public Works directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.
4. Water impact fees may be required for this proposed site plan.

**WASTEWATER**

1. The City of Dover sanitary sewer system is available to this site. The developer is responsible for all costs associated with extending and providing service and capacity to the proposed development.
2. Prior to plan approval, the sanitary sewer system plans may be required to be submitted to the DNREC, Division of Water Resources, Surface Water Discharges Section for review and approval. The owner/developer is responsible for providing all application fees, completed forms and plan sets directly to DNREC.
3. Wastewater impact fees may be required for this proposed site plan.
4. Profiles of the sanitary sewer main must be provided with the construction plans. All water, sanitary sewer and storm sewer crossings must be shown on the profiles.

**STORMWATER / GROUNDS / STREETS**

1. None.

**SANITATION**

1. This property shall be served by a private solid waste removal company.

**GENERAL**

1. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.
2. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial Plan Submission Checklist, which can be obtained from the following website: [https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal\\_1.pdf](https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal_1.pdf), page 88.

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

## CITY OF DOVER

## DEVELOPMENT ADVISORY COMMITTEE

## APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 11/07/18

APPLICATION: Lidl Grocery Store &amp; Retail Space at N DuPont Hwy and NE Kings Hwy

FILE #: S-18-11 REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire MarshalPHONE #: (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed building is grocery store (mercantile) and retail space (mercantile).
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 grocery store 50%, retail space 50% or 25% if sprinklered and clearly shown on the plans.  
Perimeter Access minimum width shall be 15 feet measured from the face of the building at grade with a maximum slope of ten percent (10%). Plantings and utility services (includes condenser units, transformers, etc.) shall be permitted within the perimeter access, and shall not interfere with emergency services fire ground operations.  
If a physical barrier (fence, pond, steep slope, etc) prevents access, that portion of the building perimeter shall not be included in the calculation of Percent of Perimeter Access.  
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3)
5. Fire lanes shall cover 25% of the grocery store of the proposed building.  
Fire lanes are required to be 24 feet wide and run along the front of the building as determined by the primary entrance(s). In cases where there is more than one primary entrance(s), each shall be served by a fire lane even if this exceeds the percentage as required.  
The closest edge of fire lanes shall not be located closer than ten (10) feet to the exterior wall and the closest edge of fire lanes shall not be located further than 50 feet from the exterior wall if one or two stories in height; 40 feet if three or four stories in height, or 30 feet if over four stories in height.  
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5)

6. Where parking is located between the building and the fire lane, parking shall not be located closer than 15 feet to the exterior wall.  
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.4.1)
7. All Fire Lanes shall be marked as follows:  
both the inner and outer edges of the fire lane shall be marked, where curbs are present, the top and face of the curb shall be painted yellow, where no curbs are present, a four inch (4") solid yellow demarcation line shall mark the edge(s) of the fire lane.  
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)
8. The specific color yellow shall be the uniformly accepted yellow as utilized by State of Delaware Department of Transportation (DelDOT). Only vivid and durable paint shall be used and shall be suitable for street surfaces
9. Fire lane signs shall be located as follows:  
see Figure 5-16 – Approved Sign For Marking Fire Lanes, fire lane signs shall be spaced at 150 foot intervals maximum, all fire lane signs shall be located no less than six feet (6') and no higher than eight feet (8') above the pavement, signs shall be placed at each end of the fire lane, and signs shall face all oncoming traffic.  
Where parking is not restricted roadway markings shall utilize the words "FIRE" and "LANE" in lieu of fire lane signs, and shall conform to the specifications of 7.6.  
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)
10. Where overhangs, canopies, balconies, or any other building or site features must project over any fire lane, an unobstructed vertical clearance of not less than 13'-6" above the fire lane shall be provided and the portion of the building perimeter which contains overhangs, canopies, balconies, or any other building features shall not apply towards the fire lane accessibility requirements of Section 4.0, Table 5-1 in this chapter.  
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.8)
11. Multiple Access Roads shall be provided when a fire department access road (fire lane) is determined by the Fire Marshal to be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access such as placement of fire hose from fire equipment.
12. 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.

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

15. 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.

16. 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)

17. Sprinkler system required. System is to be monitored by an approved Fire Alarm System.

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

Any proposal that is presented to the Office of the State Fire Marshal for review and approval for a building rehabilitation as defined in the 101 Life Safety Code, for less than 50% of the gross square footage of a non-sprinklered building, may not have another such project for the same building submitted for review and approval any sooner than three (3) years after the date of the final inspection unless sprinkler protection is provided throughout the entire building.

