

**CITY OF DOVER PLANNING COMMISSION  
AGENDA**

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

PLEDGE OF ALLEGIANCE  
ROLL CALL  
APPROVAL OF AGENDA

ADOPTION OF MINUTES OF MEETING of January 22, 2019

WELCOME NEW PLANNING COMMISSION MEMBER: Nicholas Adams

COMMUNICATIONS & REPORTS

- 1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, March 18, 2019 at 7:00pm in the City Council Chambers.
- 2) Update on City Council Actions
- 3) Department of Planning & Inspections Updates
  - a. Education and Training Opportunities

OPENING REMARKS CONCERNING MEETING PROCEDURES

OLD BUSINESS

- 1) Request for Extensions of Planning Commission Approval:
  - a. SB-18-01 Minor Subdivision Plan for 747 North DuPont Highway – Request for One Year Extension of the Planning Commission approval granted February 20, 2018 for a Minor Subdivision Plan application to permit the subdivision of a 25.01 +/- acre parcel into: Lot 1 of 10.007 acres and Lot 2 of 15.004 acres. The property is located on the northeast side of North DuPont Highway and south of Leipsic Road. The property is zoned SC-2 (Community Shopping Center: Shopping Center Development Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 3: Excellent Recharge Area). The owner of record is Rojan DD 15 LLC. Property Addresses: 747 North DuPont Highway. Tax Parcel: ED-05-068.05-01-15.00-000. Council District 3.

NEW APPLICATIONS

- 1) AX-19-01 Lands of NewWind Properties 2920 LLC at 2920 N. DuPont Highway – Public Hearing and Review for Recommendation to City Council of an Annexation Request and Rezoning Request for a parcel of land totaling 0.57 acres +/- (25,000 SF) located at 2920 North DuPont Highway, Dover. The property is currently zoned BG (General Business Zone) in Kent County. The proposed zoning is C-4 (Highway Commercial Zone). The property is located on the east side of North DuPont Highway and adjacent to the north side of Maxwell Street. The annexation category according to Dover's 2008 *Comprehensive Plan* is Category 1: High Priority Annexation Areas and the land use designation is Commercial. The owner of NewWind Properties 2920 LLC. Property Address: 2920 N. DuPont Highway. Tax Parcel: ED-00-057.02-01-08.00-000. Proposed Council District 3. Ordinance #2019-01. *The First Reading of this Annexation Request was completed on January 14, 2019. Final Reading/Public Hearing is scheduled before City Council for March 11, 2019.*

- 2) MI-19-02 Comprehensive Plan Amendment 2019 – Public Hearing and Review for Recommendation to City Council on an Amendment to the *2008 Comprehensive Plan*, as amended. The Amendment is for Consideration of Amendment to Map 12-1: Land Development Plan Map. The Request for a 22.967-acre parcel located on the north side of Commerce Way is to revise the Land Use Classification from Residential High Density to Industrial and Public Utilities. The area to be revised consists of 13.967 acres as the remaining area of 9.00 acres currently has the Land Use Classification of Industrial and Public Utilities. The property owner is H&M Properties, LLC c/o Jack Melvin. Property Address: 22.967 Acres on Commerce Way. Tax Parcel: ED-05-076.10-02-07.03-000. Ordinance #2019-04. *This is associated with Rezoning Application Z-19-01.*
- 3) Z-19-01 Lands of H & M Properties, LLC on Commerce Way – Public Hearing and Review for Recommendation to City Council for a rezoning application for a 22.967 acre +/- parcel. The property is zoned RG-2 (General Residence Zone) and IPM (Industrial Park Manufacturing Zone). The proposed zoning is IPM (Industrial Park Manufacturing Zone) for the entire parcel. The property is located on the northwest side of Commerce Way and north of West North Street and is part of the Enterprise Business Park. The owners of record are H & M Properties, LLC. Property Address: 22.967 Acres on Commerce Way. Tax Parcel: ED-05-076.10-02-07.03-000. Council District 1. Ordinance #2019-05. *Associated with request MI-19-02 for Comprehensive Plan Amendment as a Land Use Classification revision to Map 12-1.*
- 4) Z-19-02 Lands of Wesley College at 45 South State Street – Public Hearing and Review for Recommendation to City Council for a rezoning application for a two (2) parcels of land totaling 0.81 acres +/- located at 45 South State Street. The properties are zoned RG-O (General Residence and Office Zone) and are subject to the H (Historic District Zone). The proposed zoning for both parcels is IO (Institutional and Office Zone), while retaining the H (Historic District Zone). The properties are located between South State Street and South American Avenue, north of Reed Street. The owner of record is Wesley College, Inc. Parcel 1 is 0.32 +/- acres and is addressed as 45 South State Street. Parcel 2 is 0.49 +/- acres and has frontage on South American Avenue. Tax Parcels: ED-05-077.05-04-33.00-000 and ED-05-077.05-04-36.00-000. Council District 2. Ordinance #2019-06.
- 5) Z-19-03 Lands of Schreppler at 157 Roosevelt Avenue – Public Hearing and Review for Recommendation to City Council for a rezoning application for 1.641 acres +/- parcel of land located at 157 Roosevelt Avenue. The property is zoned R-8 (One-family Residence Zone). The proposed zoning is RG-2 (General Residence Zone). The property is located on the north side of the eastern end of Roosevelt Avenue. The owners of record are Paul and Linda Schreppler. The equitable owner is Miller Investments LLC c/o David Miller. Property Address: 157 Roosevelt Avenue. Tax Parcel: ED-05-077.18-02-75.00-000. Council District 2. Ordinance #2019-07.
- 6) S-19-01 Tommy Car Wash at 656 North DuPont Highway – Public Hearing and Review of a Site Development Plan Application to permit construction of a new 5,194 SF Car Wash structure and accompanying site improvements. The previous structures on the site have been demolished, and the site is now vacant. The property consists of a total 0.940 +/- acres and is located on a site bounded by North DuPont Highway to the northeast, and Lepore Road to the southeast. The property is zoned C-4 (Highway Commercial Zone) and is partly subject to the SWPOZ (Source Water Protection Overlay Zone). The owner of record is Kathleen J.

Gray. The equitable owner is Manpreet Mattu. Property Address: 656 North DuPont Highway. Tax Parcel: ED-05-068.09-01-09.01-000. Council District 3. *Waiver Request: Reduction of Arterial Street Buffer.*

### NEW BUSINESS

- 1) Nomination and Election of Officer (Vice-Chairman)
- 2) Appointment to the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 §2.28): Planning Commission Member
- 3) Project for Dover's 2019 Comprehensive Plan
  - a. Update on Project Activities

### ADJOURN

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

Posted Agenda: February 8, 2019

**CITY OF DOVER PLANNING COMMISSION  
JANUARY 22, 2019**

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday, January 22, 2019 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Roach, Ms. Edwards, Mr. Holt, Mr. Baldwin, Dr. Jones and Mr. Tolbert. Mrs. Welsh and Ms. Maucher were absent.

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

**APPROVAL OF AGENDA**

*Ms. Edwards moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 6-0 with Mrs. Welsh and Ms. Maucher absent.*

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

*Mr. Holt moved to approve the Planning Commission Meeting minutes of December 17, 2018, seconded by Mr. Baldwin and the motion was unanimously carried 6-0 with Mrs. Welsh and Ms. Maucher absent.*

**COMMUNICATIONS & REPORTS**

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Tuesday, February 19, 2019 at 7:00pm in the City Council Chambers.

Mr. Swierczek provided an update on the regular City Council and various Committee meetings held on January 14 & 15, 2019.

Mrs. Melson-Williams stated that in the packet is the Institute for Public Administration Training Series that occurs monthly. There was no one that attend the one that was held last Friday but there is upcoming training sessions available in February and in March. If a Commissioner is interested in attending one of those sessions please see Planning Staff and they will get you registered.

Mrs. Melson-Williams stated that a Summary of Applications is also in the packet. The chart for 2018 has been completed. Last year amongst our Boards and Commissions which also includes the Board of Adjustment and the Historic District Commission, there were a total of 54 applications that were heard by those bodies or qualified for an Administrative Plan Review process. You can see that the number is slightly lower than the rates in 2017 and 2016 but she can tell you that our permit activity for 2018 does still indicate a high level of construction both in the residential and commercial areas of the City. This is something that is typically handed out in a Quarterly Workshop but since we haven't had one in a while, we felt it best to forward that to the Commission tonight.

Mrs. Melson-Williams stated that the Commission is deficient one member with the relocation of Mr. Holden to outside of City limits. City Council will be moving forward hopefully in a timely

manner to appoint someone to his vacated seat.

**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

**NEW APPLICATIONS**

- 1) MI-19-01 Eden Hill Farm TND: Residential District – Revised Pattern Book (Senior Living Residential & Townhome Option) - Public Hearing and Review of Amendments to Revise the Pattern Book (Comprehensive Design Standards Manual) for the Residential District component of the Traditional Neighborhood Design project known as Eden Hill Farm TND. The Amendment presented as Pattern Book pages focus on information for a Senior Living Residential & Townhome Options. The Residential District consists multiple parcels totaling of 109.034 acres ± of land and is zoned TND (Traditional Neighborhood Design). The project is located south of West North Street and Wemyss Road and southeast of the intersection of West North Street and Saulsbury Road/POW-MIA Parkway. The owner of record for the unbuilt area of the Residential District is Eden Hill Residential, LLC. Tax Parcels: Multiple parcels of the Residential District on map ED-05-076.04. Council District 2. *The current Implementation Plan SB-06-03 Eden Hill Farm TND: Residential District Implementation Plan was granted conditional approval on June 19, 2006 by the Planning Commission and there have been other subsequent approvals related to lot layout and Pattern Book revisions. Related Applications: SB-07-01, MI-08-03, MI-08-20, MI-09-03, MI-09-13, MI-10-04, MI-10-14, and MI-10-20. A Revised Implementation Plan S-15-07 (with S-15-10) for the Residential District was reviewed in 2015 but has not achieved plan approval.*

**Representatives:** Mr. Jonathon Street, Becker Morgan Group; Mr. Bill Russell; Wye Realty Advisors; Ms. Katie Burke, Ryan Homes

Mrs. Melson-Williams stated that this application is a proposal for a revision to Pattern Book for the Eden Hill Farm TND Residential District. On the screen just for reference is the existing plan for the Residential District. The highlighted colors indicate units that have already been constructed. The project tonight does focus on the Residential District which is the area located south of Wemyss Road and to the east of the POW/MIA Parkway. Those two intersections would be the upper left most corner of the screen. Tonight the applicant is seeking two topic area amendments to their Pattern Book. The first would be to establish standards for a Senior Living Residential Village area to consist of one-story single family detached units including front loaded garages. The second Pattern Book amendment is focused on the Townhouse options for the community and looking at architectural styles and lot format.

She wants to introduce the public and remind the Planning Commissioners of the process for a TND. TND stands for Traditional Neighborhood Design Zone. It is a zoning classification. In 2005, this area known as Eden Hill Farm went through the process to rezone the land to become

a TND. That process does include an initial Pattern Book submission and plans. Subsequent to rezoning, the process then involves what are called Implementation Plans for each of the districts. Specifically, this is the Residential District. There is also a Neighborhood Commercial District and a Professional Office District as well. Our focus tonight is the Residential District. The Residential District's initial Implementation Plan was reviewed in 2006. In the time frame between 2006 and 2011, there were a number of amendments to the Plan to revise various lot types and where they would be constructed. There are a series of Addendums to the Pattern Book which are currently on record. There was recently a second Implementation Plan focused on the Residential District and that was in 2015 that proposed a change in the development plan to focus on apartment units. That project did receive approval from the Planning Commission but the Plan and its associated Pattern Book were never formerly finalized.

Tonight, the Residential District is technically approved for a total of 665 dwelling units, of which 83 units have been constructed. Majority of them are townhouse units; both two story and three story with about four duplex units. Tonight, we are really focused on the request for amendments. The first is for the Senior Residential Village. They are proposing lots in that area to be a width of 76 feet and a depth of 110 feet, keeping with the blocks that have already been established. The Pattern Book Addendum that they have submitted also shows the setbacks on individual lots as well as information about placement for garages which would be a front loaded configuration for this type of unit. They have also identified some architectural characteristics for these units and depicted those in a series of model views in the Pattern Book that they submitted. The second amendment topic area is Townhouse Options and looking at additional styles for the townhouse units. The Pattern Book Amendment is proposing a 20 feet wide townhouse lot. There needs to be some clarification as to whether or not they are front loaded or rear loaded. It appears that their intention is to be rear loaded but there are some discrepancies in the text of the document that hopefully the applicant will clarify this evening. Likewise, this establishes setbacks and provides a series of variations for architecture of these townhouse units. The townhouse width of 20 feet does already exist in the Pattern Book that has been approved previously. To focus on the review comments that are part of the DAC Report, the Planning Office review comments begin on Page 6 of 12 and then they also received basic comments from the City's Electric Department and Public Works Department regarding utility planning should applications move forward in the future and then also information from the Fire Marshal's Office. The key thing is that, there are some provisions that if a townhouse does not have an alley that there is some additional process that would have to be taken care of and reviewed. She believes that they are not focusing on having any townhouse lots that would not have an alley.

She wants to highlight some of the Planning Staff comments. The Comprehensive Design Standards Manual which is also known as the Pattern Book is where the details about how you build in the TND District are presented. As mentioned before, there has already been a series of five Addendums over time that have made changes to the document; however, there is not one single document to go to and find all of that information. Any adoption or approvals that are granted tonight, we note that they must be submitted and amended to the Pattern Book. We do note that for townhouse units, if they are proposing any that do not have rear alley access that would not comply with our other provisions related to emergency rear access requirements and would have to be addressed separately. We do note that there needs to be some consideration given to the placement of driveways when you talk about front loaded access to lots and that

involves potential difficulties with on-street parking and separation from intersections and from fire hydrants. On Page 8 the Planning Staff did go through the Pattern Book submission document and has noted a number of things that need to be corrected or clarified. Some of it is as simple as labeling. In other cases, it is information that should be added to clarify intent. Specifically, with the Senior Living Village, Staff is suggesting that there should be more landscaping requirements and parking requirements in that District area and any provisions or conditions for how front loaded garages would be established in that particular unit type. Again with the townhouses, they are asking for clarification about alleys versus no alleys and then some clarification about other architectural elements related to townhouses; particularly, the side elevations.

She does want to draw the Planning Commission's attention to Page 9 which is the Recommendations that are suggested as conditions of approval to meet Code objectives. The Planning Commission can act on these as part of the application process. The first one regarding alley access, Staff is recommending that all lots that have access to an alley be required to take access from that alley. If there are townhouse units without alleys, Staff does not support that format for that lot type for various reasons. If there are areas where there are not accessible alleys then there are other unit types that can be developed. Item 3 under Recommendations focuses on garage placement and Staff is noting that special care should be taken to avoid the garage dominating the street. If Planning Commission wishes to approve the front loaded garages, they have suggested that some additional design features be included as a requirement for making use of that format. If you want to even increase compliance, Planning Staff has identified Item 3D which would include putting more of the massing of the building rather than the garage closer to the street. In what is labeled Recommendation #9, it should be Recommendation #4 is the focus items for the Senior Living Village. These are a series of recommendations that just make it a better product overall and likewise Recommendation #10 which should be Recommendation #5 focuses on townhouse units. They are noting that there are a variety of widths that can be utilized but we also encourage varying the number of townhouse units grouped together. Recommendation #11 which is technically Recommendation #6 is just a re-emphasis of key components of the development of residential units across the board in the TND. Again, noting issues with whether the lot has an alley, variation in grouping and use of items such as porches and other elements on corner lots as a feature. The last Recommendation is listed as Item #12 but should be Item #7 which is that Planning Staff is recommending the requirement for the applicant to develop a final version of the Pattern Book, meaning one book so they do not have to go through the original book plus the five Addendums to make sure that something is being built to the standards of the TND. It is noted that each of the other districts in the Eden Hill Farm TND project area do have a final Pattern Book specific to their district area.

The Commissioners should act on amendments to the Pattern Book in the same fashion as you do adopting the original and any motion should reflect your stance on the elements of the DAC Report including any recommendations that you chose to support or not support.

Mr. Street stated that he is representing the equitable owner and developer. They are here tonight to hear about a Revised Implementation Plan for the Active Adult Senior Living and Townhouse Option for Eden Hill. Note: He presented a PowerPoint presentation of the proposal. The cover sheet from the original Pattern Book that was conceived back in the spring of 2005 states "The

Pattern Book provides the pictures of general character of the project and its components. It not meant to be a binding document to detail. Much of the detail and character demonstrated with the use of photographic images in the City of Dover for the Eden Hill Project. The Pattern Book is not meant to be specific limitations to the developer in this phase.” It also goes on to state that “changes in details, materials and in some cases architectural facades will be necessary to meet market demand and the availability of materials.” He brings this up because what has happened between the spring of 2005 and now is that in 2007 and 2008 we had one of the worst market crashes in generations. this is clear evidence of changes in the market which is why they are here today. They are trying to restart this project and what you see before you in the submission and in the photos in the PowerPoint are what the developer and equitable owner are presenting as how they would like to make the change from single family living to active adult. He is not going to go through all of Staff’s comments that Mrs. Melson-Williams has already gone through. One of the issues is a predominant front loaded garage. The current Pattern Book itself gives an example of a front loaded garage in the existing Pattern Book. What they have done for the Active Adult Community because of how the Active Adult Community and architecturals present themselves is that they have adjusted that front loaded garage stance to a predominantly front loaded garage. The garage for an Active Adult Community is usually located in the front of the house. The house itself is attached and is usually recessed in the back. When they open up this option, the characteristics of an Active Adult lot are listed as single story living, predominantly front loaded garages, variations in the roof lines, brick or stone accents, contrasting trim at the eave line and varied siding style and color. He knows that Staff has recognized that it obviously doesn’t incorporate landscaping, mailboxes and all kinds of stuff that is listed in the original Pattern Book and they would add that any landscaping that was needed would follow the original Pattern Book itself. What they are trying to setup for are the products. He has a ton of slides that he can go through and submit for the record as examples of what they are trying to do, of the product that they are trying to put out there. They have four different styles with varying roof lines and varying colors, trim patterns and stone and brick on the front. They are not proposing front access townhomes; all of the townhomes have alley access and they are continuing to keep them rear loaded itself. The only exception is some of the duplex lots that they have. The developer is proposing to build two end unit duplex townhomes that would be front loaded because the original duplexes do not have front loaded garages. One of the concerns of the Fire Marshal’s was any townhouse block above three units requires a rear access. They are just proposing two units which then fits within that Code where they don’t require an emergency access. So for the comments from Staff with regard to Code compliance, they don’t have any issues with the Code compliancy. What they are having issues with are the recommendations from Staff. As many of you are probably aware over the past year and a half, the Recommendation came from Planning Commission that they liked the architectural and the elevations that they saw but for the developer and equitable owner to go back and work with Staff on the details. They are here tonight because we are at an impasse. They are here tonight to show the architecturals and they will submit all of the photos for the record but this is the product that they want to build. They would like it to start up again and get moving.

Mr. Russell stated that he has been working with the applicant for some period of time since they originally started working on the discussion on architecturals. Thank you for letting them present the product and talk about ways to rejuvenate the Eden Hill project. He knows that the Commissioners are familiar with the project because they have appeared before you before and



candidly the matters before us haven't changed much since we were here in June. The applicant and Planning Staff are at an impasse. They have been meeting with Staff since the spring of 2017 and the issues haven't changed. Importantly, when they came before the Commission in June they presented concept and products that were really substantially similar to what you are seeing this evening and the Planning Commission unanimously supported the project moving forward based on those submissions and their working in conjunction with Staff to come to a final product for review. Unfortunately, they haven't been able to do that so they are appearing before the Commission this evening seeking approval for simple Pattern Book Amendments and your blessing of the architectural designs and construction concepts which Ryan Homes would build to rejuvenate the project without the conditions recommended by Staff. Staff has made it pretty clear that the products in this application aren't what they are looking for. They have proposed conditions in their Recommendations which if attached to an approval would affectively render them unable to build that product. To them, it would be consistent with a denial.

The Traditional Neighborhood Design and the original Pattern Book was approved by this body in the summer of 2005; that has been almost 14 years. As you know, under the original project 83 units have been sold between 2008 and 2012. That is about 17 homes per year, 4 per quarter and a little over 1 per month. The project went into foreclosure and then it went into bankruptcy. This followed the financial crisis of 2008 and 2009. Many real estate and housing projects suffered a similar fate and they failed. Really what their developers and home builders did was reimaged those projects. They right sized the homes, they changed the layouts and they redesigned both for affordability. It was a drastically changed market. It's a national phenomenon; it's not unique to Dover. They appear before the Commission this evening to reimagine Eden Hill consist with the change in the market conditions nationally, statewide and local. They think that the product here meets the needs and capabilities of Dover residents present and future. He did pass out at the June meeting some Federal Reserve statistics which documents the state of the housing market in Dover, specifically Kent County versus the other Counties in the State. They believe that that data demonstrated that affordability is paramount to a successful housing project and particularly one here in Dover and Kent County. They are presenting a range of housing product including townhomes and 55 and over or single-family homes. In addition to their affordability, he thinks that it's important to point out that they are attractive, energy efficient, well designed and constructed and they are really perfectly suited to the local market. It's important to note that Ryan Homes is building this product throughout its footprint and is excelling well throughout its footprint which includes the majority of the East Coast. They are proposing that a significant portion of the project, approximately 50% of the land area would be changed to a 55 and over or Active Adult Community. There are some benefits that they perceive and that they would like to discuss including reduced peak traffic flows, low to no impact on the local school district and then requiring the elimination of the alleys. Staff has been pretty clear that the changes in the products to the TND in the Pattern Book that they would like to see them recommended with certain conditions and that they would like to see the Pattern Book implemented by the book. Mr. Street pointed out that they believe there is flexibility built into that document. In the June meeting minutes, there were questions from the Commission and Staff and they thought it was notable that the Staff made two comments in particular regarding TND. Mrs. Melson-Williams stated that "the TND will probably not ever be replicated anywhere in the City." They agree because the *Zoning Ordinance* says it's conceived and was conceived in 2005 before the drastic changes in the market and the financial crash and

to make full compliance without flexibility that they believe is built into the Code is uneconomical to pursue. Mr. Hugg stated that with respect to the 55 and older section “this is really a traditional neighborhood. It’s probably not; it’s being reconceptualized so that it can be successful in the current market conditions and the 55 and older is a new product which will create a new market inside of the project.” Many of the Commission members in their comments in those minutes noted that there should be “flexibility to find a path forward and a desire to see a stalled project get back on track.” In summary, they are here this evening asking for the Commission’s approval of a simple Pattern Book Amendment to build the products as presented in the materials before you. To allow us to rejuvenate a stalled project with a well-designed, well-constructed housing product that is attractive, affordable and appropriate for Dover. To allow us to reimagine a major portion of the project as a 55 and older single-family community with previously mentioned benefits. We are asking you to do it without the Planning Staff Recommendations and Conditions that they attached only because they effectively remand us back to the Planning Board to try to work through product issues again which they have been unable to do for the last 18 months. This particular developer can’t move the project forward and won’t be able to actively engage, develop and build in Eden Hill and pursue an economically, viable project unless we get the product approved as it’s being presented to the Commission tonight. The team is happy to answer any questions and there is a representative from Ryan Homes here, Ms. Katie Burke who appeared before the Commission before and she can answer specific product questions.

Ms. Edwards questioned the purpose for the fully front loaded garage? Why is that so prevalent in the Active Adult Communities and is there space for parking in the driveway based on these drawings? Responding to Ms. Edwards, Ms. Burke stated that she is a General Manager with Ryan Homes. This is our new “Lifestyle” product that we are building. There is space to park cars in the driveway. They are all the front loaded garages.

Ms. Edwards questioned why front loaded garages are so prevalent in the Active Adult Communities? Responding to Ms. Edwards, Ms. Burke stated that typically with Active Adult Communities, the size of the lots are smaller with less maintenance. The goal is to have a low maintenance home and part of that is really the outside; so, having the garage placed there gives them the ability there to be able to have the majority of the home situated behind it. From a lot width perspective you don’t need as much yard width to be able to accommodate that space.

Dr. Jones questioned to what extent does the dominant front loaded garage impact living space? Responding to Dr. Jones, Ms. Burke stated that it does not impact living space. There is still living space. They have a variety of square footages; there are four different plans. They range in square footage from 1,200 SF to 1,800 SF but the garage space does not take away from living space inside the home.

