

**CITY OF DOVER PLANNING COMMISSION
AGENDA**

Monday, March 18, 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 February 19, 2019

COMMUNICATIONS & REPORTS

- 1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, April 15, 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. S-17-02 Mitten Industrial Park at 141 Lafferty Lane (Revised 2/28/2017) – Request for One Year Extension of the Planning Commission conditional approval granted March 20, 2017 for a Site Development Plan application to permit construction of a 9,600 S.F. building, an equipment processing & storage area, and associated site improvements. The 40.09 acre+/- subject site is located on the east side of Lafferty Lane north of the Kings Cliffe Manufactured Home Park. The property is zoned IPM (Industrial Park Manufacturing Zone) and MH (Manufactured Housing Zone) and is partly subject to the AEOZ (Airport Environs Overlay Zone: Accident Potential Zone I and Noise Zone A). The project is subject to *Performance Standards Review Application*. The owner of record is Matthew E. Mitten. Property Address: 141 Lafferty Lane. Tax Parcels: part of ED-05-077.00-01-26.00-000, ED-05-077.00-01-27.00-000, and part of ED-05-086.00-01-08.00-000. Council District 2.
 - b. S-17-06 Secure Storage Revised Site Plan, Phases 2 & 3 – Request for a One Year Extension of the Planning Commission conditional approval granted March 20, 2017 a Site Development Plan application to permit construction of Phases 2 & 3 of a mini-storage facility consisting of five (5) storage buildings, on a site already containing 14 storage buildings (Phase 1), for a total of 19 buildings. The new buildings total 94,500 S.F. Associated improvements including a boat and RV parking area and a second site entrance are also proposed. The project is subject to *Performance Standards Review Application*. The 18.68-acre subject site is located on the north side of Lafferty Lane, east of South Bay Road. The property is zoned IPM (Industrial Park Manufacturing Zone). The owner of record is Secure Storage LLC. Property address: 640 Lafferty Lane. Tax Parcel: ED05-077.00-01-25.00-000. Council District 2. *The Final Site Plan approval was granted October 16, 2017.*

2) Continued Review of New Application:

- a. S-19-01 Tommy Car Wash at 656 North DuPont Highway – Continued 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. The Public Hearing and Review of Application S-19-01 began at the February 19, 2019 Planning Commission Meeting; it was tabled seeking additional information.*

NEW APPLICATIONS

- 1) Z-19-04 Lands of Beauregard at 878 South State Street – Public Hearing and Review for Recommendation to City Council on a rezoning application for a parcel of land totaling 9,600 SF +/- located at 878 South State Street. The property is zoned R-8 (One-Family Residence Zone). The proposed zoning is C-1 (Neighborhood Commercial Zone). The property is located on the west side of South State Street, north of Wyoming Avenue and south of Gooden Avenue. The owners of record are Andre M. and Jane J. Beauregard. Property Address: 878 South State Street. Tax Parcel: ED-05-077.17-03-51.00-000. Council District 2. Ordinance #2019-08.
- 2) S-19-02 Boardwalk Apartments at 127, 129, 133, 135 Roosevelt Avenue – Public Hearing and Review of a Site Development Plan Application to permit construction of a three-story 19,824 SF apartment building consisting of 18 units, four covered parking buildings, and accompanying site improvements. The previous structures on the sites will be demolished. The subject area consists three (3) parcels totaling 0.828 +/- acres located on the north side of Roosevelt Avenue east of North DuPont Highway (US Rt. 13). The property is zoned RG-2 (General Residence Zone). The owner of record is Miller investments, LLC. Property Addresses: 127, 129, 133, and 135 Roosevelt Avenue. Tax Parcels: ED-05-077.18-02-71.00-000, ED-05-077.18-02-72.00-000, and ED-05-077.18-02-73.00-000. Council District 2. *For Consideration: Cash-in-lieu of Active Recreation Area Construction. Project is associated with variance application V-18-11.*
- 3) S-19-03 Retail Center at 747 N. DuPont Highway: Master Plan – Public Hearing and Review of a Site Development Master Plan to permit phased construction of a retail center to consist of four buildings totaling 62,260 SF in three phases. The buildings proposed include three retail structures of 19,200 SF, 19,975 SF, and 11,900 SF respectively. There is also a restaurant of 11,185 SF. The property is zoned SC-2 (Community Shopping Center Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone). The property is located on the east side of North DuPont Highway and south of Leipsic Road. The owner of record is Rojan 15 DD, LLC. Property Address: 747 North DuPont Highway. Tax Parcel: ED-05-068.05-01-15.01-000. The project also involves reconfiguration of the property and parking for the hotel located at 764 Dover Leipsic Road. This adjacent property is zoned C-4 (Highway Commercial Zone) and is subject to the SWPOZ (Source Water Protection

Overlay Zone). The owner of record is Delmarva Hotels LLC. Tax Parcel: ED-05-068.05-01-14.00-000. Council District 3. PLUS #2018-02-02. *This site was subject to a Minor Subdivision Application SB-18-01 as approved by the Planning Commission on February 20, 2018 and granted a one-year extension on February 19, 2019. The Subdivision proposed dividing the existing parcel of 25.01 +/- acres into two parcels of 10.007 +/- acres and 15.004 +/- acres. This proposal deals exclusively with the 10.007 +/- acre parcel to the south.*

NEW BUSINESS

- 1) Project for Dover's 2019 Comprehensive Plan
 - a. Update on Project Activities
 - b. Review of Preliminary Draft #2A – Goals and Recommendations

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: March 8, 2019

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

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday, February 19, 2019 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Adams, Mr. Roach, Ms. Edwards, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Maucher and Mr. Tolbert. Mrs. Welsh was absent.

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

APPROVAL OF AGENDA

Mr. Adams moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mrs. Welsh absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JANUARY 22, 2019

Mr. Holt moved to approve the Planning Commission Meeting minutes of January 22, 2019, seconded by Mr. Baldwin and the motion was unanimously carried 8-0 with Mrs. Welsh absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, March 18, 2019 at 7:00pm in the City Council Chambers.

Mr. Hugg provided an update on the regular City Council and various Committee meetings held on January 28 & 29, 2019.

Mrs. Melson-Williams stated that there is a training series that is available to the Commissioners. If anyone is interested in attending those events please let Planning Staff know to get registered. They are typically held on Friday mornings in Dover. The next one is coming up on the first Friday in March and then there is a second one also being held in March.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

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.

Representatives: None

Mr. Diaz stated that this application went before the Planning Commission in February 2018. The purpose of the plan was to subdivide the parcel at 747 North DuPont Highway from 25 acres into a 10 acre front parcel along North DuPont Highway and a 15 acre rear parcel along Leipsic Road. As it has been a year since the plan was submitted to the Planning Commission and they have not yet finalized the plan which is getting it recorded at the Recorder of Deeds Office in Kent County. That Subdivision Plan will expire unless it is given an extension tonight. Staff is recommending that they do be granted an extension in light of they recently submitted the final documents needed to get final approval for the subdivision and get it recorded.

Ms. Maucher moved to approve SB-18-01 Minor Subdivision Plan for 747 North DuPont Highway for the request for extension, seconded by Ms. Edwards and the motion carried 8-0 by roll call vote. Ms. Maucher voting yes; they have made progress according to Staff and they are close to commencing. Mr. Adams voting yes. Mr. Roach voting yes. Ms. Edwards voting yes. Mr. Holt voting yes. Mr. Baldwin voting yes. Dr. Jones voting yes. Mr. Tolbert voting yes.

NEW APPLICATIONS

- 1) AX-19-01 Lands of New Wind 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 New Wind 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.*

Representatives: Mr. Brock Parker, Parker and Associates

Mrs. Melson-Williams stated that this is a request for Annexation. The applicants are the owner of record which is New Wind Properties 2920 LLC and also Franchise Management Services Inc. who is the potential redeveloper of the site. The property is 0.57 acres and located on the east side of North DuPont Highway and is adjacent to Maxwell Street. This is the area of the City that is up across from what was the old Dover Sheraton, the North Dover Lowes, north of Wawa and near the Dover Towne Center project that has the Outback Steakhouse Restaurant in the front. Currently, the property in the County is zoned BG (General Business Zone). They are requesting annexation into the City with a proposed zoning classification of C-4 (Highway Commercial Zone). With any Annexation, we have to look to the City's *Comprehensive Plan*

and in there we find that this area is designated as Category 1: High Priority for Annexation and has a land use designation of Commercial. On the property, there is currently a vacant commercial building and the potential development has been working through some of the review process with Kent County to redevelop that building into a restaurant with drive-through for that site.

Tonight, the Planning Commission will be making a recommendation on the Annexation and a recommendation in regards to the zoning of the property. In doing so, our *Comprehensive Plan* calls for our zoning to be in compliance with the land use category that is outlined in the *Comprehensive Plan*. With a land use category of Commercial, the proposed zoning of C-4 (Highway Commercial Zone) does comply with that. Also, to be considered should be the character and compatibility of the surrounding land uses, the adjacent street types and the general environment that the property is located in. The DAC Report does include a listing of the types of uses that are allowed in the C-4 (Highway Commercial Zone). It allows for a variety of retail, office, restaurants and service type of establishments. It also allows for hotels, places of public assembly, some other service needs and some manufacturing type activities. There are also a number of conditional uses that could be reviewed in the C-4 (Highway Commercial Zone). It is the recommendation of Planning Staff that the Annexation occur and that the zoning of the property be C-4 (Highway Commercial Zone). Staff finds that the subject property is within the City's Annexation Plan as a High Priority Annexation Area and that the C-4 (Highway Commercial Zone) zoning is consistent with the development along the highway corridor and is also consistent with the land use category of Commercial. In the DAC Report, a number of the participating agencies have provided comments. Basically, they have no objections to the Annexation of the parcel. They do provide a series of Advisory Comments related to redevelopment of the site. Specifically, the Public Works Office has noted that water and sanitary sewer is located on the west side of North DuPont Highway and the applicant is pursuing the ability to connect to City sewer through that office. The property already is served by City of Dover Electric. Likewise, the Fire Marshal's Office has provided some advisory information related to fire protection needs of the site and the building should it become part of the City of Dover. DelDOT and the Kent Conservation District likewise have no objection to Annexation.

Mr. Parker stated that they are the Civil Engineers and Surveyors representing the developers of the property. They take no exception to any of the comments in the Staff Report. The Advisory Comments are all things that we know and things that we are prepared to overcome. As you know, the property has been through the County portion of the planning process. It was at the conclusion of that planning process that they went in to get their septic system replaced. Once they started throwing in all of their arcs from all of their adjacent wells and septic, it just got too small for their feasible use for a Dunkin Donuts Store. They approached Dover and they said that there is sewer on the other side; so their current plan is to tie that building into the sewer that is on the other side of the highway through a small lift station force main. ~~Mr. Diaz~~ (Mr. Jason Lyon) and his group have been very accommodating and helpful to them in trying to get that plan work together. They have met with DelDOT and they seem agreeable to letting them get across their road. The proposed zoning that is suggested by the City does fit their needs and their ultimate use. They take no exception to any of the comments in the DAC Report.

Mr. Tolbert questioned if they will continue to work cooperatively with Planning Staff regarding this application? Responding to Mr. Tolbert, Mr. Parker stated yes.

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

Ms. Maucher questioned if they were planning to connect to City water immediately or wait until the well fails? Responding to Ms. Maucher, Mr. Parker stated that they are going to wait until the well fails. DNREC is now reviewing the existing well to make sure that it's sufficient for their use.

Mr. Holt moved to recommend approval to City Council for application AX-19-01 to C-4 (Highway Commercial Zone).

Ms. Edwards questioned if the motion should also include the Annexation of the property? Responding to Ms. Edwards, Mr. Tolbert stated absolutely.

Mr. Holt moved to recommend approval to City Council for application AX-19-01 for annexation of the property and for the zoning of C-4 (Highway Commercial Zone), seconded by Dr. Jones and the motion was carried 8-0 by roll call vote. Mr. Holt voting yes; he thinks that it's a good extension on the City Plan and should be a good fit for Dover. Mr. Baldwin voting yes. Dr. Jones voting yes. Ms. Maucher voting yes; based on Staff recommendations. Mr. Adams voting yes. Mr. Roach voting yes; you can never have too many Dunkin Donuts. Ms. Edwards voting yes. Mr. Tolbert voting yes; there are no problems with this application.

- 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.*

Representative: Ms. Cynthia Yencer, R & R Commercial Realty

Mrs. Melson-Williams stated that this is a request for an Amendment to what is the 2008 *Comprehensive Plan* for the City of Dover. Tonight, we are considering an amendment to Map 12-1 which is the Land Development Plan Map that is included as part of the *Comprehensive Plan*. For this request, there are dealing with a property that is located on the north side of Commerce Way. The request is to revise the land use classification from Residential High Density to a classification of Industrial and Public Utilities.

Mrs. Melson-Williams shared a visual map example of the before and after for this property. As

you can see, currently the Land Development Plan Map is split between the two land use classifications of the Residential High Density and the Industrial. The applicant made a request to the City in December which is the timeframe for the once a year time that they consider Comprehensive Plan Amendments to change that classification from Residential to the Industrial classification. The property in total is 22.967 acres of land. They are dealing with an area of revision that is on the western portion of the property and that is 13.967 acres. The remaining 9 acres already carries with it that Industrial land use classification. In looking at this request, they go to the *Comprehensive Plan* which discusses approaches to both the Residential High Density and what they would call Employment Centers and Industrial Land Uses in the City. Information excerpted from the *Comprehensive Plan* is in the DAC Report for your reference. Adjacent to this property is actually part of the Enterprise Business Park; so it has kind of industrial and office type neighbors. To the north and west, there are residential areas in the form of single family detached houses and the Woodmill Apartment Complex. This evening, the Planning Staff is recommending that the Commission approve the request for change in the land use classification. As you all know, Staff is currently working on preparing the 2019 Comprehensive Plan and as early as August 2018 they released a Preliminary Land Development Plan Map for that new document. Specifically for this area, Staff was making the recommendation to take that entire parcel to that Industrial land use classification. The property owner wanted to be moving a little quicker than we are through the Comprehensive Plan process; so, that's why they went ahead and made the Comprehensive Plan Amendment request. While Staff recognizes that both affordable housing and economic development are needed in the City and they are both issues that the *Comprehensive Plan* strives to address, they feel that this site is better suited for Industrial development. It is one of the few shovel ready Industrial sites in the City since it's in an Industrial Park that has the infrastructure in place so we do support the land use classification change to Industrial. The other participating DAC members have no objection to this proposed amendment to the *Comprehensive Plan*. She will note that this is associated with a Rezoning application that they will consider next.

Ms. Yencer stated that she was here tonight on behalf of the owner, H & M Properties LLC. She is here to answer any questions that the Commission might have in reference to their applications or the Comprehensive Plan.

Mr. Tolbert opened a public hearing.

Ms. Charley Roberson – 1242 South Farmview Drive Dover DE 19904

Ms. Robinson stated that there is an area behind the houses that has a wooded parcel that has foxes and sometimes deer. She would like to know what is going to happen with that area. Responding to Ms. Robinson, Mrs. Melson-Williams stated that she believes that Ms. Robinson is talking about the area along the north property line of the subject site. That is not part of this application and it would remain as is. She believes that there is some City owned land but she is not sure if it is or not. She believes that the wooded area is not found on this parcel, it's something that separates this parcel from the residential area. One thing of note, in order to develop this property there will be additional review processes involving a Site Development Plan that will look more closely to what it is adjacent to and what types of buffering may be required. This is a first step towards making a change in rezoning the property. She doesn't believe that it affects that wooded area that Ms. Robinson is referring to. (Ms. Robinson had no

further statements or questions.)

Mr. Tolbert closed the public hearing.

Mr. Adams moved to recommend approval to City Council for MI-19-02 Comprehensive Plan Amendment 2019 for land use classification change from Residential High Density to Industrial and Public Utilities as submitted, seconded by Dr. Jones and the motion was carried 8-0 by roll call vote. Mr. Adams voting yes. Mr. Roach voting yes. Ms. Edwards voting yes. Mr. Holt voting yes. Mr. Baldwin voting yes. Dr. Jones voting yes. Ms. Maucher voting yes. Mr. Tolbert voting yes.

- 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.*

Representatives: Ms. Cynthia Yencer, R & R Commercial Realty

Mrs. Melson-Williams stated that this is for the same property and this is the second step in the process; this is a request for Rezoning. The property is located on the north side of Commerce Way. As mentioned before, the entire parcel consists of 22.967 acres and the area of this Rezoning request is 13.967 acres. Currently, that area is zoned RG-2 (General Residence Zone) and the balance of the property is zoned IPM (Industrial Park Manufacturing Zone). The applicant is requesting that the area that is currently RG-2 (General Residence Zone) be rezoned to IPM (Industrial Park Manufacturing Zone) which would make the entire parcel in the IPM (Industrial Park Manufacturing Zone) district. As mentioned before, with any Rezoning they have to look to the *Comprehensive Plan* and with the Commission's recommendation of approval of the Comprehensive Plan Amendment that sets up the appropriate land use classification for them to consider rezoning of the western portion of this property to the IPM (Industrial Park Manufacturing Zone) zoning district. The DAC Report does note some previous history related to zoning and previous development efforts that were focused on this property. However, the most recent Development Plan from 2008 has long since expired and that project was to develop that residential side in that format. That equitable owner never followed through and the current property owner is seeking to take his entire property to that IPM (Industrial Park Manufacturing Zone) to set it up for future development activity.

The Planning Staff in regards to this Rezoning request is recommending for approval of the Rezoning from RG-2 (General Residence Zone) to IPM (Industrial Park Manufacturing Zone) noting that the companion Comprehensive Plan Amendment will have to be first approved before the zoning request can be considered compliant with the *Comprehensive Plan*. The

Rezoning, Staff finds, would place the entire property in the same zoning district and actually return it to what was its original zoning classification of IPM (Industrial Park Manufacturing Zone). The Development Advisory Committee's other participating agencies have no objections to the proposed Rezoning. Again, they provide some advisory comments for future development activities should that occur on this property. It is noted that any development would require at least some type of Site Plan application which would be subject to its own Public Hearing process.

Ms. Yencer stated that they have no comments at this time and they accept all of the DAC comments.

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

Ms. Edwards moved to recommend approval to City Council for Z-19-01 Lands of H&M Properties LLC from RG-2 (General Residence Zone) to IPM (Industrial Park Manufacturing Zone), seconded by Mr. Holt and the motion was carried 8-0 by roll call vote. Ms. Edwards voting yes. Mr. Holt voting yes. Mr. Baldwin voting yes. Dr. Jones voting yes. Ms. Maucher voting yes. Mr. Adams voting yes. Mr. Roach voting yes. Mr. Tolbert voting yes.

- 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.

Representative: Mr. Jonathan Street, Becker Morgan Group

Mr. Swierczek stated that this application is a review of a Rezoning application consisting 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 RGO (General Residence & Office Zone) and is currently subject to H (Historic District). The proposed zoning is to IO (Institutional & Office Zone) while retaining the H (Historic District Overlay Zone). The property on the west has frontage along South State Street and contains the building that previously housed the City of Dover's 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 & Office Zone) to allow for the future utilization of the building by Wesley College as a flexible classroom and meeting space for their Occupational Therapy Program.

The redevelopment of the site will be subject to a separate application and permit submission. This is only for the Rezoning. The 2008 *Comprehensive Plan* recommends that the property be

used for a mixed-use zone type and the proposed zoning of IO (Institutional & Office Zone) is listed as compatible with the Mixed Use classification. Furthermore, the IO (Institutional & Office Zone) lists public institutions including schools, colleges and universities as permitted uses. Staff therefore recommends that the Rezoning be granted to IO (Institutional & Office Zone) with the H (Historic District Overlay Zone) to remain as requested as the proposed zoning is consistent with the *Comprehensive Plan* for the Mixed-Use land use. 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 and there are several office, residential and institutional uses within the immediate vicinity. The IO (Institutional & Office Zone) clearly permits institutional uses such as colleges and the applicant is keeping the H (Historic District Zone) designation.

Mr. Street stated that the application is simply a Rezoning of the two parcels. One of them contains the old Dover Public Library and the other one is to the rear of the Library itself. Wesley acquired these properties from the City and they are in the middle of the planning stage for redevelopment of the interior of the building itself and the classroom space. These parcels will eventually be consolidated together to make up one parcel to utilize the building itself as classroom space and the parking lot for the College itself. They are in receipt of the Staff Reports and they take no exception to them. They have no issues or questions with the Report itself.

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

Dr. Jones moved to recommend approval to City Council for Z-19-02 – Lands of Wesley College at 45 South State Street to change the zoning from RGO (General Residence & Office Zone) to IO (Institutional & Office Zone) with the H (Historic District Overlay Zone), seconded by Ms. Maucher and the motion was carried 8-0 by roll call vote. Dr. Jones voting yes. Ms. Maucher voting yes. Mr. Adams voting yes. Mr. Roach voting yes and hopes to see that building revitalized as soon as possible. Ms. Edwards voting yes. Mr. Holt voting yes. Mr. Baldwin voting yes. Mr. Tolbert voting yes; the old Library building will be very well used by the College.

- 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.