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

In all buildings in excess of 40 feet in height or more than four (4) stories in height.

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

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

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

Type IV (2,H,H) construction exceeding three (3) stories or 3 In all residential apartment buildings storage areas except individual unit closets that are located within individual residential living units.

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

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

(2015 State of Delaware fire Prevention Regulations, 702, Chapter 4)

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

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

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

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

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

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

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



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

New educational occupancies of 5,000 square feet or greater shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13.

(City of Dover Code of Ordinances 46-162)

18. Fire Department Connection is to be a 5-inch storz connection on a 30 degree elbow located within 50 feet of main entrance. Access to the Fire Department Connection must be clear unobstructed access as defined by the AHJ.
19. Parking and/or obstructions shall be prohibited in front of fire department connections for a distance measuring from the center line and extending four feet on both sides.  
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.4)
20. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.
21. If there is any type of rack storage, the following will be required: 1) a diagram showing the layout and type of rack system 2) a list and quantity of items being stored 3) a letter from an authorized/licensed fire suppression contractor stating that in rack sprinklers are or are not needed. If in rack sprinklers are not needed, a letter may be requested from an authorized/licensed fire suppression contractor to ensure that the sprinkler system is adequate for the storage presented.
22. All standpipe and sprinkler connections shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation. All standpipe and sprinkler connections shall have minimum of four inch (4") solid yellow demarcation lines to define specific areas, Solid yellow demarcation lines shall be measured from the center line of the connection and extend for a distance of four feet (4') on both sides, and where parking is allow between the building and the street or fire lane the solid yellow demarcation lines shall extend from the end of the sidewalk surface to the street or fire lane (Markings shall not be required on the sidewalk surface). All fire department connections (standpipe and sprinkler) shall have a minimum 12" x 18" sign that reads FIRE DEPT. CONNECTION, sign lettering shall be a minimum of 3 inches (3") in height with red scotchlite letters on white scotchlite background. The sign shall be clearly visible from the fire lane or roadway, and signs using NFPA international symbols shall be an acceptable alternative. (2015 Delaware State Fire Prevention Regulations, 705, Chapter 6, 3)
23. 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)

24. 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)

25. 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

26. All required means of egress shall have an exit discharge consisting of a non-slip surface, and leading to and terminating at a public way.
27. Buildings over 25,000 Sq. Ft are to have radio performance testing done by Delaware State Communications prior to Final CO. This must be scheduled in advance with Delaware State Communications.
28. Project to be completed per approved Site Plan.
29. Full building and fire plan review is required.
30. 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".
31. Construction or renovations cannot be started until building plans are approved.
32. Fire alarm systems, fire suppression systems, hoods, and hood suppression systems require a fire permit from the Fire marshal's Office. This work cannot be started until the permit is approved.
33. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

**ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:**

**Grocery Store**

- Ensure item # 3 listed above is followed regarding parking in front of primary entrances
- Ensure item # 4 listed above is followed regarding perimeter access
- Ensure item # 5, 6, 7, 8, 9 listed above is followed regarding fire lanes
- Fire hydrant locations need to be identified
- Ensure item # 16 listed above is followed regarding fire alarm systems
- Ensure item # 17, 18, 19, and 20 listed above is followed regarding sprinkler systems
- Address needs to be assigned

- Ensure item # 24 listed above is followed, proper address must be displayed per code
- Ensure item # 25 listed above is followed regarding knox boxes
- State radio test required as outlined in item # 27 listed above
- Please refer to item # 30 listed above in reference to plan/permit submittals

#### Retail Space

- Ensure item # 4 listed above is followed regarding perimeter access
- Fire hydrant locations need to be identified
- Item # 16 listed above may be required regarding fire alarm systems
- Please indicate whether a sprinkler system is proposed
- Address needs to be assigned
- Ensure item # 24 listed above is followed, proper address must be displayed per code including suites
- Ensure item # 25 listed above is followed regarding knox boxes if a fire alarm or sprinkler system is present
- Please refer to item # 30 listed above in reference to plan/permit submittals

#### APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

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

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

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

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

2009 IBC (International Building Code)

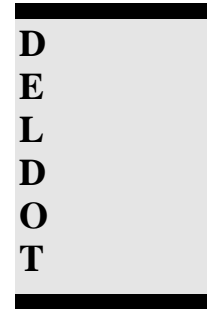
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations

2015 Delaware State Fire Prevention Regulations

City of Dover Code of Ordinances

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

CITY OF DOVER  
DEVELOPMENT ADVISORY COMMITTEE  
APPLICATION REVIEW COMMENTARY  
D.A.C. MEETING DATE: October 31, 2018



=====

APPLICATION: Lidl Grocery Store (DuPont Highway and Kings Highway NE)

FILE#: S-18-11

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Joshua Schwartz

PHONE#: 302-760-2768

=====

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

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

CITY & STATE CODE REQUIREMENTS:

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. Site and use were previously reviewed and approved by DelDOT Subdivisions. The developer shall schedule a pre-submittal meeting with DelDOT Subdivisions to discuss site changes



# KENT CONSERVATION DISTRICT

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

**CITY OF DOVER  
DEVELOPMENT ADVISORY COMMITTEE  
APPLICATION REVIEW COMMENTARY  
November 2018**

---

**APPLICATION:** *Lidl Grocery Store and Retail Space*

**FILE #:** S-18-11

**REVIEWING AGENCY:** *Kent Conservation District*

**CONTACT PERSON:** *Jessica L. Verchick, EIT*

**PHONE #:** 741-2600 ext.3

---

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

Source: 2014 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the approval of and/or issuing of permits for the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

1. Plan submitted to DAC shows alterations to plans as well as the addition of an access road to a future area to be developed. Stormwater Management Plans will need to be submitted for full-site development.



SITE PLAN NOTES:

1. SUBJECT PROPERTY IS LOCATED AT 100 NORTH DUPONT HIGHWAY (A.K.A. U.S. ROUTE 13) IN THE CITY OF DOVER AND IS KNOWN AS TAX PARCEL NUMBERS 2-05-06818-01-2600-00001, 2-05-06818-01-2700-00001, AND A PORTION OF 2-05-06818-01-2700-00001.
2. PROPERTY OWNERS: PAUL AND JUSTINE DAVIS 5233 S. DUPONT HIGHWAY DOVER, DE 19901-6434 KINGS HIGHWAY LAND PARTNERS, LLC C/O DAVIS WOOD P.O. BOX 349 FREDERICK, DE 19946
3. APPLICANT: WELLS FARGO BANK, N.A. 680 STAGECOACH CIRCLE FREDERICK, MD 21701
4. ZONING INFORMATION:  
• PROPERTY IS LOCATED IN THE C-4 (HIGHWAY COMMERCIAL ZONE)  
• RETAIL/OFFICE USES ARE PERMITTED USES

BULK SCHEDULE:

REQUIREMENTS	REQUIRED	EXISTING	PROPOSED
MIN. LOT WIDTH (FT)	150'	± 190'	± 190'
MIN. LOT DEPTH (FT)	150'	± 120' (EN)	± 120' (EN)
MIN. FRONT YARD (FT)			
N. DUPONT HIGHWAY	20'	±36.6'	±36.6'
MAPLE PKWY	20'	±54.9'	±54.89'
MIN. SIDE YARD (FT)			
NORTH (FT)	15'	±48.3'	±52.17'
MIN. REAR YARD (FT)	10' OR BLDG HEIGHT	±2.25' (EN)	±2.25' (EN)
MIN. SIDE OR REAR YARDS WHICH ADJOIN A RESIDENTIAL ZONE (FT)	30'	N/A	N/A
OFF STREET PARKING			
1 PER 300 SF OF FLOOR AREA	19		43" (V)**
1 PER EMPLOYEE	24		
MAX. BUILDING HEIGHT	6	2	2
STORIES	75'	<75'	<75'
MAX. FLOOR AREA RATIO	4.0	0.26	0.26

(EN) = EXISTING NON-CONFORMITY (V) = VARIANCE  
\*\* PER ORDINANCE ARTICLE 6 SECTION 3.11 THE MAXIMUM NUMBER OF PARKING SPACES ARE LIMITED TO 25% OVER THE NUMBER OF SPACES REQUIRED BY THE CODE.  
\*\* VARIANCES GRANTED AT 9/21/16 ZONING BOARD MEETING (CASE V-16-12).