Mr. Holt questioned if these homes were all two car garages? Responding to Mr. Holt, Ms. Burke stated yes, they are all two car garages.

Mr. Holt further questioned if there was access from inside the garage to the home? Responding to Mr. Holt, Ms. Burke stated yes, there is door from inside the garage that gives access into the house and then there is a front door as well.

Ms. Edwards questioned what concerns Staff had in reference to the front loaded garages? Responding to Ms. Edwards, Mrs. Melson-Williams stated that Planning Staff had noted that when you start placing driveways that are front loaded then you limit how much on-street parking can occur. With these being a double width driveway, you start to minus out that you can't park in front of the driveway. As you move down the street, there are also limitations about not parking within so many feet of the street intersection with another street. There are also parking limitations surrounding fire hydrant locations. What it starts to do is depending on the placement of the driveway, you start to get only little chunks of curb line that would then be available for on-street parking. Sometimes that can be mitigated if driveways are grouped together rather than them being all on the right side of the lot. If one is on the right side and then one is on the left you have kind of grouped the driveways together and you may get a larger space to then have on-street parking. Without having a plan that shows exact driveway locations, they couldn't definitively say that all on-street parking has been eliminated or a significant portion of it but when you start front loading, that repetition of driveway then limits the amount of on-street parking. The other thing related to driveways is the length of the driveway that is on the lot. In order to park a vehicle, you need at least 18 feet beyond the front sidewalk. You want to make sure that the front sidewalk along the street is still passable when someone has parked a vehicle on the driveway.

Ms. Edwards stated that when they are looking at other developments outside of the TND, how is that looked at with the on-street parking? How is it different in a different development than it would be in the TND? Responding to Ms. Edwards, Mrs. Melson-Williams stated that some of the difference about that on-street parking and a regular residential subdivision is dependent on the minimum lot width. In some of our zones that would allow for a single-family house such as this, the minimum lot width may be greater. They are looking at 76 feet she believes. They have ones that are narrow like 70 feet but that variation of lot width makes a difference on the ability for on-street parking as well as the street network itself. If you have a lot of intersections then you are slowly taking away bits of the street because of the need to not have parking right at that intersection. If you have long blocks, then that's less of an issue but you may pick up requirements for fire hydrants as well being placed mid-block. You can't park in front of a fire hydrant.

Ms. Edwards questioned if it was the 18 feet that Mrs. Melson-Williams was talking about on that driveway allotted on these renderings? Responding to Ms. Edwards, Mr. Street stated that the short answer would be yes. What they are talking about would be Code related issues with regard to on-street parking per lot. If this were approved to move forward tonight, we would have to meet those Code requirements without some kind of waiver or variance from Staff or the Commission. What you are seeing is kind of a typical lot. The block that you see isn't necessarily the house, it's the envelope that the house can sit in. That depth we would have to give you at least eighteen feet beyond that sidewalk so that you could park at least one car. He is not 100% sure on the exact Code requirement for the vehicle parking on-street itself. What would happen next would be that they would come back with another Implementation Plan for the reconfiguration of the lots. Then they start getting into more detail of the exact lot widths that they have that have been approved and then they get spacing of driveways themselves and then fire hydrants. You get all of those spacings when you get into the more detailed plan so then it

gives them the ability to adjust things to meet Code requirements.

Ms. Edwards stated that when you would re-look at that Implementation Plan, would you be taking into consideration putting the driveways closer together for two houses to address the issue of the on-street parking? Responding to Ms. Edwards, Mr. Street stated that typically in residential house for construction of the driveways you have a couple considerations. One is the slope of the road. Driveways are typically on the downhill side of the house except when you get to an intersection you like to keep that driveway away from the intersection because you don't like the intermingling of traffic. As your street goes up or down, your houses will all be aligned in that same orientation. You have the ability to do that in certain circumstances like at an intersection where you would be going downhill towards the intersection you would have one driveway on one side and the house would be flipped from the intersection. Like Mrs. Melson-Williams stated you have that distance from the intersection where you have constraints where you can't park. The driveway location is more dictated by the lay of the land and the grade of the street itself. All of these things have to be taken into consideration when we doing these detailed plans.

Dr. Jones stated that as she listened to the applicant's summary, it appears that you are not in agreement with a majority of the Recommendations. Responding to Dr. Jones, Mr. Street stated that is correct. This is a unique situation which is why they are all here because that have been working for the past year and a half on trying to come together on this.

Dr. Jones questioned if this was a complete packet including the Townhouses and the Senior Living Village? Are they the same project just different types of construction? Responding to Dr. Jones, Mr. Street stated yes.

Dr. Jones further questioned which one the applicant has the most problem with or do they just have a problem with everything? Responding to Dr. Jones, Mr. Street stated that it is more the Active Adult Community that is the reasons for the impasse. He thinks that with most of the Townhouse issues that they have gone through with Staff, they have been able to rectify as far as he is aware. He knows that there are Townhouse Recommendations in there and it all kind of comes together with the whole project itself.

Mr. Russell stated that the architectural issues pertain to both products: the Townhomes and the 55 and over community. The alleyway is a specific issue which is unique to the 55 and over community. The developer split the project into two products because it's such a large project and in order to get absorption of sales they need to offer two types of different homes to sell. If you said the 55 and over community is okay, they probably couldn't do it all that way. If you said Townhomes were okay, the market is just not big enough to absorb all of the units. They needed to introduce the new product type and divide the community into two pieces which would have, by the way, two separate amenities, two clubhouse features; one separate for each. They like the product that they have presented but they have been unable to come to agreement with Staff on either product. First is the architectural issue and the second issue which is unique to the 55 or older or active adult is the alleyway elimination.

Dr. Jones asked if the reasons for the objections have to do with the economics of the project.

Responding to Dr. Jones, Mr. Russell stated that Staff is objecting to the products because they don't believe that they comply by the book and they are seeking more architectural features on the homes for purposes of meeting the TND Ordinance. They had hoped that the TND Ordinance has in it flexibility to accept the product which they are proposing. The reason that it is important to them that the Recommendations of Staff aren't attached to an approval is because it would effectively make us change the product in such a way as they would be unable to build it economically and move the project forward.

Ms. Edwards stated that specific to the products, it's the front-loaded garage for the Senior Living and the alleyways. Are we looking to have them eliminated for the townhomes? Responding to Ms. Edwards, Mr. Russell stated that the alleyways would be eliminated for the 55 and older only. The townhomes would have alleyways and that is consistent with the existing plan. There are some lots in the community which are designed without alleyways behind them where they would be building a duplex which is two townhomes matched together. Therefore, they would be front loaded and they are very limited in number in the total amount but he doesn't think that Staff objected to that but he does not want to speak for them.

Ms. Edwards stated that there are no front loaded townhomes, only the duplexes. Responding to Ms. Edwards, Mr. Russell stated that was correct.

Mr. Holt stated that the variation that Staff is asking about would give individuality to all of the different homes but that gingerbread stuff would not be that difficult or expensive to maneuver around. When you offer the homes to somebody do they get a chance to decide on what they want so that their home is a little bit individual from the next guy's home? Responding to Mr. Holt, Ms. Burke stated that they do offer the option for customers to select exterior colors. They offer multiple elevations so that changes the roof line and what the exterior appearance looks like. They do have the option to offer selections to customers to make it individualized both on the exterior and also on the inside too. To Mr. Russell's point earlier, for them to add some of the additional features that Staff has recommended, it really becomes cost prohibitive for them. This is an opportunity to offer some affordable homes for active adult buyers and when you continue to add additional features it adds cost. Therefore, that has to be pushed over to the customer in a higher sales price.

Mr. Holt stated that maybe the customer would be willing to pay the extra to have it on his home. Everybody is a little bit different. Responding to Mr. Holt, Ms. Burke stated for them as a builder, they are not a custom builder. There are minor changes that they offer to make but changing features on the exterior of the home is not part of their program. Whether it be this product or really any of their other products, they design their products so they are able to have some consistency with branding. Mr. Russell mentioned that Ryan Homes builds up and down the East Coast in 14 different states. This product has been really well received up and down the East Coast. They have it in Milford, Delaware so that is the closest community where they are currently building this product.

Mr. Holt stated that it is a nice looking project and it should sell. If you can't sell it then maybe you need to get better sales people out there.

Ms. Edwards stated that the homes look very similar in appearance. There are some structural differences but at first glance they look very similar. What plans do you have in place when you are selling these homes as far as siding colors, the door and shutter colors so that at least the homes that are next to each other are not identical? Responding to Ms. Edwards, Ms. Burke stated that that is part of their marketing program in every community. They do not have the same elevations which would mean that the roof lines would not look the same next door to each other or across the street. That is the same for color schemes as well. They want to have some streetscape and curb appeal with a variety of elevations and also color schemes.

Ms. Edwards questioned if you have two different elevations side by side, they are not allowed to have the same color? Responding to Ms. Edwards, Ms. Burke stated that was correct.

Mr. Roach stated that he is very close to this development and on one end he is very excited because we definitely have the need for the 55 and up and the townhomes. He is a very big advocate in regards to growth in his City but it is also the idea of setting precedence. They have the TND Zone and we have these requirements and restrictions and these things that they need to have done. Essentially everything that Staff is saying, the response is “we don’t want to do that because it costs too much.” It starts to set a tone for the next time somebody develops, they are going to come in a say well you let Ryan Homes do it. It kind of puts them in a place where they don’t have a leg to stand on in regards to the purpose of even having a TND. His reluctance to move forward with this, especially because he loves the homes and everything about it but what is the purpose of having these things in place as far as zones if every time a developer comes in and they can’t do something because of cost. That is going to be with anything. We obviously want to make sure that we are doing everything is a cost efficient way but there has to be give and take. If you come to the Planning Commission, he doesn’t feel as though you can walk in and say we don’t want to do anything that you guys are saying but please approve our plan. It doesn’t sit well with them as they set a precedence in regards to moving forward with future TNDs. Responding to Mr. Roach, Mr. Street stated that he understands the comment and understand the numerous times that he has come before this body and probably any body and he thinks that this is the first time that he has ever said no Recommendations. The TND Zone itself and the Pattern Book is meant as a guide. The reason why they are here tonight is not necessarily because the developer and the builder aren’t trying to abide by any of this; it’s that they are trying to work within it which is why they have submitted the Implementation Plan. The Implementation Plan that is before you for the Active Adult Community becomes the guide in addition to what is in the Pattern Book itself. It is unique and he understands the reluctance of the Commission but this is the first time that he has ever been a part of a project that has ever said that. Usually they work with Staff very well to come together on Staff’s Recommendations with what they can do. He thinks that this is a unique situation where they have a stalled project that has been stalled for years and they are trying to revitalize the project itself with a product that can sell. He can go through the 7 or 9 Recommendations but he is not going to sit here for the next hour doing that; it’s extensive. He understands where Mr. Roach is coming from but at this point they are all kind of at an impasse. That is why they are here with all of the elevations and all of the options to kind of be the guide for the Active Adult Community so they can move forward with it.

Mr. Iacono (equitable owner) stated that he believes that he is correct in saying that this is the

only TND community in the City of Dover. As it was pointed out in some Staff comments in the June 2018 meeting, it is probably not likely to be replicated. He is not sure anybody else with a TND would come to you and say you did it for them because there is no other TND.

Ms. Edwards stated that she understands the conversation that just took place but she does want to ask, what concessions have you as the developer made to work and collaborate with Staff? She likes the product and understands exactly why you are here and why you need to put this forward but what concessions have you made? Responding to Ms. Edwards, Ms. Burke stated that over the course of the last 18 months, they have had multiple meetings and there have been a lot of different discussion points. For the townhomes, there is a rendering in the packet handed out tonight that shows the side view of a townhome. Some feedback that they had from Staff was concern with regard to the side of the townhome units specifically for prominent street corners and intersections. What they have done here is traditionally they would have one siding color that would run consistently on the whole side unit of the townhome. What you are seeing here is that they have a piece of trim that is running down the side of the unit where they are splitting it with two different siding colors and that is consistent with the siding colors where they offer a variety of siding colors on the front. They have also added the faux shutter treatment on the side unit as well. There is a vent up in the corner of the gable also. So there have certainly been some changes on their end where they have tried to work with Staff to be able to compromise as much as they can that follows with the product that they currently have.

Mr. Tolbert stated that when Mr. Russell was speaking, he had made mention that he had talked extensively with Staff regarding the Recommendations and that if he complied with those Recommendations then he could not proceed with the development. Responding to Mr. Tolbert, Mr. Russell stated yes, he is not the developer but he has advised that if the Recommendations are attached to the approval then the architectural really aren't approved. The product that they would have to seek to build wouldn't be economically viable so he would be unable to proceed.

Mr. Tolbert stated that unless Staff changes their Recommendations, you are saying that it would not be worth your while for further discussions with them. Responding to Mr. Tolbert, Mr. Russell stated that they think they have exhausted their efforts to come to an agreement on the product so he doesn't think that it would make sense. The conditions would remand them to go back to Staff and work on the product more and he doesn't think that they would do that.

Mr. Tolbert stated that there is no point in talking to Staff unless they decide to make changes. Responding to Mr. Tolbert, Mr. Russell stated that they would still have to go back to Staff to put in an Implementation Plan for the 55 and older section. He doesn't think that a new Implementation Plan would be required for the townhouse section. There is still a lot of work to do if they get beyond this point. If they can't get beyond this point with an approval without the Recommendations, they won't be back to Staff but they will have to go back to Staff if they get this approval.

Mr. Tolbert stated that if Staff doesn't change their Recommendations at this point, are you saying that there is no point in them going further? Responding to Mr. Tolbert, Mr. Russell stated yes, unless the Planning Commission approves the application without the conditions.

Ms. Edwards questioned if there were any of the Recommendations that are listed by Staff that would not be as costly to change to provide some more visual difference between the homes? She is looking at using a variety of siding, colors, and different trim work. She understands that some of this has extensive cost to it but is there anything in the Recommendations that could be done and agreed upon that would not be as costly? Responding to Ms. Edwards, Ms. Burke stated that they do have an example of the townhomes. They do have some pieces of the Recommendations from Staff that they have tried to incorporate like having a variety of color schemes. She thinks that there is something that is mentioned about the garage component and varying the colors of the garage doors. That is a piece of their program that they would be able to incorporate. The short answer is that they have the ability to compromise in some situations like the townhome example and some color changes that they are certainly able to make. They have agreed to have additional landscaping on the side of the townhomes units that are prominent corners but unfortunately with the list of Recommendations here, for them to be able to meet these, it would drastically change the product and they wouldn't be able to build the product that they currently have.

Mr. Baldwin stated that considering all that he has heard this evening from his colleagues this evening, it also wrinkled him that you expect to move forward with a project overlooking Staff Recommendations. With that being said, he would like to know from Staff if this project was to be approved without your Recommendations, how hard would it be for them to meet Code when it came to implementation? Responding to Mr. Baldwin, Mrs. Melson-Williams stated that it really varies on the Recommendation that you are talking about. They have earmarked the Recommendations and if you are looking in your packet, that is on Page 9 and they are number 1-3 and the missing numbering that currently lists them at 9-12. Some of these she doesn't think have cost implications. They are more clearly identifying more process type items. For the alley access, they are recommending that if it has an alley you take access from the alley and that would be the townhouse scenario. If they get a separate Implementation Plan approved that eliminates alleys in areas, then you certainly would not be required to have the alley. She is not sure if that is causing confusion with the Senior Living but if there is an alley and you want to build a townhouse then the townhouse has access from the alley. Number 2 goes along with that. Staff doesn't support approval of any townhouse units that don't have the rear alley. She thinks that the applicant has agreed in principal to that Recommendation already in saying that they are not expecting to build townhouses where there are not alleys. Garage placement is something that is unique to their Senior Living and Staff is trying to tighten up the ability to do a garage in that format. The current Pattern Book does not allow for a garage being the thing that is closest to the street. If the Commission is looking to allow the applicant to do that, Staff is making some suggestions about how you should allow that to happen. If you are looking at not going as far as Staff recommends, then maybe you don't adopt Item 3D which really allows for a front-loaded garage but in the Staff Recommendation still pushes the house forward. Recommendations 9 and 10 are more refinement of their two questions. That is where some things they might be able to easily implement. These are fairly consistent with what is already in the existing Pattern Book. The Pattern Book, for example, talks about corner lots being special. It talks about the ability to do detailing and how you choose to do that detailing; there is a variety of ways which have a variety of costs. Again, it's also encouraging the multiple models in the variation. Some of what is in Numbers 9 and 10 are making sure that there is that flexibility within the Pattern Book to allow for what you are seeing as the units that are presented here or the units and elevations that



may come forward within the next month or whatever is the latest and greatest thing that they want to try to build. The same thing with Item 6; that is just really there for emphasis of the key concepts of the TND. A lot of this information is already contained in the Pattern Book that exists. Perhaps the most significant one that Staff stands by is Number 12 which is a final version of the Pattern Book. They have made the recommendation that a final version of the Pattern Book for the Residential District should be developed. If it's confusing for you to figure out what is going on, imagine Staff having to do that every time a permit walks in the door or a developer trying to figure out if what they are proposing actually works with the Pattern Book. They have the original Pattern Book and at this point 5 Addendums that change various texts or pages throughout that document. It makes it very difficult to review whether a project complies or not. The other two districts have been successful in creating a final version of the Pattern Book and they think that the Residential District should do the same thing.

Ms. Edwards stated that amendments to the TND, what does that process look like if they wanted to move forward with this project? What has to happen to move forward? Responding to Ms. Edwards, Mrs. Melson-Williams stated that the *Zoning Ordinance* outlines the TND and it talks about amendments to the TND. There are some minor things that Staff can do. But what they are proposing here is not minor which is why a Revised Pattern Book has been presented to the Planning Commission for public hearing and for your action. This is separated out into the Pattern Book because they wanted to have some sense of architectural approvals before they moved forward with what would be a requirement. If they are interested in pursuing the Active Adult Senior Living, that requires a Revised Implementation Plan submission because they are talking about rearranging lots, eliminating alleys and reconfiguring an area for a club house. Those are the more plan detail type things. It is something that is significant and would require again, a formal application submission and public hearing process and action by the Planning Commission. She thinks that you have heard the applicant multiple times about this impasse with Staff. Some of that impasse has been related to what should the process be for making changes. There are some things that Staff can do administratively but what it is proposing is not that; it requires a full review and hearing process. Finally, a submission was made in regards to revising the Pattern Book and that is what we are focused on this evening. You did see concepts of it as early as June of last year, but the formal process is happening tonight.

Ms. Edwards stated that if the Commission decided to move forward then the formal application has to come through to make those changes that you are talking about. Responding to Ms. Edwards, Mrs. Melson-Williams stated that this would be the formal application to make changes to the Pattern Book document. The formal process to make the changes to the Land Plan, the layout of lots and streets for the Senior Living requires another application submission and that is a Revised Implementation Plan of that portion of the District.

Mr. Street stated that Becker Morgan produced the original Pattern Book back in 2005. Trying to produce this, they have lost most of the digital document itself. He brings this up only because if this were some other engineering firm who had nothing to do with this from the beginning, they wouldn't have any of that to begin with and to reproduce the document itself would be extensive. Essentially, they will have to do that anyway because they don't have most of the document because back in 2009 or 2010 their servers took a dump and they lost most of that information. They have some of the documents, but they don't have it all. That is why they were looking for

that Recommendation in the original DAC meeting to be moved to advisory. He did a little more digging after the meeting and learned that they don't have most of the document itself. They are looking at this two-fold; they don't have a majority of the document in addition to if this were some other firm that did not produce this document originally, how would they then go about recreating this document to the standards that the original document was held to. They understand the reasoning it is just the process and the task at hand to do that would be absorbent on the applicant's part.

Ms. Edwards asked if Mr. Street was talking about the last Recommendation for the final version of the Pattern Book? That, you would object to? Responding to Ms. Edwards, Mr. Street stated yes, because they have lost most of the information and would have to recreate it. So would anyone else but it would just be a burden on the applicant. It would technically be easier since they created the original one but if this was another engineering firm who was standing up here and had nothing to do with the original version it would be trying to recreate that. If you wouldn't be asking them to do it but because it's us and we should have some of the original document, that is where he gets the test of, is it because it's us or is it because this is what's needed?

Ms. Edwards stated that she would like to think that it's because it's what is needed.

*Mr. Tolbert opened the public hearing.*

**Mr. Leonard Iacono – Equitable Owner**

Mr. Iacono stated that he is the equitable owner of the project. He does not own the property. Procedurally, he thinks that fundamentally they are on the same page meaning the townhouse section would be an Administrative process and the 55 and older would be the Implementation Plan process. The Implementation Plan and/or the Administrative process in itself is really not the difficult aspect of this project because it's really more dealing with engineering and Code. However, he as the equitable owner would not proceed to even doing the Administrative or Implementation Plan if we don't fundamentally have an agreement on the architectural concepts and designs of the product, the elimination of the alleys, etc. That is what they have not been able to get past for the last year and a half. They have not been able to reach an agreement with the Staff fundamentally in the architectural and layout process as well as the elimination of alleys. If you read correspondence that has occurred within this year and a half between Staff and themselves, you will see that they regurgitate the same thing over and over again. Staff is on one side of the spectrum and the applicant is on the other side of the spectrum. If they can get past that part of it, the process is the simpler of the two. As far as the Pattern Book is concerned, he helped write the book. That book specifically says that it's a guide and he just wants to stress that.

*Mr. Tolbert closed the public hearing.*

Dr. Jones stated that she thought that she understood that there was not willingness to go back to the table to re-hash some of the recommendations. Responding to Dr. Jones, Mr. Tolbert stated that was his understanding. He is not sure if they are willing to go back to the table now or not because they have heard the Commissioners like never before. They have good reason to go back

to the table and converse with Staff. A deferment might be the most appropriate, but we should consider it along with voting it up or voting it down.

Mr. Roach questioned if the townhomes will have an alley? Responding to Mr. Roach, Mr. Russell stated yes.

Mr. Roach questioned if the 55 and older community will have alleys? Responding to Mr. Roach, Mr. Russell stated that they will not.

Mr. Roach questioned if that was an issue with Staff? Responding to Mr. Roach, Mrs. Melson-Williams stated that they did not identify that as an issue. they recognize that the Senior Living is proposed as a single family detached and their proposal is for front loaded. Their comments do not indicate that an alley would be required for that lot type. Their comments go to more about the garage placement for that lot type.

Mr. Roach stated that Staff also stated that they don't have an issue with the duplex style as long as it's not more than three townhomes put together. Responding to Mr. Roach, Mrs. Melson-Williams stated that a duplex unit is only two units together. As soon as you reach three, then it's a townhouse configuration.

Mr. Roach questioned if there was an issue if there were no alleys behind the duplex units? Responding to Mr. Roach, Mrs. Melson-Williams stated no, a duplex does not require an alley behind it.

Mr. Roach stated that they can say that the alleys aren't an issue. From the conversation, it seems like they spoke about alleys being an issue. Right now, it's just an issue in regards to the front loaded garages in the 55 and old community. The alleys are not an issue anymore because Staff is in agreement with the applicant in regards to what portions of this section can have alleys or not. Responding to Mr. Roach, Mr. Street stated that the duplex styles would be front loaded because they don't have alleys. Their plan would be to build the two end unit townhomes as duplexes which don't have alleys.

Mr. Roach questioned if the duplexes would look like the townhouse but would only be two units? Responding to Mr. Roach, Mr. Street stated that was correct.

Mr. Roach questioned if the duplexes would have street parking only? Responding to Mr. Roach, Mr. Street stated no, they would have some kind of front access like a front parking pad.

Mr. Roach stated that being able to see that would help because essentially, he is trying to approve something that he can't even physically view. When it comes to the townhouses, they are good and they have to have the alley access. Responding to Mr. Roach, Mr. Iacono stated that as he said earlier, the issue progressed to a point where they are at an impasse with the concept of the architectural, the placement of the garages and the predominance of the garages. For example, on a corner lot the Staff wanted a garage on the side of the house not the front of the house. They told Staff that they can't do that because their product does not allow for that. A lot of the year and a half that they went back and forth centered around architectural concepts

and designs. They did make some concessions but they got to a point where they ran out of concessions. Then they got to a point of whether or not the alley issue would continue to dominate the conversation. Frankly, he never heard that Staff supported the elimination of alleys for the 55 and old community and he has been involved in it since day one. That is clarification that he would like to have because he doesn't know that. At the end of the day, he thinks that it is important to understand that fundamentally to Ryan Homes' point made earlier, that they have designed a product and they have done what they could to try to accommodate the Recommendations. He understands that it goes against the true concept of TND. He is the one who put it together in 2005 so he understands the concept of TND. He would be the first one to admit that it doesn't follow the TND but then again, the TND doesn't work. You either have to be broad in your thinking in eliminating the true concept or you just stick with it and maybe someone else will build it.