Representative: Mr. David Miller, Miller Investments LLC

Mr. Diaz stated that this application is at the east end of Roosevelt Avenue. This parcel is bordered on the east by the St. Jones River and on the north and on the west is bordered by lands of the Riverside Mobile Home Park. Across the street are the River Chase Apartments and additional nearby uses in this block of Roosevelt Avenue include a number of one family

residences, the Kent County Theater Guild and towards the west end, a number of commercial uses that front on North DuPont Highway. The parcel is 1.67 acres in size. It is currently zoned R-8 (One Family Residence Zone). The proposed zoning is RG-2 (General Residence Zone). The RG-2 (General Residence Zone) allows a number of additional kinds of residential uses beyond one family dwellings; particularly, it allows garden apartment buildings. This would be a fit for the applicant's stated intention to develop a 22-unit apartment building on the site. The applicant did submit a preliminary plan of what that apartment building (layout) would look like; however, because this is the application for the Rezoning, your motion tonight would not be approval or denial of the specific design that you see on the plan. It would have to come back to the Planning Commission for a regular Site Development Plan approval. Staff is recommending that the Planning Commission and the City Council approve the Rezoning. Staff has noted that this area has trending away from its original historical use as one family dwellings towards more dense residential uses with the existing River Chase Apartments and the Riverside Mobile Home Park being the prior uses that are fitting that trending. The applicant also came in October 2018 to request Rezoning of another property on this street that also went from R-8 (One Family Residence Zone) to RG-2 (General Residence Zone) that were eighteen apartment units.

Mr. Holt stated that they received a letter tonight with an opposition from Riverside Mobile Home Park regarding a sewer easement that they have. How is that going to affect the property? They are saying that it would limit their use of moving mobile homes in and out of the property. Responding to Mr. Holt, Mr. Diaz stated that there is a sanitary sewer easement between the two parallel dotted lines shown on the plan that run diagonally across the property. This letter actually notes two different reasons. The sanitary sewer easement refers to the land set aside for the sewer line that runs underneath the ground within that area. Ultimately, in order for this property to be rebuilt, that property would have to be receptive somehow. It would either have to not be disturbed during construction or it would have to be redirected around development. The other easement that is noted in this letter is a claimed easement by necessity. That is different from the sanitary sewer easement; it's more of an access easement. That is what the owner of the Mobile Home Park is claiming that they use it to basically take homes when they are coming in and out of the park across the grass because the normal driveway for Park is too narrow and has too great an angle for the homes to brought down it. One thing that you should note is that the sanitary sewer easement is a recorded easement while the "easement by necessity" means in legal terms is that they don't have something written down but because they have been using it unchallenged then they basically have an established right to it. But they would need to work with a legal team to actually transform that into a formal easement. At the moment, it is not recognized the way the sanitary sewer easement is.

Mr. Adams questioned the width of the sanitary sewer easement. Responding to Mr. Adams, Mr. Miller stated that the current written easement is a ten-foot easement access for the maintenance of the sewer. It is drawn out as twenty feet on the plan because typically they are twenty feet but this one was written back in the 1960's and is only a ten foot easement currently.

Mr. Adams stated that given the fact that the Code has changed, does that change the easement at all or is the recorded easement of ten feet as noted by the equitable owner the amount of easement that we should be thinking about when we are thinking about this easement that's in place? Responding to Mr. Adams, Mr. Diaz stated that they would be working with a ten foot

easement because that would be in the property's legal description. It would basically be considered non-conforming to current Code.

Mr. Miller stated that in reference to that ten foot easement, he would have no problem making it twenty feet. He has been working with the owner of the mobile home park trying to accommodate the fact that this development would block her usage of getting those homes in and out of the property. At this point, she has not been willing to accept his negotiation to move everything over and give her access to the property on the right side. He is more than willing to make that happen as well. However, the recommendations that Staff have made and the work that we have done with them to make this project viable to bring additional housing to this community is because we all know housing is very limited and tight in this community. So, we would just ask that you would approve the zone change for them.

Ms. Maucher questioned how long the access has been used by the Mobile Home Park? Responding to Ms. Maucher, Mr. Miller stated that because he is only the equitable owner, he doesn't know the answer to that. He knows that there has been a claim and he knows that there is an agreement between the current owner and the existing owner that she was not allowed to use that to move the homes in and out because from what he understands, they damaged the property one time doing it. Regardless, it is a sewer easement access for maintenance of the sewer. It is not an access road or an access to allow them to move property from one place to another.

Mr. Tolbert opened a public hearing.

Ms. Nicole Faries – Baird, Mandalas and Brockstedt for 151 E Roosevelt Avenue Dover DE 19901

Ms. Faries stated that she represents Riverside Mobile Home Park. Her client is opposed to this application because it does have two easements across this property. Mr. Diaz is correct; the other easement, the easement by necessity, which they would suggest was obtained by adverse possession. It was stated on the record that it was used without permission; therefore, it's adverse possession. It has been used for over forty years and they will be filing legal action to get that legally recognized because it is not in writing. The important part for her client is that they have old mobile homes in the mobile home community and when those homes deteriorate, they have to move those homes out and move new homes in. They have been using the sewer easement area as also a transgressional easement to basically move homes in and out of the community because they can't get through their curved entrance. The other concern that they have is that there have been several other lots on East Roosevelt Avenue that were converted to Garden Apartments and the traffic in that area is becoming burdensome. There was testimony from the residents. The traffic backs up at the light because there is a car wash in the neighborhood as well. So to add another apartment complex on top of the mobile home community and the other apartment complexes in the area are just greatly going to inhibit this roadway. There are residents of Riverside Mobile Home Park here tonight in opposition. (7 Residents were indicated in the audience by a show of hands.)

Mr. Roach stated that the applicant made a statement earlier that he was trying to work with the owner in regards to creating a different way to be able to have the mobile homes still be able to be moved. Was that a conversation that you are aware of or is that something that the owner is

not willing to negotiate in regards to access for the mobile homes to be able to be taken in and out? Responding to Mr. Roach, Ms. Faries stated that she has not had any conversations with Mr. Miller. She has reached out to his representative to say that she is representing the property owner but she has not received any communications. If they could have more discussions after tonight, she definitely welcomes that.

Mr. Adams stated that he would be interested to understand from either Miller Investments or from the property owner if that point is in dispute at all. Is it your understanding that this property has been used for forty years in the way that it's been represented by counsel? Responding to Mr. Adams, Mr. Miller stated that when he first approached the seller which is the owner of the mobile home park in reference to actually purchasing the park as well, he had paid to have a survey done on that property. When they did the survey, she had additional encroachments. The driveway encroaches and she has some light poles, asphalt and dumpsters that encroach upon this property. In discussions with the property owner, she said she has no problem moving all of that stuff off of your (his) property. He has never been told by her that this is something that they have used for years. All that he heard was one story that they moved a home one time, damaged the property and the owner got upset. He hasn't seen the letter. He has never been contacted by anybody. He doesn't have a counsel; he works for himself. This is completely out of the blue tonight for him.

Ms. Faries stated that she doesn't think that the parties agree over the easement and she thinks that's why legal action would be necessary. Mr. Miller mentioned speaking to the seller. She wants to make it clear because some residents have been confused about this; Riverside Mobile Home Park is not the seller and is not selling. (Ms. Faries introduced Ms. Karen Kemp, Property Manager of Riverside Mobile Home Park.) She asked Ms. Kemp how long she has worked for this mobile home park. Responding to Ms. Faries, Ms. Kemp stated approximately six years.

Ms. Faries questioned if during that time they have moved homes in and out of the community? Responding to Ms. Faries, Ms. Kemp stated yes they have.

Ms. Faries asked Ms. Kemp to describe what path they have used. Responding to Ms. Faries, Ms. Kemp stated that they try to stay as close to their driveway as they can. The back tires do usually hit the property that we are talking about this evening as it comes around the turn. They have on a couple of occasions came across the field when they couldn't make access around the driveway and any time damage was done they did fix that damage. They brought in dirt; they seeded it and fixed it.

Mr. Tolbert stated that he would like to remind everyone that they are only dealing with a Rezoning tonight, not any other issue regarding this application. They will have to come back before the Planning Commission again if there is anything else.

Ms. Maucher questioned how the resolution of the legal issue would affect the project if you were to have to give up that easement? How would that impact your plan for the project? Responding to Ms. Maucher, Mr. Miller stated that whenever you have an easement for a sewer line maintenance you have to leave it accessible. He can't build a building on it so it would always be accessible to her by law because it has to be. What he proposed to her is to take the

driveway that she has on the left hand side and slide everything over and give her a complete driveway that comes all the way through so she can just come right off of the street. They spoke to Mr. Diaz about this and they are aware that they would have to go to the Board of Adjustment to get additional waivers for some of the compliance of the Code at that point but this is something that he has had his architects drop an additional drawing for. They have sent it to the owner and have had conversations with her. The only person that she is aware of that has any legal rights to this property is the owner. As the Chairman said this is in reference to zoning and he thinks that it fits within the parameters and the desires of the City and brings more housing. Affordable housing comes from supply and he is trying to create a supply so they can maybe get the rents a little bit cheaper. He is a renter here; he is a move in from another state and rent is surprisingly expensive for this area.

Ms. Faries stated that their opposition is with respect to the Rezoning. This is under the *Comprehensive Plan* as a single family dwelling and they think that should be respected even though it's been changed elsewhere on the street because of the traffic impact it's had and the particular impact that it will have on the community right behind it.

Mr. Beau Zebley – Olson Realty

Mr. Zebley stated that this is within the *Comprehensive Plan* for more dense residential and the issue with traffic is not with the fifty-five apartments at the end of the street or their project of eighteen apartments or the Theatre Guild. The issue on the street is the car wash. That is why traffic is backed up all the way down Roosevelt Avenue at times. Having sixteen to twenty additional units is not going to affect what happens at the car wash whether or not they redevelop this property or not. City Council did vote in favor to rezone the other property that they have located on Roosevelt Avenue.

Mrs. Nina Lazzeroni – 146 Roosevelt Avenue Dover DE 19901

Mrs. Lazzeroni stated that 146 Roosevelt Avenue is her primary residence. They would like to say that they are in favor of this project. They are hoping that it will improve the look of their street and their small part of the community and perhaps even raise the property values to the homeowners. Most of them have been living there for a long time and they have vested interests. Besides this being their home, also monetarily in this they are hoping that it will be favorable to that. As far as the traffic problem, she agrees with the previous gentleman that the traffic is at the corner of Roosevelt Avenue and Route 13 and it's from the car wash. It gets clogged up because people are waiting to turn into the car wash. As a person who lives directly on the street, not back into the trailer park or back into the apartments, the traffic does not bother them. It would be good if people actually followed the 25 MPH speed limit but the volume of traffic is no issue at all for them.

Ms. Kelly Croft – 138 Roosevelt Avenue Dover DE 19901

Ms. Croft stated that she was in support of the Rezoning.

Mrs. Janie Wolfe – 142 Roosevelt Avenue Dover DE 19901

Mrs. Wolfe stated that she and her husband are home owners and they have been living at this location for sixteen years. They agree with the Rezoning. They also believe that it will improve the look of their neighborhood. They don't believe that the traffic is caused by any of the

rezoning that has been done already or what they are asking for because there is nothing that's there to cause traffic; the car wash that is causing the traffic issues. She thinks that this will improve their area and bring the property value up for their home.

Mr. Ronald Short – 151 Roosevelt Avenue F-2 Dover DE 19901

Mr. Short stated that he opposes the Rezoning because he feels like there is a lot of traffic on the street. They are having more and more kids in the area and they have had a couple of accidents over the years.

Mr. James Tieman – 151 Roosevelt Avenue A-6 Dover DE 19901

Mr. Tieman stated that he disagrees with the Rezoning because traffic is terrible. The keyword at one time was "yet" but it will happen. There have been plenty of accidents that almost happened in this area. If anyone has spare time they can come down there and look at the site and see how small it is, look at the congested area that it will be and look at the bottleneck that it will make. There are accidents just waiting to happen.

Mrs. Janie Wolfe – 142 Roosevelt Avenue Dover DE 19901

Mrs. Wolfe stated that she has been living in this area for sixteen years and she has never seen a trailer come in and out of that trailer park. She knows that they said there were issues with moving homes but she has never seen it happen. She could have missed it but she lives right across from the trailer park and again, they keep bringing up this issue with the traffic. It is the car wash and the light at the highway that's the issue; it's not Roosevelt Avenue. She believes that the traffic lights need to be looked at because there are accidents there but it's not because of the traffic coming in and out of Roosevelt Avenue.

Mr. Tolbert stated that they have heard comments that were pro and con from people in the area and he wants to stress to everyone that all they are dealing with at the hearing this evening is the zoning issue. All of the other issues that have been brought up other than zoning will have to be dealt with later on. He suggests that everyone keeps up with what goes on at City Council with regard to this application.

Mr. Tolbert closed the public hearing.

Mr. Adams moved to recommend approval to City Council for Z-19-03 Lands of Schreppler at 157 Roosevelt Avenue that the zoning to RG-2 (General Residence Zone) be granted as requested as the proposed zoning is consistent with the Comprehensive Plan for the Residential Medium Density land-use classification. Aside from his motion, he would encourage Mr. Miller and the park owner to continue their conversations around finding a solution that would be in the best interest of all parties, seconded by Ms. Maucher and the motion was carried 7-0 by roll call vote with Mr. Holt absent (Mr. Holt stepped away during the motion). Mr. Adams voting yes. Mr. Roach voting yes; he also encourages that the conversations with the applicant and the park owner continue. He also hopes that as willing that Mr. Miller was prior to the Rezoning to work with the park owner that it continues. Ms. Edwards voting yes. Mr. Baldwin voting yes; it is consistent with the Comprehensive Plan. Dr. Jones voting yes; for reasons previously stated. Ms. Maucher voting yes. Mr. Tolbert voting yes; he would encourage the applicant to follow what Mr. Adams stated in his motion to continue to work together to see if you can resolve some of the

problems that have been stated at this hearing.

- 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.*

Representative: Mr. Kevin Minnich, Minnich Engineering

Mr. Swierczek stated that this application is a Site Development Plan to permit construction of a new 5,194 SF car wash structure and accompanying site improvements. Just to note, this is the site that previously contained the Kirby and Holloway Restaurant since 1948. The previous structures on the site have been demolished and the site is now vacant. The property consists of a total of 0.94 acres and is zoned C-4 (Highway Commercial Zone) and is partly subject to the SWPOZ (Source Water Protection Overlay Zone) Tier 3 Excellent Recharge Area. There are two previous applications of note related to this site. In May 2014, an Administrative Site Plan S-14-14 was submitted to rebuild and expand the Kirby and Holloway Restaurant. It received Final Plan Approval in December 2014 but no work commenced and the approval has since expired. Secondly, at the March 2014 meeting of the Historic District Commission, they reviewed application HI-14-02 to determine historic and/or cultural aesthetic significance of the pylon sign for the original Kirby and Holloway Restaurant located on the site. The Historic District Commission moved to approve the application which granted the sign legal non-conforming status helping the sign to avoid being designated as an “abandoned sign” which would have necessitated its removal.

The Site Development Plan presented overall shows one main structure housing the car wash facilities as well as associated site improvements including nineteen red umbrella like structures for the individual vacuum stations. While renderings were submitted showing an overall color scheme of the structure of red, gray and black with a curving roofline, material selection for building architecture canopy and vacuum spaces were not given. As noted, the site is partially covered by the SWPOZ (Source Water Protection Overlay Zone) Tier 3 Excellent Recharge Area which means that the site is further subject to the requirements of Code laid out in Article 3 Section 29.7 which specifically prohibits automobile body repair shop, motor vehicle, boat or farm equipment service and gas stations and motor vehicle service stations. The applicant therefore further submitted a diagram depicting the car wash facility activities in the eastern portion of the building with regard to that SWPOZ (Source Water Protection Overlay Zone). It is the interpretation of the Planning Director that the use of the car wash facility does not constitute a motor vehicle service use. It is determined that the intent of the two listed prohibited uses above is more for service stations, gas stations, mechanic shops and not car washes. The above

referenced restrictions pertain chiefly to the actual overlay zone itself not necessarily the entirety of the parcel; so, any of those added restrictions would be only for the overlay zone, not the parcel in its entirety. In an effort to eliminate any potential question of compliance, Planning Staff has recommended that the applicant either move or condense the building so that all car wash activities contained in the structure are located outside the boundary of the SWPOZ (Source Water Protection Overlay Zone). In Subsection 2.28 related to the architectural characteristics of the proposed building, Staff further recommends that the applicant keep, maintain and refurbish the historic Kirby and Holloway sign in its current location on the property. The architectural characteristics of the pylon sign including the shapes and arrangements 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. Planning Staff notes that for the sign to be replaced, a new one could not be built to the same size at the same location. Lastly, the applicant also submitted a waiver request for the requirements of the Arterial Street Buffer mainly to reduce it from thirty feet to ten feet. The plan purposes 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. It should also be noted that while the letter from the applicant states that they are requesting the waiver to be reduced from thirty feet to nineteen feet, the plans submitted actually show that they are requesting a reduction of the Arterial Street Buffer to ten feet. Wherever you see in the Report nineteen feet, it should actually be ten feet. Planning Staff recommends approval of the waiver request. Just to reiterate for members of the Planning Commission, any motion tonight should be three fold in considering first the DAC application itself for the project; secondly, the waiver request for the reduction of the Arterial Street Buffer and lastly, addressing any of the conditions as laid out in the recommendations of the DAC Report.

Mr. Adams stated that he would be interested to hear from Planning Staff whether or not a recommendation has been made before with respect to maintaining and keeping a sign and asking an owner to repurpose a sign that's been left on a property. Responding to Mr. Adams, Mrs. Melson-Williams stated that this sign is unique. It is actually the only sign in the City that has the historic and significant designation. That is a fairly recent change to our Sign Regulations. Typically, when a business vacates a location and they are gone for a specific period of time, any signage that denoted that business name has to be removed. If it does not, it then meets the definition of being an "abandoned sign." In this case, the site was presented to the Historic District Commission which has the ability to designate a historic and significant sign which kind of gets it out of that process of an abandoned sign having to be removed. This is unique because it is the only sign that carries with it that status. They are somewhat in new territory about what happens next. The Code itself does not specifically say that it can't be demolished. Staff feels that it certainly is a landmark of some sense here in Dover. It has been there for quite some time and is very unique. They actually did the calculations of could you rebuild a sign of that size at that location and the short answer is no. So it certainly presents an opportunity for a new property owner to potentially reface and make use of a sign in a location that he could not get approval for without a whole series of variances in today's world. They see it as an opportunity and they think that because of the type of activity that's being proposed in their project design, it's an excellent opportunity to reface and give that sign new life for a new business at that site.

Mr. Holt stated that he is disappointed that there will be no more scrapple and eggs. He had many good meals there. He wonders if instead of calling this Tommy Car Wash, maybe K & H Car Wash. Maybe they can incorporate it into their name. Responding to Mr. Holt, Mr. Swierczek stated that he would like to reiterate that they did recommend that the applicant could reface portions of the sign so long as they keep the overall structure of it.

Mr. Holt stated that he thought since it was there that it would be a good chance to keep the sign and use it for the name of the car wash. It's not going to bring back his scrapple and eggs but it's one of those things where time marches on.

Ms. Maucher questioned if the applicant had any comment on the consolidation of operations in the building. Are they in agreement and willing to do that? Responding to Ms. Maucher, Mr. Minnich stated they gave Planning Staff an explanation as to what portion of that building was actually in the SWPOZ (Source Water Protection Overlay Zone) and it was a very small portion and it was basically the drying portion where the car comes out and the blowers are on. There is no real washing or hazardous materials leaving at that point where you are crossing into that little section of SWPOZ (Source Water Protection Overlay Zone). Compressing and consolidating that building is probably not an option. Just like with any of the restaurants or franchises, they have their own set parameters that are hard to move away from. That building is like a prototype building and he thinks that it is the smallest one that would fit on that site.

Mr. Adams stated that he would be interested to understand from the applicant as it relates to the sign, whether or not the applicant is in support of maintaining it. Responding to Mr. Adams, Mr. Minnich stated that he realizes that it's a sensitive issue with the City. He thinks of all things, the developers and equitable owners want to be good neighbors with the City and want to work with the City. What he would like to see happen is that they be able to work with Planning and not have to make that decision tonight to say yes or no about keeping the sign. He doesn't know if that is even possible.

Mrs. Melson-Williams stated that she thinks that the Planning Commission could take that approach. In the DAC Report, their discussion of the sign is in the Recommendations section which is part of the Report where the Planning Commission can kind of pick and choose items if they like those concept ideas. The Commission could certainly take the stance of encouraging the sign to stay but allowing the applicant to further explore that idea and work with Staff on that. They could ask that Staff report back to them about the progress of success or no success on that. She thinks there are certainly options.

Mr. Roach stated that when the applicant made the statement of the "drying area" and then referred back to Planning Staff in regards to his explanation of what use would be in that area, would that suffice in this situation? Responding to Mr. Roach, Mr. Swierczek stated that it was the determination based on the added plan that the applicant had submitted that what was going on in that small portion at the eastern edge of the building where the Overlay Zone overlaps the functions of the interior of the building that it did not violate the intentions of the Ordinance when it limits vehicle service. The main approach from the Planning Office was that there was no question of that. It would be best, if possible, if the applicant could condense that or move it

to the west.

Mr. Roach stated that he understands condensing the building because it's the model of the building and you can't make it smaller. Would the option of moving it to the west be an issue as well based on the development that they want to do? Responding to Mr. Roach, Mr. Minnich stated that there is not a whole lot of room to move it. If you move it five or ten feet, you are still going to catch the corner of the building. If you move it to the west, you are not going to be able to get that entire building out of the SWPOZ (Source Water Protection Overlay Zone) and still be able to have a functioning drive-through lane.

Mr. Adams stated that he noted that in terms of site consideration and site coverage, the existing coverage was at 86% and that this new proposed application reduces that coverage to 68%. He further noted that there was a required reduction of 15% and this goes beyond that. He is curious to understand if the previous use of Kirby and Holloway, was that building in the SWPOZ (Source Water Protection Overlay Zone) as constructed previously? Would this be something that is being asked of the new owner that wasn't necessarily asked of the previous owner? Responding to Mr. Adams, Mr. Swierczek stated that it should be noted that the Kirby and Holloway Restaurant predated the SWPOZ (Source Water Protection Overlay Zone) so that would have been built before any of that consideration would have been incorporated into the City Code.