5. PARKING REQUIREMENTS:

PARKING CRITERIA FOR RETAIL USES IN THE C-4 ZONE: 1 SPACE/300 SF FLOOR AREA OR 1 PER EMPLOYEE (WHICHEVER IS GREATER)

WELLS FARGO BANK = (5,629 SF/300) = ±18.8 OR 19 PARKING SPACES BY SF  
24 EMPLOYEES = 24 PARKING SPACES BY EMPLOYEE  
24 PARKING SPACES REQUIRED (ART. VI-SECTION 4.15)  
30 MAX. NUMBER OF PERMITTED PARKING SPACES (ART. VI-SECTION 3.11)  
21 EXISTING PARKING SPACES  
43 TOTAL PROPOSED PARKING SPACES (V)\*\*

PARKING STALL SIZE: (ART. VI-SECTION 3.4)

REQUIRED SIZE: MIN. 9' x 18'  
EXISTING SIZE: VARIES FROM 8' x 11' TO 9' x 18' (EN)  
PROVIDED SIZE: VARIES FROM 9' x 16.5' TO 10' x 18' (V)\*\*

DRIVE AISLE WIDTH: (ART. VI-SECTION 3.5)

REQUIRED: MIN. 10' FOR ONE-WAY/20' FOR TWO-WAY  
PROVIDED: 16' MIN. FOR ONE-WAY (COMPLIES)

6. BICYCLE PARKING REQUIREMENTS: (ART. VI-SECTION 3.10)

REQUIRED = 1 SPACE PER 20 PARKING SPACES  
43 PARKING SPACES/20 = 2.15 OR 3 BICYCLE PARKING SPACES REQUIRED  
PROPOSED = 4 BICYCLE PARKING SPACES (COMPLIES)

7. MIN. 6" UPRIGHT CURB REQUIRED AT ALL PERMANENT PARKING AREAS (ART. VI-SECTION 3.6)

EXISTING = NO CURBING ON-SITE ALONG THE FRONTAGE OF N. DUPONT HIGHWAY AND MAPLE PARKWAY (EN)  
PROPOSED=NO CURBING ON-SITE ALONG THE FRONTAGE OF N. DUPONT HIGHWAY AND MAPLE PARKWAY (EN)

8. TRASH ENCLOSURE REQUIREMENTS: (ART. VI-SECTION 6)

REQUIRED = 1 ENCLOSURE PER BUILDING (COMPLIES)  
PROPOSED = 1 FUTURE ENCLOSURE AREA (COMPLIES)

8. ARTERIAL STREET BUFFER REQUIREMENTS: (ART. 5-SECTION 7.3)

REQUIRED = 30 FT LANDSCAPE BUFFER  
PROPOSED = 0 FT (EN)

10. THESE PLANS HAVE BEEN DESIGNED BASED ON A BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED BY BLUE MARSH ASSOCIATES, INC. DATED 8/10/16. SURVEY IS CONSIDERED PART OF THE DESIGN DRAWINGS.

11. CONTRACTOR IS RESPONSIBLE FOR OBTAINING AND REVIEWING ALL RELEVANT TECHNICAL/DESIGN DOCUMENTS INCLUDING BUT NOT LIMITED TO THE FOLLOWING PRIOR TO CONSTRUCTION:

• GEOTECHNICAL REPORT IF AVAILABLE.

11. ONLY SIGNED AND SEALED COPIES OF THE DESIGN DRAWINGS SHOULD BE UTILIZED FOR CONSTRUCTION PURPOSES. NORTH STAR DESIGN, LLC. IS NOT RESPONSIBLE FOR ANY CLAIMS DUE TO THE CONTRACTOR CONSTRUCTING WITH INCORRECT PLANS. CONTRACTOR SHALL VERIFY THEY ARE WORKING OFF OF THE LATEST DESIGN DOCUMENTS PRIOR TO COMMENCING CONSTRUCTION.

12. UNLESS SPECIFICALLY IDENTIFIED OTHERWISE, IN THE EVENT OF CONFLICTING INFORMATION BETWEEN THESE PLANS AND THE GEOTECHNICAL REPORT, THE GEOTECHNICAL REPORT WILL GOVERN. CONTRACTOR SHOULD IMMEDIATELY ADVISE DESIGN ENGINEER IN WRITING OF ANY CONFLICT.