Mr. Tolbert questioned if Mr. Iacono agreed that further discussion with Staff is not an option? Responding to Mr. Tolbert, Mr. Iacono stated that he doesn't think that after spending a year and a half going back and forth will accomplish anything. He can also tell the Commission that the actual owner is growing increasingly impatient with him and he is on a very short fuse. He doesn't think that he can go back and extend his agreement of sale with the existing owner any longer because he is getting bombarded with phone calls constantly wanting to know where we are at. From a time standpoint, he is out of time.

Mr. Tolbert stated that at this point the Commission should make a motion to either vote it up or down or defer it for further discussion with the Planning Staff because there are still issues to be resolved as was brought out in this hearing.

*Mr. Holt moved to defer MI-19-01 Eden Hill Farm TND: Residential District – Revised Pattern Book (Senior Living Residential & Townhome Option) until the next meeting so that they can go over it one more time with the Planning Staff at a later date.*

Motion was not seconded.

*Ms. Edward moved to approve MI-19-01 Eden Hill Farm TND: Residential District – Revised Pattern Book (Senior Living Residential & Townhome Option) based on the fact that she would like to see the project move forward. The TND was designed in 2005 and certainly time and development has changed since that point.*

Mrs. Melson-Williams asked that Ms. Edwards clarify the extent of approval in regards to the DAC Report and comments. Typically, if things are not exempted out or struck out then the entire Report is adopted as part of the motion.

*Ms. Edwards further motioned to add with the adherence to the DAC Recommendations to be included.*

Mrs. Melson-Williams questioned if Ms. Edwards was recommending adoption of the DAC Report including the City and State Code Requirement Series and the Recommendations that are suggested as conditions of approval that are found on Page 9 and subsequent pages? Responding

to Mrs. Melson-Williams, Ms. Edwards stated no, that is not what she is trying to say.

Mrs. Melson-Williams stated that Ms. Edwards should work her way through the Report to select certain portions of it.

*Ms. Edwards moved to approve MI-19-01 Eden Hill Farm TND: Residential District – Revised Pattern Book (Senior Living Residential & Townhome Option) based on the fact that she would like to see the project move forward. The TND was designed in 2005 and certainly time and development has changed since that point. She would like to include the architectural design concepts and that the final version of the Pattern Book be completed.*

Mr. Tolbert stated that it is a lot to go through and Mrs. Melson-Williams has given us a thorough overview of what the recommendations are and why and to go back through that is being redundant as he views it. We have come to a point where we either approve this application or we don't approve this application or we defer it so the applicant and Staff can go over the issues that have been raised in this hearing this evening and then come back next month with a clearer view on their part and our part. They have already stated that they are in disagreement with the Planning Staff and they have also stated that they don't see a further need for discussion but I do see a need for further discussion because of what has come up in this hearing this evening.

Mrs. Melson-Williams stated that Ms. Edwards was in the middle of a motion and they were trying to configure the motion. She knows that the motion does not have a second at this point but her understanding is that the motion is to approve the application and it would be subject to the DAC Report and that includes the City and State Code Requirements Section that starts on Page 6 (Items 1 through 8) and then that it would also include the Recommendations Suggested as Conditions of Approval that begin on Page 9 (Items 1 through 3 and then the mis-numbering of 9 through 12). Are those all part of the motion? Responding to Mrs. Melson-Williams, Ms. Edwards stated no.

Mrs. Melson-Williams questioned if Ms. Edwards was including City and State Code Requirements in the motion? Responding to Mrs. Melson-Williams, Ms. Edwards stated that maybe they could defer the application so she can figure out the motion.

*Ms. Edwards' motion failed for the lack of a second.*

Dr. Jones stated that she does believe that our community is very much in need of affordable housing; however, all of that we have heard tonight is very complex. She does agree that we don't want to set a precedent. It has been their manner of operation to be guided somewhat by the recommendations of the DAC Report. They are indeed independent thinkers, reasonably intelligent and are able to make decisions.

*Dr. Jones moved to deny MI-19-01 Eden Hill Farm TND: Residential District – Revised Pattern Book (Senior Living Residential & Townhome Option) in view of the impasse, seconded by Mr. Holt and the motion was approved 4-2 by roll call vote. Mr. Roach voting no; he feels as though with the development and the hard work that has been going on he thinks that the*

*implementation of the Pattern Book at this point in time calls for flexibility in regards to the fact that it clearly stated that it could be looked at as a guide. Looking at something from 2005 to now, being 2019 and holding that accountable in regards to the growth of an actual community seems a little bit harsh especially if they have been working with Planning Staff all this time. He would like to at least move forward to the next stage after the Pattern Book. Ms. Edwards voting no; for all of the reasons previously stated. Mr. Holt voting no, for the reasons previously stated. Mr. Baldwin voting no, for the reasons stated. Dr. Jones voting no; she is very uncomfortable with the fact that there is no need for further discussion. Mr. Tolbert voting no, for reasons that have been stated. (Mrs. Mullaney asked for clarification if Mr. Tolbert was voting yes to disapprove the application.) Mr. Tolbert voted yes, to disapprove the application. (Mrs. Mullaney asked if Dr. Jones was voting yes to disapprove the application.) Dr. Jones voted yes. (Mrs. Melson-Williams stated that the motion was to not approve the application and a yes vote is that you agree to “not approve it”. Mrs. Mullaney asked if Mr. Baldwin was voting “yes” to disapprove the application.) Mr. Baldwin voted yes. (Mrs. Mullaney asked if Mr. Holt was voting yes to disapprove the application.) Mr. Holt voted yes.*

### **NEW BUSINESS**

- 1) Resolution honoring Dean Holden for his service on the Planning Commission

Mr. Tolbert stated that the Resolution for Mr. Dean Holden states:

#### ***Resolution***

***Whereas, Dean Holden*** *became a member of the City of Dover Planning Commission on June 25, 2012 and has served with diligence and distinction in this capacity as an advocate for sound land use planning in the public interest; and,*

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

***Whereas, Dean Holden*** *has provided leadership on the Planning Commission through his role as Vice Chairman of the Commission from July 2016 to December 2018 and through his service on the Architectural Review Oversight Subcommittee; and,*

***Whereas, Dean Holden*** *has influenced the pattern and appearance of development in Dover through his contributions to the City’s 2019 Comprehensive Plan Project; his efforts to ensure compliance with the 2008 Comprehensive Plan (as amended); his participation in the development of amendments to the City of Dover Zoning Ordinance regarding various zoning districts and development design requirements; his knowledge of engineering topics; and his advocacy for the implementation of pedestrian pathways and his attention to Silver Lake and other environmental concerns; and,*

***Whereas, Dean Holden*** *completed his term of service on the City of Dover Planning Commission on January 3, 2019.*

***Now Therefore Be It Resolved That,*** *the City of Dover Planning Commission does hereby express*

*its sincere appreciation to **Dean Holden** for his faithful and exemplary service to the Citizens of the City of Dover as an active member of the City of Dover Planning Commission and extends its very best wishes to **Dean Holden** for a bright and prosperous future.*

*Dr. Jones moved to approve the Resolution for Mr. Dean Holden, seconded by Mr. Holt and the motion was unanimously carried 6-0 with Mrs. Welsh and Ms. Maucher absent.*

2) Nomination and Election of Officer (Vice-Chairman)

Mrs. Melson-Williams stated that with Mr. Holden's departure from the Planning Commission, that leaves a void in the position for Vice Chairman. The By-laws for the Planning Commission suggest that any vacancies in either of your named Chair offices should be filled in a diligent manner. We accept nominations and the By-laws say that you should vote in secret, but we can suspend that if there is only one candidate.

Dr. Jones questioned if it was possible to hold off until February when other Commissioners are here? We don't know if someone has a desire to serve in that capacity. Responding to Dr. Jones, Mr. Tolbert stated that they can be nominated even if they are not here.

Mrs. Melson-Williams stated that a Commissioner can certainly put forth a motion to wait until there is a larger compliment of Commission members present in order to take action as well.

*Dr. Jones moved to defer the nominations and election of the Vice Chairman, seconded by Mr. Roach and the motion was unanimously carried 6-0 with Mrs. Welsh and Ms. Maucher absent.*

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

Mrs. Melson-Williams stated that this is also because of the departure of Mr. Dean Holden. He was the Planning Commission member that was appointed to your Architectural Review Oversight Subcommittee. The information in the packet identifies that Mrs. Welsh is one of the Planning Commission members so we would need to fill the vacancy of Mr. Holden in that group as well.

*Mr. Roach moved to defer the appointment to the Architectural Review Oversight Subcommittee of the Planning Commission until the next meeting, seconded by Dr. Jones and the motion was unanimously carried 6-0 with Mrs. Welsh and Ms. Maucher absent.*

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

Mrs. Melson-Williams stated that Planning Staff has kind of been through the Goals and Recommendations Series at the Staff level and we are making a number of refinements to them as we have discussed them amongst ourselves. They will be putting forth another Draft of those Refined Goals and Recommendations. They are also going to be focusing efforts on looking again at the two map series: the Land Use Development Plan and the Annexation Plan and its land use categories. If you have any additional comments on those and you would like Staff to

weigh in on, they will do it. They have set a goal for themselves of having a ~~Draft~~ for internal review of the *Comprehensive Plan* document by mid-February. If the Commissioners have any thoughts or comments about the *Comprehensive Plan*, take a look at those Goals and Recommendations and Map Series that are up on the City's website.

**Meeting adjourned at 9:02 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).



February 4, 2019

*Via email*

Ms. Dawn E. Melson-Williams, AICP  
Principal Planner  
City of Dover  
15 Loockerman Plaza  
Dover, DE 19901

RE: Project No. 10734.CG (Duffield)  
SB-18-01 Minor Subdivision Plan – 747 N. Dupont Highway  
Tax Parcel No. 2-05-068.05-01-15.00-00001 Dover, Kent  
County, DE

Dear Ms. Melson-Williams:

Duffield Associates, Inc. (Duffield) is writing this letter, on behalf of Rojan DD 15, LLC, to request an extension of the Planning Commission decision for conditional approval of the Minor Subdivision Plan for 747 N. DuPont Highway. The decision made at the February 20, 2018 Planning Commission meeting allowed for the creation of two (2) parcels of land from the existing 25-acre parcel. The new parcels will consist of 10 acres (Lot 1) and 15 acres (Lot 2).

Over the past year, the property owner has been working on Site Development Plans for the development of Lot 1. These plans were submitted to the City of Dover on February 1, 2019. We are now working on revising the Minor Subdivision Plan per the Development Advisory Committee (D.A.C.) Report dated February 7, 2018. Check Prints of the plan are anticipated to be submitted to the Planning Office, as well as the other Development Advisory Committee member agencies within the next week.

Since the conditional approval will expire on February 28, 2019, we are requesting that the extension be heard at the February 19, 2019 Planning Commission Meeting while the plans finish the plan approval process.

Please do not hesitate to contact us, if you have any questions or comments with regard to the above request. We appreciate your consideration of this request.

Very truly yours,

DUFFIELD ASSOCIATES, INC.

K. James Taylor, Jr., P.E.  
Project Engineer

KJT:mes  
10734CG.0219-Dover-SubdivisionExtension.COR



**PETITION TO ANNEX AND REZONE PROPERTY**  
Public Hearing and Review Before the Planning Commission  
February 19, 2019

<b>File Number:</b>	AX-19-01
<b>Ordinance Number:</b>	2019-01
<b>Applicants:</b>	New Wind Properties 2920 LLC Franchise Management Services, Inc.
<b>Owner of Record:</b>	New Wind Properties 2920 LLC
<b>Property Address:</b>	2920 North DuPont Highway, Dover DE
<b>Tax Parcel ID #:</b>	ED-00-057.02-01-08.00-000
<b>Lot Size:</b>	0.57 acres
<b>Present Zoning:</b>	BG (General Business Zone)
<b>Proposed Zoning:</b>	C-4 (Highway Commercial Zone)
<b>Comprehensive Plan Designation:</b>	Category 1: High Priority Annexation Areas
<b>Comprehensive Plan Land Use Designation:</b>	Commercial
<b>Present Use:</b>	Vacant Commercial Building
<b>Proposed Use:</b>	Restaurant with drive-thru (Dunkin' Donuts per proposed redevelopment plan submitted to Kent County)
<b>Utility Availability:</b>	<u>Electric:</u> 2920 North Dupont Highway is currently served by City of Dover Electric.  <u>Water and Sanitary Sewer:</u> 2920 North DuPont Highway is not currently served by City of Dover Water or Sanitary Sewer. Currently, the property is served by an on-site well and septic system. Water and Sanitary Sewer are only available on the opposite side of Route 13, this property is situated on the eastern

side of the road. Staff has discussed the utility situation with the Applicant. The developer understands that they will have to obtain DelDOT / City of Dover approval to connect the sanitary sewer on the opposite side of Route 13. This is critical as utility crossings of Route 13 are strongly discouraged by DelDOT and only approved with special approval by District Public Works. The City will allow the property to continue to operate the existing well until it fails, at that point, they will be required to connect to the City's water distribution system. The property owner would be responsible for the costs associated with tapping the sanitary sewer and/or water mains, extending services to the property, payment of impact fees, and obtaining permits.

### Summary

This application is for the Annexation and Rezoning of the property at 2920 N. DuPont Highway, Dover. It is a parcel of land totaling 0.57 acres +/- (25,000 SF). The owner of record is NewWind Properties 2920 LLC. Tax Parcel: ED-00-057.02-01-08.00-000.

### Existing Property

The property is located on the east side of North DuPont Highway and adjacent to the north side of Maxwell Street. The boundary of the City of Dover is currently across North DuPont Highway. This annexation will include the adjoining right-of-way of North DuPont Highway equal to the property's frontage width to connect the property to the existing City boundary on the west side of North DuPont Highway.

The property includes an existing one story building likely constructed originally as a gasoline service station. The property is currently zoned BG (General Business District) in Kent County. The building most recently was utilized as offices; however, it is currently vacant. A potential new occupant of the building has been working through the site/building renovation process in Kent County to establish a new use of the building as a drive-thru restaurant (Dunkin' Donuts). There is a designated exit onto Route 13 and entrance/exit to Maxwell Street. There is part of a sidewalk system along the highway frontage.

### Surrounding Land Uses

Immediately surrounding uses on this east side of North DuPont Highway (Route 13) include other commercial businesses such as offices, service establishments, and retail establishments. To the east of the parcels fronting Route 13, is a residential area consisting of single family dwellings and a mobile home/manufactured home park. These properties are in Kent County. On this east side of Route 13, the closest properties within the City limits are as follows: to the south the WAWA at the intersection with Rustic Lane and to the north are the property at 3074 N. DuPont Highway (Annexed in 2018) and the campus of Wilmington University. The west side of Route 13 is within the City of Dover boundaries and includes the Dover Town Center with multiple retailers, the Outback Restaurant, the Bob Evans Restaurant, a hotel, and the Delaware State University Learning & Living Commons facility.

### Comprehensive Plan

In the *2008 Comprehensive Plan* (as amended), the Potential Annexation Areas (Map 13 -1) identifies the property in the Category 1: High Priority Annexation Areas. The Growth and Annexation Plan Chapter (Chapter 13) notes that “Lands in this category are primarily enclaves of unincorporated territory mostly surrounded by the City of Dover. In all or most of these cases, the City provides these parcels with one or more essential service (sewer, water, police, fire, trash).” For Category 1: High Priority Annexation Areas, it notes in the Recommendation that “the City will not extend sewer and/or water infrastructure to Category 1 areas unless the property owners annex into the City” with consideration given for issues of health, safety and welfare.

The *Comprehensive Plan* also sets the review criteria for the review of zoning for parcels being proposed for annexation. Chapter 13, pages 170-171 note that the Zoning Review may include:

- Proposed zoning be in compliance with the land use category shown on Map 13-2 and used in conjunction with Table 12-1: Land Use and Zoning Matrix;
- Character and compatibility of the surrounding land uses and properties;
- The street type and capacity serving the property;
- Environmental concerns and conditions that may influence land use and zoning;
- Market concerns and conditions;
- The compatibility with the overall goals of the Comprehensive Plan.

Map 13-2: Potential Land Use for Annexation Areas identifies the Land Use for this property to be Commercial. The Land Development Plan Chapter (Chapter 12) makes the following recommendation for Commercial Land Use in this Route 13 area of the City:

#### US Route 13/113 Corridor

The US Route 13/113 corridor is dominated by highway commercial development. For the most part, the Comprehensive Land Development Plan proposes to continue US Route 13/113 as the major commercial corridor in Central Delaware.

Few vacant developable parcels exist within this area. However, potential exists for the redevelopment of older retail stores and strip shopping centers. The Comprehensive Plan encourages the renovation and adaptive reuse of older structures within the highway corridor as means of restoring property value, preventing blight and demolition by neglect, and enhancing the overall image of the highway environment. In some cases the demolition of older structures may be beneficial, and should be supported, to enable redevelopment to occur within the corridor.

As part of the Land Development Plan, Table 12-1: Land Use and Zoning Matrix specifies that the following zones are compatible with this land use classification of Commercial.

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-4 (Highway Commercial Zone)

The applicant has requested the zoning of C-4 (Highway Commercial Zone). The types of permitted uses in the C-4 (Highway Commercial Zone) are given in Article 3 §16 of the *Zoning Ordinance*. See the following Code excerpt:

#### **Article 3, Section 16. - Highway commercial zone (C-4).**

16.1 *Uses permitted.* In a highway commercial zone (C-4), 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) Restaurants.
- (d) Personal service establishments.
- (e) Service establishments.
- (f) Hotels and motels.
- (g) Places of public assembly.
- (h) Bus terminal.
- (i) Wholesale, storage, warehousing, and distribution establishments.
- (j) Indoor or outdoor recreation and amusement establishments.
- (k) Hospitals and medical centers.
- (l) Drive-throughs.
- (m) Motor vehicle, boat, or farm equipment sales or service:
  - (1) The minimum lot size for such establishments shall be 20,000 square feet, and the minimum street frontage shall be 150 feet.
  - (2) Entrance and exit driveways shall have an unrestricted width of not less than 16 feet, shall be located not nearer than ten feet from any property line and shall be so laid out as to avoid the necessity of any vehicle leaving the property to back out across any public right-of-way or portion thereof.
  - (3) Vehicle lifts or pits, dismantled and disabled automobiles, and all parts or supplies shall be located within a building enclosed on all sides.
  - (4) All service or repair of motor vehicles, other than such minor servicing as change of tires or sale of gasoline or oil, shall be conducted in a building fully enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.
  - (5) The storage of gasoline or flammable oils in bulk shall be located fully underground in accordance with applicable provisions of the National Fire Protection Association Code.
  - (6) No fuel pumps shall be located nearer than 15 feet to any street line.
  - (7) Fuel pumps shall not be permitted closer than 100 feet from a property line of any school, day care, church, hospital, nursing home, or place of public assembly designed for the simultaneous use and occupancy by more than 100 persons.
- (n) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products for sale on or off the premises, provided that not more than 25 persons shall be engaged in such activity; and provided further, that any such use shall be subject to the performance standards procedure as set forth in article 5, section 8.

- (o) Mini-storage facilities, subject to the following regulations:
  - (1) No unit shall be placed within 30 feet of a residential property line.
  - (2) No outside storage, except for recreational vehicles, boats, or personal automobiles when completely parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.
  - (3) No individual unit may be used for retail, garage sale, or any other commercial activities.
  - (4) No storage of flammable, explosive, corrosive, or other hazardous products may occur in the individual unit.
  - (5) Parking must be provided at a ratio of one space for each 25 rental units, plus a minimum of three spaces for an office.
- (p) Adult entertainment establishments, subject to the provisions stated in article 5, section 13.

16.2 *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) Apartments and multi-family dwellings.
- (b) Crematory, subject to the following requirements:
  - (1) The building lot line upon which a crematory is to be established shall be located at least 100 feet from any residential zone.
  - (2) Where adjacent to residential zones, all landscape buffers shall be required. The buffer shall consist of a landscape screen no less than six and one-half feet high. All landscaping shall be properly maintained throughout the life of the use on lot.
  - (3) Loading operations shall be conducted within a completely enclosed building. Location of loading doors shall be at the side or rear of the building.
  - (4) The crematory shall comply with the Delaware Incinerator Regulations. A copy of the approved air pollution permit issued by the State of Delaware Department of Natural Resources and Environmental Control shall accompany the application for a certificate of occupancy.

16.3 *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.

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

16.5 *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.

#### Recommendation of Planning Staff:

Staff recommends the annexation of the property at 2920 N. DuPont Highway and its rezoning to C-4 (Highway Commercial Zone) be approved as submitted. The subject property is in the City's Annexation Plan of the 2008 *Comprehensive Plan* as Category 1: High Priority Annexation Areas with a Land Use Designation as Commercial. The C-4 zoning is consistent with the development in the area and is consistent with the Land Use Designation of Commercial.

This recommendation is being made without the 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) From the agency comments received, it appears that ability to provide City water or sanitary sewer service to this property may be challenging due to the location of existing City infrastructure in the area. The applicant has been working with the Department of Public Works, other utility providers, DNREC, and DelDOT regarding access to sanitary sewer service.
- 2) Upon annexation into the City of Dover, the property will be subject to the provisions of the *Dover Code of Ordinances*. This includes procedures such as review processes for plans and permits for construction activities, the City of Dover Business Licenses, etc.
- 3) Prior to establishing any use or commencing with any construction on the subject property, including within the existing building, the applicant shall contact the Planning Office so that the appropriate review process can be determined and coordinated with other reviewing entities including the Fire Marshal's Office, Public Works/Utilities, and the Chief Building Inspector.
- 4) The applicant shall be aware that approval of any Annexation & Rezoning application does not represent Site Development Plan or Record Plan approval. A separate Site Development Plan must be submitted and approved if development activities are proposed to establish a use on the property. A separate Record Plan must be submitted and approved if changes to existing property lines are proposed.
- 5) The applicant shall be aware that approval of any Annexation & Rezoning application does not represent a Building Permit or other construction activity permit approval. A separate application submission showing all improvements is required before issuance of permits by the City of Dover.
- 6) All businesses operating in the City of Dover are required to obtain a City of Dover Business Licenses from the Licensing and Permitting Division located in City Hall. Certain types of uses also require a Public Occupancy permit.

**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: JANUARY 30, 2019**

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

**APPLICATION:** **LANDS OF NEW WIND PROPERTIES 2020 LLC AT  
2920 N. DUPONT HIGHWAY**

**FILE #:** **AX-19-01**

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

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

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

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

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

**CITY AND STATE CODE REQUIREMENTS**

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

1. Our office has no objections to the proposed annexation of tax parcel ED-00-057.02-01-08.00-000.

**WATER / WASTEWATER**

1. Our office has no objections to the proposed annexation of tax parcel ED-00-057.02-01-08.00-000. The City of Dover Department of Public Works does not allow dog house manhole connections per our Water / Wastewater Handbook; therefore a drop connection will be required if the lateral is connected to a manhole. If the manhole is five foot (5') diameter, the drop can be inside, if the manhole is four foot (4') diameter, the drop must be outside. If the connection is not to a manhole, it must be connected to the main through a wye connection.

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

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

1. None

**ADVISORY COMMENTS TO THE APPLICANT**

**ELECTRIC / WATER / WASTEWATER**

1. As per the Petition to Annex and Rezone Property, as heard by the Council Committee of the Whole, January 29, 2019, please find the following:
  - a. 2920 North Dupont Highway is located on the east side of Route 13 and is currently served by City of Dover Electric. It is not served by City of Dover Water or Sanitary Sewer. Currently, the property is served by an on-site well and septic system. Water and Sanitary Sewer are only available on the opposite side of Route 13, this property is situated on the eastern side of the road. Staff has discussed the utility situation with the Applicant. The developer understands that they will have to obtain DelDOT / City of Dover approval to connect the sanitary sewer on the opposite side of Route 13. This is critical as utility crossings of Route 13 are strongly discouraged by DelDOT and only approved with special approval by District Public Works. The City will allow the property to continue to operate the existing well until it fails, at that point, they will be required to connect to the City's water distribution system. The property owner would be responsible for the costs associated with tapping the sanitary sewer and/or water mains, extending services to the property, payment of impact fees, and obtaining permits. The Developer will need to obtain necessary approvals from DelDOT and DNREC prior to construction. The Office of Drinking Water will

need to approve the use of the well, and the applicant will need to abide by any Federal, State and Local laws for water quality.