Mr. Minnich stated that he would like to reiterate that they are willing to work with Planning Staff on the sign issue. It was the first thing that was brought up. He just didn't want it to be something where Planning Commission had to make a motion and make a decision tonight about the sign having to stay or not. They hope for an approval on the preliminary plan.

Mr. Tolbert opened a public hearing.

Mr. Shawn Tucker – DBR on behalf of Race Track Car Wash

Mr. Tucker stated that he was here tonight on behalf of Race Track Car Wash who is in opposition to tonight's application. He would like to comment in regard to the proposed use and the application related to the plan and then in regard to the waiver that is sought. Motor vehicle service stations are in fact prohibited in the Recharge Area that is identified. Staff certainly touched on that this evening. However, motor vehicle service stations are not defined in the City's Zone Code. Generally in Delaware, when something is not defined in the Code we tend to rely on Webster's Dictionary. While certainly gas stations and service stations would fall under that general phrase in Webster's, service stations also generically includes "a place at which some service is offered." You would be hard pressed if you were to read the owner's manual in your car and not to find a provision that talks about how you are supposed to take care of your paint and your interior and what kind of products you use to do that. Respectfully, that is part of "servicing" your car. They would first take note that while they certainly respect the Planning Office's recommendation and opinion; they would respectfully disagree regarding whether or not this is in fact a "motor vehicle service station" because it does serve to wash and clean both the inside and the outside of a vehicle. If you think about it, it makes a lot of sense why the City decided to prohibit those types of uses where you have a lot of motor vehicles coming in and out. You have the risk of oil leaks and with a car wash you also have the risk of the spillage of the

chemicals used to clean vehicles. It may be biodegradable but this is going into drinking water potentially and this is not a moderately sensitive Recharge Area. It is identified as an Excellent Recharge Area. This is one that he thinks the City would want to consider carefully and protect. There are certainly other areas in the City where a car wash could be located that is not close to one of these sensitive areas. Simply shrinking the footprint or altering the footprint of the building doesn't necessarily protect against that concern because things spill. In regards to the plan, they would submit that legally this use should not be permitted on any parcel that includes a SWPOZ (Source Water Protection Overlay Zone) with an Excellent Recharge Area designation.

Regarding the waiver that is requested, he would like to focus on the legal standards in the City's Code, particularly those found at 7.33 in the Zoning Code. It states that "the Planning Commission may approve a buffer less than thirty feet in depth. In approving a lesser amount of buffering, the Planning Commission shall consider the following factors." He would like to focus on focus on two of the factors in particular that he does not believe the applicant can meet this evening and the Planning Department did not address these. He thinks the reason why they did not is because the applicant cannot meet the standard. The first one is "whether there are specific constraints related to the existing lot size, lot configuration or the orientation of existing buildings on adjoining properties that would severally limit the development potential of the property if a deep buffer was required." He doesn't think that there is any evidence to support that this standard could be met this evening. Proof of that is in the Department's own report. There was a restaurant that was approved on this site in 2014. The owner or another applicant had that approved and allowed that to expire; it was for another restaurant. His point is that there are certainly other permitted developments on this property. You would be hard pressed to argue under that unless this buffer is limited or a variance or waiver is granted you could say that without limiting or lifting it in part, there would be some severe limitation on development on this property. They know that is simply untrue because there has been a restaurant use that was reapproved after the first restaurant had burnt down. The second standard that he would focus on is whether there is a 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. Certainly the intent of this section is to attempt to give credit to an applicant who may have landscaping in DelDOT's right-of-way already or perhaps even in the center aisle in between Route 13 in the north and south bound lanes. That doesn't exist; there is no landscaping not in the DelDOT right-of-way and not in the median separating the north and south bound lanes. In addition, the Department notes that DelDOT is doing a taking which is even further going to reduce the buffer from the right-of-way. That is an issue between the applicant and DelDOT. Sometimes that can be negotiated and sometimes that can't, but it makes the situation even more severe and certainly not better. He would respectfully submit as to (item) C that provision that City Council requires us to consider this evening can also not be met by the applicant. Lastly, this is more of a legal housekeeping matter for the record. There was a recent decision by our Superior Court in *Nepa vs. Board of Adjustment* in the City of Lewes that indicated that municipalities cannot impose stricter requirements or different requirements in general upon the standards set in Title 22 regarding Board of Adjustment variances. This is really a jurisdictional point but a waiver is a variance; it is just another way of labeling it. This is a 60% plus variance which is no small variance if you are in front of the Board of Adjustment because they are being asked to drop down to eleven feet from the thirty foot requirement by the

applicant. He would just submit that this application, if you follow the reasoning in the Nepa case, it technically belongs before the Board of Adjustment.

Mr. Harvey Blonder – Race Track Car Wash 226 North DuPont Highway Dover DE 19901

Mr. Blonder stated that he is one of the owners of Race Track Car Wash. He wants to bring it to the attention of the Planning Commission that we have two other car washes within 1.25 miles of our car wash. This will be the third car wash in this vicinity. They are going to have nineteen self-service vacuum cleaners on the property. He has been in this business since 1959 and they have had as many as eleven automatic car washes. He is very familiar with the car wash business. There are full service car washes, self-service car washes and flex-service car washes. When a customer vacuums their own car, it is traditional that they will put tire shine on their tires. They will open up their trunks to vacuum them out and put their trash in the trash cans. They will wax their cars on the outside in the free vacuum area. In fact, they will use the free vacuums to do whatever reconditioning work at the same time because they have just paid for a car wash and now they want to complete the service to make their cars as nice as possible. Sometimes they will even lift up their hoods, spray motor cleaners on it and let it sit in there as it drips on the ground. There are pollutants that go on the ground a lot of times and this is more than just a car wash. It's a car wash and it's a center to clean your car with the free vacuums. People here might have used those types of vacuums before and if they have, they know what he is talking about. Also, you have heard people from the trailer park and the surrounding area here earlier. At all of the car washes, there are certain times of the year where they all have traffic problems. After the roads have been salted and it snows, the police come and make them get off of the main road or they will ticket the cars and exiting is a big problem. This is an extremely small property for a car wash. They have approximately 2.4 acres up the street and they have an exit problem. If they have an exit problem with the width that they have of about 280 feet along North DuPont Highway, they certainly this car wash is going to have a more severe problem. Cars aren't going to be able to get in; they are going to be backed up on the highway and they are not going to be able to exit at peak times. He thinks that if you take all of that into consideration, you will find out that this is not only a car wash but it's a service station. He is very well qualified because he understands this business and this is what they do at our locations. They have very similar locations as this particular Tommy Car Wash at other locations in different areas.

Mr. Scott Becker – Coastal Car Wash, South DuPont Highway

Mr. Becker stated that he wants to point out that he has a very similar car wash to the one proposed tonight. They have the same idea with self-service vacuum drops that are free. They buy a car wash and most of the time they will exit out to the right. They have been there for about five and a half years and about three weeks ago they had to replace about twelve potholes on their lot from dripping liquids. Speaking about the SWPOZ (Source Water Protection Overlay Zone), if you exit the tunnel as its proposed on this lot you are basically driving those vehicles and turning around over that zone. They are going to have potholes and there are going to have liquids dripping. He literally just had to replace twelve potholes for \$5,000. It is due to motor oils and spillage out of backs of trucks once they accelerate. He is sure that they have some technology like they do that prevents a lot of the soap from getting into the bed but it's still a pickup bed and it's going to get water in it and spill on the road. He wanted to point that out to the Commission and say that if they are going to say that there is not going to be any spillage, he

has the proof to show you.

Mr. Victor Giangrant – Westside Car Wash 805 Forest Street Dover DE 19904

Mr. Giangrant stated that he has been in the car wash industry his whole life. Speaking of spillage, there are many types of chemicals that they use like waxes or soaps. Some are corrosive and some are not. It just depends on what product each car wash is using. There is spillage; it's just the nature of the game.

Mr. Victor Giangrant – Westside Car Wash 805 Forest Street Dover DE 19904

Mr. Giangrant stated that they have been at this location for about 38 years. He respectfully disagrees with the engineer of this project. The exit end of a car wash is the wettest part of the car wash. For pickup trucks, the back of the bed is a pool. If your conveyor speed is set at forty cars per hour, according to the International Car Wash Association you retain 1.2 gallons of water in your pickup truck bed. And everybody knows when you step on the accelerator out comes the water. He is also a master plumber so he knows a little bit about water.

Mr. Tolbert closed the public hearing.

Mr. Adams stated that he wanted to formally recuse himself from the consideration of this application. It has come to his attention that he has interaction with Mr. Blonder during his time when he was going to be acquiring the car wash through his current employer M&T Bank and Wilmington Trust. (Mr. Blonder spoke during the Public Hearing on the application S-19-01.)

Ms. Maucher questioned if Planning Staff has had a legal opinion on the definition? There were legal concerns raised; have those been reviewed by the City Solicitor? Responding to Ms. Maucher, Mr. Swierczek stated no, they have not been reviewed by the City Solicitor.

Ms. Maucher asked if there could be a motion to table this until such time as legal counsel can review some of the concerns? She doesn't know if these concerns were raised previous to this or is this the first time? Responding to Ms. Maucher, Mr. Swierczek stated that this is the first time that Staff has heard legal arguments against it.

Ms. Maucher moved to table S-19-01 Tommy Car Wash at 656 North DuPont Highway until the legal concerns that were raised have been reviewed, seconded by Ms. Edwards and the motion was carried 7-0 by roll call vote with Mr. Adams recused and Mrs. Welsh absent. Ms. Maucher voting yes. Mr. Roach voting yes; as much as he would love to see that lot redeveloped but with the legal issues that were not brought to Planning Staff until now and the concerns from professionals in regard to the SWPOZ (Source Water Protection Overlay Zone) in regard to having a car wash in the area. Ms. Edwards voting yes; based on the reasons previously stated. Mr. Holt voting yes; based on the discussion and he thinks that they need to explore the whole matter a little more thoroughly. Mr. Baldwin voting yes. Dr. Jones voting yes; for reasons previously mentioned. Mr. Tolbert voting yes; the applicant has already stated that he is willing to work cooperatively with the Planning Staff.

NEW BUSINESS

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

Mrs. Melson-Williams stated that with Mr. Holden's departure from the Planning Commission, that leaves a vacancy in the Vice Chairman position. The Commission had deferred action on proceeding on nominations and election of that position at the last meeting hoping that there would be a larger contingent of Planning Commissioners present. This evening they are looking for nominations. Basically, the By Laws indicate that the Vice-Chairman would serve to conduct the meeting should the Chairman not be present. Typically, they are elected together at the annual meeting of the Commission which happens in July so this position would serve through that time frame.

Mr. Tolbert moved to nominate Dr. Jones for Vice-Chairman because of her experience with Government. Being on this Commission is not her first experience; she was also on the City Council Legislative Committee which is the Council's most important committee, seconded by Ms. Maucher.

Mr. Roach questioned if Dr. Jones would be willing to serve as the Vice-Chairman? Responding to Mr. Roach, Dr. Jones stated that based upon the comment that this position expires in July and then there is a re-election.

Mrs. Melson-Williams stated that the Planning Commission has an annual meeting that would come up in July. The Chairman and the Vice-Chairman would continue to serve up through that meeting, where there would then be an election for both positions. Responding to Mrs. Melson-Williams, Dr. Jones stated that she will accept the nomination.

Mr. Roach moved to close the nominations and to suspend the secret ballot vote due to the fact that there is only one nomination and that they select the Vice-Chairman by voice vote, seconded by Mr. Adams and the motion was carried 8-0 by roll call vote.

2) 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 the Appointment to the Architectural Review Oversight Subcommittee of the Planning Commission was required. There is a sheet explaining this Subcommittee in the packet. It includes two members of the Planning Commission and currently Mrs. Welsh is one of the appointed Planning Commission members and with the departure of Mr. Holden, they need to replace him. This is something that a member would serve until the annual meeting held in July when that Subcommittee is reappointed. You can see on the sheet the tasks of the Architectural Review Oversight Subcommittee. They meet when called upon. They have met in the time that she has been with the City.

Mr. Roach moved to nominate Ms. Maucher for the appointment to the Architectural Review Oversight Subcommittee of the Planning Commission, seconded by Mr. Holt.

Mr. Roach moved to close the nominations and to suspend the secret ballot vote due to the fact that there is only one nomination and that they select the appointment to the Architectural Review

Oversight Committee by voice vote, seconded by Mr. Holt and the motion was carried 8-0 by voice vote.

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

Mrs. Melson-Williams stated the Planning Staff has been looking very closely through the Goals and Recommendations. They are working on Preliminary Draft #2 of those items. They will probably be releasing that in the next couple of weeks. They have been thoroughly reviewing those Goals and Recommendations and hopefully have come up with a better package. When it is released they will provide them to the Commission and post it up on the project webpage. They are also going through the two map series that they have issued to date which was the Preliminary Draft of the Land Development Plan Application, Land Development Plan Map and the two maps associated with annexations. Again, they are continuing to tweak those maps and there will be updated map series for them as well. Staff wise, they are on a push to have substantial text of the plan document written, focusing on Chapters 5 through 11 which are the core topic chapters that Staff will have an initial draft of for their internal review in the next couple of weeks. The *Comprehensive Plan* at this point in time is still under the 2008 *Comprehensive Plan*. They have made a request for extension of the new *Comprehensive Plan* update, which will be considered by the State Cabinet Committee on state planning issues on March 12, 2019. Our current plan technically expired February 9, 2019 but they are good because they asked for an extension well before that. The next few months are very busy for the Planning Office in regards to the *Comprehensive Plan* as they hope to have a draft document and be bringing that through the formal review process before summer.

Ms. Maucher questioned if the parcel with the split zoning was a result of not having electronic mapping capabilities and it was just a line otherwise drawn? In the new *Comprehensive Plan* she assumes that they are going to line up to parcel boundaries. Responding to Ms. Maucher, Mrs. Melson-Williams stated that in such cases like that which we were dealing with earlier this evening, that was actually an earlier request for amendment that split that property into the two land use classifications and then was subsequently rezoned. It ended up being what they would call "split zoned". Part of that ultimately would have resolved itself in the prior development project that did not move forward. She believes that they would have subdivided the property and each section would have ended up on its own parcel. Split land use classifications and split zoning on properties at times can be problematic. In some instances it does go through a formal review process and there is a conscious decision that it is split. In other cases it may be where boundaries of open space and recreation areas or other natural features will end up in a land use classification that reflects that while the balance of the property may be in a more regular land use for commercial or residential use. That still does occur. For the most part, most of the maps do align with the property lines but that is not always the case.

Dr. Jones questioned if the noon-1PM workshops are completely off the table? Is that something that they are no longer doing? She knows that they are taking care of certain business at the end of the meetings but she for one benefited from an occasional informal setting. Responding to Dr. Jones, Mrs. Melson-Williams stated that they did discuss restarting those meetings. With the *Comprehensive Plan* they have to be careful because in a Quarterly Workshop you can't

formally take action and with the *Comprehensive Plan* approaching in the upcoming months, they may have to actually schedule Planning Commission meetings that are specific to the *Comprehensive Plan*, dealing with that only, and the regular business of applications is done in a separate meeting. They are thinking that in the next couple of months, there may be multiple times that the Commission will have to meet outside of the regular meeting but that will be to transact business. The Quarterly Workshop is meant to be utilized as a training opportunity. They did discuss even as recently as preparing for this meeting, what their approach should be but given the *Comprehensive Plan* they thought that they needed to keep moving with main business at regular meetings or special called meetings specific to the *Comprehensive Plan* business. They will probably look to go back to a Quarterly Workshop. It is not required by Code but they did find it beneficial to share information with the Commissioners. The discussion with Staff was that right now their focus is the *Comprehensive Plan* and that's probably going to trigger a lot of work on the Commissioner's part and the Planning Staff's part.

Meeting adjourned at 9:18 PM.

Sincerely,

Kristen Mullaney
Secretary

MERESTONE

Consultants, Inc.

Civil Engineers - Land Surveyors - Site Planners

27 February 2019

Dawn E. Melson-Williams, AICP
City of Dover
Department of Planning & Inspection
City Hall, 15 Loockerman Plaza
Dover, DE 19903

**Re: Mitten Industrial Park, Application S-17-02
Site Development Plan Conditional Approval Extension Request**

Dear Ms. Melson-Williams:

In accordance with the Planning Commission's Notice of Decision and on behalf of the owner, Matthew Mitten, I hereby respectfully request a 12-month extension of the Site Development Plan conditional approval granted by the City of Dover Planning Commission on March 20, 2017.

Cotten Engineering, the previous Engineer of Record, took the project through the site plan application process and received conditional site plan approval from the Planning Commission on March 20, 2017. Due to scheduling and staffing conflicts, they asked Merestone Consultants to complete the engineering and final site plan approvals for the project. With the consent of the owner, Merestone became involved in the project in September 2018 and has since worked diligently to apply for the required agency approvals and prepare a final site plan. Great progress has been made on this endeavor but with expected agency review and resubmittal times, we will be unable to obtain final approval, building permits and commence with construction prior to the expiration of the site plan approval deadline on March 31, 2019.

As of the date of this request the following progress has been made on plan preparations and agency submittals:

❖ **Del DOT Submittals:**

- ✓ The LONOR and Entrance Construction Plans were submitted on October 11, 2018.
- ✓ Review comments were received on November 16, 2016.
- ✓ Revised plans were resubmitted on November 20, 2016.
- ✓ The plans are in an approvable state, the only thing missing is the KCD approval.

❖ **Kent Conservation District (KCD) Submittals:**

- ✓ The Stormwater Management Plans were submitted on January 2, 2019.
- ✓ Waiting on their review, expected any day.

"The Extra Measure People"

33516 Crossing Avenue, Unit 1, Lewes, DE 19958 - (302) 226-5880 - Fax (302) 992-7911
5215 West Woodmill Drive, Suite 38 - Wilmington, DE 19808 - (302) 992-7900 - Fax (302) 992-7911

MERESTONE

Consultants, Inc.

Civil Engineers - Land Surveyors - Site Planners

❖ **City of Dover, Public Works Submittals:**

- ✓ The Utility Plans were submitted on February 26, 2019.

❖ **City of Dover, Fire Marshal Submittals:**

- ✓ This submittal is 95% complete and I expect to submit the first week of March.

❖ **City of Dover, Planning Office Submittals:**

- ✓ The Site Plans are completed, just waiting on the RLA to complete the landscape design. I would expect to make the initial check print submission by mid-March.

Please let me know if should require additional information or have any questions. In advance, thanks for your consideration regarding this request.

Sincerely,
Merestone Consultants, Inc.

Roger A. Gross, P.E.

Cc:

File: Matthew Mitten, File

"The Extra Measure People"

33516 Crossing Avenue, Unit 1, Lewes, DE 19958 - (302) 226-5880 - Fax (302) 992-7911
5215 West Woodmill Drive, Suite 38 - Wilmington, DE 19808 - (302) 992-7900 - Fax (302) 992-7911

Secure Storage, LLC
POBOX 309
Camden Wyoming, DE 19934
tel: 302.678.3276
jmp@cpcommercial.com

February 12, 2019

VIA EMAIL ONLY
dmelson@dover.de.us

Ms. Dawn Melson-Williams, AICP
City of Dover
POBOX 475
Dover, DE 19903

RE: Final Site Plan Approval
S-17-06 Secure Storage Revised Site Plan, Phases 2 & 3
640 Lafferty Lane, Dover, DE
Tax Parcel: ED05-077.00-01-25.00-000

Dear Ms. Melson-Williams:

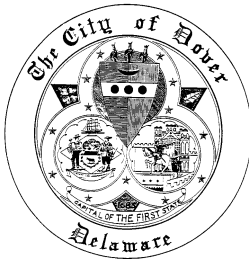
Please accept this email as our formal request to extend the above referenced Final Site Plan Approval, It is our plan to start Phase 2 of this project late Spring to early Summer 2019.

Please contact me if there are any questions or additional information required at this time.

Sincerely,



Joseph M. Petrosky



MEMORANDUM

Department of Planning & Inspections

P.O. Box 475

Dover, DE 19903

Phone: (302) 736-7196 Fax (302) 736-4217

DATE: March 8, 2019
TO: Planning Commission
FROM: Planning Office
SUBJECT: S-19-01 Tommy Car Wash at 656 North DuPont Highway

Application S-19-01 Tommy Car Wash at 656 North DuPont Highway was heard at the Planning Commission on February 19, 2019. When the floor was opened to the public for comment, representatives from several other car washes in the City presented their concerns that the proposed car was not adhering to the intent of the zoning on the site. Specifically, they were concerned 1) that the site did not meet the regulations of the Source Water Protection Overlay Zone, Tier 3: Excellent Recharge Area (SWPOZ) and 2) that a waiver from the Arterial Street Buffer Requirement could not be granted.

SWPOZ Concerns: Below is an excerpt regarding the zoning on the site from the DAC Report of February 6, 2019:

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*.

The representatives were arguing that, contrary to the interpretation of the Planning Office, the proposed use did in fact constitute a Motor Vehicle Service and should therefore not be permitted.

Planning Staff has since consulted with the City Solicitor, who in turn confirmed the assessment of Planning Staff and agreed that a car wash did not constitute a Motor Vehicle Service and could therefore be permitted within the SWPOZ: Tier 3.

Arterial Street Buffer Concerns: The second objection voiced by the other car washes was that the request to partially relax the Arterial Street Buffer requirement should be handled in a variance case considered by the Board of Adjustment, rather than in a waiver granted by the Planning Commission. However, the *Zoning Ordinance* of the City of Dover specifically states that “the Planning Commission may approve a buffer less than 30 feet in depth” in Article 5 §7.33:

7.33 *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.

Further, Article 5 §7.33 states that the Planning Commission merely “shall consider” the above four factors. There is no stated requirement that all four factors must be met in a single waiver request for it to be granted. The Commission must only decide that the request has merit based on the argument and facts presented which are related to the four factors.