13. CONTRACTOR IS RESPONSIBLE TO HAVE ALL APPLICABLE PERMITS ON SITE DURING CONSTRUCTION. CONTRACTOR SHALL REVIEW ALL APPLICABLE PERMITS AND SHALL BE FAMILIAR WITH ALL ASSOCIATED COMMENTS/CONDITIONS PRIOR TO CONSTRUCTION.

14. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4,000 PSI AT 28 DAYS UNLESS OTHERWISE IDENTIFIED ON THESE PLANS.

15. THE CONTRACTOR SHALL COMPLY WITH ALL FEDERAL, STATE, LOCAL AND THE LATEST OSHA STANDARDS AND REQUIREMENTS AT ALL TIMES.

16. CONTRACTOR IS SOLELY RESPONSIBLE FOR THE DETERMINING THE MEANS AND METHODS TO CONSTRUCT THE PROPOSED IMPROVEMENTS PRIOR TO COMMENCING CONSTRUCTION.

17. ALL HANDICAP PARKING SPACES AND ACCESSIBLE ROUTES SHALL BE CONSTRUCTED TO COMPLY WITH THE VARIOUS AGENCIES THAT HAVE JURISDICTION (I.E. THE "AMERICANS WITH DISABILITIES ACT (ADA)" OR THE REQUIREMENTS OF THE JURISDICTION WHERE THE PROJECT IS TO BE CONSTRUCTED). THE MOST STRINGENT REGULATION GOVERNS.

18. NORTH STAR DESIGN, LLC. IS NOT RESPONSIBLE FOR JOB SITE SAFETY. THE OWNER OR GENERAL CONTRACTOR IS RESPONSIBLE TO DESIGNATE AN INDIVIDUAL RESPONSIBLE FOR CONSTRUCTION SITE SAFETY IN ACCORDANCE WITH THE UNIFORM CONSTRUCTION CODE. NORTH STAR DESIGN, LLC AND/OR ITS SUBCONSULTANTS HAVE NO AUTHORITY TO EXERCISE ANY CONTROL OVER ANY CONTRACTOR IN CONNECTION WITH THEIR WORK AND/OR SAFETY PROCEDURES. THE GENERAL CONTRACTOR IS SOLELY RESPONSIBLE FOR JOB SITE SAFETY.

19. CONTRACTOR RESPONSIBLE TO MAINTAIN A SECURE SITE DURING CONSTRUCTION.

20. EXISTING CONDITIONS MAY HAVE CHANGED DURING THE APPROVAL PROCESS. CONTRACTOR TO VERIFY ALL EXISTING FEATURES PRIOR TO START OF CONSTRUCTION. ANY DISCREPANCIES SHALL BE IMMEDIATELY PROVIDED TO DESIGN ENGINEER IN WRITING. NO ADDITIONAL COMPENSATION WILL BE PAID TO CONTRACTOR AS A RESULT OF ANY DISCREPANCY WITHOUT OBTAINING WRITTEN APPROVAL OF THE DESIGN ENGINEER. ANY DEVIATION FROM THE APPROVED PLAN WITHOUT WRITTEN APPROVAL IS AT THE CONTRACTORS OWN RISK AND NORTH STAR DESIGN, LLC SHALL BE INDEMNIFIED BY CONTRACTOR FROM RESULTING COSTS.

21. CONTRACTOR IS RESPONSIBLE TO ENSURE THAT THE EXISTING SITE FEATURES ON THE ADJACENT PROPERTIES ARE NOT NEGATIVELY IMPACTED DURING CONSTRUCTION. CONTRACTOR SHALL RESTORE ANY DAMAGED FEATURES TO A CONDITION EQUAL OR BETTER THAN THAT WHICH WAS PRESENT PRIOR TO START OF CONSTRUCTION.

22. CONTRACTOR IS RESPONSIBLE TO REMOVE ALL CONSTRUCTION DEBRIS FROM SITE IN ACCORDANCE WITH ALL STATE AND LOCAL REGULATIONS. NO CONSTRUCTION DEBRIS IS PERMITTED TO BE BURIED ON SITE.

23. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL NECESSARY TRAFFIC CONTROL MEASURES.

24. ALL TRAFFIC CONTROL SIGNAGE SHALL COMPLY WITH THE REQUIREMENTS OF THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", LATEST EDITION AS ISSUED BY THE U.S. FEDERAL HIGHWAY ADMINISTRATION.

25. THE CONTRACTOR SHALL CONTACT THE DELAWARE STATE UTILITY ONE CALL SYSTEM PRIOR TO START OF CONSTRUCTION AND IS RESPONSIBLE TO PROTECT EXISTING UTILITIES DURING CONSTRUCTION.