#### **SANITATION**

1. Every commercial customer shall provide such premises with a sufficient number of solid waste containers to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers. The City of Dover shall provide commercial customers with a maximum of two (2), 90-gallon trash containers and two (2) 90-gallon recycling containers.
2. Any commercial customer requiring more containers, or larger containers, than provided above, must utilize private service. If front loading solid waste removal is required, the customer shall utilize private service.

#### **STORMWATER / STREETS / GROUNDS**

1. None.

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

## CITY OF DOVER

### DEVELOPMENT ADVISORY COMMITTEE

### APPLICATION REVIEW COMMENTARY

**D.A.C. MEETING DATE:** 01/30/19

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**APPLICATION:** Lands of New Wind Properties 2920 LLC at 2920 N DuPont Hwy

**FILE #:** AX-19-01

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 an annexation and rezoning request. This office has no objections to the annexation and rezoning. The current building is vacant and would need to be registered as such with the City of Dover Code Enforcement Office. Building permits/plans submission to the Chief Building Inspector would be required.

#### ADDITIONAL / SPECIFIC REQUIREMENTS AFTER ANNEXATION AND REZONING:

The following comments are being provided in reference to the proposed restaurant:

1. Proposed building is restaurant.
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 TBD (additional information needed, type of occupancy) 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. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.
6. Fire Alarm System required per occupancy code requirements (additional information needed (occupant load) to determine if this is required).

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)

7. Sprinkler system required (additional information needed to determine if this is required).  
System is to be monitored by an approved Fire Alarm System.

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

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

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

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

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

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

In residential occupancies when of: Type V (0,0,0) or Type III (2,0,0) construction and exceeding two (2) stories or 25 feet in height. Type V (1,1,1) and Type III (2,1,1) or Type IV (2,H,H) construction exceeding three (3) stories or 30 feet in height. 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)

8. 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.
9. 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)
10. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.
11. The installation of natural gas and LP gas meters, regulators, valves, and LP gas bottles shall be protected from impact damage by impact protection. Natural gas and LP gas meters, regulators, and valves located inside structures shall have impact protection, except when located in separate protected utility rooms.

*Dimensions of bollards.* Bollards shall be a minimum of six-inch diameter filled with concrete. The bollard shall be set into the ground at a depth of at least 36 inches (three ft.) embedded in

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

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

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

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

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

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

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

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

*Arabic numerals,* all numbers used shall be Arabic numerals,

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

13. (Only required if a fire alarm system is required) A lock box (Knox) containing any and all means necessary for fire department access shall be provided at the following occupancies: any occupancy that contains a fire alarm signaling system that is monitored off-site, or any occupancy that contains an automatic sprinkler system.

(2015 Delaware State Fire Prevention Regulations 705, Chapter 5, 2.4)

*Secured key systems. When required; exemption.* A secured key system shall be required for any new or existing building where a fire alarm or sprinkler system is being installed. It shall be the responsibility of the owner or occupant to keep a set of keys in the secured key box that are current to the locks of the protected occupancy. Buildings with 24-hour staffing or guard service shall be exempt from this subsection.

*Location.* The secured key system shall be located as close to the main entrance as possible. Should the building design not allow the secured key system to be located by the main entrance, the fire marshal and fire chief shall come to an agreement as to an alternate location for the key box. A secured key system, once installed, shall not be obstructed from view or obstructed by any means that would delay the fire department access to the box.

*Required keys.* Keys to be secured in the key box shall include keys to all points of ingress or egress, whether on the interior or exterior of the building, and keys to locked mechanical rooms, electrical rooms, elevator rooms, fire alarm and sprinkler controls and any area protected by automatic fire detection. Keys to individual residential apartment units are not required.

*Ordering responsibility.* It shall be the responsibility of the general contractor to order the key box for new buildings. It shall be the responsibility of the owner or tenant to order the key box for existing buildings.

*Installation before testing.* No acceptance test for sprinklers or fire alarms shall be conducted before the installation of a key box.

(City Code of Ordinances 46-127)

Knox Box to be mounted 6 feet above ground level.

14. All required means of egress shall have an exit discharge consisting of a non-slip surface, and leading to and terminating at a public way.
15. Project to be completed per approved Site Plan.
16. Full building and fire plan review is required.
17. Separate building permits/plans submission will be required for each building and/or tenant fit out. If the permit submission is for a "shell" a Certificate of Occupancy will not be issued. Separate plans and permits submissions will be required for each "tenant fit out" at which time a Certificate of Occupancy will be issued upon compliance/completion of each "tenant fit out".  
  
Each "shell" will require a fire permit for sprinkler and fire alarm if applicable. Those systems (for the "shell") must be accepted into service prior to any "tenant fit out" fire permits being issued.
18. Construction or renovations cannot be started until building plans are approved.
19. Fire alarm systems, fire suppression systems, hoods, and hood suppression systems require a fire permit from the Fire marshal's Office. This work cannot be started until the permit is approved.

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

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

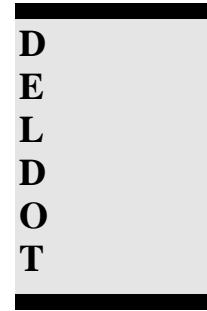
2015 Delaware State Fire Prevention Regulations

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: January 30, 2019



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APPLICATION: Lands of New Wind Properties 2920 LLC

FILE#: AX-19-01

REVIEWING AGENCY: DeIDOT

CONTACT PERSON: Joshua Schwartz

PHONE#: 302-760-2768

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

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

CITY & STATE CODE REQUIREMENTS:

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. No Objection to the annexation and rezoning. Property Inbound access shall be from Maxwell Street
2. The plan is currently being reviewed by DeIDOT.



# 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**  
**January 2018**

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**APPLICATION:** *Lands of New Wind Properties*

**FILE #:** AX-19-01

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

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

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

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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:

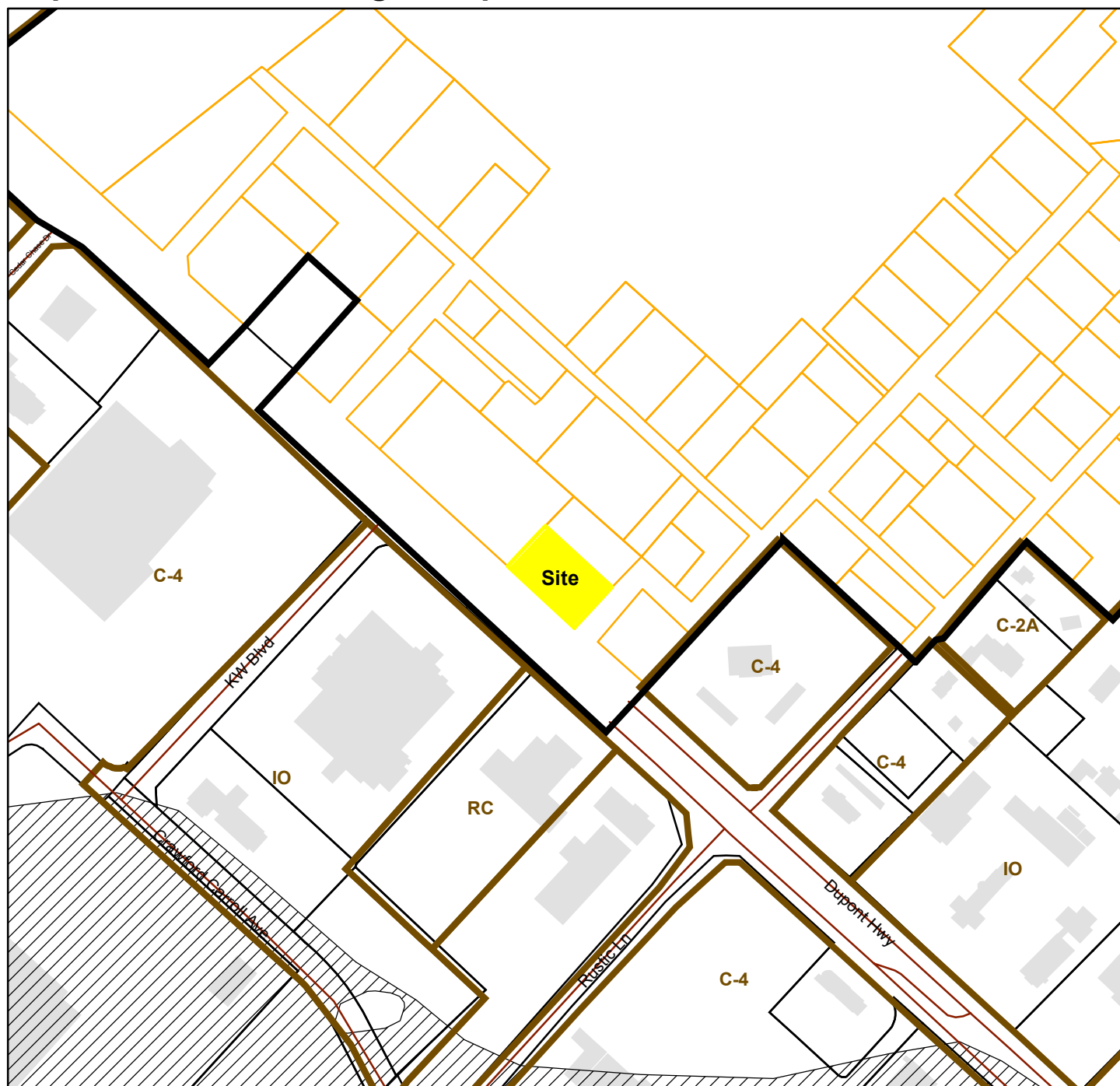
Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the annexation of the above referenced site.







ADVISORY COMMENTS TO THE APPLICANT:

1. If at any time expansion or earth disturbing activity (clearing, grubbing tree clearing etc.) takes place and exceeds 5000 square feet; a detailed Sediment and Stormwater Management Plan must be submitted and approved to the Kent Conversation District.



Title: Lands of NewWind Properties 2920 LLC  
Address: 2920 North DuPont Highway  
Parcel ID: ED-00-057.02-01-08.00-000  
Proposed Zoning: C-4 (Highway Commercial Zone)  
Owner: New Wind Properties 2920 LLC  
Date: 12/21/2018

### Legend

-  Dover Boundary
-  Zoning
-  Dover Parcels
-  Kent County Parcels
-  Subject Property
-  2012 Buildings



0 200 400 800 Feet



PROPOSED AMENDMENT TO THE 2008 *COMPREHENSIVE PLAN*

Public Hearing and Review Before Planning Commission

February 19, 2019

Proposed Amendment to the  
2008 *Comprehensive Plan*:

- A. Review of an Amendment to the *2008 Comprehensive Plan*, as amended. The Amendment is for Consideration of Amendment to Map 12-1: Land Development Plan Map. The Request for a 22.967-acre parcel located on the north side of Commerce Way is to revise the Land Use Classification from Residential High Density to Industrial and Public Utilities. The area to be revised consists of 13.967 acres as the remaining area of 9.00 acres currently has the Land Use Classification of Industrial and Public Utilities. The property owner is H&M Properties, LLC c/o Jack Melvin. Property Address: 22.967 Acres on Commerce Way. Tax Parcel: ED-05-076.10-02-07.03-000. This is associated with Rezoning Application Z-19-01.

Ordinance Number: #2019-04

File Number: MI-19-02

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 6, 2019

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APPLICATION: Comprehensive Plan Amendment 2019: Proposed Amendment to the 2008 Comprehensive Plan (Land Use Classification for Property on Commerce Way)

FILE#: MI-19-02      REVIEWING AGENCY: City of Dover Planning Office

CONTACT PERSON: Dawn Melson-Williams, AICP      PHONE#: 736-7196

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Project Background:

The *2008 Comprehensive Plan* was adopted by City Council on February 9, 2008, and subsequently amended on November 23, 2009, (in conjunction with the 2009 Comprehensive Rezoning Project), amended on March 14, 2011, amended on April 11, 2011, amended on March 12, 2012, amended on March 10, 2014, amended on April 13, 2015 and amended March 14, 2016. As adopted, the *2008 Comprehensive Plan* sets forth a process by which the *Comprehensive Plan* can be amended on an annual basis. Amendments to the *Comprehensive Plan* can be initiated by staff or requested by members of the public. For amendments to the *Comprehensive Plan* that involve rezoning of property, the requests are processed concurrently.

The process to amend the *Comprehensive Plan* is detailed in the *2008 Comprehensive Plan*, Chapter 15: Implementation, specifically on pages 183 and 184 of the Plan. This process involves review of the proposed amendments through PLUS (Preliminary Land Use Services). These Comprehensive Plan Amendment 2019 were submitted to PLUS review for the January 23, 2019 PLUS review meeting. PLUS comments will be forthcoming.

The proposed amendment is detailed below and represented in the attachments.

A. **Amendment to Map 12-1: Land Development Plan Map – Request for Land Use Classification Change from Residential High Density to Industrial and Public Utilities on Commerce Way**

This proposed amendment is an applicant-initiated amendment, where one property owner is requesting a change to the Land Use Classification for property located on the north side of Commerce Way. The Request is that Land Use Classification be changed from Residential High Density to Industrial and Public Utilities as depicted on Map 12-1: Land Development Plan. This request is associated with the rezoning application for the same property, identified as Z-19-01 Lands of H&M Properties, LLC.

### Applicant's Request

This Request was submitted by the property owner H&M Properties, LLC. The property currently has the zoning of RG-2 (General Residence Zone) and IPM (Industrial Park Manufacturing Zone). The current zoning (and Land Use Classifications) was the result of a Comprehensive Plan Amendment of February 2008 and its associated rezoning application Z-08-03 that was filed in anticipation of development of an expansion to the adjacent Woodmill Apartment Complex. The development plan C-08-14 Lands of Woodmill Apartments Expansion expired prior to commencement of construction. The property owner now wishes to return the entire parcel to the IPM zoning; see attached Request and Exhibit Map.

The Request for a 22.967-acre parcel located on the north side of Commerce Way is to revise the Land Use Classification from Residential High Density to Industrial and Public Utilities. The area to be revised consists of 13.967 acres as the remaining area of 9.00 acres currently has the Land Use Classification of Industrial and Public Utilities.

### Comprehensive Plan

The 2008 *Comprehensive Plan* depicts the subject areas of 13.967 acres as Residential High Density with the balance of the property as Industrial and Public Utilities as the Land Use Classifications on Map 12-1: Land Development Plan Map. The Request seeks to take the entire parcel to the Industrial and Public Utilities. The approaches to Land Uses are also discussed in other areas of the *Comprehensive Plan*; see excerpts below.

Regarding Residential Land Uses and the Land Use Classification of Residential High Density, this is discussed in Chapter 12 – Land Development Plan, pages 145-148. Specifically, Residential High Density is discussed as follows (page 147-148):

#### **Recommendation for High Density Residential**

High Density Residential land uses involve a gross density of eight or more dwelling units per acre and may include high rise, mid-rise or garden apartments, and townhouse developments. Duplexes and single family homes are also permitted in mixed-use developments. The following zoning districts permit high density residential development: RG-1 (General Residence), RG-2 (General Residence), RG-3 (Group Housing), RG-4 (Multi-Story Apartments), RG-5 (Mid-Rise Apartments), RM-2 (Medium Density Residence), RGO (General Residence and Office), and MHP (Mobile Home Park).

The Comprehensive Land Development Plan recommends that high density residential be dispersed throughout the City along arterial roadways in close proximity to other high-density residential uses, schools, neighborhood commercial areas, transit service, and other compatible non-residential land use areas. High density residential development is also appropriate in some areas of the downtown, most of which are shown as mixed use on the Land Development Plan.

Although very few vacant developable acres have been designated for high-density residential use, housing types usually associated with higher density zones may be accommodated through the Planned Neighborhood Design option or Traditional Neighborhood Design

Regarding Employment Centers and Industrial Land Uses, in Chapter 12 – Land Development Plan, page 154 and 155, the *2008 Comprehensive Plan* states the following:

**Employment Centers: Office Park, Manufacturing and Industrial Land Uses**

To a large extent, office parks and industrial land uses are relegated to areas partially or completely occupied by existing industrial and/or manufacturing uses. A vast area of vacant developable land north of and adjoining Dover Air Force Base has been designated for industrial and manufacturing uses. Such uses are generally more compatible with military operations and seem to be less effected by noise associated with military over flights. While the Land Development Plan map shows this area as 'Industrial,' the City will not rezone residential lands within this area that are actively used as residences until such time that these residential uses cease. Other areas for employment centers are adjacent to transportation routes (vehicle and rail).

***Assumptions: Employment Centers***

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1. The Dover community is fortunate to harbor several regional, national and international industry leaders within the City limits. Dover intends to accommodate the reasonable aspirations and expectations of its industrial and manufacturing community to support the vitality of these precious resources.
2. A healthy and well-rounded local economy will depend upon diversity in business and employment opportunities.

***Goal: Employment Centers***

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Create a more vibrant, growing economy with a broader range of job opportunities through an increase in office and industrial development in appropriate and designated areas.

***Policies: Employment Centers***

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1. Protect existing industrial, office park and manufacturing establishments from encroachment by incompatible land uses, which could result in nuisance complaints, hazardous situations, and human conflict.
2. Provide sufficient land area for industrial purposes to enable the expansion of existing industries and the establishments of new facilities.
3. Provide for a variety of office park and industrial development opportunities through the designation of areas for small, medium and large industrial establishments within planned industrial parks.
4. Promote alternative modes of accessibility including pedestrian and bicycle facilities, bus shelters and transit stops, and provide incentives for car and van pooling of employees.

***Recommendations: Employment Centers***

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***Office Parks***

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The Land Development Plan designates specific tracts of land of various sizes for office park development. Office park development involves an integrated development of office buildings with shared entrances, driveways and parking. The majority of uses permitted within an office park are generally weekday professional office uses involving very little or no activity at night or on weekends. For this reason, the office park

designation may be viewed as a transitional use category when situated between more intense commercial and industrial land uses and residential land uses. This designation usually involves the C-PO (Commercial/Professional Office Zone) designation.

Another sizable area west of Bayhealth Medical Center (Kent General Hospital) which has been developing into a medical office environment has been designated for future office park development as well. This area includes frontage areas of South Queen and South New Streets and the westerly side of South Governors Avenue from Water Street to Waples Avenue. Much of this area is currently in service commercial use and includes an automobile dealership and related businesses as well as the Spence's Bazaar property.

Smaller scale areas for office parks are the Woodbrook complex on South Governors Avenue and areas along Route 8.

#### Large Scale Manufacturing

The Land Development Plan designates all existing major industrial facilities and associated vacant lands for industrial and manufacturing use. These properties include the manufacturing facilities of Kraft General Foods, Playtex Products, Sunroc, Scott Paper and General Metalcraft.

#### Industrial Parks

Several planned industrial parks have been initiated since 1986, which offer industrial development potential. The Land Development Plan designates these sites for continued industrial use. These sites include Kent County AeroPark, Enterprise Business Park, College Business Park and McKee Business Park.

#### Recommendations of the Planning Staff:

The Planning Staff provides the following recommendations regarding the Comprehensive Plan Amendment 2019: Land Use Classification Change on Commerce Way.

The City of Dover is currently in the process of drafting its *2019 Comprehensive Plan Project* document; however, it is not anticipated to have the plan adoption and certification process completed in the timeframe for action sought by this applicant to proceed with the sale and future development of the property. As part of the preparation of the *2019 Comprehensive Plan*, a Preliminary DRAFT of the Land Development Plan Map Series (4 Maps Quadrants A-D) was released by the Planning Office on August 23, 2018. This Preliminary DRAFT Land Development Plan Map recommends that the entire subject parcel have the Land Use Classification of Industrial. See Preliminary DRAFT Map Quadrant C as Presented on the 2019 Comprehensive Plan Project webpage at <https://www.cityofdover.com/2019-comprehensive-plan> or the following link: <https://evogov.s3.amazonaws.com/media/27/media/167638.pdf>

Both affordable housing and economic development are needed in the City, and both issues are addressed in the City's *2008 Comprehensive Plan*. In this case, there are two priority issues that compete: the need for affordable housing and the need for land to support economic development. As part of the Enterprise Business Park, this site is one of the few "shovel ready" industrial sites in the City. Based on the lack of action (in almost 10 years) to develop the residential portion of the property, the Planning Staff supports the proposed change to the Land Use Classification of Industrial. With the proximity this entire property to the Enterprise Business Park it seems to be more appropriate and desirable for industrial development.



**CITY OF DOVER**  
**APPLICATION REVIEW COMMENTARY**  
**JANUARY 30, 2019**

**CITY OF DOVER**  
**Public Works**  
**Departments**

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**APPLICATION:**    **Comprehensive Plan Amendment 2019**

**FILE #:**            **MI-19-02**

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

**CONTACT PERSON:**        **Jason A. Lyon, P.E. – Public Works**

**CONTACT PHONE #:**       **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. No objections to the proposed amendments.

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

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

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

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

1. None.

**ADVISORY COMMENTS TO THE APPLICANT**

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

1. None

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

## CITY OF DOVER

## DEVELOPMENT ADVISORY COMMITTEE

## APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 01/30/19

APPLICATION: Comprehensive Plan Amendment 2019

FILE #: MI-19-02

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. This is for an amendment to the 2008 Comprehensive Plan only. This office has no objections.

ADDITIONAL / SPECIFIC REQUIREMENTS AFTER AMENDMENT:

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

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

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

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

2. 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.
3. 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.

4. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.
5. Gated Areas: Fire Department access shall be provided to the property through the use of a system or device approved by the Fire Marshal. The system or device required shall be located in an area accessible to the fire department and approved by the Fire Marshal. All gates shall be either automatic or manual.

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

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

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

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

6. 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.

7. 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.

8. 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)

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

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

12. Construction or renovations cannot be started until building plans are approved.
13. 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.
14. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

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)

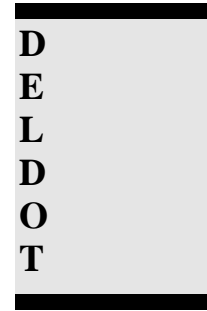
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations

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: January 30, 2019



=====

APPLICATION: Lands of H & M Properties, LLC

FILE#: MI-19-02 & Z-19-01  
DelDOT

REVIEWING AGENCY:

CONTACT PERSON: Joshua Schwartz

PHONE#: 302-760-2768

=====

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

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

CITY & STATE CODE REQUIREMENTS:

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. No Objection to Comprehensive Plan Amendment
2. No Objection to the rezoning.
3. Commerce Way is maintained by the City of Dover

## **Comprehensive Plan Amendment Application**

Submission Date 12/14/18

Tax Parcel : ED-05-076.10-02-07.03

Lands of H & M Properties

Enterprise Business Park

### **Formal Petition for Amendment and Rationale**

The above property currently has a split zoning of RG2 / IPM. As an original parcel of the Enterprise Business Park it was zoned IPM in its entirety.

Approximately 10 years ago , an Equitable Interest successfully applied and was granted by the City of Dover , a rezoning request for a 13.967 portion of the property that was adjacent to an existing apartment complex on the Northwest side, to allow expansion of that complex onto this property. The Equitable Interest never took legal title to this property and the project was never realized.

The Comprehensive Plan 2019 project has determined and recommended that said property should have an Industrial Use classification. This is shown on the Preliminary Draft Copy of the Land Development Plan Quadrant C proposed August 2018.

H & M Properties , LLC , as owner of record , fully agrees with the City of Dover that said property should regain its IPM zoning classification. H & M Properties, LLC would like to begin the process to rezone the property through a Comprehensive Plan Amendment and not wait for the subsequent adoption of the 2019 Plan. This would sooner allow the full use of the property within the Industrial / IPM zoning classifications.