For these reasons the Planning Staff of the City of Dover recommends approval of the Application S-19-01 Tommy Car Wash at 656 North DuPont highway subject to the conditions as laid out in the DAC Report dated February 6, 2019.



PETITION TO AMEND ZONING DISTRICT

Public Hearing and Review for Recommendation before Dover Planning Commission
March 18, 2019

<u>Owners:</u>	Andre M. and Jane J. Beauregard
<u>Address:</u>	878 South State Street, Dover
<u>Location:</u>	West side of South State Street, north of Wyoming Avenue and south of Gooden Avenue
<u>Tax Parcel:</u>	ED-05-077.17-03-51.00-000
<u>Size:</u>	9,600 SF+/-
<u>Present Use:</u>	Vacant building
<u>Proposed Use:</u>	Commercial building
<u>Comprehensive Plan Designation:</u>	Residential Medium Density
<u>Present Zoning:</u>	R-8 (One Family Residence Zone)
<u>Proposed Zoning:</u>	C-1 (Neighborhood Commercial Zone)
<u>Reason for Request:</u>	To allow change of use of the building for a seamstress & alterations shop (service establishment)
<u>File Number:</u>	Z-19-04
<u>Ordinance Number:</u>	2019-08

Existing Property

The property is currently zoned R-8 (One Family Residence Zone). There is a one-story existing building on the property that is residential in appearance. There is a driveway leading from South State Street along the south property line to a paved parking lot area consisting of nine parking spaces. There is also access to the parking lot area from the existing alley along the west property line.

Surrounding Land Uses:

The property immediately north of the subject property is zoned R-8 (One Family Residence Zone) and is an existing Day Care Center Facility. The property immediately to the south is zoned RGO (General Residence and Office) and has an existing building originally constructed as a two-story house but most recently utilized as office space. The property immediately west of the subject property (across the alley) is zoned RGO and has an office building with rear parking lot on the parcel. The properties to the east across State Street are zoned C-1A (Limited Commercial Zone) with a multi-tenant medical office building and zoned IO (Institutional and Office Zone) as the location of the Central Delaware YMCA Facility.

Previous Applications

The property at 878 South State Street was the subject of Conditional Use Application C-08-12 Lands for the Word of God Missionary Baptist Church to utilize the existing 978 SF building as a church. It was approved with conditions on October 20, 2008 by the Planning Commission. The church occupancy was established in the building September 2009 thru October 2012 and then reverted to a single family dwelling (with a Rental Dwelling Permit). The adjacent property to the north was the subject of Conditional Use Site Plan C-17-02 Shell's Early Learning Center Building Expansion for the expansion of a Day Care Center Facility. The adjacent property to the south was the subject of S-08-32 Lands of Bautista to establish an office and apartment use.

Comprehensive Plan:

The *2008 Comprehensive Plan* depicts the subject area as Residential Medium Density land use classification on Map 12-1: Land Development Plan Map (as amended, dated March 2016). In Chapter 12: Land Development Plan, it is noted that one of the Policies for Residential Land Uses is the following: "Permit limited compatible neighborhood commercial uses that support surrounding residences within the residential areas." Likewise, Neighborhood Commercial areas are to be identified "to meet the convenience retail need of existing and future residential areas."

The rezoning request is 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 and the listing includes the C-1 zoning district.

- 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 C-1 (Neighborhood Commercial) Zoning

The following description of the C-1 zoning district is provided from Article 3 §11 of the *Zoning Ordinance*.

Article 3, Section 11. - Neighborhood commercial zone (C-1).

11.1 Uses permitted. In a neighborhood commercial zone (C-1), 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) Personal service establishments.
- (c) Service establishments.
- (d) Restaurants.
- (e) One family residence, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
- (f) Apartments and multi-family dwellings.

11.2 Uses prohibited. The following uses are prohibited:

- (a) Fuel pumps; motor vehicle storage, sales, or repairs.
- (b) Drive-throughs.
- (c) Liquor stores.
- (d) Fire arm sales
- (e) Tobacco shops.

11.3 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.

11.4 Floor area. The total floor area in any one establishment shall not exceed 2,500 square feet.

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

11.6 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 7-10-2000; Ord. of 2-12-2001; Ord. No. 2014-08, 7-14-2014)

Recommendation of the Planning Staff:

Staff recommends that the rezoning request from R-8 to C-1 be granted as requested, as the proposed zoning is consistent with the *Comprehensive Plan* for the land use classification. Smaller scale commercial activities are allowed in residential areas. The requirements of the C-1 zoning district limit the total floor area of an establishment to less than 2,500 SF. The subject property is in a transitional area of South State Street, where a number of the adjacent properties have converted previous residential buildings to alternative non-residential uses such as Day Care Centers and Offices.

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) The applicant shall be aware that following any decision made by City Council regarding approval of this rezoning, that a Site Plan, Subdivision Plan and or appropriate Building Permits must be submitted to the Planning Office prior to the establishment of a use or any construction activity on the site. The applicant should contact the Planning Staff to determine the appropriate review process for any proposed projects or use of the existing building.
- 2) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit, other construction activity permit approval, or authorization to establish a use. A separate application submission is required before issuance of permits by the City of Dover.
- 3) The applicant shall be aware that any future use of the existing structure may be subject to separate licensing process through the City of Dover Licensing & Permitting Division.

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: FEBRUARY 27, 2019

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: LANDS OF BEAUREGARD AT 878 SOUTH STATE STREET
FILE #: Z-19-04
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

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-05-077.17-03-51.00-000

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.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 02/27/19

APPLICATION: Lands of Beauregard at 878 South State Street

FILE #: Z-19-04 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 a rezoning application only. This office has no objections to the rezoning. The current buildings last known use was single family dwelling. Building permits/plans submission to the Chief Building Inspector will be required if there is a change in occupancy classification.

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

1. Proposed building use is unknown.
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 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. 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)

19. 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.
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. 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)

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

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)

24. 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

25. 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.

26. Project to be completed per approved Site Plan.

27. Full building and fire plan review is required.

28. 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.

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

30. 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.

31. 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)

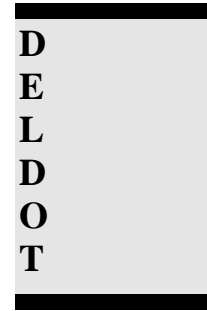
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations

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: February 27, 2019



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APPLICATION: Lands of Beauregard (878 South State Street)

FILE#: Z-19-04

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. At such time that the property develops the property shall submit to DelDOT for review. Please schedule a pre-submittal meeting at that time.



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
February 2019**

APPLICATION: *Lands of Beauregard at 878 South State Street*

FILE #: **Z-19-04**

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jessica L. Verchick, EIT*

PHONE #: *741-2600 ext.3*

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

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. 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.

City of



Dover

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF March 6, 2019

PLANNING COMMISSION MEETING OF March 18, 2019

Plan Title:	Boardwalk Apartments, S-19-02
Plan Type:	Site Development Plan and Parcel Consolidation Plan
Associated Applications:	V-18-11 Lands of Miller Investments LLC Z-18-01 The Lands of the Clyde Corporation at 127, 129, 133, 135 Roosevelt Avenue
Location:	North side of Roosevelt Avenue east of South DuPont Highway
Addresses:	127, 129, 133 and 135 Roosevelt Avenue
Tax Parcels:	ED-05-077.18-02-71.00-000, ED-05-077.18-02-72.00-000, and ED- 05-077.18-02-73.00-000
Owner/Applicant:	Miller Investments, LLC/ David Miller
Site Area:	0.828 acres +/- (36,073 SF)
Zoning:	RG-2 (General Residence Zone)
Present Use:	Two Single Family Detached Dwellings and Two Buildings of Apartment Units (6-units and 2-units)
Proposed Use:	Garden Apartment Building
Building Area:	19,824 SF Apartment Building 5,344 SF Covered Parking Buildings
Dwelling Units:	18 units
Parking Required:	41 spaces
Parking Proposed:	41 spaces
Sewer & Water:	City of Dover
For Consideration:	Cash-in-lieu of Active Recreation Area Construction

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

APPLICATION: Boardwalk Apartments at 127, 129, 133, 135 Roosevelt Avenue

FILE #: S-19-02

REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Julian Swierczek, Planner I

PHONE #: (302) 736-7196

I. PLAN SUMMARY

Review of a Site Development Plan Application to permit construction of a three-story 19,824 SF apartment building consisting of 18 units, four covered parking buildings, and accompanying site improvements. The previous structures on the sites will be demolished. The subject area consists three (3) parcels totaling 0.828 +/- acres located on the north side of Roosevelt Avenue east of North DuPont Highway (US Rt. 13). The property is zoned RG-2 (General Residence Zone). The owner of record is Miller investments, LLC. Property Addresses: 127, 129, 133, and 135 Roosevelt Avenue. Tax Parcels: ED-05-077.18-02-71.00-000, ED-05-077.18-02-72.00-000, and ED-05-077.18-02-73.00-000. Council District 2.

Previous Applications

In 2018, the applicant for this project submitted to the Planning Office an application for rezoning of 127, 129, 133, and 135 Roosevelt Avenue (Application #Z-18-01). The rezoning application proposed changing the zoning of these properties from the then-designation of R-8 (One-Family Residence Zone) to a new designation of RG-2 (General Residence Zone). The Planning Commission held a Public Hearing for the Rezoning application on September 17, 2018 and recommended the rezoning to City Council for approval. City Council held a Public Hearing and Final Reading of the application on October 8, 2018 and approved the rezoning to RG-1 as Ordinance #2018-08.

At their January 23, 2019 meeting, the Board of Adjustment reviewed Application V-18-11 which sought the following three variances:

- 1) To exceed the RG-2 zone's maximum lot coverage of 60% and allow lot coverage of 65.4%
- 2) To allow accessory buildings to take up 38% of the side and rear yards, exceeding the typical limit of 30%
- 3) To allow parking within 15 feet of a wall belonging to a multi-family dwelling

The Application was originally scheduled for Board of Adjustment review in December 2018; however, the applicants asked for a delay to the January 2019 meeting so as to amend their requests to the current figures that were approved by the Board of Adjustment.

II. PROJECT DESCRIPTION

The properties are located on the north side of Roosevelt Avenue, east of North DuPont Highway. The surrounding uses vary on the north side of Roosevelt Avenue. Immediately west of the subject area is a property zoned C-1 (Neighborhood Commercial Zone) and then properties zoned C-4 (Highway Commercial Zone) including a carwash and a multi-tenant building that fronts on DuPont Highway. To the east are residential properties zoned R-8 (One Family Residence Zone) and MH (Manufactured Home Zone) with multiple manufactured homes. On the south side of Roosevelt Avenue, after the C-4 (Highway Commercial Zone) property of the automobile dealership, there are a series of properties with R-8 (One-Family Residence Zone) zoning with single family detached houses and a theater guild facility. At the east end of Roosevelt Avenue is an apartment complex zoned RG-2 (General Residence Zone).

The three (3) parcels addressed as 127, 129, 133 and 135 Roosevelt Avenue currently contain a mix of one-family and multi-family residences; all operated as rental units. The applicant proposes to increase the number of dwelling units on site from ten (10) units to 18 units by demolishing the four (4) existing structures, consolidating the three parcels into one, and building one new three-story apartment building.

The new apartment building will be accompanied by 41 on-site parking spaces to meet the minimum parking requirements of the *Zoning Ordinance*. Four (4) accessory buildings are also proposed, which are intended to turn 31 of the parking spaces into covered parking. The remaining ten (10) parking spaces would be located in an alcove on the first floor of the apartment building, thus ensuring they are also covered, by the building's second floor.

III. ZONING REVIEW

At their January 23, 2019 meeting, the Board of Adjustment heard the application for V-18-11 Revised Lands of Miller Investments LLC at 127, 129, 133, 135 Roosevelt Avenue. The application was granted the following three variances:

- 1) To exceed the RG-2 zone's maximum lot coverage of 60% and allow lot coverage of 65.4%
- 2) To allow accessory buildings to take up 38% of the side and rear yards, exceeding the typical limit of 30%
- 3) To allow parking within 15 feet of a wall belonging to a multi-family dwelling

It is with these approvals that the Zoning Review for the current application S-19-02 is presented.

RG-2 (General Residence Zone) and Lot & Bulk Standards

Zoning Ordinance Article 3 §2 outlines the permitted uses in the RG-2 Zone. These permitted uses include what are called “garden apartments;” Garden Apartments are defined in Article 12 of the *Zoning Ordinance* as follows:

Garden apartments: Multiple dwellings designed to provide maximum accessibility of the dwelling units to the private open space. The dwelling units share a common lot area which is the sum of the required lot areas of all dwelling units within the building.

Zoning Ordinance Article 4 §4.3 gives the bulk standards for buildings in the RG-2 Zone. These include separate standards for “one-family detached dwellings,” “one-family multiple semi-detached and other two-family dwellings,” and “multiple dwellings.” Garden Apartments are considered a type of multiple dwelling. The standards for multiple dwellings, compared with the project proposal, are listed below:

Table 1: Required and Proposed Bulk Standards, including those granted through Variance S-19-02 Lands of Miller Investments LLC at 127, 129, 133 and 135 Roosevelt Ave

	RG-2 (General Residence Zone)	Applicant's Project (including approved variances)
<i>Standard:</i>	<i>Minimum required for multiple dwellings:</i>	<i>Proposed:</i>
Lot area/Dwelling Unit (sq. ft.)	1,700	2,004
Lot width (ft.)	100	235
Lot depth (ft.)	125	153
Front yard (ft.)	30	30
Side yard (ft.)	25	58.5
Total both side yards (ft.)	50	117
Rear yard (ft.)	30	61.5
Off-street parking spaces	2/Dwelling Unit*	2.25/Dwelling Unit
<i>Standard:</i>	<i>Maximum Permitted for multiple dwellings:</i>	<i>Proposed:</i>
Building height		
Stories	3	3
Feet	40	<40
Floor area ratio	none prescribed	0.54
Lot Coverage	60%	65.4% (Variance)
Number of dwelling units in group of attached dwellings or in multiple dwellings	none prescribed	18

*Superseded by *Zoning Ordinance* Article 6 §3, which prescribes 2.25 spaces/Dwelling Unit for all apartment uses

Regarding the bulk standards for multiple dwellings in the RG-2 Zone, a variance was approved for 65.4% lot coverage, which exceeds the maximum 60%.

IV. PARKING SUMMARY

Off-street parking in the RG-2 zone must be provided for multiple dwellings at a rate of two (2) spaces per unit. However, *Zoning Ordinance* Article 6 §3 requires for apartments at least one parking space for every two (2) dwelling units, one (1) for every (200) SF of office space, and 0.25 per dwelling unit for visitor space. The applicant has indicated there will be no office space, and with (18) dwelling units this would put the requirement for parking spaces at 41 spaces. The plans show that 41 parking spaces are to be provided.

The second variance granted by the Board of Adjustment for the project was to allow accessory buildings to take up 38% of the side and rear yards, exceeding the typical limit of 30%. This was done so that the covered parking garages could be provided around the perimeter of the site. As garages separate from the principal structure are considered accessory structures, the variance was needed to permit the construction of the garages in the side and rear yards of the site.

The third variance approved also related to parking on site. The third variance allows parking within 15 feet of a wall belonging to a multi-family dwelling. This was requested as the applicant intended to provide (10) parking spaces beneath the overhang of the second story of the apartment building. One overall intent of this project was to ensure that all (41) parking spaces were sheltered.

The plans do not note the dimensions of the parking spaces, which are required to be a minimum of (9) feet by (18) feet. As all parking spaces are covered by either the roof or the apartment structure, it appears that supports will be required to be placed in between some of the parking spaces. The said posts should be noted in the plans and their dimensions given to ensure that the parking spaces will meet the required minimum dimensions.

Bicycle Parking

Bicycle parking is required at a ratio of one space for every twenty parking spaces. If the site is to be served by 41 parking spaces, three (3) bicycle parking spaces are required. While the plan notes that three (3) bicycle parking spaces will be provided, their location is not currently shown on the plan.

V. SITE CONSIDERATIONS

Site Entrance

The applicant is showing that a single drive aisle is proposed. It is full access and circles around the building to the north with entrances at both the western and eastern ends of the site to Roosevelt Avenue.

Impervious Surface Coverage

The maximum impervious area for multiplex dwellings in the RG-2 Zone is 60%. At their meeting of January 23, 2019, the Board of Adjustment granted the variance request to increase the maximum permitted lot coverage from 60% to 65.4% for this site. Please refer to Table 1 for

further details.

Pedestrian and Bicycle Considerations

The site is currently not served by frontage sidewalk along Roosevelt Avenue, nor is there sidewalk along Roosevelt Avenue on the properties to both the east and west. There also does not appear to be any sidewalk along the southern edge of Roosevelt Avenue. The Applicant is proposing a new sidewalk to run along the Roosevelt Avenue frontage of the site. Two sidewalks, one along each of the drive aisles, will also run onto the property and connect to the two side entrances of the building.

Lighting

A lighting scheme has also been included depicting two (2) overhead lights to be installed in all four (4) of the garage structures, as well as three (3) over the parking located directly beneath the second floor overhang. The plans also show one wall-mounted light at each of the two (2) side entrances to the building. For this residential building, lighting should be sufficient to light the site while also not being detrimental to conditions inside the units at night.

Dumpsters

The plan identifies a location for a dumpster pad to contain two (2) dumpsters at the northwest corner of parking lot/ drive aisle. The construction of the dumpster enclosure is identified as a 6 foot CMU masonry wall with a wooden picket gate. The plans do not indicate if they are to use City or private collection.

Emergency Rear Access Requirements

Zoning Ordinance Article 5 §17(5)(a) specifies rear emergency access requirements for various types of residential units. Two and three-story apartments are required to provide a 16 foot Alley or 18 foot Secondary Fire Lane. The plans show that the drive aisle that circles the building is planned to be 24 feet in width, meeting the minimum requirements as stated in the *Zoning Ordinance*.

VI. BUILDING ARCHITECTURE

The applicant has submitted some architectural information for the building. The Garden Apartment building is 3-stories in height and topped by gabled roofs. Color and material have not been submitted, but the drawings submitted seem to indicate that the structure has windows and in-set balconies on all four sides.

There are also four (4) accessory garage structures that line the exterior boundaries of the property with direct access onto the drive aisle. They are all shown to be clad in a vertical siding in a warmer beige color, with grey brick lining the base on all sides as a water table. These are also topped by a gable roof in a dark color. The specific materials should be clarified.

VII. RECREATION AND OPEN SPACE

Residential projects are typically required to provide Active Recreation Area under *Zoning Ordinance*, Article 5 §10.1. Due to the property size and unit density, this project qualifies for an Active Recreation Area exemption for small developments under *Zoning Ordinance*, Article 5 §10.512. Article 5 §10.512 specifies that residential developments with less than five acres of land and less than 20 dwelling units may be exempt from the one-half acre minimum

requirement for recreation areas, but may be required to provide a lesser amount as recommended by the parks, recreation, and community enhancement committee. If the Commission determines that the construction of some or all of the required active recreation area is not practical or desirable, the Commission shall require a full or partial cash in lieu donation for the portion of the active recreation area determined as not practical or desirable.

If no Active Recreation Area is proposed, the applicant will be required to make a cash donation to the City's Parkland Reserve Fund in lieu of dedicating the required recreation area. The value of the donation will be ten percent of the appraised value of the property's gross land area.

The Parks, Recreation and Community Enhancement Committee will need to consider this Cash-in-lieu of Recreation Area payment and the Planning Office must prepare an Active Recreation Area Report outlining the amount of the cash donation. **The Applicant must first submit the required information for the appraisal of the property's value before a cash-in-lieu case can be heard by the Parks, Recreation and Community Enhancement Committee.** The Planning Commission must act to accept the cash-in-lieu donation as part of any motion regarding this project, or as a separate motion if necessary.

VIII. TREE PLANTING AND LANDSCAPE PLAN

The submitted plan set includes a concept for the Landscaping Plan. The total lot area is 36,073 SF; based on this area, thirteen (13) trees are required to meet the tree density requirements of the site. The applicant proposes adding seventeen (17) trees including two (2) Sugar Maples, two (2) Sweetgums and two (2) Flowering Dogwoods at the front of the property. To the rear (north) of the property the plans show one (1) Pin Oak, one (1) Bloodgood Japanese Maple, one (1) Eastern Redbud, and eight (8) Eastern Red Cedars. The remainder of the site seems to have a combination of different shrubs and grasses.

IX. 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) A Record Plan sheet is required to show the consolidation of all four (4) of the current parcels, currently addressed as 127, 129, 133, and 135 Roosevelt Avenue, into one (1) parcel. Upon submission of the Plan sheet additional comments may be required.
- 2) Upon completion of construction on the site, an As-Built Survey will be required to verify that construction did not exceed the side yard setback requirement of (5) feet for the accessory structures and the maximum lot coverage limitation.
- 3) **An appraisal of the property to be utilized for determining the value of the required cash-in-lieu donation must be submitted to the Planning Office.** The Planning Office will prepare an Active Recreation Area report for review by the Parks, Recreation, and Community Enhancement Committee and the Planning Commission based on the information provided.