26. SUBJECT SITE IS LOCATED OUTSIDE OF THE 500 YEAR FLOOD ZONE AS DEPICTED ON THE FEMA PANEL MAP #10001C0167H, DATED 5/8/03.

27. NO NEW SIGNAGE IS PROPOSED.

28. ALL EXISTING AND PROPOSED LIGHT FIXTURES SHALL BE CONTROLLED WITH A PHOTOCELL SWITCH.

GRAPHIC SCALE



( IN FEET )  
1 inch = 20 ft.



PHONE: 908-968-3499 FAX: 908-968-3291  
361 ROUTE 331, BLDG. SUITE 1404  
FARMINGTON, NJ 08834  
WWW.NORTHSTARDESIGNLLC.COM

BY:	REVISION COMMENT:	DATE:	REV.	REV. PER AGENCY COMMENTS	REV. PER CITY COMMENTS
TSM		5/25/17	1		
TSM		7/21/17	2		

PARKING LOT IMPROVEMENT PLANS  
FOR  
WELLS FARGO  
PARCEL ID# 2-05-06818-01-2600-00001 AND 2700-00001  
AND A PORTION OF PARCEL # 2-05-06818-01-2400-00001  
100 N. DUPONT HIGHWAY  
CITY OF DOVER  
KENT COUNTY, DELAWARE

T. F. PUGSLEY, Jr.

PROFESSIONAL ENGINEER  
DE LICENSE No.17134

SHEET TITLE:

SITE  
PLAN

SHEET NO.:

3  
OF 8

DESIGN DATE: 3/17/17  
DRAWN BY: TSM  
CHECKED BY: TTP  
DRAWING SCALE: As Shown  
PROJECT #: 14-007  
CAD FILE: 14-007SS02

REV 2

7/21/19



Know what's below.  
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# City of Dover, Delaware

## 2019 Comprehensive Plan

Project Update October 2018

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### Overview

The current Comprehensive Plan for the City of Dover is the *2008 Comprehensive Plan* (as amended) as adopted February 9, 2009 and certified.

The development of the *2019 Comprehensive Plan* is a major goal of the Planning Office (Department of Planning, Inspections & Community Development) for 2018-2019. This project is being completed in-house by City Staff consisting of the Planning Staff who began meeting in February 2018 to initiate work on the project. The last formal Update on the Project to City Council was presented in June 2018.

See the **2019 Comprehensive Plan Webpage** for project information and the links under “Additional Resources” for documents issued.

- <https://www.cityofdover.com/2019-comprehensive-plan>

### Project Schedule

The Comprehensive Plan is due to the State for Certification on or before February 9, 2019. In order to achieve Certification, the Comprehensive Plan must complete the PLUS Review process and be adopted by the Planning Commission and City Council. The Planning Staff sent a letter in September 2018 requesting an Extension (of the submission deadline) from the Cabinet Committee on State Planning Issues; we await action on the Extension Request.

The project schedule consists of five basic phases: Information Gathering, Plan & Map Development, Consideration of Plan Recommendations, Formal Review & Adoption Process, and Plan Implementation. The project is in the Plan & Map Development phase with some Information Gathering continuing. The Plan & Map Development Phase involves Chapter Writing, Review & Preparation of the Map Set, and Development of Goals, Recommendations & Actions. Information Gathering and Consideration of Plan Recommendations are also occurring with various Engagement Events.

The continued Consideration of Plan Recommendations Phase involving the General Endorsement of a DRAFT Plan by the Planning Commission and City Council and then the Formal Review & Adoption Process are anticipated for early 2019.

## Tasks to Date

As part of the Information Gathering Phase and Plan & Map Development Phase, the following tasks occurring from June through October 2018 are noted:

- Biweekly and weekly meetings of the Project Team: Involving planning for events, discussion of Plan elements, review of Maps
- Meetings with the following City Departments and Divisions: Department of Public Works, Electric Department, Library, Parks & Recreation, Emergency Management, Police Department
- Meetings with the following State Agencies and Other Groups: DNREC, DelDOT, Dover/Kent MPO, Office of State Planning Coordination
- Updates and Discussions on Plan with Planning Commission and Historic District Commission at monthly meetings.
- Outreach Letters sent to adjacent jurisdictions offering to meet to discuss Plan. Letters sent to Kent County, Camden, Cheswold, Little Creek, and Wyoming. To date responses received from Kent County, Cheswold, and Little Creek with meetings being scheduled.
- Release of Preliminary Draft Goals & Recommendations and Preliminary Drafts of select Maps. Released to Planning Commission and posted on Project Website.