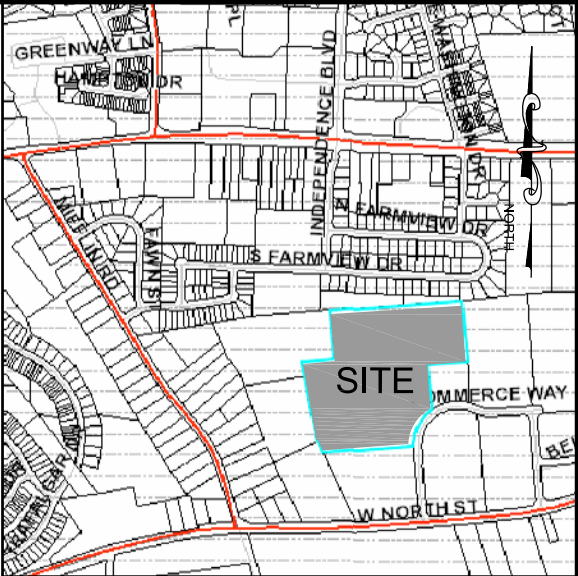
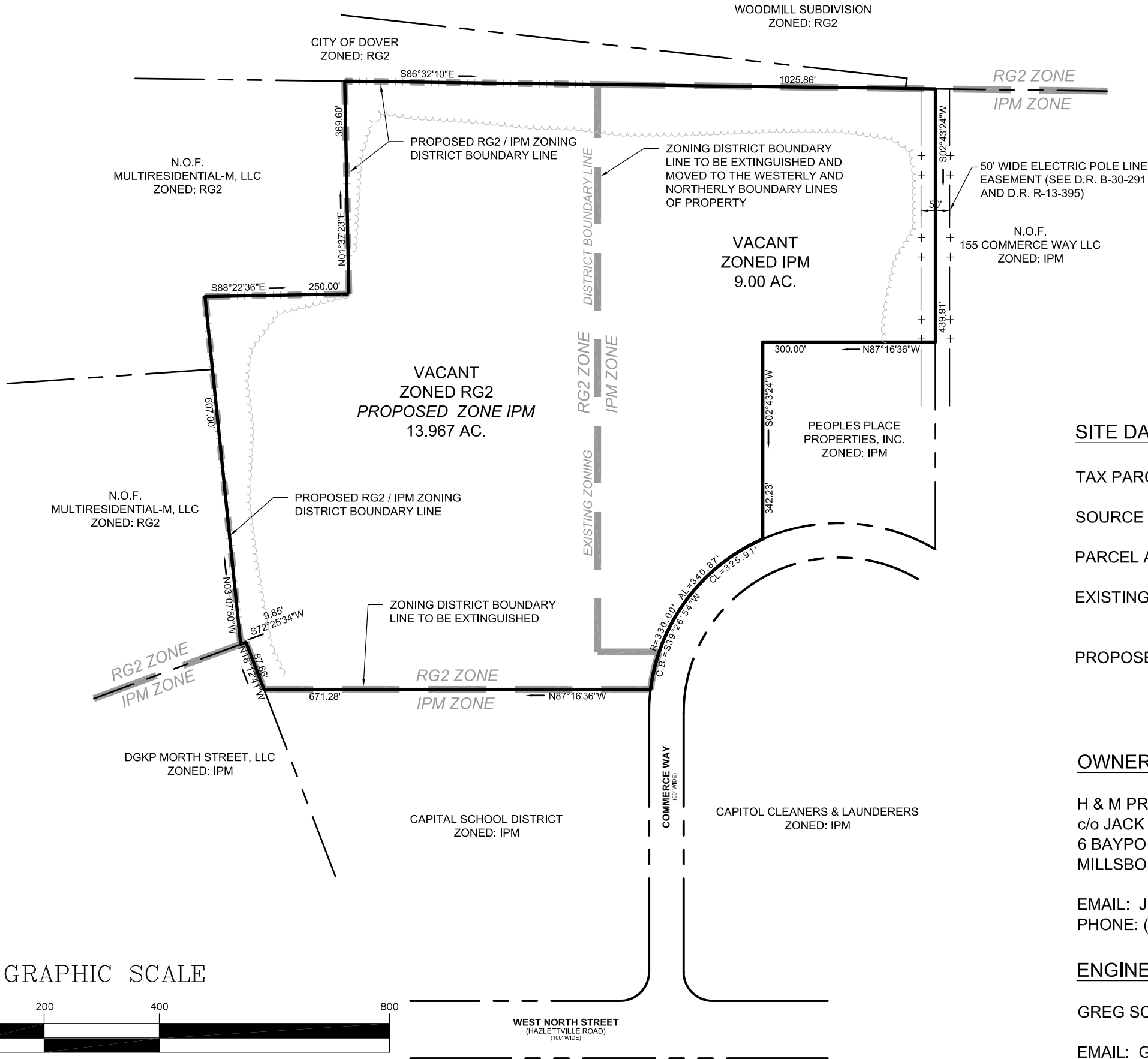
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P-54-295

GRAPHIC SCALE



( IN FEET )  
1 inch = 200 ft.



LOCATION MAP SCALE: 1" = 1500'

SITE DATE

TAX PARCEL NO. ED-05-076.10-02-07.03-000

SOURCE OF TITLE P-54-295

PARCEL AREA 22.967± AC.

EXISTING ZONING RG2 - 13.967 AC.  
IPM - 9.00 AC.

PROPOSED ZONING IPM - 22.967 AC.

OWNER:

H & M PROPERTIES, LLC  
c/o JACK MELVIN  
6 BAYPOINT ROAD  
MILLSBORO, DE 19966  
  
EMAIL: JMELVIN902@HOTMAIL.COM  
PHONE: (302) 670-2045

ENGINEER:

GREG SCOTT  
  
EMAIL: GSCOTT@SCOTTENGINEERING.COM  
PHONE: (302) 736-3058



**SCOTT**  
ENGINEERING, INC.

CONSULTING ENGINEERS  
SURVEYORS  
LAND PLANNERS

22 OLD RUDNICK LANE, SUITE-2  
DOVER, DE 19901  
(302)-736-3058  
(302)-736-3059 (FAX)  
WWW.SCOTTENGINEERING.COM

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REVISIONS	DATE				

REZONING PLAN  
FOR LANDS OF  
**H & M PROPERTIES, L.L.C.**  
COMMERCE WAY

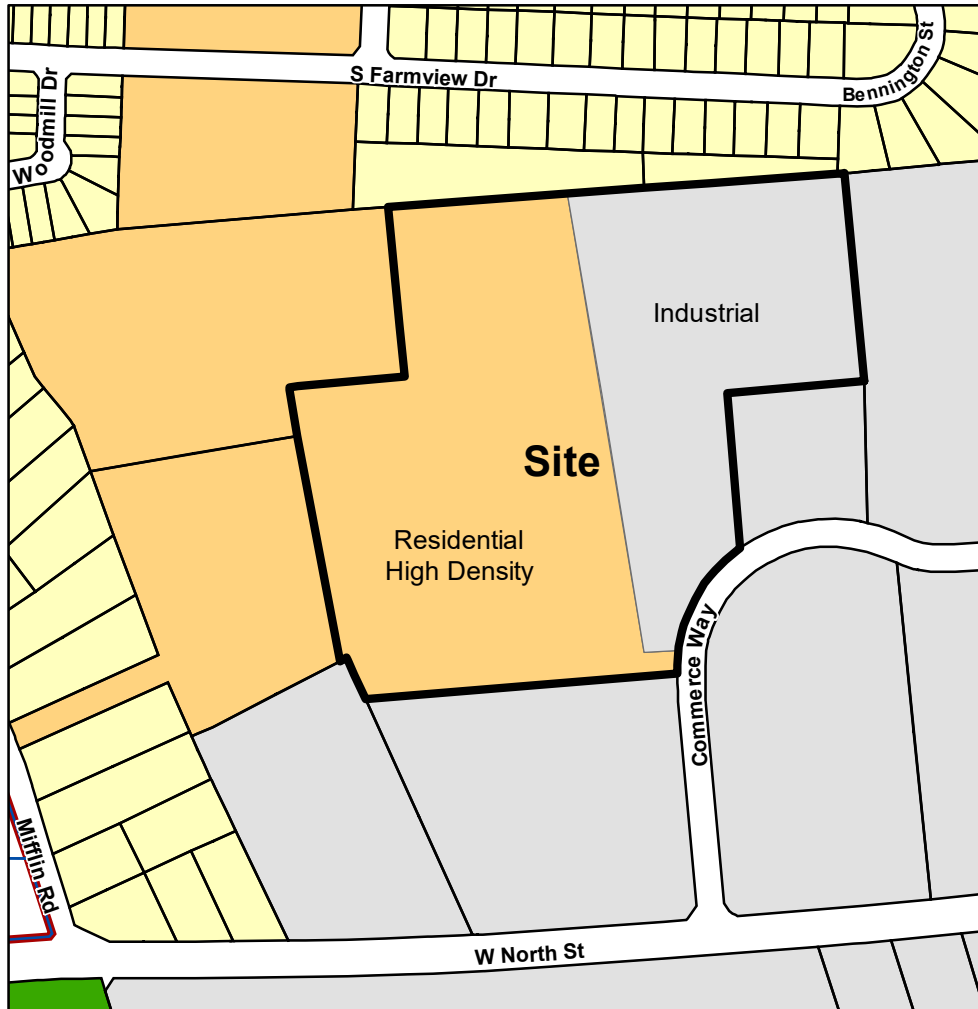
SITUATE IN: CITY OF DOVER, EAST DOVER HUNDRED, KENT COUNTY, STATE OF DELAWARE

ISSUED FOR  
AGENCY REVIEW

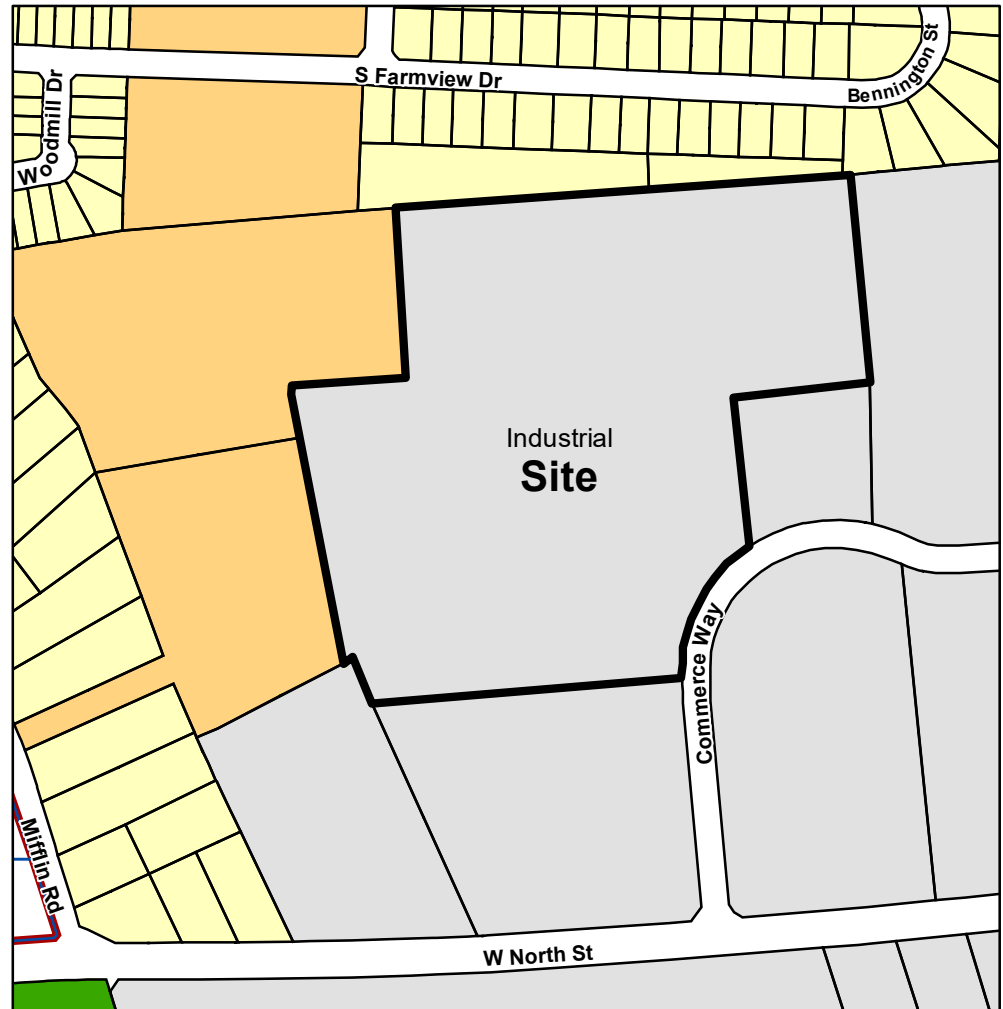
SURVEYED BY:	S.E.I.
DRAWN BY:	G.R.S.
SCALE:	1"=200'
DATE:	12/14/18
DWG. NO:	M-4811
SHEET NO:	C-1



## Current Designation



## Proposed Designation



Plan Title: Lands of H & M Properties LLC  
 Location: Northwest side of Commerce Way north of North Street  
 Plan Type: Comprehensive Plan Amendment  
 Tax Parcel: ED-05-076.10-02-07.03-000  
 Current Land Use: Residential High Density and Industrial  
 Proposed Land Use: Industrial  
 Owners: H & M Properties LLC  
 Date: 12/28/2018



0 175 350 700 Feet

### Legend



Dover Boundary

Dover Parcels

### Land Use Classifications



Active Agriculture

Commercial

DoverAFB

Industrial and Public Utilities

Institutional

Mixed Use

Office

Open Space, Conservation, Recreation

Residential High Density

Residential Low Density

Residential Medium Density

Train Track

Water



## PETITION TO AMEND ZONING DISTRICT

Public Hearing and Review for Recommendation before the Planning Commission  
February 19, 2019

Owners: H & M Properties, LLC

Address: 22.967 Acres on Commerce Way

Location: Northwest side of Commerce Way and north of West North Street,  
as part of Enterprise Business Park

Tax Parcel: ED-05-076.10-02-07.03-000

Size: Parcel: 22.967 acres  
Area of Rezoning: 13.967 acres

Present Use: Vacant

Proposed Use: Future development

Comprehensive  
Plan Designations: Residential High Density and Industrial and Public Utilities

Proposed Comprehensive  
Plan Designation: Industrial and Public Utilities

Present Zoning: RG-2 (General Residence Zone)  
IPM (Industrial Park Manufacturing Zone)

Proposed Zoning: IPM (Industrial Park Manufacturing Zone)

Reason for Request: To rezone entire parcel to IPM zoning district to allow full use of  
the property within the industrial zoning classification. A  
previously proposed residential project on the RG-2 portion of the  
property by an equitable interest was never realized.

File Number: Z-19-01

Ordinance Number: 2019-05

This Rezoning Application is for Lands of H & M Properties, LLC which consist of 22.967 acres on the northwest side of Commerce Way. The property currently has two zoning classifications: the western 13.967 areas is zoned RG-2 (General Residence Zone) and the eastern remaining 9 acres is zoned IPM (Industrial Park Manufacturing Zone). The proposed zoning is IPM (Industrial Park Manufacturing Zone) for the entire parcel. This Rezoning Request is associated with request MI-19-02 for Comprehensive Plan Amendment as a Land Use Classification revision to Map 12-1.

#### Existing Property:

The subject property area of 22.967 acres is currently a vacant lot and is part of the Enterprise Business Park. It is the largest vacant tract remaining undeveloped in the Business Park.

The applicant is seeking rezoning to IPM (Industrial Park Manufacturing Zone) to allow for future development of the property. The development of the site will be subject to a separate application submission.

#### Surrounding Land Uses:

This property is located on Commerce Way in the Enterprise Business Park and to the north of West North Street. Other land surrounding the subject parcel within the Business Park is zoned IPM (Industrial Park Manufacturing Zone). Its immediate neighbors on Commerce Way include the Capital School District Office & Maintenance Facility and the facility of Peoples Place Properties, Inc. North and west of the subject property are lands zoned RG-2 (General Residence Zone). To the north are single-family detached residences on Farmview Drive in the Woodmill Subdivision, and to the west are the Woodmill Apartments.

#### Previous Applications

A Comprehensive Plan Amendment & Rezoning Application Z-06-06 for this site was filed in 2006; however, the applicant withdrew the application after receiving State comments through the PLUS process and comments from the City's Planning Office that were not supportive of rezoning the entire property to residential use. The application was withdrawn prior to any formal review.

In 2008, the property was again the subject of Comprehensive Plan Amendment to the Land Development Plan Map of the *2003 Comprehensive Plan Update* which was approved to change the land use category classification from Industrial and Public Utilities to High Density Residential for the western portion (13.967 acres) of the property. The associated Rezoning Application Z-08-03 Lands of H&M Properties then rezoned the western portion from IPM to RG-2. The 2008 Application only sought to change the land use and rezone only a portion of the parcel rather than the entire parcel.

With the successful rezoning, a Conditional Use Site Plan Application C-08-14 Woodmill Apartments Complex (Expansion) was filed and then reviewed by Planning Commission in February 2009. The Plan proposed development of the residentially zoned area with six apartment buildings for a total of 216 dwelling units. The plan included a Minor Subdivision Plan to subdivide the property into two (2) parcels of land. The Plan expired in 2011 with no action to commerce construction or to subdivide the property.

Comprehensive Plan:

The *2008 Comprehensive Plan* depicts the subject area of 13.967 acres as Residential High Density with balance of the property as Industrial and Public Utilities as the land use classifications on Map 12-1: Land Development Plan Map. Under MI-19-02, there is a request to change the land use classification to Industrial and Public Utilities for the entire parcel. If the Comprehensive Plan Amendment is approved, then the requested zoning of IPM would be consistent with the Comprehensive Plan. If the Comprehensive Plan Amendment is not approved, the zoning requested would not be consistent with the Comprehensive Plan.

For the land use classification of Industrial and Public Utilities, the *2008 Comprehensive Plan* allows the zoning districts of C-3, M, IPM, and IPM-2.

Request for IPM (Industrial Park Manufacturing) Zoning

The following description of the IPM zoning district is provided from Article 3 §20 of the *Zoning Ordinance*.

**Section 20. - Industrial park manufacturing zone (IPM).**

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

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

20.12 Research, design, testing and development laboratories.

20.13 Printing, publishing, binding, packaging, storage, warehousing, transshipment and distribution, and trucking terminals.

20.14 Business, professional or administrative offices; banks and financial institutions; hotels, motels and restaurants; public parks, playgrounds, and recreational facilities; and public utility uses, provided that these uses shall only be located upon a thoroughfare, arterial street or access highway with[in] the IPM zone. Retail sales and service establishments within planned industrial parks for local needs and local consumption of the employees and customers of the other permitted uses within the planned industrial park.

20.15 Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

20.16 Agricultural or farm uses as defined and permitted in article 3, section 1.11.

20.17 The following uses may be permitted as conditional uses if approved by the planning commission in accordance with the provisions and procedures set forth in [article 10](#), section 1 and any specified requirements set forth below:

(a) Associated retail uses in conjunction with and accessory to a permitted use, provided that the associated retail use does not occupy more than 30 percent of the gross floor area of the building or group of buildings on a lot. Parking shall be provided at a rate of one parking space per 300 square feet of retail space for the exclusive use of retail customers in addition to the bulk parking requirements of this zoning district for a particular use.

20.18 Mini-storage facilities, subject to the following regulations:

- (a) No unit shall be placed within 30 feet of any other structure on the lot or a residential property line.
- (b) No outside storage [is allowed], except for recreational vehicles, boats or personal automobiles when completely screened from view and parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.
- (c) No individual unit may be used for retail, garage sale or any other commercial activities.
- (d) No storage of flammable, explosive, corrosive or other hazardous products may occur in the individual unit.
- (e) Parking must be provided at a ratio of one space for each 25 rental units, plus a minimum of three spaces for an office outside of the enclosure. One row of parallel parking is permitted between buildings at a ratio of one space per 25 feet.
- (f) All other bulk requirements of this ordinance are met.

20.2 *Uses prohibited.* The following uses are specifically prohibited:

20.21 Residences, except those existing at the time of adoption of this amendment.

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

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

20.24 Operations involving stockyards, slaughterhouses, and slag piles.

20.25 Storage of explosives, [and] bulk or wholesale storage of gasoline above [the] ground.

20.26 Dumps.

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

20.28 Junkyards, automobile dismantling plants or storage of used parts of automobiles or other machines or vehicles or of dismantled or junked automobiles

20.3 *Development options.* Land zoned IPM may be developed on a conventional individual lot basis or as a planned industrial park development made up of multiple individual lots and containing an internal road system. Lot area, bulk and parking requirements for conventional development in an IPM zone shall be as set forth in article 4, section 4.16 of this ordinance. Development of land in an IPM zone as a planned industrial park shall be permitted only when certain eligibility requirements, as set forth in article 3, section 20.4 of this ordinance, and when specific design standards, as set forth in article 3, section 20.5 of this ordinance, are met.

Recommendation of the Planning Staff:

Staff supports the rezoning request from RG-2 to IPM, provided that the companion Comprehensive Plan Amendment is first approved then making the rezoning request compliant with the Comprehensive Plan. This rezoning would place the entire property in the same zoning classification and return the property to the original zoning classification of IPM under which the majority of the Enterprise Business Park has been developed. It is noted that during the Site Development Plan review process there are other provisions of the *Zoning Ordinance* that will address buffering of the property development from its residential neighbors.

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) This Rezoning Application Z-19-01 is associated with MI-19-02 Comprehensive Plan Amendment 2019 which must be approved for this Rezoning Request to IPM to be considered compliant with the Comprehensive Plan.
- 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 regarding this rezoning, then an application for a Site Plan, Subdivision Plan, and/or appropriate Building Permits must be submitted to the Planning Department prior to the establishment of a use, development activity, or any construction activity on the site. The applicant should contact the Planning Staff to determine the appropriate review process for any proposed projects.
- 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: JANUARY 30, 2019**

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

**APPLICATION:** LANDS OF H&M PROPERTIES, LLC ON COMMERCE WAY  
**FILE #:** Z-19-01  
**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**

Our office has no objection to the rezoning of:  
ED-05-076.10-02-07.03-000

**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 / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS**

1. None.

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

Z-19-01

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

**D.A.C. MEETING DATE:** 01/30/19

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**APPLICATION:** Lands of H & M Properties LLC on Commerce Way

**FILE #:** Z-19-01      **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 a rezoning application only. This office has no objections.

ADDITIONAL / SPECIFIC REQUIREMENTS AFTER REZONING:

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

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

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

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

2. 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.
3. 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.

4. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.
5. Gated Areas: Fire Department access shall be provided to the property through the use of a system or device approved by the Fire Marshal. The system or device required shall be located in an area accessible to the fire department and approved by the Fire Marshal. All gates shall be either automatic or manual.

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

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

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

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

6. 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.

7. 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.

8. 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)

9. Project to be completed per approved Site Plan.
10. Full building and fire plan review is required.
11. Separate building permits/plans submission will be required for each building and/or tenant fit out. If the permit submission is for a "shell" a Certificate of Occupancy will not be issued.

Separate plans and permits submissions will be required for each “tenant fit out” at which time a Certificate of Occupancy will be issued upon compliance/completion of each “tenant fit out”.