- 4) Sheet CS0001/Cover Sheet:
 - a. Please include all minimum setback requirements.
 - b. Please include tree density calculations.
 - c. Please include figures on the overall land use in acres, in addition to SF, and include the calculations for their respective percentages.
 - d. Please correct the Tax Map Numbers to read as follows:
 - ED-05-077.18-02-71.00-000
 - ED-05-077.18-02-72.00-000
 - ED-05-077.18-02-73.00-000
 - e. Please include the dimensions and size of each of the accessory buildings.
- 5) Sheet CS0201/Existing Conditions:
 - a. Please show the width of Roosevelt Avenue.
- 6) Sheet CS1001/Site Improvement Plan
 - a. Please provide the dimensions of all lot lines.
 - b. Please identify the location of the required (3) bicycle parking spaces and provide a detail of the rack system.
 - c. Please note the dimensions of the proposed sidewalks.
 - d. Please show the dimensions of the proposed parking spaces.
 - e. Please add any support elements shown in the renderings to be among the parking spaces and provide dimensions to ensure that support structures/elements will not impede minimum requirements for parking spaces.
 - f. Please provided further detail on the walls of the garage structures to indicate their level of screening from neighboring properties.
 - g. Please show that there will be handicapped accessible ramps between the sidewalk and the drive aisle.
- 7) Sheet CS2001/Landscape and Lighting Plan:
 - a. Please note the minimum yard areas required.
 - b. Please note the total acreage of the site.
 - c. Ensure tree plantings do not conflict with Utility lines (underground or overhead line).
- 8) Ensure project design continues to comply with maximum impervious lot coverage limit of 65.4%. Design changes to meet agency requirements may impact impervious lot coverage.

X. 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) Active Recreation Area: The Commission should determine how the proposal should best address the requirement for an Active Recreation Area, which must be at least 10,000 SF as required by the *Zoning Ordinance*. Staff recommends that the Commission consider the relatively limited availability of land on the site when considering if the applicant should instead pay a cash-in-lieu as described in Section VII of this Report.
- 2) Screening: Staff recommends that screening should be required in between the parking provided and neighboring residential properties. The relatively close proximity of the accessory parking structures to the property lines may necessitate consideration of increased landscape plantings and/or fencing. It appears that there may be existing fencing on adjacent residential properties.

Other agencies may recommend additional considerations to meet code objectives in accordance with their areas of expertise. Action on all considerations identified in this section and by other agencies is at the discretion of the Planning Commission.

XI. ADVISORY COMMENTS TO THE APPLICANT

- 1) In the event that major changes and revisions to the Site Development Plan occur in the finalization of the Plan, contact the Planning Office. Examples include reorientation of the complex/buildings, relocation of site components like stormwater management areas and site entrances, and increases in floor area. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.
- 2) In the event that there are changes to the architecture, building footprints, layout or square footage of the buildings contact the Planning Office. These changes may require review by the Planning Commission.
- 3) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.
- 4) Following Planning Commission approval of the Site Development Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted.
- 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, parking requirements, etc.
- 6) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate Site Plan approvals, Pre-Construction meetings, site inspections and permits are required.

- 7) Construction may have an effect on the adjacent property owners. Any work requiring the closing or rerouting of residents or visitors should be coordinated as to offer the least amount of inconvenience.
- 8) The applicant shall be aware that Site Plan approval does not represent a Building Permit, Demolition Permits, 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: FEBRUARY 27, 2019

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

APPLICATION: Boardwalk Apartments at 127, 129, 133, and 135
Roosevelt Avenue

FILE #: S-19-02

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

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
 - a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
 - b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
 - c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed buildings. These projections must be submitted prior to approval so the meter size can be placed on the final site plan.
5. 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.
6. 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 (applicant can utilize the City of Dover's Detail W-7 from the Water / Wastewater Handbook for this detail)
7. 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.
8. Due to the size of the existing six-inch (6") water main in Roosevelt Avenue, a waiver shall be submitted to the Department of Public Works providing the proposed size of the combined service to the building. The waiver shall include calculations showing that the size of the fire service is adequate for the proposed sprinkler system for the building.
9. 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.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:

- a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
 - b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "...any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.
3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures.
 4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
 5. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
 6. The minimum size of all sanitary sewer laterals shall be six-inch (6").

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District is submitted to our office.
2. The size, length, slope, type and flow directions must be shown on all existing and proposed storm sewer lines. Rim and invert elevations must be labeled on all stormwater structures.
3. The preference of the Department of Public Works is for the stormwater to be managed and stay on the parcel. If not feasible, a waiver shall be submitted providing stormwater management calculations showing that the existing stormwater system in Roosevelt Avenue can handle the proposed flow.

STREETS

1. The applicant shall install a five-foot (5') wide public sidewalk with five foot (5') wide grass strip behind the curb. A permanent easement shall be granted to the City of Dover to provide enough room for the aforementioned design requirement.
2. Please install truncated domes at each end of the entrance.

SANITATION

1. Every person occupying a residence or duplex and every owner of an apartment 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.
2. The proposed trash collection location shall be orientated for side-loading trash trucks. If the proposed trash location and orientation are preferred, the site shall be served by a private trash collector.

GROUNDS

1. The proposed tree plantings at the proposed utility service locations shall be relocated due to potential for root damage to utilities. No trees shall be planted within ten feet of any underground water line, sewer line, transmission line or other utility.
2. No street tree shall be planted closer than 30 feet to any street corner and no closer than ten feet to any fireplug.
3. Only trees listed as small to medium shall be planted under power lines.
4. 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.

5. 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. On Sheet CS0501, please include in the Demolition Notes that any and all water and wastewater mains not to be utilized by the proposed project shall be properly abandoned at the mains by the developer / owner. Abandoned mains are to be abandoned with flowable fill.
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 City of Dover construction details for the proposed work, which comply with the City of Dover Water / Wastewater Handbook. Kent County utility and excavation details and DelDOT manholes and manhole cover details shall be removed.
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. Please note that the Owner / applicant should document all existing dwellings prior to demolition phase and provide to the City of Dover Public Works Department. A scheduled site visit is recommended and can be scheduled by contacting 302.736.7025.

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 / STREETS / GROUNDS

1. None.

SANITATION

1. None.

GENERAL

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 02/27/19

APPLICATION: Boardwalk Apartments at 127, 129, 133, 135 Roosevelt Avenue

FILE #: S-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. Proposed building is garden 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 75% 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 35% 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 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.
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 allowed between the building and the street or fire lane the solid yellow demarcation lines shall extend from the end of the sidewalk surface to the street or fire lane (Markings shall not be required on the sidewalk surface). All fire department connections (standpipe and sprinkler) shall have a minimum 12" x 18" sign that reads FIRE DEPT. CONNECTION, sign lettering shall be a minimum of 3 inches (3") in height with red scotchlite letters on white scotchlite background. The sign shall be clearly visible from the fire lane or roadway, and signs using NFPA international symbols shall be an acceptable alternative. (2015 Delaware State Fire Prevention Regulations, 705, Chapter 6, 3)
24. Standpipes shall be provided in all areas and buildings as required in the codes and standards listed in Regulation 701 as well as the following areas or buildings:
 - In all Class A and Class B places of assembly and institutional occupancies two (2) stories or 25 feet in height or over,
 - In any building over three (3) stories, **In any building over 35 feet in height,**
 - In any building that has a floor above the first floor over 10,000 square feet gross floor area,
 - In all buildings where the 1st floor exceeds 60,000 gross square feet,a Class I horizontal standpipe system installed in accordance with the applicable codes and standards listed in Regulation 701 of these Regulations shall be provided. All standpipe systems shall be installed in accordance with the applicable codes and standards listed in Regulation 701. The standpipe system shall be carried up with each floor and shall be installed and ready for use as each floor progresses.
Standpipes shall not be more than one floor below the highest forms of staging,
The 2½-inch of hose connections on Class I systems shall be provided in the following locations,
At the highest intermediate landing between floor levels in every required exit stairway,
Where intermediate landing 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. 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.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

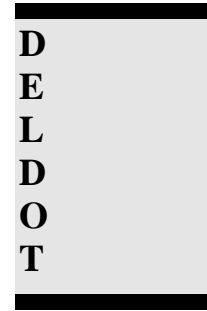
1. Additional information is needed regarding the parking buildings (ft2, additional comments may apply)
2. Demo permits will be required
3. Ensure IBC and NFPA codes are followed regarding the parking under the apartment building (specifically, but not limited to NFPA 1, 101, 88A
4. One address will be needed for the project (speak to the tax accessors office)
5. A fire hydrant may need to be installed as outlined above
6. Parking buildings cannot impede into the Fire Lane at all, Fire Lane must have a 24’ clear path

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: February 27, 2019



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APPLICATION: Boardwalk Apartments (127, 129, 133, 135 Roosevelt Avenue)

FILE#: S-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 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
February 2019**

APPLICATION: *Boardwalk Apartments*

FILE #: S-19-02

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jessica L. Verchick, EIT*

PHONE #: 741-2600 ext.3

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

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

1. Pre-app meeting was already held at the KCD office.
2. Green Technologies (infiltration, bio retention, bio swales, filter strips etc.) must be implemented to comply with the Delaware Sediment and Stormwater Regulations.
3. 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.
4. 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.
5. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

City of



Dover

DATA SHEET FOR SITE DEVELOPMENT MASTER PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF March 6, 2019

PLANNING COMMISSION MEETING OF March 18, 2019

Plan Title: Retail Center at 747 North DuPont Highway, S-19-03

Plan Type: Site Development Master Plan

Owners of Record: Rojan DD 15, LLC
Delmarva Hotels, LLC

Location: On the east side of North DuPont Highway and south of Leipsic Road

Addresses: 747 North DuPont Highway
764 Dover Leipsic Road

Tax Parcels: ED-05-068.05-01-15.00-000
ED-05-068.05-01-14.00-000

Site Area: 12.04 acres

Zoning: SC-2 (Community Shopping Center Zone)
C-4 (Highway Commercial Zone)
SWPOZ (Source Water Protection Overlay Zone – Tier 3: Excellent Recharge Area)

Existing Uses: Vacant land, Hotel

Proposed Uses: Restaurant, Retail, and Hotel

Building Areas: Proposed Phase 1 Restaurant: 11,185 S.F.
Proposed Phase 1 Retail Building: 11,900 S.F.
Proposed Phase 2 Retail Building: 19,975 S.F.
Proposed Phase 3 Retail Building: 19,200 S.F.
Existing Hotel to Remain: 51,402 S.F. (13,752 S.F. footprint)
TOTAL: 113,662 S.F.

Impervious Areas: 747 North DuPont Highway:
Existing: 7.88 acres (78.7%)
Proposed: 7.22 acres (75.6%)
764 Dover Leipsic Road:
Existing: 1.23 acres (58.9%)
Proposed: 1.35 acres (73.8%)

Off Street Parking:	Required parking spaces for Restaurant:	103
	Required parking spaces for Retail Buildings:	171
	Required parking spaces for Hotel:	92
	Total Required:	366

Proposed parking spaces for Shopping Center:	418
Proposed parking spaces for Hotel:	95
Total Proposed:	513

Sanitary Facilities: City of Dover

Water Supply: City of Dover

Waivers
Requested: None

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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

APPLICATION: Retail Center at 747 North DuPont Highway: Master Plan

FILE #: S-19-03

REVIEWING AGENCY: City of Dover Planning Office

CONTACTS: Eddie Diaz, Planner I

PHONE #: (302) 736-7196

I. PLAN SUMMARY

Review of a Site Development Master Plan to permit phased construction of a retail center to consist of four buildings totaling 62,260 SF in three phases. The buildings proposed include three retail structures of 19,200 SF, 19,975 SF, and 11,900 SF respectively. There is also a restaurant of 11,185 SF. The property is zoned SC-2 (Community Shopping Center Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone). The property is located on the east side of North DuPont Highway and south of Leipsic Road. The owner of record is Rojan 15 DD, LLC. Property Address: 747 North DuPont Highway. Tax Parcel: ED-05-068.05-01-15.01-000. The project also involves reconfiguration of the property and parking for the hotel located at 764 Dover Leipsic Road. This adjacent property is zoned C-4 (Highway Commercial Zone) and is subject to the SWPOZ (Source Water Protection Overlay Zone). The owner of record is Delmarva Hotels LLC. Tax Parcel: ED-05-068.05-01-14.00-000. Council District 3. PLUS #2018-02-02. *This site is subject to a Minor Subdivision Application SB-18-01 approved by the Planning Commission on February 20, 2018. The Subdivision proposed dividing the existing parcel of 25.01 +/- acres into two parcels of 10.007 +/- acres and 15.004 +/- acres. This proposal deals exclusively with the 10.007 +/- acre parcel to the south. Approval of this Minor Subdivision was set to expire February 28, 2019; however, a Request for a one-year extension was approved by the Planning Commission on February 19, 2019.*

Previous Applications

The Comfort Inn and Suites Hotel at 764 Dover Leipsic Road was conditionally approved by the Planning Commission on May 16, 2005 under Site Development Plan Application S-05-09. Final Plan Approval followed on January 25, 2006, and construction of the hotel and its current parking lot was completed over the course of the next two years.

The site at 747 North DuPont Highway was previously proposed for redevelopment in 2007 under a different developer. The development, known as Dover Crossroads, proposed two (2) major buildings and three (3) pad sites totaling 216,650 S.F. The shopping center would have used the entire 25 acres of the 747 North DuPont Highway parcel, instead of just the southern ten (10) acres as the current project does. The project involved rezoning the three parcels then comprising 747 North DuPont Highway from C-4 to SC-2 under rezoning application Z-07-05.

The project's Site Development Plan (S-07-39) was then reviewed by the Planning Commission at their meetings of August 20 and September 17, 2007, and the project received Final Approval on September 8, 2008. Several further steps were taken towards completing the development, including consolidating the three parcels, demolition of the existing buildings on site formerly belonging to Berry Van Lines, and approval of a Unified Comprehensive Sign Plan (US-08-01), but construction ultimately did not commence, and the Site Plan expired.

The current Site Plan is distinguished from the prior plan by its smaller footprint, different layout of proposed buildings, and cooperation with the hotel property. The two plans also show different locations for site entrances.

Related to the current application, a Minor Subdivision Plan for 747 North DuPont Highway was reviewed by the Planning Commission at their meeting of February 20, 2018 (SB-18-01). The Plan was granted a one-year extension of approval at the Commission's meeting of February 19, 2019. The Minor Subdivision Plan proposes dividing the 25-acre parcel into a southern 10-acre parcel and a northern 15-acre parcel. Most of the construction associated with this current project would take place on the southern 10-acre parcel. Final Approval and recordation of the Minor Subdivision Plan is needed for any future approval of the three (Administrative Site) phase plans expected to be submitted to the Planning Office following approval of the Site Development Master Plan. Note that the Minor Subdivision Plan does not address the proposed land swap between 747 North DuPont Highway and 764 Dover Leipsic Road.

Preliminary Land Use Services Review (PLUS)

An application (PLUS Review #2018-02-02) related to this project was reviewed on February 28, 2018 by the State's Preliminary Land Use Services, as required by the City of Dover's Memorandum of Understanding (MOU). This MOU requires that non-residential developments of over 75,000 square feet or residential developments containing 125 or more dwelling units complete the PLUS Review process prior to application submission. The development proposal submitted by the developers to PLUS envisioned a version of this project that had 76,570 S.F. of commercial space for the 10-acre portion of 747 North DuPont Highway as well as a 240-unit apartment complex for the 15-acre portion. Copies of the PLUS Review Comments will be provided to the Planning Commission. 747 North DuPont Highway has gone through the PLUS Review process twice before, once in 2007 (Review #2007-01-06) for the Dover Crossroads project and once in 2014 (Review #2014-04-05) for an 81,118 S.F. shopping center, which was never submitted to the City for review and thus never materialized.

Site Development Master Plan

The plan for this project is submitted for review under the Site Development Master Plan process (See *Zoning Ordinance*, Article 10 §2.44 listed below). This process allows for a series of construction phases to be outlined in a Master Plan for Planning Commission review and approval. Prior to each Phase of construction, a Site Plan specific to that phase is submitted for Administrative Site Plan review.

Article 10 §2.44 Site development master plans. Conceptual site development master plans shall be reviewed by the planning commission in accordance with the provisions of subsection 2.43. Conceptual site development master plans shall depict a site development proposal that reflects general compliance with the provisions of the zoning ordinance and shall also reflect the following information on the plan:

(A) Conceptual Master Plan. Conceptual Master Plan shall include the proposed general

layout of building, streets, parking, open space, landscape concepts, and stormwater management areas.

- (1) Detailed site construction plans, details, and specifications are not required as part of a site development master plan submission.
- (2) The plan shall illustrate distinct phase boundaries for each proposed construction phase and shall depict proposed construction and site improvements planned for each phase. Bulk quantities and area totals for each construction phase, and for the total site, shall be tabulated in a data column on the plan.
- (3) Each construction phase shall be enumerated in sequential order on the site development master plan according to the order of construction contemplated by the plan. Phases shall be implemented in accordance with the approved site development master plan unless the city planner approves an alternate phasing.
- (4) Each construction phase represented on the master plan shall be planned and designed to function independent of construction and site improvements contemplated in future construction phases in all respects, including but not limited to bulk area provisions of the zoning district in which the site is located, off-street parking requirements, site entrances, emergency access requirements, site utilities, and stormwater management improvements except where the requirements and needs of a later phase are met and remain met by a previous phase of completed construction.
- (5) Any special agreements or conditions of approval relative to the overall development that have been specified by regulatory agencies shall be documented on the site development master plan.

Phased site plan approval. Individual phased components of the Conceptual Master Plan are to be reviewed and approved as an Administrative Site Plan. Final site construction plans, including detailed site grading, paving, utilities, stormwater management, and tree planting and preservation plans shall be submitted for final approval by the city planner and/or authorized designee, and to other agencies having jurisdiction, on a phase by phase basis in accordance with the approved site development master plan, and all regulations of the City of Dover governing the approval of site plans as set forth in subsection 2.4 and 2.5.

Plan Revisions

On March 7, 2019, the applicants submitted a plan sheet that shows a revised configuration for the land swap described in this Report. Previously, the hotel owners were to transfer about 0.6 acres on the west side of their property to the shopping center developers, while the shopping center developers were to transfer about 0.4 acres on the north side of their property to the hotel owners. The revised land swap is similar, but it gives the hotel property an additional 10-foot-wide strip of land on the south side of their property. It also gives them a strip of land about 25 feet wide on the east side of their property, taken from 747 North DuPont's 15-acre residual parcel. This strip of land includes half of the drive entrance from Leipsic Road which is to be widened to serve the shopping center; the transfer of this land therefore gives the hotel owners a property interest in this entrance. Appropriate easements will be recorded to ensure the entrance is properly shared.

The new plan sheet does not specify what exact acreage each of the two properties in this application will have following the revised land swap. The numbers in this Report related to acreage, impervious coverage, etc. are therefore derived from the original plan submission, and do not take this new parcel configuration into account. The applicants will be required to submit additional information prior to Final Approval of the Site Development Master Plan that shows the final acreage of each parcel, and how the new configuration will affect all bulk standards.

II. PROJECT DESCRIPTION

The project site is bounded on the west by North DuPont Highway, on the north by Leipsic Road, on the east by open land used for parking during Dover International Speedway events, and on the south by various commercial uses. The site does not occupy the corner of North DuPont Highway and Leipsic Road; rather, two parcels containing a restaurant and a motor vehicle/equipment service facility are bound by the project site and these two roads. Other nearby uses include additional restaurants and a self-storage facility to the south of the site, a bank across North DuPont Highway from the site, a Home Depot across Leipsic Road from the site, and the Delaware Agricultural Museum, which lies on the opposite (northwest) street corner from the site. The site is also near the northern terminus of North State Street.

Two properties with different owners comprise the project site. The larger of the two properties is a 10-acre portion of the 25-acre parcel known as 747 North DuPont Highway. 747 North DuPont Highway is proposed for subdivision into a new 10-acre parcel and a new 15-acre parcel (the “15-acre residual parcel”) under Minor Subdivision Plan SB-18-01. The 15-acre portion is currently used for parking during Dover International Speedway events, and except for one drive aisle, it lies outside the current project scope. The 10-acre portion is currently vacant. This area is the former location of Berry Van Lines, a moving company; and while all the buildings previously associated with the business have been demolished, a large amount (7.88 acres) of impervious cover remains on the site. This impervious cover will be removed to make way for the proposed development on the property, a new shopping center. After redevelopment, the property will have about the same amount of impervious cover, but in a different configuration.

The smaller of the two properties is a 2.09-acre parcel housing a Comfort Inn & Suites Hotel. This 4-story, 51,402 G.S.F. hotel is to remain open after redevelopment. However, its parking lot will be reconfigured as part of this project to join with the new parking areas to be constructed for the shopping center. By percentage, the property’s impervious cover will increase significantly (from 58.9% to 73.8%) due to the parcel shrinking as proposed below.

The two properties are to remain under independent ownership. As part of their agreement to connect the two properties; however, the property owners plan to perform a land swap. In this land swap the hotel owners will transfer about 0.6 acres on the west side of their property to the shopping center developers, while the shopping center developers will transfer about 0.4 acres on the north side of their property to the hotel owners. A strip of land about 25 feet wide will also be transferred to the hotel owners from the 15-acre residual parcel. These transfers will result in the shopping center property (747 North DuPont Highway) expanding from 10.01 acres to about 10.21 acres; and the hotel site (764 Dover Leipsic Road) shrinking from 2.09 acres to about 1.83 acres. The land swap is considered a Minor Lot Line Adjustment and can be approved and recorded during the future Administrative Site Plan review phase of this project.

Per the project’s submittal as a Site Development Master Plan, the project is proposed to be developed in three phases. The scope of construction for each phase is as follows:

- Phase 1: This phase consists of an 11,185 S.F. Golden Corral Restaurant and a 11,900 S.F. retail building, together with parking to serve the two buildings (233 spaces), loading areas and dumpster pads for each building, sidewalks and drive aisles, and three (3) stormwater management areas. The site entrance from North DuPont Highway will also

be built as part of this phase. The hotel parking lot reconfiguration (95 spaces) and the site entrance from Leipsic Road will be done as part of this phase as well. Note that the Golden Corral Restaurant is currently the only known tenant for the new shopping center.