## Engagement Activities

Events & Activities:

- Reporting on Evaluation of Goals & Recommendations from 2008 Plan: Reporting of the results of the evaluation task assignment to members of Planning Commission and Historic District Commission.
- Survey Questionnaire: A Questionnaire was available June-July 2018 in on-line and paper copy formats. There were over 511 respondents.
- Event: “Dover Economic Development Forum: An Economist Vision of Dover” on June 13, 2018, 10:00am-1:00pm at Wilmington University. A panel presentation and discussion on the future of Dover’s economy.
- Event: “Understanding Housing Market Trends: Discussion with Realtors and Homebuilders” held on July 11, 2018 at Economic Development Committee Meeting.
- Open House Event on the Comprehensive Plan held on August 23, 2018 from 3:00pm to 7:00pm with presentations at 3:30pm and 5:30pm. Over 65 attendees. Presentations, hands-on activities, maps on display for review.
- Event: Presentation to Wesley College class and guests held on September 27, 2018 upon request of Adjunct Professor Dr. Tony DePrima. Presentation on Comprehensive Plan process and then interactive discussion on Dover as a “College Town.”

Information Sources:

- City’s website includes the *2008 Comprehensive Plan* document (plan text and map series)
- Created page on City’s website for the *2019 Comprehensive Plan* Project. Information is posted on survey results, presentations, and Preliminary Draft documents and maps
- Email Activated to receive comments on Comprehensive Plan

- Ongoing guidance and assistance from the Office of State Planning Coordination
- Various information and assistance received from City Department and State Agencies
- Pending receipt of Delaware Population Consortium Annual Projection Series (populations estimates expected late October)

### To Be Scheduled Activities and Outgoing Tasks:

- Other outreach opportunities to public and stakeholders
- Follow-up/Meetings with City Departments as needed
- Follow-up/Meetings with relevant State agencies as needed
- Release of Preliminary Drafts documents to City Council Committee of the Whole, the Historic District Commission, and other groups for review
- Meetings with adjacent jurisdictions to discuss Plan to be scheduled with Kent County, Camden, Cheswold, Little Creek, and Wyoming.
- Continue work tasks on Chapter Writing and Map Development

## For Review:

## Preliminary Draft Document and Maps

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*The following Preliminary DRAFT Document and Maps have been released for initial review, discussion and comment. See attached items. While the Planning Staff Project Team continues to refine these items, we are seeking input and comments from various groups, stakeholders, and the public.*

*The City Council and Council Committee of the Whole are encouraged to review these Preliminary DRAFT documents and be prepared for discussion with any comments and questions.*

- **Preliminary DRAFT Goals & Recommendations** (Released 10/15/2018) from the topic chapters.
  - Chapters include: Natural Resources & Environmental Protection; Historic Preservation; Public Utilities & Infrastructure; Community Services & Facilities; Transportation; Economic Development; and Housing & Community Development.
- **Preliminary DRAFT Land Development Plan Map Series** (4 Maps Quadrants A-D: Released 8/23/2018) showing land use classifications for all properties in the City.
- **Preliminary DRAFT Annexation Plan Map Series** (2 Maps Released 10/5/2018) showing Potential Annexation Areas and Potential Land Uses for Annexation Areas.

# Project for Dover's 2019 Comprehensive Plan

## Update for November 2018 Planning Commission Meeting

- Update on Project Activities
  - Staff will provide updates on project progress.
  - See **Project Update October 2018 Report**.
  
- Review of Preliminary DRAFT Goals & Recommendations
- Review of Preliminary DRAFT Land Development Plan Map Series
- Review of Preliminary DRAFT Annexation Plan Map Series
  - These documents and maps were previously provided to the Planning Commission members for review. Contact the Planning Office if you need another copy.
  - See the **2019 Comprehensive Plan Webpage** for project information and the links under “Additional Resources” for documents and maps issued.
    - <https://www.cityofdover.com/2019-comprehensive-plan>

*The Planning Commission is encouraged to review these Preliminary DRAFT documents and be prepared for discussion with any comments and questions.*