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

12. Construction or renovations cannot be started until building plans are approved.
13. 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.
14. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

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)

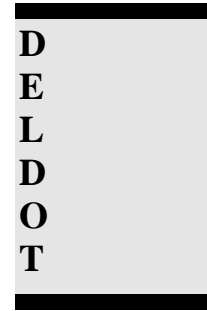
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations

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: January 30, 2019



=====

APPLICATION: Lands of H & M Properties, LLC

FILE#: MI-19-02 & Z-19-01  
DelDOT

REVIEWING AGENCY:

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 Comprehensive Plan Amendment
2. No Objection to the rezoning.
3. Commerce Way is maintained by the City of Dover



# 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  
January 2018**

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**APPLICATION:** *Lands of H&M Properties, LLC*

**FILE #:** **Z-19-01**

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

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

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

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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:

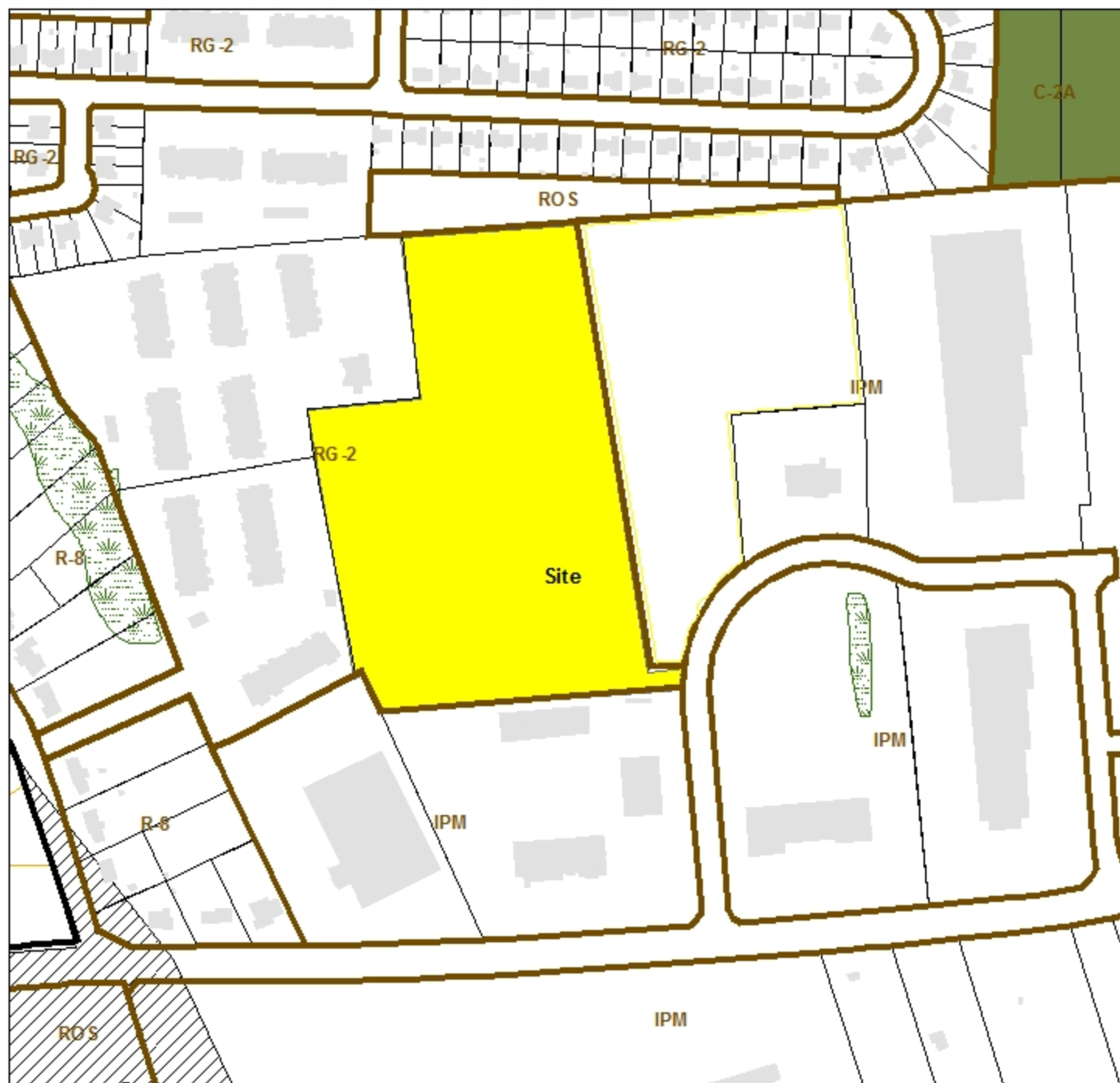
Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the re-zoning plan for the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

1. If at any time expansion or earth disturbing activity (clearing, grubbing tree clearing etc.) takes place and exceeds 5000 square feet; a detailed Sediment and Stormwater Management Plan must be submitted and approved to the Kent Conversation District.

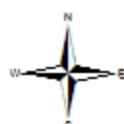


Title: Lands of H & M Properties, LLC  
 Ordinance #: 2019-05  
 Address: Commerce Way  
 Parcel ID: ED-05-076.10-02-07.03-000  
 Existing Zoning: RG-2 General Residence Zone  
 Proposed Zoning: IPM Industrial Park and Manufacturing Zone  
 Owner: H & M Properties, LLC  
 Date: 1/18/2019

### Legend

- 2012 Buildings
- Zoning
- Dover Parcels
- Subject Property

0 200 400 600 Feet





PETITION TO AMEND ZONING DISTRICT  
Public Hearing Before the Planning Commission  
February 19, 2019

Owners: Wesley College, Inc.

Address: 45 South State Street and Parcel on South American Avenue

Location: Located between South State Street and South American Avenue,  
north of Reed Street

Tax Parcels: ED-05-077.05-04-33.00-000  
ED-05-077.05-04-36.00-000

Size: Parcel 1: 0.32 acres  
Parcel 2: 0.49 acres  
TOTAL: 0.81 acres

Present Use: Previous Dover Public Library building, Carriage House buildings,  
and parking lot

Proposed Use: College classrooms and meeting spaces with parking lot

Comprehensive  
Plan Designation: Mixed Use

Present Zoning: RG-O (General Residence and Office Zone)  
H (Historic District Zone)

Proposed Zoning: IO (Institutional and Office Zone)  
H (Historic District Zone)

Reason for Request: Converting the old Dover Public Library into flexible classrooms  
and meeting spaces for Wesley College's expanding Occupational  
Therapy Program

File Number: Z-19-02

Ordinance Number: 2019-06

This rezoning application consists of two parcels of land totaling 0.81 +/- acres located on the east side of South State Street, north of East Reed Street. The property is zoned RG-O (General Residence and Office Zone) and is subject to the H (Historic District Zone). The proposed zoning is IO (Institutional and Office Zone) while retaining the H (Historic District Zone). The owner of record is Wesley College, Inc. Property Address: 45 South State Street. Tax Parcels: ED-05-077.05-04-33.00-000 and ED-05-077.05-04-36.00-000.

#### Existing Property:

The area of the subject properties consists of two parcels of land. The property on the west has frontage along South State Street and contains the building that previously housed the City of Dover Public Library. The parcel to the east has frontage along South American Avenue on its east side and contains a parking lot, as well as two carriage-house structures. The applicant is seeking rezoning to IO (Institutional and Office Zone) to allow for future utilization of the building by Wesley College, as flexible classrooms and meeting spaces for their Occupational Therapy program. The redevelopment of the site will be subject to a separate application/ permit submissions.

#### Surrounding Land Uses

Surrounding the two parcels are several different zoning types and land uses. Immediately to the south is 5 East Reed Street, zoned C-2A (Limited Central Commercial Zone) which is an office building owned by the City of Dover. To the east, across South American Avenue and Kings Highway are the offices of DNREC, on a parcel which is also zoned IO. Across South American Avenue directly to the east is the triangular parcel wherein the Governor's Café is located, zoned RG-O (General Residence and Office Zone).

The remainder of properties located nearby on South State Street are predominately zoned RG-O, and there are several uses as offices, residential dwellings, the Presbyterian Church, and The Wesley President's House.

#### Comprehensive Plan:

In the *2008 Comprehensive Plan*, the Land Development Plan (Map 12-1 as amended, dated March 2016) recommends that this property be used for Mixed Use. The following is an excerpt from the Comprehensive Plan regarding Mixed-Use in the downtown area (page 148):

#### Downtown Dover

Downtown Dover is the City's primary mixed use area. Revitalization of the Downtown will continue the mixed use pattern of land uses in the area. The historic City center -- clustered around The Dover Green -- dates back as early as the 1700s. It expands to also include the traditional City pattern of grid streets, which developed during the 19th and early 20th centuries. As a result of its earlier development, Downtown Dover like many other historic cities includes a variety of intermingled land uses. The Downtown area is bounded by Wesley College on the north, the railroad tracks on the west, Bayhealth-Kent General Hospital on the south, and St. Jones River on the east. It includes residential, commercial, office, cultural and institutional uses.



**Assumptions: Downtown Dover**

1. Downtown Dover is the traditional and symbolic center of the community and is vitally important to the overall image and identity of the City.
2. As the State complex and other businesses and services make Downtown the largest area of employment in the City, Downtown Dover is vital to the economy. It is important to preserve the area as a safe, convenient and aesthetically pleasing environment.
3. Downtown provides a unique residential environment near commercial, cultural, education and employment resources. There is a wide variety of housing types Downtown.
4. Downtown provides a unique and affordable commercial environment where locally owned businesses reflect the small town nature of the community.
5. The age of the buildings and infrastructure in the downtown area requires special attention and incentives to assist in continual use and revitalization activities.
6. Downtown lacks the vibrancy of years gone by, and revitalization will hinge on mixed land uses and developing a commercial niche.

**Goal: Downtown Dover**

Enhance the role of Downtown Dover as a major employment, residential and commercial center as well as the symbolic and cultural heart of the community, and recognize its unique heritage and historic resources. Provide for mixed use development allowing greatest variation of uses.

**Policies: Downtown Dover**

- Master plan the Loockerman Street corridor
- Enhance the Downtown area through economic development and historic preservation programs.
- Continue to support the preservation of buildings and infrastructure through public investments, property maintenance enforcement, housing grants and financial incentives.
- Promote zoning districts and regulations that support the traditional mixed-use nature of the Downtown area.
- Support revitalization of Downtown neighborhoods

The rezoning request is also consistent with the Land Use Classification of Mixed Use. Table 12-1: Land Use and Zoning Matrix specifies that the following zones are compatible with this land use classification.

<p style="text-align: center;"><b>Mixed-Use</b></p>	<p>C-2 (Central Commercial) (Downtown Target Area Only)          C-2A (Limited Central Commercial)          TND (Traditional Neighborhood Design)          C-1 (Neighborhood Commercial)          C-1A (Limited Commercial)          RGO (General Residence and Office) (Downtown Target Area Only)          R-8 (One Family Residence)          R-10 (One Family Residence)          RG-1 (General Residence)          RG-2 (General Residence)          RG-4 (Multi-Story Apartments)          C-3 (Service Commercial)          CPO (Commercial/Professional Office)          IO (Institutional and Office)</p>
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Request for IO (Institutional and Office Zone)

The types of permitted uses in the IO Zone are given in Article 3 §10 of the *Zoning Ordinance*. The permitted uses include the following:

- **Article 3, Section 10. – Institutional and Office Zone (IO).**

2.1 Uses permitted. In an institutional and office zone (IO), 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) Business, professional, or governmental offices
- (b) Banks.
- (c) Research, design, and development laboratories.
- (d) Public and institutional uses including hospitals, medical clinics, libraries, police stations, courthouses, transit centers, schools, colleges, universities, places of public assembly, philanthropic and charitable institutions, parks, playgrounds, public indoor recreation centers, athletic fields.
- (e) Public utility rights-of-way and structures necessary to serve areas within the city.
- (f) Child day care centers, provided they are established in accordance with all applicable state regulations pertaining to child care and provided that they are established and maintained in accordance with [article 5](#), section 14 of this ordinance.
- (g) Emergency shelters and transitional housing.
- (h) Adult day care facilities provided they are established in accordance with all applicable state regulations pertaining to adult care and provided that they are established and maintained in accordance with [article 5](#), section 22 of this ordinance.

10.2 *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) Firearm ranges, prisons, and correctional facilities.
- (b) Public incinerators.
- (c) Hotels and restaurants.

10.3 *Accessory uses.* The following uses shall be permitted accessory to other permitted uses on a lot.

- (a) Clinics, cafeterias, and recreational facilities.
- (b) Motor vehicle storage and repair facilities accessory to a public or institutional use.
- (c) Restaurants that are on a campus and intended to support users of the campus.

10.4 *Uses prohibited.* The following uses are prohibited:

- (a) Landfills, dumps.

10.5 *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 approved by the city planner.

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

10.7 *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.

(Ord. of 10-24-1983; Ord. of 12-14-1992; Ord. of 7-12-1993, § 7; Ord. of 4-25-1994; Ord. of 10-12-1998; Ord. of 7-10-2000; Ord. of 2-12-2001; Ord. of 4-23-2007(1); Ord. of 4-23-2007(2); [Ord. No. 2014-08, 7-14-2014](#); Ord. No. [2017-13](#), 12-11-2017

#### Recommendation of the Planning Staff:

Staff recommends that the rezoning be granted to IO with H as requested, as the proposed zoning is consistent with the *Comprehensive Plan* for the Mixed Use land use classification. Wesley College is a vital asset for the City of Dover's Downtown area; and the intended project that this rezoning would allow represents a significant investment. It further promotes the idea of a mixed-use downtown in that there are several office, residential, and institutional uses within the vicinity. The IO zoning district clearly permits institutional uses such as colleges, and the applicant is keeping the H (Historic District zone) designation.

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) Since the property is in the Historic District, there is a requirement for Architectural Review Certification for the demolition, reconstruction, alteration or restoration of any new or existing structure or where general exterior repairs are made within the Historic District.
- 2) The applicant shall be aware that approval of any rezoning application does not represent a Development Plan approval. Following any decision made by City Council regarding this rezoning, certain applications must be submitted to the Planning Department prior to any construction activity or establishment of new uses on the site. The applicant should contact the City of Dover Planning Office at (302) 736-7196 with any questions.
- 3) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit, Sign Permit or other construction activity permit approval. A separate application submission is required before issuance of permits by the City of Dover.
- 4) The applicant shall be aware that any future use of the existing structures may be subject to a separate permitting or licensing process through the City of Dover Licensing and Permitting Division. Certain types of uses also require a Public Occupancy Permit.
- 5) If the applicant wishes to consolidate the two parcels into one single parcel, a separate Parcel Consolidation Plan can be submitted for Administrative Review of a Minor Lot Line Adjustment Plan.

**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: JANUARY 30, 2019**

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

**APPLICATION:** LANDS OF WESLEY COLLEGE AT 45 SOUTH STATE STREET

**FILE #:** Z-19-02

**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**

Our office has no objection to the rezoning of:

ED-05-077.05-04-33.00-000

ED-05-077.05-04-36.00-000

**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 / WASTEWATER / STORMWATER / STREETS / SANITATION / GROUNDS**

1. None.

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

Z-19-02

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

**D.A.C. MEETING DATE:** 01/30/19

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**APPLICATION:** Lands of Wesley College at 45 South State Street

**FILE #:** Z-19-02 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal

PHONE #: (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. This is a rezoning request. This office has no objections to the rezoning. The current building is vacant and would need to be registered as such with the City of Dover Code Enforcement Office. Building permits/plans submission to the Chief Building Inspector will be required.

ADDITIONAL / SPECIFIC REQUIREMENTS AFTER REZONING:

The following comments are being provided in reference to future proposals for the property:

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

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

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

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

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

15. All fire hydrants shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation.

All fire hydrants shall have minimum of four-inch (4") solid yellow demarcation lines to define specific areas, where fire hydrants are located along a curb line with permitted parking, the area between the fire hydrant and the street or fire lane shall be stenciled with four inch (4") demarcation lines and the words "NO PARKING", demarcation lines shall be measured from the center line of the fire hydrant and extend for a distance 15 feet on both sides.

Where fire hydrants are located in parking lots or other areas susceptible to blockage by parked vehicles they shall be treated as follows: fire hydrants shall be protected in all directions for a distance of seven feet (7') with barriers or curbing, Minimum four-inch (4") diameter steel bollards filled with concrete and marked yellow shall be installed at the outermost corners of the fire hydrant demarcation area. The minimum height of the bollard shall be 36 inches above the finished grade of the adjacent surface, and the steamer connection of all fire hydrants shall be positioned so as to be facing the edge of the street, or traffic lane.

(2015 Delaware State Fire Prevention Regulations, 705, Chapter 6, 2)



The owner is responsible if the hydrant is private.

16. Hydrant barrels shall be provided with reflective material, such as paint, durable for highway/roadway markings or a reflective tape of a minimum of 2" in width around the barrel under the top flange, hydrant bonnets shall be color coded based on the following criteria: class AA 1500 GPM - painted light blue, class A 1,000 GPM -1499 GPM - painted green, class B 500 - 999 GPM - painted orange, class C 250 - 499 GPM - painted red, class D under 250 GPM - painted black.

(2015 Delaware State Fire Prevention Regulations 703, Chapter 3. 4)

The owner is responsible if the hydrant is private.

17. Fire Alarm System (TBD) required per occupancy code requirements.

Fire alarm in place of assembly. *Fire alarm required.* Any new occupancy or new portion of an occupancy determined to be a place of assembly by the fire marshal and is capable of receiving an occupant load of 75 persons or greater, shall be required to install a fire alarm in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

*Fire alarm system required.* Any existing occupancy or portion of an existing occupancy determined to be a place of assembly by the fire marshal, and is undergoing renovations in excess of 50 percent of the assessed value of the building and is capable of receiving an occupant load 75 persons or greater or is being enlarged to receive an occupant load of 75 persons or greater, shall be required to install a complete fire alarm system in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

*Public mode audible requirements.* To ensure that audible public mode signals are clearly heard by occupants of a structure, they shall have a sound level at least 15 decibels (dB) above the average ambient sound level or five decibels (dB) above the maximum sound level having a duration of at least 60 seconds, whichever is greater, measured five feet (1.5m) above the floor in the area required to be served by the system using the A-weighted scale dBA. In the event the stated requirement cannot be met a shunt trip relay/switches shall be the approved method of meeting the intent of this section of the Code.

(City Code of Ordinances 46-171)

18. Sprinkler system (TBD) required. System is to be monitored by an approved Fire Alarm System.

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

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

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

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

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

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

In residential occupancies when of: Type V (0,0,0) or Type III (2,0,0) construction and exceeding two (2) stories or 25 feet in height. Type V (1,1,1) and Type III (2,1,1) or Type IV (2,H,H) construction exceeding three (3) stories or 30 feet in height. In all residential apartment buildings

storage areas except individual unit closets that are located within individual residential living units.

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

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

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

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

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

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

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

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

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

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

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

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

(City of Dover Code of Ordinances 46-162)

19. Fire Department Connection is to be a 5-inch stortz connection on a 30-degree elbow located within 50 feet of main entrance. Access to the Fire Department Connection must be clear unobstructed access as defined by the AHJ.
20. Parking and/or obstructions shall be prohibited in front of fire department connections for a distance measuring from the center line and extending four feet on both sides.  
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.4)
21. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.
22. 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.

23. 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)

24. Standpipes (TBD) shall be provided in all areas and buildings as required in the codes and standards listed in Regulation 701 as well as the following areas or buildings:

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

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

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

In all buildings where the 1st floor exceeds 60,000 gross square feet, a Class I horizontal standpipe system installed in accordance with the applicable codes and standards listed in Regulation 701 of these Regulations shall be provided. All standpipe systems shall be installed in accordance with the applicable codes and standards listed in Regulation 701.

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

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

The 2½-inch of hose connections on Class I systems shall be provided in the following locations,

At the highest intermediate landing between floor levels in every required exit stairway,

Where intermediate landing is not provided, hose connections shall be permitted to be located at the main floor landings in exit stairways when approved by the authority having jurisdiction,

Where the local fire department has the capability of providing the required pressure, hydraulically designed standpipe systems in fully sprinklered, non-high-rise buildings shall be designed to provide the required waterflow rate.

A sign shall be provided at each landing, in all interior stairways, designating the floor level.

(2015 Delaware State Fire Prevention Regulations 702, Chapter 4, 2)

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

finished grade. The fire marshal shall have the authority to require more stringent requirements when deemed necessary. (City of Dover Code of Ordinances 46-162)

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

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

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

26. 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)

27. 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

28. 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.
29. All new passenger elevators in a building shall be provided with a car sized to accommodate an ambulance cot 24 inches (609 mm) by 84 inches (2133 mm) in its horizontal open position. Where two or more new passenger elevators are located in a single hoist way and serve all or the same portion of the building, only one elevator car that provides a car sized to accommodate an ambulance cot 24 inches by 84 inches in its horizontal position for each hoist way shall be required. Elevator cars required to comply with 15.1 or 15.2 shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoist way door frame.

Firefighter recall keys shall be provided in a manner acceptable to the local fire department.  
(2015 Delaware State Fire Prevention Regulations 705, Chapter 1, 15)

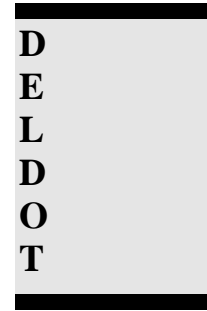
30. Project to be completed per approved Site Plan.
31. Full building and fire plan review is required.
32. Separate building permits/plans submission will be required for each building and/or tenant fit out. If the permit submission is for a “shell” a Certificate of Occupancy will not be issued. Separate plans and permits submissions will be required for each “tenant fit out” at which time a Certificate of Occupancy will be issued upon compliance/completion of each “tenant fit out”.  
  
Each “shell” will require a fire permit for sprinkler and fire alarm if applicable. Those systems (for the “shell”) must be accepted into service prior to any “tenant fit out” fire permits being issued.
33. Construction or renovations cannot be started until building plans are approved.
34. Fire alarm systems, fire suppression systems, hoods, and hood suppression systems require a fire permit from the Fire marshal’s Office. This work cannot be started until the permit is approved.
35. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

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: January 30, 2019



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APPLICATION: Lands of Wesley College

FILE#: Z-19-02

REVIEWING AGENCY: DeIDOT

CONTACT PERSON: Joshua Schwartz

PHONE#: 302-760-2768

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

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

CITY & STATE CODE REQUIREMENTS:

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. No Objection to the rezoning.
2. No direct access to a State Maintained Road. American Avenue is maintained by the City of Dover





# 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  
January 2018**

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**APPLICATION:** *Lands of Wesley College*

**FILE #:** **Z-19-02**

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

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

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

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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:

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the re-zoning plan for the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

1. If at any time expansion or earth disturbing activity (clearing, grubbing tree clearing etc.) takes place and exceeds 5000 square feet; a detailed Sediment and Stormwater Management Plan must be submitted and approved to the Kent Conversation District.





PETITION TO AMEND ZONING DISTRICT  
Public Hearing Before the Planning Commission  
February 19, 2019

Owners: Linda B. and Paul F. Schreppler

Equitable Owner/Applicant: Miller Investments LLC

Address: 157 Roosevelt Avenue

Location: At the east end of Roosevelt Avenue on the north side of the street

Tax Parcel: ED-05-077.18-02-75.00-000

Size: 1.67 acres

Present Use: Vacant

Proposed Use: Apartment building

Comprehensive  
Plan Designation: Residential Medium Density

Present Zoning: R-8 (One Family Residence Zone)

Proposed Zoning: RG-2 (General Residence Zone)

Reason for Request: To allow development of a 22-unit garden apartment building  
under the zoning

File Number: Z-19-03

Ordinance Number: 2019-07

This rezoning application consists of one parcel of land totaling 1.67 +/- acres located on the north side of Roosevelt Avenue, east of South DuPont Highway. The property is zoned R-8 (One Family Residence Zone). The proposed zoning is RG-2 (General Residence Zone). The owners of record are Linda and Paul Schreppler and the equitable owner is Miller Investments, LLC. Property Address: 157 Roosevelt Avenue. Tax Parcel: ED-05-077.18-02-75.00-000.

#### Existing Property:

The subject property area consists of one vacant parcel of land. The property borders the St. Jones River on the east, and consequently the eastern end of the parcel is within the Special Flood Hazard Area. This area of the parcel also has a significant wetland presence, and it may have enough trees for a significant woodland presence. The western end of the parcel is grass and is large enough for some development on the property to occur. The applicant is seeking rezoning to RG-2 (General Residence Zone) to allow for future development of the property with a 22-unit Garden Apartment Building. The redevelopment of the site will be subject to a separate application submission.

#### Surrounding Land Uses

Completely bordering the subject property on its west and north sides is an irregularly shaped parcel which is the site of the Riverside Mobile Home Park. This parcel is split-zoned between a 0.61-acre area zoned R-8 at its western end and a 4.18-acre area zoned MH (Manufactured Housing Zone) covering the rest of the parcel. The subject property is bordered on the west and north only by the MH-zoned section.

As previously mentioned, the subject property is also bordered on the east by the St. Jones River. Immediately across Roosevelt Avenue to the south is the site of the Riverchase Apartments, zoned RG-2.

A variety of other uses are located nearby on Roosevelt Avenue. These include a property zoned C-1 (Neighborhood Commercial Zone), properties zoned C-4 (Highway Commercial Zone) including a carwash, a multi-tenant building, and an automobile dealership fronting on South DuPont Highway, and multiple properties zoned R-8 containing one-family dwellings. One parcel zoned R-8 is the site of the Kent County Theater Guild. Three properties containing two one-family dwellings and two multi-family dwellings were recently rezoned to RG-2 (see below) and are proposed for redevelopment.

#### Previous Applications

The applicant previously requested rezoning of three nearby parcels on this street to allow future construction of another 18-unit Garden Apartment Building (Application #Z-18-01). These three parcels are addressed as 127, 129, 133, and 135 Roosevelt Avenue; 127 and 129 Roosevelt Avenue are two one-family dwellings each with their own parcel, while 133 and 135 Roosevelt Avenue are two multi-family dwellings sharing a parcel with eight dwelling units between them. The parcels would be consolidated, and the existing buildings demolished, to allow construction of the proposed new apartment building. The Planning Commission recommended the properties be rezoned from R-8 to RG-2 on September 17, 2018, and City Council approved the rezoning as Ordinance #2018-08 on October 8, 2018. The project subsequently received variances from the Board of Adjustment related to lot coverage, accessory building size, and parking near the wall

of a multi-family dwelling on January 23, 2019 (Application #V-18-11). This project has yet to return to the Planning Commission for Site Development Plan review, a step which must eventually be taken by the 157 Roosevelt Avenue apartment project as well.