- Phase 2: This phase consists of a 19,975 S.F. retail building, together with parking (91 spaces), drive aisles, a loading area, a dumpster pad, and sidewalk around the building.
- Phase 3: This phase consists of a 19,200 S.F. retail building, together with parking (94 spaces), drive aisles, a loading area, a dumpster pad, and sidewalk. The single largest of the four (4) total stormwater management areas will also be built as part of this phase, the other three (3) having been built as part of Phase 1.

Only the four (4) new buildings to be constructed are considered part of the new shopping center, with the hotel remaining independent despite its parking lot's integral connection with the parking areas for the shopping center.

III. ZONING REVIEW

747 North DuPont Highway is currently zoned SC-2 (Community Shopping Center Zone), while 764 Dover Leipsic Road is currently zoned C-4 (Highway Commercial Zone). Both properties are also subject to the Source Water Protection Overlay Zone (SWPOZ): Tier 3- Excellent Recharge Area. The applicants do not plan to submit a rezoning application associated with their land swap; therefore, following the land swap both properties will become split-zoned, with the land transferred to the shopping center remaining in the C-4 Zone and the land transferred to the hotel remaining in the SC-2 Zone. There are several sections of the *Zoning Ordinance* which speak about how zoning regulations apply to split-zoned properties. Most notably Article 2, §3.4 describes how the regulations can in some cases cross zone boundaries, and Article 6, §5.2 describes how parking regulations are applied on split-zoned properties. These sections of the *Zoning Ordinance* will be described throughout this Report in the cases where they apply.

747 North DuPont Highway

The majority of the shopping center property is to be zoned SC-2 (Community Shopping Center Zone) and subject to the regulations of *Zoning Ordinance*, Article 3 §17 and Article 4 §4.15. Retail stores and restaurants are permitted uses in the SC-2 Zoning District.

Zoning Ordinance Article 3 §17.4 requires development in the SC-2 Zone to follow the bulk standards of the C-4 (Highway Commercial) Zone, except where Article 3 §17 provides for specific exceptions. The proposed shopping center development meets all the bulk standards requirements of the C-4 Zone except for the impervious cover requirement (about 75.6% proposed vs. 75% maximum). It additionally meets the following requirements of the SC-2 Zone:

1. A minimum building setback of fifty (50) feet along all property lines of the site.
2. A minimum landscape buffer of ten (10) feet along all property lines of the site.
3. A minimum of 10 percent of the site area consisting of landscaping, pedestrian malls and courtyards.

4. An internal circulation system separated from the external public street system, with pedestrian traffic separated from vehicular traffic by means of appropriate site design and traffic control devices.

Notably, the above four criteria do not apply to the 0.6 acres of the property remaining in the C-4 Zone. However, this area does appear to be designed to the criteria. It should also be noted that the required buffer along the east-west shared property line with the hotel property is actually on the hotel property, instead of on the shopping center property. See the discussion of 764 Dover Leipsic Road below.

The requirements of the SC-2 Zone also state that “access to state highways shall be controlled by standards set forth by the department of transportation” and that “permanent facilities shall be provided by the developer to handle increased stormwater runoff which will result from increasing the impervious area of the site.” The City will coordinate with DelDOT and the Kent Conservation District to ensure these requirements are met.

Finally, *Zoning Ordinance* Article 3 §17.2 requires that the minimum size of a SC-2-Zoned area be 15 acres. Though the 10-acre new shopping center cannot meet this requirement on its own, the requirement is met because the adjacent 15-acre residual parcel formed following the property’s subdivision will remain zoned SC-2. This determination was made when the project originally applied for Minor Subdivision under application SB-18-01. A part of the hotel property will become zoned SC-2 as well.

764 Dover Leipsic Road

The majority of the hotel property is zoned C-4 (Highway Commercial Zone) and subject to the regulations of *Zoning Ordinance* Article 3 §16 and Article 4 §4.15. Hotels are a permitted use in the C-4 Zoning District. The property meets all the bulk standards of the C-4 Zone, and following reconfiguration of the parking lot and the property boundaries it will continue to do so.

A portion of the property will however be subject to the SC-2 Zone. Between the SC-2 Zone and the C-4 Zone, the SC-2 Zone is considered the “more restrictive” zone according to *Zoning Ordinance* Article 2, § 3.4, which reads as follows:

3.4 In all cases where a zone boundary divides a lot in one ownership and more than 50 percent of the area of such lot lies in the less restricted zone, the regulations prescribed by this ordinance for the less restricted zone shall apply to such portion of the more restricted portion of said lot which lies within 30 feet of such zone boundary. For purposes of this section, the more restricted zone shall be deemed that district which is subject to regulations which prohibit the particular use intended to be made of said lot or which regulations require higher standards with respect to setback, coverage, yards, screening, landscaping and similar requirements.

Because the regulations of the C-4 Zone extend 30 feet into the area zoned SC-2, the portion of the property actually subject to SC-2 regulations shrinks from about 0.4 acres to about 0.2 acres, or less than 10,000 S.F. It is difficult to apply the regulations of the SC-2 Zone to an area of land this size, as the SC-2 Zone envisions a minimum contiguous area of 15 acres. However, by the same token, these 0.2 acres may receive credit for meeting the requirements if they are contiguous with a much larger SC-2-zoned area which meets them, or else help this overall area to meet them. As such the Planning Office will not require criteria 2) and 3) above to be met

entirely specifically within these 0.2 acres, recognizing that the hotel parcel does contribute one 10-foot-wide landscaped property line buffer which helps ensure the landscape buffers are present whenever possible over the whole extent of the SC-2-zoned area.

SWPOZ – Source Water Protection Overlay Zone, Tier 3: Excellent Recharge Area

The purpose of the Source Water Protection Overlay Zone (*Zoning Ordinance* Article 3 §29) is to provide a safe drinking water supply and to ensure that groundwater is adequately protected and maintained. This site is subject to the Tier 3: Excellent Recharge Area. Both the shopping center property and the hotel property are entirely covered by the overlay, though the 15-acre remainder parcel will be only partially covered.

The following uses are prohibited throughout the SWPOZ, including in the excellent recharge area:

Zoning Ordinance Article 3 Section 29

29.51 *Uses prohibited:*

- a) Automobile body/repair shop, motor vehicle, boat or farm equipment service;
- b) Gas stations and motor vehicle service stations;
- c) Fleet/trucking/bus terminal;
- d) Dry cleaner;
- e) Electrical/electronic manufacturing facility;
- f) Machine shop;
- g) Metal plating/finishing/fabricating facility;
- h) Chemical processing/storage facility;
- i) Wood preserving/treating facility;
- j) Junk yard/scrap yard/salvage yard;
- k) Mines/gravel pit;
- l) Land divisions resulting in high density (> one unit/acre) septic systems;
- m) Equipment maintenance/fueling areas;
- n) Injection wells/dry wells/sumps, except for single-family residences directing gutter downspouts to a drywell;
- o) Underground storage tanks;
- p) All uses not permitted in the underlying zone district.

As proposed tenants become known, they will be evaluated to ensure they are not prohibited under the SWPOZ.

Tier 3 Lands are additionally subject to specific rules regarding impervious coverage. The maximum coverage within Tier 3 Lands is typically 30% or 60% if infiltration is used in the development's stormwater management. Redevelopment typically requires a 15% reduction from pre-development conditions.

However, under a Site Development Master Plan the maximum impervious coverage may be increased to 75%, in accordance with *Zoning Ordinance*, Article 3 § 29.77:

29.77 *Master plans.* Site development which occurs as part of a site development master plan as specified in the zoning ordinance, article 10 section 2.58 may consider the area of the entire tier 3 portion of the master plan area when developing individual phases. This will allow for higher than prescribed amounts of impervious cover on specific portions of the master plan so long as the overall impervious surface for the entire tier 3 lands in the plan remains in compliance with this section. On a site development master plan, when the city engineer certifies that the project utilizes

superior infiltration design that maximizes groundwater recharge, impervious cover may be increased to 75 percent.

The applicants have stated that they will seek City Engineer certification of the project's stormwater management for Superior Infiltration Design, as described in §29.77. Not enough information is provided in the Site Development Master Plan submission for the City Engineer to give such certification, as no system format, sizes or calculations are provided for the proposed stormwater management areas. However, the applicants may be planning to seek this certification during the future Administrative Site Plan review phase of this project.

IV. BUILDING ARCHITECTURE

For the architectural submission, the applicants originally submitted two sets of photographs. The first set, which also contains one rendering, is for the Golden Corral Restaurant to be built in Phase 1. On March 7, 2019 the applicants submitted a revised rendering. The second set is meant to indicate how the other commercial buildings in the shopping center will look. The applicants did not submit architectural information for the hotel, as no changes are planned to that building.

The first set of photos, since they are of another Golden Corral in a different location, give only a general idea of what this project's Golden Corral will look like. The photos provided all show the front of the building. The updated rendering sent on March 7 also shows only the front of the building, but the applicants have stated it shows the design specific to the Dover location.

According to the updated rendering, the building appears to have horizontal tan siding topped by vertical brown siding. A cornice line separates these two layers from another layer above of what may be red EIFS. There is one main entrance tower as well as a secondary entrance tower; these feature a brick water table topped by what may be tan stucco and red EIFS. The cornice lines continue around the entrance towers to tie them to the bulk of the building. There are windows provided across the front and sides of the building, each with an awning above. Some of the awnings are red, sloped fabric awnings while others are flat and made of what appears to be metal. Aside from the entrance towers, the roof is flat, but another cornice line marks the roof line. The revised rendering appears to show the entrance tower in the center of the front façade, matching the Site Plan.

The second set of photos show four sides of a multi-tenant commercial building. Since they are of an existing building in a different location, they also give only a general idea of what the other buildings in the shopping center will look like. The photos show a building with a stone watertable topped by walls covered with what may be EIFS. On the front of the façade a variety of cornice lines are provided. The building also has a mixture of flat, hipped, and gable roofing. The occupied tenant space has stone on its front façade, and it has covered over most of the windows provided for it on its side façade, suggesting that the architecture of the buildings will be flexible to meet the needs of the tenants. The example building has a drive-thru, even though none of the buildings shown on the Site Plan have drive-thrus. Finally, it should be noted that the back of the building lacks most of the wall articulation of the front facade.

It should be noted that the Planning Commission must approve architecture specific to the proposed buildings on site. The applicants' photos may give the Commission a general idea of what the shopping center architecture will be like, but scaled elevation drawings or site-specific renderings are needed for a thorough review of the buildings against the architectural design

guidelines of *Zoning Ordinance* Article 5, §19. Such review is needed for approval of the buildings' architecture. The one site-specific rendering already given must be accompanied by renderings or elevations of the other four sides of the restaurant building.

V. PARKING SUMMARY

According to *Zoning Ordinance* Article 6 §5.2, the following applies when lots are divided by zone boundaries (split-zoned):

5.2 On lots divided by zone boundaries. When a lot is located partly in one district and partly in another district, the regulations for the district requiring the greater number of parking spaces or loading berths shall apply to all of the lot. Parking spaces or loading berths on such a lot may be located without regard to district lines, provided that no such parking spaces or loading berths shall be located in a residence zone, unless the use to which they are accessory is permitted in such zone, or by special permission of the board of adjustment.

The C-4 Zone and the SC-2 Zone have similar but sometimes differing parking requirements. According to *Zoning Ordinance* Article 3 §17.5, the parking requirement in the SC-2 Zoning District is one (1) parking space per 300 S.F. of gross leasable area. According to *Zoning Ordinance* Article 4 §4.15, the parking requirement in the C-4 Zone is one (1) parking space per 300 S.F. of floor area or one space per employee, whichever is greater. In this case the Site Plan does not make a distinction between gross leasable area and floor area. In addition, the number of employees on site is unknown. The base parking requirement for the whole project may therefore simply be given as one (1) parking space per 300 S.F. of floor area.

Only the retail buildings in the shopping center are subject to the base parking requirement. The *Zoning Ordinance*, Article 6 §3.1 gives specific requirements for hotels and restaurants. Based on the total 51,075 S.F. of retail area, 171 parking spaces are required.

The restaurant in the development must have one (1) parking space for every four (4) dining seats plus one parking space for every three (3) bar seats. The restaurant is given as having 410 dining seats. Therefore 103 parking spaces are required for the restaurant.

The hotel must have one (1) parking space for every guestroom, plus one (1) for every 200 S.F. of office space, banquet hall, or meeting areas. Based on the 89 guestrooms in the hotel as well as 600 S.F. of office space, the applicants calculated a parking requirement of 92 spaces for the hotel. It is uncertain whether the 600 S.F. includes banquet halls or meeting areas.

The reconfigured hotel property is proposed to have 95 parking spaces on it. The shopping center property is proposed to have 418 parking spaces on it. Based on these numbers the minimum parking requirements for the site are met, both individually on each property and overall. If necessary, visitors to one site may park on the other, based on the "joint facilities" provisions of *Zoning Ordinance* Article 6 §3.7.

Because the tenants have not been finalized, the square footage provided for the retail and restaurant uses may be subject to change and therefore, also the parking requirements.

Loading Spaces

For buildings with retail sales of at least 8,000 S.F., one loading berth is required for the first 8,000 to 25,000 S.F., and an additional berth is required for each additional 25,000 S.F. or fraction thereof. Based on their square footages at 11,900 S.F., 19,975 S.F., and 19,200 S.F., the three retail buildings each require one (1) loading space. Each retail building is provided with a loading zone at the rear of the building, meeting this requirement. The restaurant is also provided with a loading area, even though there are no loading requirements for restaurants under the *Zoning Ordinance*.

For hotels, one loading berth is required for each 25,000 S.F. of floor area or fraction thereof. Based on the 51,402 S.F. total floor area of the hotel, three (3) loading berths would be required. However, the hotel received a waiver from the Planning Commission for two (2) loading berths when application S-05-09 was conditionally approved by the Commission on May 16, 2005. That waiver is still in effect. The one remaining loading berth, located under the porte-cochere at the front of the building, will be preserved following the hotel's parking lot reconfiguration.

Bicycle Parking

Both properties are required to provide bicycle parking. The bicycle parking calculation is one (1) bike space for every twenty (20) regular (vehicle) parking spaces.

For the shopping center property, 418 regular parking spaces are provided. Therefore, 21 bicycle parking spaces are required. The applicants included in the Site Plan a calculation showing that twenty (20) bicycle parking spaces would be provided. However, the location of these bicycle parking spaces has not been shown on the Site Plan.

For the hotel property, 95 regular parking spaces are provided. Therefore, five (5) bicycle parking spaces are required. There are currently no bicycle parking spaces on this property, and the applicants are not proposing any new ones. However, even though bicycle parking was not required when the hotel was built in 2005, it would be required at this time.

The applicants have stated that they will provide additional bicycle parking spaces to meet the needs of both sites, and they will show the specific locations of them in a future plan submission.

VI. SITE CONSIDERATIONS

Entrances and Circulation

The Site Plan is indicating three (3) entrances to the site. The first entrance is from the northbound lanes of North DuPont Highway, as a right-in/right-out entrance. The second entrance is located off Leipsic Road on the north side of the site, and it is a full entrance; this entrance would be located partially on the residual 15-acre parcel of 747 North DuPont Highway and partially on the hotel property. The third entrance, also a full entrance off Leipsic Road, is specific to the hotel property. This entrance would be moved as part of the parking lot reconfiguration, so it is directly across from the entrance to the Home Depot.

The three entrances are linked by three corresponding primary drive aisles that meet roughly in the center of the site. The first drive aisle runs east from North DuPont Highway and ends at the Phase 3 Retail Building. The second drive aisle runs south from Leipsic Road, turns to the west near the Phase 3 Retail Building, and then runs west and ends near the Phase 1 Retail Building.

The third drive aisle runs south from Leipsic Road and ends at the Phase 2 Retail Building; this third drive aisle is also the primary interconnection between the two properties. With a couple of exceptions, these three primary drive aisles are free of parking directly off them. Numerous other secondary drive aisles are located off the primary aisles and around the buildings and from these most of the site's parking can be accessed.

The second primary drive aisle would widen an existing one that serves the race parking areas on the 15-acre residual parcel. It is unclear from the Site Plan whether the new aisle would maintain access to these areas.

The project also contains two locations for future cross-access that could be used by any new development on located on 779 North DuPont Highway and 728 Dover Leipsic Road. These are the two parcels located between the street corner of North DuPont Highway and Leipsic Road and the project site. A cross-access point to 779 North DuPont Highway is located near the dumpster associated with the Phase 1 Retail building. A cross-access point to 728 Dover Leipsic Road is located on the hotel property just west of the third site entrance.

North DuPont Highway and Leipsic Road are State-maintained roads, and the design of the site entrances may be subject to change based on DelDOT requirements. The applicants have stated that a Traffic Impact Study (TIS) is being completed for the project. However, neither a draft nor a final version of this study has been submitted to the Planning Office.

Bicycle and Pedestrian Considerations

Existing conditions provide sidewalk only along the site's Leipsic Road frontage, for the hotel property. The proposed plan would ensure this sidewalk is rebuilt when the hotel's driveway entrance is rebuilt. In addition, the project proposes a new 10-foot wide multi-use path along the North DuPont Highway frontage of the site. This multi-use path will link up with a path to be constructed by DelDOT between Leipsic Road and Townsend Boulevard starting spring 2019. Bicycles are currently able to travel along Leipsic Road by using the wide shoulders on either side of the drive lanes.

Sidewalk connections are also provided from the street frontages into the interior of the site. An existing sidewalk leads from Leipsic Road to the hotel entrance. New sidewalk is to be provided on at least three sides of each new building, and additional sidewalks are provided in other locations. Marked crosswalks are not shown, and these would be needed to link the isolated areas of sidewalk into a comprehensive pedestrian system for the site. In addition, there is not a clear pedestrian route south from the hotel building to the shopping center.

Lighting

A Lighting Plan was not included with the plan submission. Lighting is required for all commercial properties to be 1.5 footcandles at grade, in accordance with *Zoning Ordinance* Article 5, §7.1. More detail on lighting may be provided in the Administrative Site Plan review phase of this project.

Dumpsters

According to *Zoning Ordinance* Article 5 §6.12, the dumpster requirements for a shopping center are two (2) for the first three (3) stores plus one (1) for each additional store. Based on the apparent classification of each retail building as a single store, a minimum two (2) dumpsters are

required to meet the needs of the shopping center's retail tenants. In addition, the restaurant requires two (2) dumpsters for the first 3,000 S.F. of building area and one for each additional 3,000 S.F. of building area or fraction thereof. Based on this requirement five (5) dumpsters are required for the restaurant. The *Zoning Ordinance* does not specify a dumpster requirement for hotels.

The plan proposes five (5) dumpster pads on the site, one (1) on the hotel property and four (4) on the shopping center property. There is a dumpster pad adjacent to each building, both existing and new. The restaurant has the largest dumpster pad of all the buildings. The applicants have stated that there should be at least two (2) dumpsters per dumpster pad, leading to a total of ten (10) dumpster units. Based on these numbers the overall dumpster requirements of the site appear to be met. However, the applicants have stated that the number of dumpsters they provide may change based on the number of tenants they receive and those tenants' individual needs. More detail will be provided during the Administrative Review phase of the project.

The actual number of dumpsters provided is at the discretion of the developers to meet the needs of the site. No waiver request is necessary to provide fewer dumpsters than those required by code; however, space must be reserved for the number of dumpsters required. If in the future the City Planner determines that the provided receptacles are insufficient, they may require that dumpsters be provided in the reserved areas. The dumpsters must consist of both trash and recycling receptacles.

Curbing

Six-inch upright curbing is required around all parking and drive areas. The applicants did not provide a Grading Plan that indicates whether this requirement is met or not. It is a common strategy to allow water to run off drive aisles and parking areas in select locations, so it flows into approved stormwater management areas. If this is proposed it should be indicated in the Administrative Site Plan review phase of the project, and the appropriate waiver from curbing requirements should be requested at that time.

VII. TREE PLANTING AND LANDSCAPE PLAN

A Landscape Plan in accordance with *Zoning Ordinance*, Article 5 §16 was prepared. The tree planting requirement for the site is based on the total property area: one (1) tree is required for every 3,000 S.F. of land area. Following the land swap, 747 North DuPont Highway is to consist of about 10.21 acres (444,312 S.F.), leading to a requirement of 148 trees. 764 Dover Leipsic Road is to consist of about 1.83 acres (82,764 S.F.), leading to a requirement of 28 trees.

The proposed Landscape Plan counts all plant units shown on the plan, including shrubs, towards the tree density requirement. However, the shrubs are too small to be appropriately counted as trees, based on the definition of "tree" given in *Zoning Ordinance* Article 5 § 16.2. Therefore, both properties need to have more trees than currently shown. The shopping center property is shown with 98 trees, and fifty (50) more are required. The hotel property is shown with nine (9) trees, and nineteen (19) more are required. The applicant has stated that the missing trees will be provided.

Of the trees shown, there are proposed seventeen (17) Armstrong Red Maples, thirteen (13) Thornless Honey Locusts, thirty (30) Pin Oaks, and 48 Village Green Zelkovas. These numbers are the totals for both properties. It should be noted that these are all canopy trees; if the applicants need

more space to plant the remaining required trees, they might substitute some of these for evergreen trees, which have closer spacing requirements.

Finally, it should be noted that the hotel property met its landscape requirements when it was first approved in 2005. Many of the trees planted when the hotel was first built would need to be removed as part of the parking lot reconfiguration, but not all. The applicants do not indicate any trees on that property to be preserved, but if any were, these could be credited towards the hotel property's tree requirement.

Buffer Requirements

According to *Zoning Ordinance* Article 3 §17.7, properties in the SC-2 Zone are required to have a landscaped buffer ten (10) feet wide along all lot lines. The proposed development does show this buffer along all lot lines within the SC-2 Zone, except in places of ingress and egress. In most cases the buffers are also accompanied by appropriate landscaping. No landscaping is provided for the easternmost buffers, which are located near the edges of the largest stormwater management area.