Comprehensive Plan:

In the 2008 *Comprehensive Plan*, the Land Development Plan (Map 12-1 as amended, dated March 2012) recommends that this property be used for Residential Medium Density. The following is an excerpt from the Comprehensive Plan (page 146-147):

***Recommendation for Medium Density Residential***

Medium density residential land uses involve a maximum gross density of eight (8) dwelling units per acre. This type of development may include single family houses on smaller lots, duplexes, townhouses, and some apartments. Some mobile home park developments would also be considered medium density. Medium density residential uses are permitted in the following zoning districts: R-8 (One Family Residence), R-7 (One Family Residence), RM-1 (Medium Density Residence), RM-2 (Medium Density Residence), RG-1 (General Residence), RG-2 (General Residence), RG-3 (Group Housing), and MHP (Mobile Home Park).

The Land Development Plan recommends that medium density residential uses be permitted in near existing and planned service and employment centers and in locations well supported by transportation infrastructure and mass transit services.

The rezoning request is also consistent with the Land Use Classification of Residential Medium Density. Table 12-1: Land Use and Zoning Matrix specifies that the following zones are compatible with this land use classification.

R-8 (One Family Residential)  
R-7 (One Family Residential)  
RM-1 (Medium Density Residential)  
RM-2 (Medium Density Residential)  
RG-1 (General Residential)  
RG-2 (General Residential)  
RG-3 (Group Housing)  
RGO (General Residence and Office)  
C-1 (Neighborhood Commercial)  
MHP (Mobile Home Park) \*now known as MH (Manufactured Housing Zone)

Request for RG-2 (General Residence Zone)

The types of permitted uses in the RG-2 Zone are given Article 3 §2 of the *Zoning Ordinance*. The permitted uses include the following:

- **Article 3, Section 2. - General residence zones (RG-1 and RG-2).**
  - 2.1 Uses permitted. In a general residence zone, 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:
    - 2.11 Any use permitted in one-family residence zones.

2.12 Garden apartments limited to placement within the RG-2 district only.

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

2.3 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 related accessory structures. Such approval shall also be required prior to the issuance of certificates of occupancy for a change of use.

2.4 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) Townhouses subject to the following restrictions:

- i. No more than one dwelling unit shall be permitted upon a lot.
- ii. No more than four dwelling units shall be permitted in a group of townhouses.
- iii. Each group of townhouses shall be physically separated from another by no less than two dwelling units of a different housing type from other groups of townhouses on the same side of the street.
- iv. Townhouse groups shall be designed to minimize points of access to the public street and to take access from an alley or other shared access where such access is available.

(b) Duplex dwellings subject to the following restrictions:

- i. No more than one dwelling unit shall be permitted upon a lot
- ii. Duplex dwellings shall be designed to minimize points of access to the public street and to take access from an alley or other shared access where such access is available.

(c) Bed and breakfast inns in the RG-1 district only, subject to the following:

- i. A bed and breakfast inn may only be established within a primary residential structure or an associated accessory structure.
- ii. The owner of the property shall reside on the premises of the bed and breakfast inn or in an adjacent premises. However, if ownership of the property is in the name of a corporation, partnership, trust, etc., a full-time resident manager/operator/inn-keeper shall reside in the principal structure on the subject property or adjacent property.
- iii. The principal structure shall contain at least one full bathroom for the exclusive use of the owner or resident manager and other members of the immediate household. In addition, one full bathroom shall be provided for each two guestrooms. Each full bathroom shall contain a minimum of one water closet (toilet), one lavatory (sink) and one bathtub or shower stall and shall comply with all applicable building and plumbing codes.
- iv. The number of guestrooms requested shall be set forth in the application for conditional use. The planning commission shall expressly establish the maximum number of guestrooms permitted for any application for which approval is granted. In no case shall a bed and breakfast inn contain more than ten guestrooms.

v. Off-street parking shall be provided at a minimum of two spaces, plus one space per guestroom. Off-street parking shall be prohibited in the front yard, except that such parking which may be customarily accommodated on a single width driveway may be permitted. Required parking may be provided on the premises or off the premises, provided that such off-premises parking is located within 150 feet walking distance of the bed and breakfast property.

vi. Lot coverage for a bed and breakfast inn shall not exceed 60 percent of the lot.

vii. Signage is limited to one sign not to exceed six square feet in area. Signs may be illuminated, provided that internally illuminated signs shall be prohibited.

viii. Meals may be served to residents and overnight guests only. No cooking appliances or kitchenettes shall be permitted within the guestrooms, except small refrigerators and microwave ovens.

ix. The stay of overnight guests shall be limited to 30 consecutive days.

x. The owner/operator of a bed and breakfast inn shall maintain a current City of Dover business license, and the establishment shall be inspected by the City of Dover Fire Marshal and the City of Dover Health Inspector for compliance with all applicable life safety and health and sanitation codes.

(d) Student homes subject to the following siting and bulk criteria:

i. No student home shall be located closer than 500 feet from any other student home.

ii. The maximum allowable occupancy shall be four persons or the occupancy limit as determined by the building and fire codes adopted by the City of Dover, whichever is less.

iii. Two off-street parking spaces shall be provided per dwelling unit.

iv. A student home shall not be permitted to be established within any semi-detached dwelling, duplex dwelling, group dwelling, or townhouse dwelling unit.

v. Buildings or groups of buildings on the same lot with 15 or more units on the lot shall not be subject to the student home regulations.

vi. Student homes shall be licensed under chapter 10, Housing Code [chapter 22, Buildings and Building Regulations], article V [X], Rental Dwellings, of the Code of Ordinances.

vii. Student homes shall be subject to the provisions of chapter 10, Housing Code [chapter 22, Buildings and Building Regulations], article III [VIII], Leases, of the Code of Ordinances.

(e) Multiple dwellings limited to placement in the RG-2 district only.

(f) Professional offices may be permitted on Governors Avenue between Water Street and Mary Street, and on Route 8, subject to the following restrictions:

i. The office operations shall be conducted in such a manner as to maintain the residential character of the surrounding neighborhood, and no changes or improvements

shall be made to the premises which might preclude utilization of the premises for residential purposes in the future.

ii. There shall be no other professional office located in the same zoning district within 250 feet of the premises.

iii. No display of products or goods shall be visible from the street.

iv. There shall be no exterior effects such as noise, traffic, odor, dust, smoke, gas, fumes, radiation, or electromagnetic interference.

v. A minimum of two off-street parking spaces shall be required.

vi. No more than four off-street parking spaces shall be permitted. Furthermore, all off-street spaces shall be visually screened from adjacent residential uses, to the greatest extent possible, by employing a landscape screen no less than six and one-half feet high, which landscape screen shall be properly maintained throughout the duration of the professional office use on the subject premises.

vii. Signage shall be limited to one sign, not to exceed six square feet in area. No sign may be illuminated.

viii. The hours of operation shall not commence prior to 6:00 a.m. and shall cease no later than 8:00 p.m., with no more than four employees engaged in the operations upon the premises at any given time.

ix. The planning commission shall have the authority to impose such additional conditions and restrictions as may be necessary or appropriate to protect the general health, safety, and welfare of the residents of surrounding properties.

(g) In order to stimulate limited commercial activity in the RG-1 and RG-2 zones within the city's historic district zone and/or where a historic district property or a property listed on the National Register of Historic Places exists, and to make this area of historic Dover more attractive to tourists and residents, antique shops, art galleries, gift and card shops, book stores, specialty hobby stores, and restaurants with no alcoholic beverages may be permitted as accessory uses incidental to the principal residence, subject to the conditional use approval of the planning commission in accordance with Article 10—Planning Commission, Section 1—Approval of conditional uses, and subject to the following:

i. Total floor area of any nonresidential accessory use shall not exceed 2,000 square feet.

ii. A minimum of two off-street parking spaces shall be required to serve the residence and the accessory use.

iii. Signage for the accessory use is limited to one sign not to exceed six square feet in area. Signs may be illuminated, provided that internally illuminated signs shall be prohibited.

(h) Off-street parking.

2.5 Reserved.

2.6 Administrative waivers:

(a) The city planner shall have the authority to waive the bulk standards and parking requirements of article 4, section 4.2 for all non-conforming lots that existed in the RG-1 zone prior to January 1, 2007, when deemed necessary for redevelopment. The applicant must request such waivers in writing, stating the reasons that such waivers are necessary for development for redevelopment of the subject parcel.

(b) The city planner shall have the authority to adjust the lot dimension requirements of article 4, section 4.2 in the approval minor lot line adjustment plans, where no additional lots are created, and to waive the bulk standards of article 4, section 4.2 for the placement of a structure on associated lots when deemed necessary for redevelopment. The applicant must request such waivers in writing, stating the reasons that waivers are necessary for redevelopment of the subject property.

(c) The city planner shall have the authority to allow alternative parking surface, other than those specified in article 6, section 3.6 provided that such off-street parking areas where alternative surface is used are located within a rear yard. The applicant must request such a waiver in writing, stating the reasons that waivers are necessary.

(Ord. of 7-12-1993, § 14; Ord. of 4-22-1996; Ord. of 2-12-2001 Ord. of 1-13-2003; Ord. of 9-11-2006; Ord. of 5-29-2007; Ord. No. 2011-29, 1-9-2012; Ord. No. 2014-05, 5-27-2014 ; Ord. No. 2015-13, 10-12-2015 )

Recommendation of the Planning Staff:

Staff recommends that the rezoning to RG-2 be granted as requested, as the proposed zoning is consistent with the *Comprehensive Plan* for the Residential Medium Density land use classification. Even in the RG-2 zone, the uses of the R-8 continue to be allowed. In the RG-2 zone, the additional dwelling types of garden apartments are permitted uses and duplexes, townhouses, and multiple dwellings are conditional uses. The bulk standards of RG-2 and other development requirements will limit the density (number of units per area). This segment of Roosevelt Avenue is a mix of types of housing options. Staff believes the site can be successfully developed without major disturbance of the natural features on site.

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 applicant shall be aware that the plan diagram showing a potential development scenario is accepted by Planning Staff and the Planning Commission as a concept only. Approval of the rezoning does not approve this plan or the specific proposed use as apartments.
- 2) The applicant shall be aware that approval of any rezoning application does not represent Site Development Plan approval. Following any decision made by City Council regarding this rezoning, an application for a Site Plan and appropriate Building Permits must be submitted to the Planning Department prior to any construction activity on the site.
- 3) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit, Sign Permit or other construction activity permit approval. A separate application submission is required before issuance of permits by the City of Dover.

- 4) Please be aware that the designation of “MHP” zoning for the adjacent Riverside Mobile Home Park is out of date, as this zoning classification is now called the “MH Zone” or the Manufactured Housing Zone.

**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: JANUARY 30, 2019**

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

**APPLICATION:** LANDS OF SCHREPPLER AT 157 ROOSEVELT AVENUE  
**FILE #:** Z-19-03  
**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**

Our office has no objection to the rezoning of:  
ED-05-077.18-02-75.00-000

**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. The existing sanitary sewer easement is a privately owned and maintained easement. Please provide the easement reference on the plans.
2. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity, capacity, and all other requirements are met.

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-19-03

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

**D.A.C. MEETING DATE:** 01/30/19

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**APPLICATION:** Lands of Schreppler at 157 Roosevelt Ave

**FILE #:** Z-19-03      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 a rezoning request. This office has no objections to the rezoning. Building permits/plans submission to the Chief Building Inspector will be required.

ADDITIONAL / SPECIFIC REQUIREMENTS AFTER REZONING:

The following comments are being provided in reference to future proposals for the property:

1. Proposed building is residential (apartments).
2. Building Access shall be no further than 50 feet from a primary entrance

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

3. Parking shall be prohibited in front of the primary entrance for a width of not less than 1.5 times the width of the door(s) or for 10 feet, whichever is greater.  
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.2)
4. Perimeter access shall be 50% and clearly shown on the plans.

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

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

5. Fire lanes shall cover 25% of the proposed building.  
Fire lanes are required to be 24 feet wide and run along the front of the building as determined by the primary entrance(s). In cases where there is more than one primary entrance(s), each shall be served by a fire lane even if this exceeds the percentage as required.

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

(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5)

6. Where parking is located between the building and the fire lane, parking shall not be located closer than 15 feet to the exterior wall.

(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.4.1)

7. All Fire Lanes shall be marked as follows:

both the inner and outer edges of the fire lane shall be marked, where curbs are present, the top and face of the curb shall be painted yellow, where no curbs are present, a four inch (4") solid yellow demarcation line shall mark the edge(s) of the fire lane.

(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

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

9. Fire lane signs shall be located as follows:

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

Where parking is not restricted roadway markings shall utilize the words "FIRE" and "LANE" in lieu of fire lane signs and shall conform to the specifications of 7.6.

(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

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

(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.8)

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

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

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

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

12. Multiple Access Roads shall be provided when a fire department access road (fire lane) is determined by the Fire Marshal to be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access such as placement of fire hose from fire equipment.
13. Street width shall be in accordance with City of Dover Code of Ordinances, Appendix A, Article VII, Section A. 13,

Residential areas

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

Commercial areas

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

Alley

12 feet wide

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

14. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.
15. Gated Areas: Fire Department access shall be provided to the property through the use of a system or device approved by the Fire Marshal. The system or device required shall be located in an area accessible to the fire department and approved by the Fire Marshal. All gates shall be either automatic or manual.

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

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

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

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

16. All fire hydrants shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation.

All fire hydrants shall have minimum of four-inch (4") solid yellow demarcation lines to define specific areas, where fire hydrants are located along a curb line with permitted parking, the area between the fire hydrant and the street or fire lane shall be stenciled with four inch (4")

demarcation lines and the words "NO PARKING", demarcation lines shall be measured from the center line of the fire hydrant and extend for a distance 15 feet on both sides.

Where fire hydrants are located in parking lots or other areas susceptible to blockage by parked vehicles they shall be treated as follows: fire hydrants shall be protected in all directions for a distance of seven feet (7') with barriers or curbing, Minimum four-inch (4") diameter steel bollards filled with concrete and marked yellow shall be installed at the outermost corners of the fire hydrant demarcation area. The minimum height of the bollard shall be 36 inches above the finished grade of the adjacent surface, and the steamer connection of all fire hydrants shall be positioned so as to be facing the edge of the street, or traffic lane.

(2015 Delaware State Fire Prevention Regulations, 705, Chapter 6, 2)

The owner is responsible if the hydrant is private.

17. Hydrant barrels shall be provided with reflective material, such as paint, durable for highway/roadway markings or a reflective tape of a minimum of 2" in width around the barrel under the top flange, hydrant bonnets shall be color coded based on the following criteria: class AA 1500 GPM - painted light blue, class A 1,000 GPM - 1499 GPM - painted green, class B 500 - 999 GPM - painted orange, class C 250 - 499 GPM - painted red, class D under 250 GPM - painted black.

(2015 Delaware State Fire Prevention Regulations 703, Chapter 3. 4)

The owner is responsible if the hydrant is private.

18. Fire Alarm System required per occupancy code requirements.

Fire alarm in place of assembly. *Fire alarm required.* Any new occupancy or new portion of an occupancy determined to be a place of assembly by the fire marshal and is capable of receiving an occupant load of 75 persons or greater, shall be required to install a fire alarm in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

*Fire alarm system required.* Any existing occupancy or portion of an existing occupancy determined to be a place of assembly by the fire marshal, and is undergoing renovations in excess of 50 percent of the assessed value of the building and is capable of receiving an occupant load 75 persons or greater or is being enlarged to receive an occupant load of 75 persons or greater, shall be required to install a complete fire alarm system in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

*Public mode audible requirements.* To ensure that audible public mode signals are clearly heard by occupants of a structure, they shall have a sound level at least 15 decibels (dB) above the average ambient sound level or five decibels (dB) above the maximum sound level having a duration of at least 60 seconds, whichever is greater, measured five feet (1.5m) above the floor in the area required to be served by the system using the A-weighted scale dBA. In the event the stated requirement cannot be met a shunt trip relay/switches shall be the approved method of meeting the intent of this section of the Code.

(City Code of Ordinances 46-171)

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

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

Any proposal that is presented to the Office of the State Fire Marshal for review and approval for a building rehabilitation as defined in the 101 Life Safety Code, for less than 50% of the gross square footage of a non-sprinklered building, may not have another such project for the same building submitted

for review and approval any sooner than three (3) years after the date of the final inspection unless sprinkler projection is provided throughout the entire building.

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

In 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)

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

21. Parking and/or obstructions shall be prohibited in front of fire department connections for a distance measuring from the center line and extending four feet on both sides.  
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.4)
22. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.
23. 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)
24. Standpipes (TBD) shall be provided in all areas and buildings as required in the codes and standards listed in Regulation 701 as well as the following areas or buildings:

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

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

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

In all buildings where the 1st floor exceeds 60,000 gross square feet, a Class I horizontal standpipe system installed in accordance with the applicable codes and standards listed in Regulation 701 of these Regulations shall be provided. All standpipe systems shall be installed in accordance with the applicable codes and standards listed in Regulation 701.

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

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

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

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

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

Fire department connections. Unless otherwise approved by the fire marshal, fire department connections shall be on the street side of the building and shall be located and arranged so that hose lines can be readily and conveniently attached to without interference from any nearby obstructions as defined by the fire marshal's office. Fire department connections shall be a five-



inch Storz. Fire department connections shall be within 300 feet of an approved City of Dover Fire Hydrant and within 50 feet of the main entrance of the structure it serves. All fire department connections shall be not less than three feet nor more than five feet in height above finished grade. The fire marshal shall have the authority to require more stringent requirements when deemed necessary. (City of Dover Code of Ordinances 46-162)

25. 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)

26. 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)

27. 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

28. 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.
29. All new passenger elevators in a building shall be provided with a car sized to accommodate an ambulance cot 24 inches (609 mm) by 84 inches (2133 mm) in its horizontal open position. Where two or more new passenger elevators are located in a single hoist way and serve all or the same portion of the building, only one elevator car that provides a car sized to accommodate an ambulance cot 24 inches by 84 inches in its horizontal position for each hoist way shall be required. Elevator cars required to comply with 15.1 or 15.2 shall be identified by the international

symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoist way door frame. Firefighter recall keys shall be provided in a manner acceptable to the local fire department. (2015 Delaware State Fire Prevention Regulations 705, Chapter 1, 15)

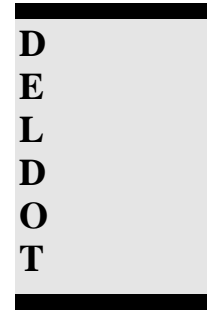
30. Buildings over 25,000 Sq. Ft are to have radio performance testing done by Delaware State Communications prior to Final CO. This must be scheduled in advance with Delaware State Communications.
31. Project to be completed per approved Site Plan.
32. Full building and fire plan review is required.
33. Separate building permits/plans submission will be required for each building and/or tenant fit out. If the permit submission is for a “shell” a Certificate of Occupancy will not be issued. Separate plans and permits submissions will be required for each “tenant fit out” at which time a Certificate of Occupancy will be issued upon compliance/completion of each “tenant fit out”.  
  
Each “shell” will require a fire permit for sprinkler and fire alarm if applicable. Those systems (for the “shell”) must be accepted into service prior to any “tenant fit out” fire permits being issued.
34. Construction or renovations cannot be started until building plans are approved.
35. 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.
36. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

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: January 30, 2019



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APPLICATION: Lands of Schreppler (157 Roosevelt Avenue)

FILE#: Z-19-03

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.
2. No direct access to a State Maintained Road. Roosevelt Avenue is maintained by the City of Dover



# 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 2018

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**APPLICATION:** *Lands of Schreppler*

**FILE #:** Z-19-03

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

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

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

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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:

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Kent Conservation District has no objection to the re-zoning plan for the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

1. This site will require a detailed plan when it is submitted. Plans will need to be in accordance with the 2019 regulations.

City of



Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF February 6, 2019

PLANNING COMMISSION MEETING OF February 19, 2019

Plan Title:	Tommy Car Wash, S-19-01
Plan Type:	Site Development Plan
Property Location:	Northwest side of Lepore Road, west of North DuPont Highway
Property Address:	656 North DuPont Highway
Tax Parcel:	ED05-068.09-01-09.01-000
Property Area:	0.94 +/- acres
Owner:	Kathleen J. Gray
Equitable Owner:	Manpreet Mattu
Building Area:	5,194 SF
Previous Use:	Restaurant (Kirby & Holloway)
Current Use:	Vacant lot (previous restaurant demolished)
Proposed Property Use:	Car wash facility
Sewer & Water:	City of Dover
Zoning Classification:	C-4 (Highway Commercial Zone) SWPOZ (Source Water Protection Overlay Zone: Tier 3 Excellent Recharge Area)
Waiver Requested:	Reduction of Arterial Street Buffer

CITY OF DOVER  
DEVELOPMENT ADVISORY COMMITTEE  
APPLICATION REVIEW COMMENTARY  
D.A.C. MEETING DATE: February 6, 2019

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APPLICATION: Tommy Car Wash at 656 North DuPont Highway

FILE #: S-19-01 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Julian Swierczek, Planner I PHONE #: (302) 736-4442

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I. PLAN SUMMARY:

This is a Site Development Plan Application to permit construction of a new 5,194 SF Car Wash structure and accompanying site improvements. The previous structures on the site have been demolished, and the site is now vacant. The property consists of a total 0.940+/- acres and is located on a site bounded by North DuPont Highway to the northeast, and Lepore Road to the southeast. The property is zoned C-4 (Highway Commercial Zone) and is partly subject to the SWPOZ (Source Water Protection Overlay Zone). The owner of record is Kathleen J. Gray. The equitable owner is Manpreet Mattu. Property Address: 656 North DuPont Highway. Tax Parcel: ED-05-068.09-01-09.01-000. Council District 3.

Previous Applications

In May of 2014, an Administrative Site Plan Application (S-14-14) was submitted to rebuild and expand the Kirby & Holloway Restaurant, after the original restaurant was destroyed in a fire. This application received Final Plan approval in December of 2014, but work never commenced and the approval has since expired.

At their March 20, 2014 meeting, the Historic District Commission reviewed Application HI-14-02 to determine the historic and/or cultural/aesthetic significance of the pylon sign for the original "Kirby & Holloway" restaurant located on the site, and to determine whether the existing non-conformity of the size and placement of the sign could continue. The application was referred to the Historic District Commission based on the following Code citation:

Article 5 §4.12 *Historic or significant signs.*

A. *Preservation of historic or significant signs.* Signs that are at least 50 years old and considered historic or to have cultural/aesthetic significance shall be protected and preserved. If these signs are legally nonconforming they shall maintain their nonconforming status indefinitely. The determination of the historic or cultural/aesthetic significance of the sign shall be determined by the historic district commission.

The Historic District Commission moved to approve the application which granted the sign legal nonconforming status, helping the sign to avoid being designated as an abandoned sign which would have necessitated its removal.

## II. PROJECT DESCRIPTION

This Site Development Plan presented shows one main structure housing the car wash facilities as well as associated site improvements. The parcel of land is located along the western edge of North DuPont Highway, just north of Lepore Road. The large parcel of land bordering the site immediately to the west is also zoned C-4 and contains a multi-tenant building, The Family Dollar Store as well as Planet Fitness. Across Lepore Road to the southeast is also zoned C-4 containing commercial uses, while to the southwest is zoned RG-3 (General Residence Zone) which contains the development known as Overlook at Silverlake. The remaining sites immediately to the northwest and across North DuPont Highway to the northeast, are all zoned C-4 and contain a variety of commercial spaces, including a restaurant and a hotel.

Planning Staff has received a Waiver Request for the Arterial Street Buffer requirements, asking it to be reduced from 30 feet to 19 feet. This waiver was submitted with a Revised Landscape Plan to demonstrate aspects of the Arterial Street Buffer. On February 7, 2019 Planning Staff also received an updated Site Plan cover sheet depicting the location and specification of the SWPOZ (Source Water Protection Overlay Zone Tier 3: Excellent Recharge Area). A detailed description of the activities and types of materials to be used on the site and where were also submitted. This updated information has all been included in the information packets submitted for review to the Planning Commission.