The SC-2 buffer requirement is superseded along North DuPont Highway (U.S Route 13) by the Arterial Street Buffer requirement given in *Zoning Ordinance* Article 5 §7.3. Here a thirty (30) foot landscape buffer along the road frontage known as an Arterial Street Buffer is required. The buffer is measured from the edge of the right-of-way. This plan proposes an Arterial Street Buffer of the appropriate width. The buffer would be planted more robustly than the buffers along the other property lines.

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 applicants:

- 1) The project proposes to use the provisions of *Zoning Ordinance* Article 3, § 29.77 to allow a maximum 75% impervious coverage on the site. This means that the impervious coverage on the shopping center property must at a minimum be reduced by 0.6% from 75.6%.
- 2) **City Engineer certification of the project's stormwater management as Superior Infiltration Design is required to allow 75% maximum impervious coverage. Without this certification, impervious coverage on both properties must be reduced by 15%, to no less than 60% total, per the standard requirements of the SWPOZ.** The maximum coverage on the shopping center property would be 6.7 acres, while the maximum coverage on the hotel property would be 1.1 acres.
- 3) Architecture specific to each building must be reviewed by the Planning Commission prior to that building's construction. If necessary, this may be done at later meetings of the Commission.
- 4) Please provide any information available about the number of tenants expected for each retail building. The current plan suggests that there is to be only one store per building; this should be confirmed if it is correct.

- 5) Please provide a copy of the draft Traffic Impact Study (TIS) if available as well as information about its status. The Planning Commission may choose to defer consideration of the application without this information.
- 6) Provide in the site data column a calculation of the dumpster requirement according to the *Zoning Ordinance*. In addition, please specify whether trash collection is to be front load or side load. The Site Plan should show any changes to both the dumpster requirements and the actual number of provided dumpsters that arise from known tenants and tenant needs.
- 7) Please show any continuing access from the proposed drive aisle on the residual parcel to the race parking areas further east, if this access is proposed to be preserved.
- 8) Please show on the Site Plan the location of any proposed crosswalks.
- 9) Please provide one (1) additional bicycle parking space on the shopping center property and five (5) additional bicycle parking spaces on the hotel property. Please show the locations of all proposed bicycle parking spaces on the Site Plan.
- 10) Please confirm that the total square footage of office, ballrooms, and meeting areas in the hotel is 600 SF. If this area is greater than 600 SF, the parking requirements of the hotel will increase. Parking for the hotel may be provided on the shopping center property if so agreed to by the applicants.
- 11) On the Landscape Plan:
 - a. Please double check if the revised configuration of the land swap changes the tree density requirements of each property; this will affect item 11b below.
 - b. Please provide an additional fifty (50) trees on the shopping center property and an additional nineteen (19) trees on the hotel property. Fewer trees may be provided on the hotel property if it can be demonstrated that any existing trees are to be preserved.
 - c. Please provide landscape plantings (trees or otherwise) within the 10-foot-wide landscape buffers near the stormwater management area on the east side of the site.
 - d. In the bulk tables, revise the language used so that minimum trees are specified rather than minimum plant units.
 - e. It is suggested that the plant list be broken into two tables, one for each property, similarly to the bulk tables.
- 12) On the Site/Phasing Plan:
 - a. Please add a line denoting the boundary between the C-4 District and the SC-2 District, as following the land swap the parcel boundaries will no longer follow the zoning boundary.
 - b. Please revise the setback lines shown on each property to reflect their split-zoned condition. The C-4-zoned area of the shopping center property needs to be shown with the setbacks of the C-4 Zone. Based on *Zoning Ordinance* Article 2, § 3.4, the hotel property needs to be revised to show a 50-foot rear setback for the SC-2 Zone.
 - c. Please revise the front and side setback lines on the hotel property to reflect the current minimum requirements of the C-4 Zone, rather than their 2005 requirements;

see comment 12c below.

- d. Please square all setback lines so that curved setbacks are only found adjacent to curved property lines.
- e. Please show the location of any existing sidewalk on the hotel property to remain.
- f. Please show the location of the porte-cochere canopy on the hotel property.

13) On the Cover Sheet:

- a. Please revise all items in the Site Data column to reflect the land area each property will have following the revised configuration of the land swap, rather than the original configuration. These items include but are not limited to acreage, impervious surface, floor area ratio, etc.
- b. Please revise the Site Data column to reflect the fact that each parcel is not subject to only a single zoning classification. Item 5 should list SC-2, C-4, and SWPOZ for both parcels. The minority zoning classification for each parcel may be denoted by labeling it as “partial” or something similar.
- c. Item 8, the bulk standards, should have a “required” column and two “proposed” columns, one for each parcel, rather than associate one parcel with each zoning classification.
- d. The minimum front yard, side yard, and rear yard for the C-4 Zone must be updated from their 2005 values to their current values in light of the hotel property’s reconfiguration. These are a 20-foot front yard, a 15-foot side yard, and a 10-foot rear yard.
- e. Double check the “proposed” values for lot width and lot depth, as well as minimum front yard, minimum side yard, minimum rear yard, and minimum building setback, to ensure they are all correct. The second set of numbers should show how far the buildings are actually set back, rather than just the depth of the required setback lines.
- f. Please correct the tax parcel number of the hotel parcel to 2-05-068.05-01-14.00-00001. This error is in both the site data column and on the plan drawings.
- g. Please remove from the bicycle parking requirement the note that twenty (20) spaces maximum would be required; there is no maximum number of bicycle parking spaces.
- h. Please add a note specifying that the hotel property received a waiver on May 16, 2005 relaxing the requirement of three (3) loading spaces to one (1).
- i. Please add an item to the site data column specifying the exact acreage and square footage of land to be transferred to each property under the land swap (the values of 0.6 acres and 0.4 acres given in this Report are estimates).

14) The Site Development Master Plan must be updated with changes required or approvals granted, including any waivers granted by the Planning Commission, prior to Final Plan Approval.

15) Any Sediment & Stormwater Management Plans granted approval by the Kent Conservation District must reflect the Site Plan layout and design conditionally approved by the Planning Commission and be in compliance with the *Zoning Ordinance* and technical review requirements of other agencies.

16) Because a version of this project was originally submitted to PLUS, a response to the State’s PLUS review comments of March 28, 2018 is required. Please submit this

response both to the Office of State Planning Coordination and to the Dover Planning Office.

IX. RECOMMENDED ADDITIONAL CONSIDERATIONS TO MEET CODE OBJECTIVES

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

- 1) Waiver Request(s): Staff will provide recommendations regarding any waiver requests following their receipt by the Planning Office.
- 2) Architecture: To further subsection 2.28 related to architectural characteristics of proposed buildings, Staff recommends the Planning Commission request that any future architecture submitted for the buildings on site be carefully reviewed by the applicants prior to submission to ensure the buildings do not have blank walls per *Zoning Ordinance* Article 5 §19.1(ii). Blank walls may be avoided through proportional fenestration, a variety of materials and texture on the walls, pilasters or other projections, or, if necessary, planting of landscape screening.
- 3) Pedestrian Facilities: To further subsection 2.21 related to safety and convenience of vehicular, transit, bicycle, and pedestrian traffic, Staff recommends the Planning Commission require the following:
 - i. A series of crosswalks across the shopping center and hotel properties meant to link the sidewalks provided on site into a comprehensive pedestrian network. The crosswalks should be accompanied by appropriate traffic control signage and striping.
 - ii. Bicycle parking to be provided adjacent to each building, instead of all in one location on site.
 - iii. A sidewalk from the Leipsic Road frontage into the site along the drive aisle on the residual parcel, to be connected to the sidewalk network per item i. above.
 - iv. Sidewalk to be separated from drive aisles by a 5-foot wide buffer strip wherever possible.

Other agencies may recommend additional considerations to meet code objectives in accordance with their areas of expertise. Action on all considerations identified in this section and by other agencies is at the discretion of the Planning Commission.

X. ADVISORY COMMENTS TO THE APPLICANTS

- 1) This project is required to implement a Unified Comprehensive Sign Plan to address signage on the shopping center property. Unified Comprehensive Sign Plans are a type of

application that must be reviewed by the Planning Commission. The applicants are encouraged to discuss with the Planning Office the process for applying for a Unified Comprehensive Sign Plan at their convenience. A Sign Plan must be in place before applying for any new signs for the shopping center.

- 2) The Planning Commission should act upon the request for waivers as part of any motion regarding this project application, or as a separate motion as necessary. Note: All waivers are at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.
- 3) In the event that major changes or revisions to the Master Plan occur in the finalization of the Master Plan or during the Administrative Site Plan process, contact the Planning Office. Examples include reorientation of or size changes to the buildings, relocation of site components, etc. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations regarding the plan.
- 4) Following Planning Commission approval of the Master Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.
- 5) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.
- 6) Following Planning Commission approval of the Site Development Master Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. The Site Plan of each construction phase/project area must be submitted for Administrative Site Plan Review by the Planning Office and other agencies. *Zoning Ordinance*, Article 10 §2.44 (D) sets forth the construction timing in relation to approvals.
Article 10 §2.44
(D) Expiration of planning commission approval. For projects which are reviewed and approved by the planning commission as conceptual master plans, approval of the conceptual master plan shall remain valid for a period not to exceed five years from the date of planning commission approval, provided that the authorized construction or use has commenced within two years of approval and is proceeding toward completion. In addition, the time between the completion of one phase and the initiation of the next phase shall not exceed a period of two years.
- 7) Administrative Site Plan Review will involve more detailed review of the site components than that given for the Master Plan. Expect to provide site details, traffic control signage and striping, utilities, grading, lighting, stormwater management, and other plans during the Administrative Review phase. A Minor Lot Line Adjustment Plan will also be required during the Administrative Review phase to approve and document the land swap. This Minor Lot Line Adjustment Plan must clearly document the

configuration of property lines both before and after the land swap, using the property lines established by application SB-18-01 as a precondition.

- 8) 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.
- 9) The applicants/developers shall be aware that prior to any development or ground disturbing activities on the site the appropriate site inspections and permits are required. This includes activities to clean-up existing vegetation, the import of fill dirt, etc.
- 10) Construction may have an effect on the adjacent property owners. Any work requiring the closing or rerouting of visitors to adjacent properties should be coordinated as to offer the least amount of inconvenience to the adjacent property owners.
- 11) The applicants shall be aware that Master 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 signs may require a Sign Permit from the City of Dover prior to placement, in accordance with *Zoning Ordinance* Article 5 §4.
- 12) The applicants shall be aware that Master 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: FEBRUARY 27, 2019

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **Retail Center at 747 N. DuPont Highway: Master Plan**

FILE #: **S-19-03**

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**

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
 - a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
 - b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
 - c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed buildings. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
 - a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Public Works specifications and requirements.
 - b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "...any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes,

exclusive of sewage.” The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.

3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. Sizing (flow) calculations must be submitted for all sanitary sewer mains showing that velocity and all other requirements are met. Any projected future flow requirement must be clearly identified.
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. The minimum size of all sanitary sewer laterals shall be six-inch (6").
8. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.
9. A requirement of this project will be to provide sanitary sewer stub outs to adjacent properties.

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 DeIDOT is submitted to our office.

SANITATION / GROUNDS

1. None.

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. Easements listed on the Master Plan shall reflect the approved Record Plan to be recorded at the Kent County Recorder of Deeds. The City of Dover shall maintain the existing utility easements where existing City maintained infrastructure is located, as it serves multiple parcels. If and when this infrastructure is relocated during a future phase of this project, the easements shall be adjusted and recorded at the Kent County Recorder of Deeds, prior to future site plan approval.
3. Please provide executed Cross Access easements to the Department of Public Works.
4. 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 and proposed Utility plan.
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. It is the responsibility of the applicant to confirm that the existing Pump Station #7 US 13 East has the capacity to handle the proposed wastewater flows.
3. 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.
4. Wastewater impact fees may be required for this proposed site plan.
5. 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. More detailed comments and requirements will be provided by our office during the administrative plan review of the proposed phases.
2. The applicant is advised that depending upon the size of the existing water service and sanitary sewer lateral to be abandoned, flowable fill may be required.
3. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial

Retail Center at 747 N. DuPont Highway: Master Plan

File #: S-19-03

February 27, 2019

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Plan Submission Checklist, which can be obtained from the following website: https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal_1.pdf, page 88.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 02/27/19

APPLICATION: Retail Center at 747 N. DuPont Highway**FILE #:** S-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. Proposed building is retail center (4 building, 3 phases, retail 19,200 ft², retail 19,975 ft², retail 11,900 ft², and restaurant 11,185 ft²)
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 per building (at least 3 buildings are 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. 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 required (all buildings) 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 required (all buildings). 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 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.
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. 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)

25. 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)

26. 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

27. 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.
28. Project to be completed per approved Site Plan.
29. Full building and fire plan review is required.
30. Separate building permits/plans submission will be required for each building and/or tenant fit out. If the permit submission is for a "shell" a Certificate of Occupancy will not be issued. Separate plans and permits submissions will be required for each "tenant fit out" at which time a Certificate of Occupancy will be issued upon compliance/completion of each "tenant fit out".
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.
31. Construction or renovations cannot be started until building plans are approved.
32. Fire alarm systems, fire suppression systems, hoods, and hood suppression systems require a fire permit from the Fire marshal's Office. This work cannot be started until the permit is approved.
33. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Hotel reconfiguration, Fire Lanes need to be approved, marked properly, and have the proper turning radius for emergency apparatus
2. Is there approval to utilize the hotel property as access?
3. Is the "FOP lot road" part of this project?
4. Clarify the phases
5. Hydrant locations need to be provided and be in accordance with #'s 15, 16, and 21 listed above
6. Ensure item # 5 listed above is followed regarding the closest edge of fire lanes shall not be located closer than ten (10) feet to the exterior wall
7. Ensure item # 6 listed above is followed regarding where parking is located between the building and the fire lane, parking shall not be located closer than 15 feet to the exterior wall.
8. Ensure item # 20 listed above is followed regarding 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.
9. Ensure item # 25 listed above is followed regarding address labeling of buildings and suites.
10. Ensure item # 26 listed above is followed regarding Knox Boxes. Every buildings and suite will be required to have a Knox Box.
11. Each suite may be required to have a fire alarm annunciator panel within each suite with the silence and reset function disabled.

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

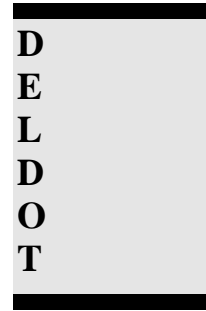
***If you have any questions or need to discuss any of the above comments, please call the above contact person listed.**

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: February 27, 2019



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APPLICATION: Retail Center (747 North DuPont Highway)

FILE#: S-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. The developer shall schedule a pre-submittal meeting with DelDOT Subdivisions to discuss site access to State Maintained Roads.



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 FEBRUARY 2019

APPLICATION: Retail Center at 747 N. DuPont Hwy: Master Plan

FILE #: S-19-03

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *Jessica L. Verchick, EIT*

PHONE #: *741-2600 ext.3*

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

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

1. Recommended to bring any infiltration tests that have been completed to the pre-application meeting.
2. Green Technologies (infiltration, bio retention, bio swales, filter strips etc.) must be implemented to comply with the Delaware Sediment and Stormwater Regulations.
3. 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.
4. 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.
5. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management plan has been approved.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: February 27, 2019

**Dover/Kent
County
Metropolitan
Planning
Organization**

APPLICATION: Retail Center at 747 N. DuPont Highway Master Plan

FILE # S-19-03:

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Jim Galvin, AICP

PHONE #: (302) 387-6030

The Dover/Kent County MPO has participated in the State's Preliminary Land Use Services (PLUS) process for several months. The MPO requested the opportunity to bring the recommendations on issues of our concern to the City as well. The MPO will limit comments to projects to development proposals and applications that may lead to new development. Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission 3/18/2019
Project Review
S-19-03 Retail Center at 747 N. DuPont Highway Master Plan

The subject property is a large parcel near the intersection of US13/North DuPont Highway and Leipsic Road.

- It is on the Route 106 Bus Route (that primarily traverses US134 and Bay Road) and Bus Route 112 from the Transit Center, and may provide an opportunity for a new, safer bus stop. I will contact DTC Planners with a copy of this to begin the process.
- I did not identify a pedestrian-safe route to get into the site. The roadside sidewalks in the front of the site end at the curb of the entry road. We recommend sidewalk providing access from the roadside sidewalks into the site, either adjacent to the entry road or at some other point along the right-of-way to a pedestrian-safe facility on the interior of the site.
- There was some attempt to provide safe pedestrian ways through the site with some sidewalks. The MPO recommends providing more safe pedestrian paths interior to the site including crosswalks where traffic may be greatest.

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.



STATE OF DELAWARE
EXECUTIVE DEPARTMENT
OFFICE OF STATE PLANNING COORDINATION

March 28, 2018

James Taylor
5400 Limestone Road
Wilmington, DE 19808

RE: PLUS review 2018-02-02, Dover Shopping Center & Apartment Complex

Dear James,

Thank you for meeting with State agency planners on February 28, 2018 to discuss the Dover Shopping Center & Apartment Complex project. According to the information received, you are seeking a review of a site plan for 76,570 square feet of commercial space and a 240 unit apartment complex on 25.01 acres along Rt. 13 in Dover.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State and local regulations regarding this property. We also note that as the City of Dover is the governing authority over this land, the developers will need to comply with any and all regulations/restrictions set forth by the City.**

Strategies for State Policies and Spending

- This project is located in Investment Level 1 according to the *Strategies for State Policies and Spending*. Investment Level 1 reflects areas that are already developed in an urban or suburban fashion, where infrastructure is existing or readily available, and where future redevelopment or infill projects are expected and encouraged by State policy. Thus, the Office of State Planning Coordination has no objections to this development.

Code Requirements/Agency Permitting Requirements

Department of Transportation – Contact Bill Brockenbrough 760-2109

- The site access on US Route 13 and Leipsic Road (Kent Road 88) must be designed in accordance with DelDOT's Development Coordination Manual. A copy of the Manual is available at <https://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.

- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review. The form needed to request this meeting and guidance on what will be covered there and how to prepare for it is located at https://www.deldot.gov/Business/subdivisions/pdfs/Meeting_Request_Form.pdf?08022017.
- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- Per Section 2.2.2.1 of the Manual, Traffic Impact Studies (TIS) are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the PLUS application, the total daily trips are estimated at 5,449 vehicle trip ends per day. Therefore a TIS is warranted for this development.

Presently, in accordance with Section 2.4 of the Manual, DelDOT is working with the City of Dover to create a Transportation Improvement District (TID) in the US 13/Bay Road Corridor. When the District is fully established, the developer would have the option of paying a fee in lieu of doing a TIS and off-site improvements based on that study. With that said, DelDOT does not have a projected date for establishment of the TID. DelDOT recommends that the applicant have their traffic engineer request a TIS scoping meeting when they ready to proceed with a TIS. The required Scoping Meeting Information Form is available at <https://www.deldot.gov/Business/subdivisions/pdfs/AppendixO.pdf>.

- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on US Route 13 and Leipsic Road. By this regulation, this dedication is to provide a minimum of 30 feet from the outermost edge of the through lanes on US Route 13 and 40 feet from the physical centerline of Leipsic Road. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**
- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of a 15-foot wide permanent easement across the property frontage on both US Route 13 and Leipsic Road. The location of the easement shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **"A 15-foot wide permanent easement is hereby established to the State of Delaware, as per this plat."**
- In accordance with Section 3.5.4.2.A.3 of the Manual, DelDOT will require construction of a sidewalk or Shared Use Path along the property frontage on both US Route 13 and Leipsic Road.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long

those lanes should be. The worksheet can be found at

http://www.deldot.gov/information/business/subdivisions/auxiliary_lane_worksheet.xls.

- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.

Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352

Executive Summary.

Development of this parcel will result in increased impervious surface and new sources of greenhouse gas emissions. Opportunities exist to protect and preserve water resources and reduce the environmental impact of development, on-site. As discussed at the PLUS meeting, the Department recommends appropriate consideration of source water protections to protect the overall health of the community. Also, avoiding development on hydric soils and including waste reduction and resource conservation measures will improve long term regional sustainability.

The State of Delaware is threatened by climate change and has a goal of reducing greenhouse gas emissions by 30 percent by 2030. Appropriate development that provides access to public transportation, opportunities to walk and bike to shopping and recreation, and that employs energy efficient building standards are among key strategies to meet these goals. DNREC encourages the use of high performance building standards and consideration of alternative energy sources to promote clean sustainable energy and reduce greenhouse gas emissions. This could mean siting the buildings to take advantage of solar and geothermal systems, and/or including infrastructure for electric vehicle charging stations (funding assistance may be found at www.de.gov/cleantransportation). DNREC further recommends an abundant use of native vegetation and shade trees throughout the landscape, as well as green infrastructure, where practicable, to absorb carbon dioxide, protect water quality and provide relief to residents on hot days.

The following pages provide information about applicable regulations and detailed recommendations associated with this project, from various DNREC Divisions. DNREC would like to be a partner in creating appropriate development that protects and highlights the environment as a natural amenity of the landscape. The Department has resources and expertise that are available to help make this a reality, often at no expense to the landowner.

Source Water Protection.

- DNREC has determined that the entire project falls within an area of excellent ground-water recharge potential for the City of Dover.

Excellent Ground-Water Recharge Areas are those areas mapped by the Delaware Geological Survey where the first 20 feet of subsurface soils and geologic materials are exceptionally sandy. These soils are able to transmit water very quickly from the land surface to the water table. This map category (excellent) is an indicator of how fast contaminants will move and how much water may become contaminated (Andres, 2004).

Land use activities or impervious cover on areas of excellent ground-water recharge potential may adversely affect ground water in these areas.

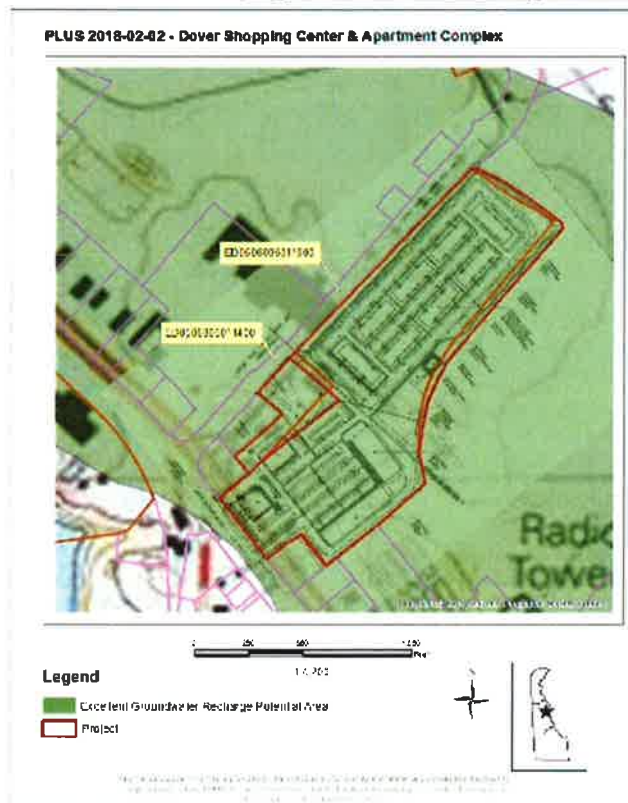
The City of Dover has a source water ordinance in place with conditions for development within areas of excellent groundwater recharge potential. Section 29.7 regulates development in areas of excellent recharge. The Section requires reduction of impervious surfaces for redevelopment and limits impervious cover for new construction. This project does not appear to meet the requirements of the City of Dover's Source Water Protection Overlay Zone requirements.

- DNREC recommends review by the City of Dover and adherence to the City of Dover's Source Water Protection Overlay Zone requirements.
- In addition, because the excellent ground water recharge area can readily affect the underlying aquifer if contaminants are spilled or discharged across the area, the storage of hazardous substances or wastes should not be allowed within the area unless specific approval is obtained from the relevant state, federal, or local program.

References:

Andres, A. Scott, 2004, Ground-Water Recharge Potential Mapping in Kent and Sussex Counties, Delaware: Delaware Geological Survey Report of Investigations No. 66, p. 14.

<http://www.udel.edu/dgs/Publications/pubform.html#investigations>



Water Quality: TMDLs.

- The project is located in the greater Delaware River and Bay drainage area, specifically within the St. Jones and Leipsic River watersheds. The State of Delaware has developed specific Total Maximum Daily Load (TMDL) pollutant reduction targets for nitrogen, phosphorus, and bacteria (under the auspices of Section 303(d) of the Clean Water Act) for both watersheds. A TMDL is the maximum level of pollution allowed for a given pollutant below which a “water quality limited waterbody” can assimilate and still meet State water quality standards (e.g., dissolved oxygen, nutrients, and bacteria; State of Delaware Surface Water Quality Standards, as amended July 11, 2004) to the extent necessary to support use goals such as, swimming, fishing, drinking water and shell fish harvesting. The nutrient TMDL for the St. Jones River & Leipsic River watersheds call for a 40 percent reduction in nitrogen and phosphorus from baseline conditions. The TMDL also calls for a 90 percent and 75 percent reduction in bacteria from baseline conditions in the St. Jones and Leipsic River watersheds, respectively. Information about the TMDL nutrient and bacterial load for these watersheds can be viewed here: <http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedAssessmentTMDLs.aspx>
- A nutrient management plan is required under the *Delaware Nutrient Management Law* (3 *Del.C.*, Chapter 22) for all persons or entities who apply nutrients to lands or areas of open space in excess of 10 acres. This project’s open space may exceed this 10-acre threshold. Please contact the Delaware Nutrient Management Program at (302) 739-4811 for further information concerning compliance requirements, or view additional information here: <http://dda.delaware.gov/nutrients/index.shtml>

Water Supply.

- Should dewatering points be needed during any phase of construction, a dewatering well construction permit must be obtained from the Water Supply Section prior to construction of the well points. In addition, a water allocation permit will be needed if the pumping rate will exceed 50,000 gallons per day at any time during operation.
- All well permit applications must be prepared and signed by licensed water well contractors, and only licensed well drillers may construct the wells. Please factor in the necessary time for processing the well permit applications into the construction schedule. Dewatering well permit applications typically take four weeks to process, which allows the necessary time for technical review and advertising.
- Potential Contamination Sources exist in the area, and any well permit applications will undergo a detailed review that may increase turnaround time and may require site specific conditions/recommendations. In this case, there are (2) Underground Storage Tank sites associated with:
 - Dover Amoco,
 - Sunoco,

There is (1) Leaking Underground Storage Tank site located within 1,000 feet of the proposed project, associated with:

- Dover Pizza Hut,

Should you have any questions concerning these comments, please contact Rick Rios, at (302) 739-9944.

Sediment and Erosion Control/Stormwater Management

- A detailed sediment and stormwater plan will be required prior to any land disturbing activity taking place on the site. Contact the reviewing agency to schedule a pre-application meeting to discuss the sediment and erosion control and stormwater management components of the plan. The site topography, soils mapping, pre- and post-development runoff, and proposed method(s) and location(s) of stormwater management should be brought to the meeting for discussion. The plan review and approval as well as construction inspection will be coordinated through the Kent Conservation District. Contact Jared Adkins, Program Manager, at (302) 741-2600, ext. 3, for details regarding submittal requirements and fees.

Air Quality.

- The applicant shall comply with all applicable Delaware air quality regulations. Please note that the following regulations in Table 1 – Potential Regulatory Requirements may apply to your project.

Table 1: Potential Regulatory Requirements	
Regulation	Requirements
7 DE Admin. Code 1106 - Particulate Emissions from Construction and Materials Handling	<ul style="list-style-type: none"> • Use dust suppressants and measures to prevent transport of dust off-site from material stockpile, material movement and use of unpaved roads. • Use covers on trucks that transport material to and from site to prevent visible emissions.
7 DE Admin. Code 1144 – Control of Stationary Generator Emissions	<ul style="list-style-type: none"> • Ensure that emissions of nitrogen oxides (NO_x), non-methane hydrocarbons (NMHC), particulate matter (PM), sulfur dioxide (SO₂), carbon monoxide (CO), and carbon dioxide (CO₂) from emergency generators meet the emissions limits established. (See section 3.2). • Maintain recordkeeping and reporting requirements.
7 DE Admin. Code 1145 – Excessive Idling of Heavy Duty Vehicles	<ul style="list-style-type: none"> • Restrict idling time for trucks and buses having a gross vehicle weight of over 8,500 pounds to no more than three minutes.

For a complete listing of all Delaware applicable regulations, please look at our website: <http://www.awm.delaware.gov/AQM/Pages/AirRegulations.aspx>.

Recycling.

- Delaware Law (7 *Del.C.*, §6053) and Regulations (7 *Del. Admin. C.* §1305) specify that the ‘commercial sector’ shall participate in a comprehensive recycling program. As such, all those involved with the planning of the facilities should allocate space for collection

of recyclables that would be typically generated. For example, space for a recycling dumpster should be provided adjacent to each trash dumpster.

- The Universal Recycling Law (7 *Del.C.*, §6053) and Regulations (7 *Del. Admin. C.* §1305) require all waste service providers to provide recycling collection to their residential customers including multi-family residential settings. Property owners/managers must provide information to residents and help facilitate services. Every trash dumpster should have an adjacent recycling dumpster. Those involved with the planning of new facilities should allocate space for collection of recyclables.
- For more information or assistance related to recycling requirements, benefits, tools, and assistance please call Don Long, at (302) 739-9403.

State Historic Preservation Office – Contact Terrence Burns 736-7404

- There are no known archaeological sites, or known National Register-listed or eligible properties on the parcel. If any project or development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law. Prior to any demolition or ground-disturbing activities, the developer should hire an archaeological consultant to examine the parcel for archaeological resources, including unmarked human burials or human skeletal remains, to avoid those sites or areas.
- Abandoned or unmarked family cemeteries are very common in the State of Delaware. They are usually in rural or open space areas, within or near the boundary, of a historic farm site. Even a marked cemetery can frequently have unmarked graves or burials outside of the known boundary line or limit. Disturbing unmarked graves or burials triggers the Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If there is a discovery of any unmarked graves, burials or a cemetery, it is very costly to have them archaeologically excavated and the burials moved. The Division of Historical & Cultural Affairs recommends that owners and/or developers have a qualified archaeological consultant investigate their project area, to the full extent, to see if there is any unmarked cemetery, graves, or burial sites. In the event of such a discovery, the Division of Historical & Cultural Affairs also recommends that the plans be re-drawn to leave the full extent of the cemeteries or any burials on its own parcel or in the open space area of the development, with the responsibility for its maintenance lying with the landowner association or development. If you would like to see more information, please review the following websites: www.history.delaware.gov/preservation/umhr.shtml and www.history.delaware.gov/preservation/cemeteries.shtml.
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. Owners and developers who may plan to apply for an Army Corps of Engineers permit or for federal funding, such as

HUD or USDA grants, should be aware of the National Historic Preservation Act of 1966 (as amended). Regulations promulgated for Section 106 of this Act stipulate that no ground-disturbing or demolition activities should take place before the Corps or other involved federal agency determines the area of potential effect of the project undertaking. These stipulations are in place to allow for comment from the public, the Delaware State Historic Preservation Office, and the Advisory Council for Historic Preservation about the project's effects on historic properties. Furthermore, any preconstruction activities without adherence to these stipulations may jeopardize the issuance of any permit or funds. If you need further information or additional details pertaining to the Section 106 process and the Advisory Council's role; please review the Advisory Council's website at the following: www.achp.gov

Recommendations/Additional Information

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

Department of Transportation – Contact Bill Brockenbrough 760-2109

- Preliminarily, the right-turn-only access proposed near the proposed restaurant will not be permitted. The same movement would be served by a proposed access about 300 feet to the south and, less directly, by Leipsic Road about 350 feet to the north. DelDOT acknowledges that there is an existing right turn into a Pizza Hut restaurant even closer to Leipsic Road. DelDOT seeks to close that access in the future if possible and anticipates, in accordance with Section 3.5.7.4 of the Manual, requiring a cross-access easement such that the Pizza Hut parcel (Tax Parcel No. 2-05-068.05-01-10.00-00001) could be accessed through the subject development if the Pizza Hut parcel is ever redeveloped.
- Again referring to Section 3.5.7.4 of the Manual, DelDOT anticipates requiring cross access easements to the adjoining parcels presently occupied by the Speedway Café and Cash Point Car Title Loans, respectively Tax Parcel Nos. 2-05-068.05-01-13.01-00001 and 2-05-068.09001-08.00-00001.
- Section 3.5.4.3 of the Manual addresses DelDOT standards for walkways interior to developments other than residential subdivisions. DelDOT recommends generally that these standards be followed and specifically that a crosswalk be provided across the Private Drive that would separate the existing hotel and the proposed shopping center from the proposed apartments. The crosswalk would facilitate access between the apartments and the proposed shopping center.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.

- Please be advised that as of August 1, 2015, all new plan submittals and re-submittals, including major, minor and commercial plans, shall now be uploaded via the PDCA (Planning Development Coordination Application) with any review fee paid online via credit card or electronic check. Guidance on how to do this is available on our website at <https://www.deldot.gov/Business/subdivisions/index.shtml>.
- Please be advised that the Standard General Notes have been updated and posted to the DelDOT website. Please begin using the new versions and look for the revision date of December 8, 2017. The notes can be found at <https://www.deldot.gov/Business/subdivisions/index.shtml>.

Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352

Additional information on recycling and reducing water use.

- Materials and resources utilized for new development should be considered, including regionally available recycled content (i.e. carpet, concrete, countertops, furniture, siding, etc.), rapidly renewable material and certified woods.
- Construction Waste Management should include policies which promote efficient material use and recycling of project debris.
- Employ systems and appliances that increase water efficiency and reduce water use.
 - Low-flow and high-efficiency items
 - Waterless urinals
 - graywater recycling systems
 - Rainwater catchment

Additional information on TMDLs and water quality.

- A Pollution Control Strategy (PCS) to achieve the required TMDL nutrient and bacterial load reduction requirements has been established for the St. Jones watershed. Although PCS strategies for the Leipsic River watershed have not been developed to date, the PCS strategies for the St. Jones watershed can be viewed here:
<http://www.dnrec.delaware.gov/swc/wa/Pages/WatershedManagementPlans.aspx>

In support of the PCS, the applicant is strongly urged to reduce nutrient and bacterial pollutants through voluntary commitment to the implementation of the following recommended best management practices:

- Maintain as much of the existing open space as possible in this parcel. DNREC further suggests additional native tree, shrub and/or native herbaceous vegetation plantings in available open space, wherever possible.
- Assess nutrient and bacterial pollutant loading at the preliminary project design phase. To this end, the Watershed Assessment Section has developed a methodology known as the “Nutrient Load Assessment protocol.” The protocol is

a tool used to assess changes in nutrient loading (e.g., nitrogen and phosphorus) resulting from the conversion of individual or combined land parcels to a changed land use; thus providing applicants and governmental entities with quantitative information about the project's impact(s) on baseline water quality. DNREC strongly encourages the applicant/developer use this protocol to design and implement the most effective best management practices. Please contact John Martin of the DNREC Division of Watershed Stewardship, at (302) 739-9939 for more information on the protocol.

Additional information on air quality.

- New homes may emit, or cause to be emitted, additional air contaminants into Delaware's air, which will negatively impact public health, safety and welfare. Air emissions generated from new homes include emissions from the following activities:
 - Area sources such as painting, maintenance equipment and the use of consumer products like roof coatings and roof primers.
 - The generation of electricity, and
 - All transportation activity.
- Based on the information provided, mobile source emissions for the project were quantified. Table 2 represents the potential impact the Dover Shopping Center and Apartment Complex project may have on air quality.

Table 2: Projected Air Quality Emissions for the Dover Shopping Center and Apartment Complex					
Emissions Attributable to Dover Shopping Center and Apartment Complex (Based on Average Annual Daily Traffic (AADT) of 5,449 vehicle trips per day)	Volatile Organic Compounds (VOC)	Nitrogen Oxides (NO _x)	Sulfur Dioxide (SO ₂)	Fine Particulate Matter (PM _{2.5})	Carbon Dioxide (CO ₂)
Mobile emissions	18.09	23.86	*	*	*

(*) Indicates data is not available.

Note that emissions associated with the actual construction of the Dover Shopping Center and Apartment Complex, including automobile emissions from traffic and from the Dover International Speedway and truck traffic from working in, or delivering products to or from the site, as well as site preparation, earth moving activities, road paving and other miscellaneous air emissions are not reflected in the table above.

- Site/Project-Specific Recommendations:

- Planting of native shade trees to clean the air of localized pollutants and cut down on residential energy/cooling costs.
 - The use of reclaimed asphalt pavement (RAP), which reduces heat island effects on paved surfaces, reduces landfill waste, is a sustainable pavement and more economically feasible than other pavement types.
 - Use only the minimum number of parking spaces to reduce the amount of impervious surface cover.
 - Use of energy efficient products in construction to lessen the power source emissions of the project and costs.
 - Electric vehicle charging in common areas to facilitate the expansion of a clean fuel infrastructure.
 - Expansion of the bicycle/pedestrian network through sidewalks, bike lanes and racks which promote alternative forms of transportation. According to the DelDOT Gateway application, this project has an opportunity to connect to a statewide bicycle route off of Dover/Leipsic Road.
 - Expansion of the transit network in order to facilitate transit service to the new development.
 - Beautification and landscaping to generate a context-sensitive design that would blend in well with surrounding land uses while also helping to mitigate the pollution potential of the project.
- Tree Buffer or Canopy: Some green streetscape elements that the Dover Shopping Center and Apartment Complex could incorporate area tree buffer or expansion of the City of Dover's tree canopy. According to the Delaware Forest Service, in 2014, Dover's urban tree canopy was 25.7 percent (3,844.6 acres).

Native, low VOC emitting trees reduce emissions by trapping dust particles and replenishing oxygen. Every effort should be made to ensure as many existing, native trees are preserved as possible. Trees also reduce energy emissions by cooling during the summer and by providing wind breaks in the winter, whereby reducing air conditioning needs by up to 30 percent and saving 20 to 50 percent on fuel costs.

All urban trees that are selected should be native to Delaware and preferably low VOC emitting trees. Every tree has a different biogenic emissions rate by which they release VOC's into our atmosphere. As a general rule, the best trees to plant are those that have a large leaf surface area at maturity, contain leaf characteristics that are amenable to particle collection from particulate matter (PM) such as those that have hairy or sticky leaves and have high transpiration rates which result in relatively high temperature reduction.

- Energy Efficient Options: Constructing with only energy efficient products can help your housing units and commercial space immensely, not only in terms of environmental sustainability but financially. Energy Star qualified products are up to 30 percent more energy efficient. Savings come from building envelope upgrades, high performance windows, controlled air infiltration, upgraded heating and air conditioning systems, tight

duct systems and upgraded water-heating equipment as well as third-party certifications and building materials (i.e. LEED, Greenseal, EcoLogo). Every percentage of energy efficiency translates into a percent reduction in pollution.

Economic benefits include:

- Reduced operating costs
- Enhanced asset value and profits
- Enhanced occupant comfort and health
- Improved air, thermal, and acoustic environments

The Energy Star Program is an excellent way to save on energy costs and reduce air pollution. Providing shade for parking areas can also be of added benefit to this facility. Some approaches may include architectural devices, vegetation, or solar panels. Providing shade for parking areas helps to reduce heat island impacts, and, by extension, helps to minimize the potential for localized ground-level ozone formation. Such measures can also have the additional benefit of channeling or infiltrating storm water. For more about energy efficient options, please see: <https://www.energystar.gov/> or <https://www.epa.gov/greeningepa/energy-efficiency-epa>.

- Multi-modal travel: A component of improving existing air quality levels is to maximize multi-modal travel through bike lanes and sidewalks. DNREC was pleased to see sidewalks are included in the future development. DNREC encourages the developer to include crosswalks and to add sharrows or bike lanes where needed to encourage multi-modal travel opportunities. Sharrows and striping are the easiest and most cost effective option. According to the DelDOT Gateway application, there is also an opportunity to connect to a statewide bicycle route off of Dover Leipsic Road in Dover. Please see the following link for more details: <http://deldot.maps.arcgis.com/apps/webappviewer/index.html?id=c33fdabe66be4f9799bceb92da5900ba>. Multi-modal travel can significantly reduce mobile source emissions. For every vehicle trip that is replaced by the use of a sidewalk or bike path, 7 pounds of VOC and 11.5 pounds of NOx are reduced each year.

Also, for more information on the impacts of multimodal access on air quality please see the EPA's website at: <https://www3.epa.gov/otaq/>.

- Transit Expansion: Transit services are a vital component in addressing transportation equity as well as air quality impacts. Transit's inclusion as a viable transportation option reduces greenhouse gas (GHG) emissions by assisting in compact development (transit-oriented development), conserving land and also reduces congestion by taking single occupancy vehicles off of the road.

The future development lies along a Bus Route off of Leipsic Road, Bus Route 108 inbound and outbound. It is recommended that transit be utilized for this community. For more information on DART bus routes in your area, please see: www.dartfirststate.com and visit the "Bus Stop Map" application.

- **Electric Vehicle Charging Expansion:** The developer is recommended to include Electric Vehicle Supply Equipment (EVSE)/ charging where feasible in common areas. For example, near the clubhouse or near the pedestrian islands in the shopping center. Incorporating electric vehicle charging capabilities in homes could also be marketed as a unique selling feature while also accommodating Delaware's clean transportation goals.

For more information on this subject and what charging to make available please visit the following link: <https://www.chevyevlife.com/bolt-ev-charging-guide/>

Electric Vehicle Charging (EVSE) Expansion: Include electric vehicle supply equipment (ESVE)/ charging infrastructure where feasible, particularly in common areas.

Incorporating electric vehicle charging capabilities in common parking areas and homes could also be marketed as a unique amenity while also accommodating Delaware's clean transportation goals. More information can be viewed here: DE.Gov/cleantransportation

- **Development Beautification:** The developer is encouraged to beautify the development site with landscaping that would not only make the subdivision more attractive but also help to clean the air of any pollutants that could be emitted or transported by sources around the development area such as pollutants from mobile sources, construction or neighboring activities. This would reduce air quality impacts on residents while also incorporating a context-sensitive design that blends well with the surrounding development and existing land uses.
- The overall project enhancements will create valued upgrades to the existing community and add air quality benefits. Should the developer have any more questions or concerns, the DNREC Division of Air Quality (DAQ) point of contact is Lauren DeVore, and she may be reached at (302) 739-9437 or lauren.devore@state.de.us. The applicant is encouraged to contact DAQ to discuss any emission mitigation measures that will be incorporated into the Dover Shopping Center and Apartment Complex project. DNREC looks forward to working together with you on this project to achieve our shared air quality goals.

Soils Assessment.

- Based on soils survey mapping update, the primary soil mapping unit of concern in this parcel is Fallsington (FgA). Fallsington is a poorly-drained wetland associated (hydric) soil mapping unit that has severe limitations for development and should be avoided (i.e., considered unsuitable for development; Figure 1).



Figure 1: NRCS soil survey mapping update in the immediate vicinity of the proposed construction

0 180 360 720 Feet
1 inch = 294 feet



Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,

A handwritten signature in black ink, appearing to read "Constance C. Holland".

Constance C. Holland, AICP

Director, Office of State Planning Coordination

CC: Kent County
City of Dover