## III. ZONING REVIEW

### SWPOZ (Source Water Protection Overlay Zone)

The site is partially located within the SWPOZ (Tier 3: Excellent Recharge Area) and subject to Article 3 Section 29.7 of the *Zoning Ordinance*. Within the Source Water Protection Overlay Zone, there are some sources that are listed as prohibited uses within that area. These can be found in Article 3 Section 29.5 of the *Zoning Ordinance*. Specifically, it states:

#### Uses Prohibited:

- a) Automobile body/repair shop, motor vehicle, boat or farm equipment service;
- b) Gas stations and motor vehicle service stations;

The applicant has submitted a diagram depicting the car wash facility activities in the eastern portion of the building. **It is the interpretation of the Planning Director, that the use of a Car Wash Facility does not constitute a Motor Vehicle Service.** More specifically, that the list of prohibited uses does not directly name the term “car wash” as a prohibited use. It is determined that the intent of the two listed prohibited uses above is more intended for service stations, gas stations, and mechanics shops, not car washes.

Furthermore, Article 3 Section 29.73 gives the following guidelines for the redevelopment of a site within the SWPOZ:

29.73 Redevelopment. Site modification which requires site development plan approval must create a 15-percent reduction in the amount of impervious surface on the site when compared to pre-redevelopment conditions.

- A. If the 15-percent reduction would require a site to go below the 30-percent maximum impervious surface provision of section 29.72, then the maximum impervious surface cover for the site is 30 percent.
- B. If stormwater is infiltrated within the excellent recharge area as per section 29.72 then only an amount of reduction in impervious surface which is necessary to meet the 60-percent maximum will be required.

The Site Plan notes the SWPOZ, and indicates its location. Some of the above referenced restrictions pertain chiefly to the actual SWPOZ area itself, not necessarily the entirety of the parcel. For this reason, the Plans include a separate, thorough description of intended uses/activities and where they are to be located on the site, including if any chemicals or waste are to be involved. Based on the information submitted, it is the opinion of the Planning Office that the proposed use does not constitute the intent of the prohibited use of “motor vehicle service facility” as stipulated in Article 3 Section 29.7 of the *Zoning Ordinance*.

#### 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. Service Establishments, including car wash facilities are a permitted use in the C-4 Zoning District. The proposed development meets the setback and Floor Area Ratio requirements of the C-4 zone; the C-4 zone has a maximum lot coverage of 75%.

#### IV. PARKING SUMMARY

The parking requirement for C-4 (Highway Commercial Zone) are found in Article 4, Section 4.15. Specifically, parking in the IPM Zone is based on a rate of one parking space per 300 square feet of floor area, or one per employee, whichever is greater. With a building of 5,194 SF, the required minimum parking would be (18) spaces. The applicant has indicated that there is planned to be (21) spaces, satisfying the parking requirement.

The maximum allowable parking for the C-4 zone is now related to the maximum lot coverage, which is 75%. The Data Sheet in the plans submitted indicate that the new total lot coverage will be 68% meaning that parking is compliant with the maximum permitted.

#### Bicycle Parking

The minimum bicycle parking is one (1) bike space for every twenty (20) regular vehicle parking spaces. Based on the (21) proposed parking spaces, this would set the minimum requirement for bicycle parking spaces to two (2) spaces for the site. A bicycle parking rack is located on the south side of the building.

#### V. SITE CONSIDERATIONS

##### Site Coverage

Existing Lot Coverage on the site is at 86%. The application as submitted shows a reduction of the total lot coverage to 68%.

Article 3, Section 29.73 gives the following guideline for the redevelopment of a parcel in the Tier 3, “Excellent Recharge area” of the SWPOZ:

*Redevelopment.* Site modification which requires site development plan approval must create a 15-percent reduction in the amount of impervious surface on the site when compared to pre-redevelopment conditions.

For this reason, Article 3, Section 29.73 requires the applicant to reduce the final lot coverage by 15% because of the Tier 3: Excellent Recharge Area designation of the SWPOZ being present on the site. The newly proposed total lot coverage of 68% is an overall lot coverage reduction of 18%, meaning the application is compliant with the requirements of the SWPOZ Tier 3 as stated



in the *Zoning Ordinance*.

#### Entrance

There are currently two access points onto the site: North DuPont Highway and one to Lepore Road. The Plan shows the continued use of both connections to both roads with improvement made at entrance location. There is currently also a cross access point at the northwestern corner of the property to the neighboring commercial complex: however, the plans submitted show that this would be removed.

#### Sidewalks/ Pedestrian Access

Sidewalks are required along both the North DuPont Highway and Lepore Road frontages (*Zoning Ordinance*, Article 5 Section 18). The plan shows a 5ft. wide sidewalk will be added to the North DuPont Highway frontage connecting from the parcel to the north, down to the existing pedestrian crossing at Lepore Road. Sidewalk is also proposed on the southeast side of the parcel along the Lepore Road frontage. The plans also indicate that there will be sidewalks along the three elevations of the building. All sidewalks are shown to contain barrier free access ramping as stipulated in Article 5, Section 18.2.

The updated plan added pedestrian access from North DuPont Highway onto the site. Please ensure pedestrian access is made available all the way to the main entry of the building.

#### Lighting

Article 5 §7.1 stipulates that lighting shall provide no less than 1.5 footcandles at grade. Light shall also be deflected away from adjacent residential areas and shall not be distracting to traffic on adjacent roads. The applicant has submitted a Lighting pPlan set that identifies the location, intensity, and overall scheme for any new lights for the project. A series of pole mounted light fixtures and wall units are proposed. The plans show that the lighting proposed more than meets the City's requirements and should determine if the lighting may be distracting at the nearby intersection.

#### Curbing

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

#### Dumpsters

According to *Zoning Ordinance*, Article 5 §6.12, the dumpster requirements for an office or retail space of under 50,000 SF are two (2) dumpsters for the first 16,000 SF plus one (1) for each additional 16,000 SF or fraction thereof. This would mean that the proposed use is required to have two (2) dumpsters. The plans provided indicate one planned dumpster pad containing two (2) dumpsters. Article 5 §6.15 also requires that the dumpsters be enclosed and of a certain height depending on whether the trash collection will be conducted through the City of Dover or a private collector. The applicant has indicated that trash collection will be done privately.

Article 5 §6.16 also instructs that the enclosure be made of durable material. The applicant has stated the enclosure will be masonry and that there will be gates, but has not indicated the height of the enclosure.

## VI. BUILDING ARCHITECTURE

The applicant has submitted, along with the Plan Set, a series of four (4) renderings of the proposed structure and site improvements. They show a long, one-story structure with a curved roof, and two tower-like structures at either of the narrow ends of the building. The exterior materials are not specified but portray a dominant color scheme of gray, black and red materials. There is a canopy covering two drive aisles on the north side of the building. There are 19 red umbrella-like structures at each of the proposed vacuum-spaces.

## VII. TREE PLANTING AND LANDSCAPE PLAN

The site is subject to landscaping requirements as set out in Article 5, Section 15 and tree planting requirements as set out in Article 5, Section 16. The submitted plan includes the Landscaping approach for the overall project. The lot encompasses 0.94 +/- acres of land area, requiring (14) trees to be planted. The plan indicates an overall scheme consisting of the required (14) trees. The Landscape Plan is providing a mixture of deciduous trees along the North DuPont Highway frontage as well as along the rear, western property line. There are also a further 38 shrubs and groundcover plants proposed in total on the site.

The Planning Office received an updated Landscape Plan from the applicant. The Revised Landscape Plan shows three (3) “ornamental trees” have been added at the rear of the property, acknowledging that any trees planted in the Arterial Street Buffer may count toward the overall tree density of the website.

### 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 does not provide the required thirty (30) foot width landscape buffer along DuPont Highway; however, there is proposed landscaping and grass between the existing edge of North DuPont Highway and the newly proposed drive on the site.

According to the *Zoning Ordinance*, Article 5 §7.33, The applicant may request a waiver from the requirements of the arterial street buffer from the planning commission:

*Planning commission waiver.* The planning commission may approve a buffer less than 30 feet in depth. In approving a lesser amount of buffering, the planning commission shall consider the following factors:

- a) Whether there are specific constraints related to existing lot size, lot configuration or the orientation of existing buildings on adjoining properties that would severely limit the development potential of the property if a deep buffer was required.
- b) Whether a deep or shallow buffer would cause the property to be out of character with the surrounding built environment.
- c) Whether there is significant landscape area within the right-of-way of the arterial street itself that can contribute to the buffer, and whether future road improvement activities are likely to reduce the depth of this area.
- d) Whether the landscape design and planting plan for the buffer achieve the standards of subsection 7.32—Standards for arterial street buffer landscaping.

The applicant has submitted a request for a waiver from the requirements of the Arterial Street Buffer, asking that it be reduced from the required 30 feet width, down to 10 feet. A copy of the Waiver Request is attached to this report.

#### 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) The Applicant submitted a detailed diagram showing the car wash facility uses specific to the section of the proposed building that overlaps the SWPOZ Tier 3. It is the Interpretation of the Planning Director that the activities shown to take place in this overlay, specific to the Car Wash, do not constitute one of the prohibited uses as specified in the Zoning Ordinance, Article 3 Section 29.5.
- 2) Site Plan/ Sheet 1:
  - a. Please clarify the planned status of the existing historic Kirby and Holloway Sign.
- 3) Please provide construction details and the height of the Dumpster Enclosure construction.
- 4) Please clarify the material selection for building architecture, canopy, and vacuum spaces. The size of the canopy was reduced to comply with the sideyard setback on the north property line.
- 5) A written waiver request was submitted seeking a reduction of the width of the Arterial Street Buffer. The plan must be revised for compliance if the waiver is not granted.
- 6) Landscape Plan:
  - a. Please indicate the location of the (9) Shenandoah Switch Grass plantings.
  - b. Update the base plan utilized to reflect Site Plan revisions.

#### IX. RECOMMENDED ADDITIONAL CONSIDERATIONS TO MEET CODE OBJECTIVES:

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

- 1) In an effort to eliminate any potential question of compliance, Planning Staff recommends that the Applicant either move and/or condense the building so that all car wash activities contained within the structure, are located outside the boundary of the SWPOZ: Tier 3 Excellent Recharge Area.

- 2) Waiver Request: Staff recommends approval of the Waiver Request as related to the Arterial Street Buffer, reducing the requirement from 30 feet to 10 feet in width. The plan proposes a landscaped area with tree and shrub plantings between the on-site drive aisle and the new street frontage sidewalk. The available area for the buffer was reduced since a portion of the property on this frontage area is being dedicated as right-of-way to Route 13.
- 3) Historic Sign: To further subsection 2.28 related to architectural characteristics of proposed buildings, Staff recommends the Planning Commission request the applicant keep, maintain, and refurbish the historic Kirby & Holloway sign in its current location on the property. The architectural characteristics of this pylon sign, including the shapes and arrangement of the five sign panels and the curving arrow, are unique and should be kept. However, the sign panels may otherwise be refaced to suit the needs of the new business as part of the sign refurbishment.

The sign was previously designated a “Historic or Significant Sign” (See *Zoning Ordinance* Article 5 Section 4.12) in 2014 by the City’s Historic District Commission due to its unique architectural characteristics, which place it within the tradition of Art-Deco style commercial signage common in the Mid-20<sup>th</sup> Century. The Kirby & Holloway Restaurant was established in 1948, making it possible that this sign is the oldest of its type extant in Dover. The new business has an opportunity to reuse this existing sign and continue its significant presence on the Route 13 Corridor.

The applicant should be aware that the Kirby & Holloway sign exceeds several standards of the City of Dover’s Sign Ordinance. If it were removed a similar sign could not be erected in its place. A comparison table of the relevant sign code standards is given below:

<b>Dimensional Standard</b>	<b>Allowed per <i>Zoning Ordinance</i> Article 5 Section 4.7</b>	<b>Dimensions of Kirby &amp; Holloway sign</b>
<i>Sign area</i>	Maximum 100 S.F. (with >15 ft. setback from R.O.W.) <i>or</i> Maximum 150 S.F. (with >31 ft. setback from R.O.W.)	170 S.F. (estimated)
<i>Sign height</i>	Maximum 30 feet	33 1/3 feet (estimated)
<i>Setback from R.O.W. (Right-Of-Way)</i>	Minimum 15 ft. (for a <100 S.F. pylon) <i>or</i> Minimum 31 ft. (for a <150 S.F. pylon)	10 feet (estimated)

Staff supports all efforts to maintain existing signs throughout Dover which are historic, unique, or otherwise significant, even if these signs do not meet current dimensional standards set by the City’s Sign Ordinance.

- 4) 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 routes into the interior of the site. Specifically, Staff recommends the Commission ask for:
  - a. A crosswalk and sidewalk system over the drive aisle to the east of the new building, connecting to the eastern entrances of the building, so that pedestrians coming from North DuPont Highway can have access. A portion of this system has been depicted on the Revised Plan.

X. ADVISORY COMMENTS TO THE APPLICANT:

- 1) Waiver Request – Reduction of Arterial Street Buffer: In accordance with subsection 2.25 related to landscaping, Staff recommends the Planning Commission approve a reduction of the Arterial Street Buffer from the required thirty (30) feet to a minimum of twenty (10) feet along North DuPont Highway for this project. The applicant requested a width of twelve (19) feet, however the plans show only 10 feet from the new Right of Way Line. In reducing for the required buffer, the Planning Commission should consider the following factors:
  - a. The site has constraints required by DelDOT that the Developer dedicate approximately 14'-0" additional width of the property frontage for future expansion of South DuPont Highway (US Rt. 13)
  - b. The properties to the north and south do not have an arterial street landscape buffer. Note: the 7-11 to the south that was redeveloped in the last 10-years has no landscaped arterial buffer.
  - c. The proposed buffer will be 19'-0" (10'-0") wide, the landscape plan provides 3 Ornamental trees, 19-low growing Evergreen shrubs, 9 Native grasses and lawn to create an attractive, seasonally interesting buffer, that will enhance the streetscape of south DuPont Highway/
- 2) In the event, that major changes and revisions to the Site Plan occur in the finalization of the Site Plan contact the Planning Office. Examples include reorientation of or size changes of the building, relocation of site components, etc. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.
- 3) Following Planning Commission approval of the Site Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.
- 4) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.
- 5) For building new construction, the requirements of the Building Code and the Fire Code must be complied with. Consult with the Chief Building Inspector and City of Dover Fire

Marshal for these requirements. The resolution of these items may impact the site design including such items as building dimensions and height, building openings, and fire protection needs, etc.

- 6) The applicant/developer shall be aware that prior to any development or ground disturbing activities on the site the appropriate site inspections and permits are required.
- 7) Construction may have an effect on the adjacent property owners and nearby travel lanes. Any work requiring the closing or rerouting of potential customers or visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience to the adjacent property owners.
- 8) The applicant shall be aware that Site Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign may require a Sign Permit from the City of Dover prior to placement of any such sign in accordance with *Zoning Ordinance* Article 5 §4.
- 9) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover.

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

**CITY OF DOVER**  
**DEVELOPMENT ADVISORY COMMITTEE**  
**APPLICATION REVIEW COMMENTARY**  
**STAFF D.A.C. MEETING DATE: JANUARY 30, 2019**

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

**APPLICATION:** Tommy Car Wash at 656 North DuPont Highway  
**FILE #:** S-19-01  
**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. Valves shall be provided at all water main intersections.
4. The water service line shall be installed five feet (5') to the right of the sewer lateral as viewed from the centerline of the street. The requirement may be waived by the Water / Wastewater Manager if deemed appropriate.
5. Curb stops shall be installed one foot (1') outside of the right-of-way or easement line for the lot, in a non-traffic bearing location.
6. 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 #5 on Sheet 4 under Water as the meter sizing shall be calculated once the water usage projections are received.
7. 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.
8. 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.

## **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. Rim and invert elevations must be labeled on all sanitary structures.
3. The minimum size of all sanitary sewer laterals shall be six-inch (6").
4. The minimum slope for all sanitary sewer laterals shall meet the current plumbing standard accepted by the City of Dover, typically 0.0104 feet / foot for a six-inch (6") sewer lateral.
5. 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.
6. 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.
7. Sanitary sewer laterals shall be connected directly to the main, not manholes, unless impracticable, as determined by the Department of Public Works.
8. Please add language to note #18 on Sheet 1, 2, and 3 under General Notes that includes connections to City of Dover sanitary sewer mains.



9. Final site plan approval will not be granted until a copy of the wastewater discharge approval from Kent County Department of Public Works is submitted to our office.

#### **STORMWATER**

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

#### **STREETS**

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

#### **SANITATION**

1. None.

#### **GROUNDS**

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 remove duplicate note #20 on Sheet 1, 2, and 3 under General Notes.
3. Please add a note on the Utility Plans that all water, wastewater and stormwater infrastructure shall be privately owned and maintained.
4. Please provide construction details for the proposed work, which comply with the City of Dover Water / Wastewater Handbook.
5. Trees shall be installed at least ten feet (10') away from all underground infrastructure.
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 estimated load sheets for proper sizing and type of service.
2. There may be possible existing pole and equipment movement required and those costs will be incurred by applicant.

**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. Every commercial customer shall provide such premises with a sufficient number of solid waste containers to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers. The City of Dover shall provide commercial customers with a maximum of two (2), 90-gallon trash containers and two (2) 90-gallon recycling containers.
2. Trash collection site shall be oriented for side-loading pick-up if customer is utilizing City of Dover sanitation services.
3. Any commercial customer requiring more containers, or larger containers, than provided above, must utilize private service.

**GENERAL**

1. 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

Tommy Car Wash at 656 North DuPont Highway

File #: S-19-01

January 30, 2019

Page 5 of 5

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: 01/30/19

APPLICATION: Tommy Car Wash at 656 North DuPont Highway

FILE #: S-19-01 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 car wash (business).
2. Building Access shall be no further than 50 feet from a primary entrance  
  
Where buildings are provided with an automatic sprinkler system installed in accordance with NFPA 13, access shall be no further than 100 feet from the primary entrance.  
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3)
3. Parking shall be prohibited in front of the primary entrance for a width of not less than 1.5 times the width of the door(s) or for 10 feet, whichever is greater.  
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.2)
4. Perimeter access shall be 30% (15% 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. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.
6. Gated Areas: Fire Department access shall be provided to the property through the use of a system or device approved by the Fire Marshal. The system or device required shall be located in

an area accessible to the fire department and approved by the Fire Marshal. All gates shall be either automatic or manual.

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

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

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

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

7. Fire Alarm System (TBD) 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)

8. Sprinkler system (TBD) required. System is to be monitored by an approved Fire Alarm System.

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

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

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

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

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

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

In residential occupancies when of: Type V (0,0,0) or Type III (2,0,0) construction and exceeding two (2) stories or 25 feet in height. Type V (1,1,1) and Type III (2,1,1) or Type IV (2,H,H) construction exceeding three (3) stories or 30 feet in height. 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)

9. Fire Department Connection is to be a 5-inch sturtz 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.
10. 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)

11. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.
12. 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.
13. 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)

14. 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)

15. (TBD) 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

16. 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.
17. Project to be completed per approved Site Plan.



18. Full building and fire plan review is required.
19. Separate building permits/plans submission will be required for each building and/or tenant fit out. If the permit submission is for a “shell” a Certificate of Occupancy will not be issued. Separate plans and permits submissions will be required for each “tenant fit out” at which time a Certificate of Occupancy will be issued upon compliance/completion of each “tenant fit out”.  
  
Each “shell” will require a fire permit for sprinkler and fire alarm if applicable. Those systems (for the “shell”) must be accepted into service prior to any “tenant fit out” fire permits being issued.
20. Construction or renovations cannot be started until building plans are approved.
21. 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.
22. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

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

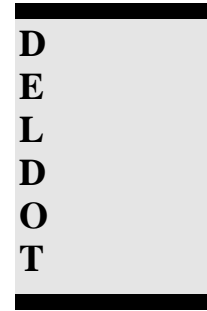
1. Proposal shows the following:
  - a. 2012 Delaware State Fire Prevention Regulations (should be 2015)
  - b. No Sprinkler System (TBD)
  - c. No Knox Box (TBD)

**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: January 30, 2019



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APPLICATION: Tommy Car Wash (656 North DuPont Highway)

FILE#: S-19-01

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. DelDOT had a pre-submittal meeting with the engineer on 12/6/18.
2. The traffic generation diagram implies right out access on North DuPont Highway. Right out movement will not be permitted.
3. Auxiliary lanes into the site are expected and shall follow DelDOT standards and regulations



# 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  
January 2019**

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**APPLICATION:** Tommy Car Wash

**FILE #:** S-19-01

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

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

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

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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:

Source: 2019 Delaware Sediment and Stormwater Regulations

**CITY AND STATE CODE REQUIREMENTS:**

1. As the disturbance for this site will exceed 5,000 square feet, a detailed sediment and stormwater management plan must be reviewed and approved by our office prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to our office. Construction inspection fees based on developed area and stormwater facility maintenance inspection fees based on the number of stormwater facilities are due prior to the start of construction.
2. The following notes must appear on the record plan:
  - The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
  - The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
  - A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.
3. A soils investigation in the proposed Stormwater facility area(s) is required to determine impacts of the seasonal high groundwater level and soils for any Best Management Practice (BMP) design.
4. A SAS (Stormwater Assessment Study) submittal and pre-application meeting are required unless waived.

**ADVISORY COMMENTS TO THE APPLICANT:**

1. Green Technologies (infiltration, bio retention, bio swales, filter strips etc.) must be implemented to comply with the Delaware Sediment and Stormwater Regulations.
2. The preferred methods of Stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.
3. It is recommended that the stormwater management areas be incorporated into the overall landscape plan to enhance water quality and to make the stormwater facility an attractive community amenity.
4. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.
5. If impervious is decreased, this may be eligible for the standard plan. Schedule a pre-application meeting to discuss options.



# LANDSCAPE ARCHITECTURAL SERVICES, L.L.C.

Matthew T. Spong, R.L.A., ASLA  
Trisha Sawicki, ASLA

City of Dover  
Dept. of Planning & Inspection  
The Plaza, Loockerman Street  
Dover, DE 19901  
Attn: Mr. Julian Swierczek, Planner 1

February 5, 2019

**Re: S-19-01 Tommy Car Wash**  
**Request for waiver from the requirements of the Arterial Street Buffer**

Dear Julian,

We are requesting that the Planning Commission consider a partial waiver from the Arterial Street Buffer Zoning Ordinance Article 5-7.33

We are requesting the Planning Commission approve an Arterial Landscape Buffer 19'-0" in width shown on the Site Plans Submitted by Minnich Engineering Inc. and on our Landscape Plan dated 1/3/19 and requested 2/5/19 (copy attached), in lieu of the 30' wide requirement.

This is for the following reasons;

- a. The site has constraints required by DelDOT that the Developer dedicate approximately 14'-0" additional width of the property frontage for future expansion of South DuPont Highway (US Rt. 13).
- b. The properties to the north and south do not have an arterial street landscape buffer.  
Note: the 7-11 to the south that was redeveloped in the last 10-years has no landscaped arterial buffer.
- c. The proposed buffer will be 19'-0" wide, the landscape plan provides 3 Ornamental trees, 18-low growing Evergreen shrubs, 9 Native grasses and lawn to create an attractive, seasonally interesting buffer, that will enhance the streetscape of south DuPont highway.

Additionally, the attached revised landscape plan dated "2/6/19" has added 3-additional ornamental trees to the tree density portion of the plan to meet the requirement that buffer trees are not counted towards the tree density calculation

Please forward this information to the Planning Commission for their consideration. If you have any questions about this request, please contact me.

With Best Regards,

A handwritten signature in dark ink that reads "Matthew T. Spong".

Matthew T. Spong, R.L.A., A.S.L.A., Principal  
X.C. Manpreet Mattu, Managing Partner Dover Car Wash LLC  
Kevin Minnich P.E., President, Minnich Engineering Inc.

P.O. Box 293, Dover, DE 19903 phone: 302-284-4578 fax: 302-284-0301  
e-mail: [matt@las-llc.net](mailto:matt@las-llc.net) website: [www.las-llc.net](http://www.las-llc.net)

## **Appointment of the Architectural Review Oversight Subcommittee of Planning Commission**

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

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

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

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

At the Annual Meeting of the Planning Commission on August 20, 2018 the following individuals were appointed to the Architectural Review Oversight Subcommittee of Planning Commission.

- Kathleen Welsh, Planning Commission member
- Dean Holden, Planning Commission member
- Mayor or Mayor's designee

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

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

**The Planning Commission needs to act to designate another Planning Commission member to this Subcommittee to replace former Commission & Subcommittee member Dean Holden.**