

**CITY OF DOVER, DELAWARE
PLANNING COMMISSION
Tuesday, January 19, 2021 at 7:00 PM**

Virtual Meeting

AGENDA

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

VIRTUAL MEETING NOTICE

The Planning Commission Meeting for Tuesday, January 19, 2021 will be held only as a Virtual Meeting using WebEx. Representatives of each Project Application will receive a specific invitation to attend this meeting. Regular Planning Commission member participants will receive a specific invitation to attend the meeting as a Panelist.

PUBLIC PARTICIPATION INFORMATION

City of Dover Planning Commission Meeting of Tuesday, January 19, 2021

Dial: 1-408-418-9388

Event number/Access code: 179 665 6580

Event password: DoverPC

Event Address: <https://bit.ly/PCMeeting011921>

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTION OF AGENDA

APPROVAL OF MINUTES

1. Adoption of Minutes of December 21, 2020.

COMMUNICATIONS & REPORTS

Meeting Reminder: The next Planning Commission regular meeting date Tuesday, February 16, 2021 at 7:00 PM.

Update on City Council Actions

Department of Planning & Inspections Updates

- [2.](#) Summary of Applications 2020

Education and Training Opportunities

- [3.](#) University of Delaware: Institute for Public Administration - Training Opportunities

OPENING REMARKS CONCERNING MEETING PROCEDURES FOR APPLICATIONS

OLD BUSINESS

Request Extension of Planning Commission Approval: None

NEW APPLICATION

- [4.](#) C-21-01 Cassidy Commons at 101-1001 Cassidy Drive - Public Hearing and Review of a resubmission of an expired Conditional Use Site Plan for the construction of six (6) additional manufacturing/warehousing buildings (in addition to the four (4) already constructed) for a total of ten (10) 9,950 SF manufacturing/warehousing buildings on one parcel of land and other associated site improvements at 101-1001 Cassidy Drive. The property is 10 acres ± and is zoned M (Manufacturing Zone) and is subject to the AEOZ (Airport Environs Overlay Zone) APZ I and Noise Zones A and B. The property is located on the south side of Lafferty Lane west of Horsepond Road along a private drive known as Cassidy Drive. The owner of record is Cassidy Commons, LLC. Property Address: 101-1001 Cassidy Drive. Tax Parcel: ED05-077.00-01-28.04-000. Council District 2. *This Plan was originally submitted as Conditional Use Site Plan Application C-09-03 then superseded by C-11-04 M & L Ventures at Lafferty Lane. C-11-04 received Conditional Approval by the Planning Commission in June 2011 and as amended in February 2012 with Final Plan Approval granted on April 23, 2012. Four of the originally proposed ten building were constructed, but due to a prolonged period of inactive construction the Plan C-11-04 has since expired. Waivers Requested: Reduction of Bicycle Parking, Partial Elimination of Curbing, and Partial Elimination of Sidewalk and Consideration of a Performance Standards Review Application.*

NEW BUSINESS

ADJOURN

Posted Agenda: January 8, 2021

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(e)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING

**CITY OF DOVER PLANNING COMMISSION
DECEMBER 21, 2020**

The Meeting of the City of Dover Planning Commission was held on Monday, December 21, 2020 at 7:00 PM as a Virtual Meeting using the phone/videoconferencing system WebEx due to Delaware's Declaration of the State of Emergency for COVID-19. The Meeting Session was conducted with Chair Mrs. Maucher presiding. Members present were Mr. Adams, Mr. Roach, Mrs. Malone, Mr. Hartman, Mrs. Lord, Mrs. Welsh, Dr. Jones and Mrs. Maucher. Mr. Baldwin was absent.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Julian Swierczek, Mrs. Samantha Bulkilvish, Mr. Jason Lyon, Mrs. Tracey Harvey and Mrs. Kristen Mullaney. Also present were Mr. Doug Barry, Mr. Dave Grayson and Ms. Jabria Allen. Speaking from the public was Mr. Donny Legans.

APPROVAL OF AGENDA

Dr. Jones moved to approve the Agenda tonight, seconded by Mrs. Welsh and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

**APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF
NOVEMBER 16, 2020**

Mrs. Welsh moved to approve the Planning Commission Meeting Minutes of November 16, 2020, seconded by Mr. Adams and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

COMMUNICATIONS & REPORTS

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Tuesday, January 19, 2021 at 7:00PM.

Mr. Hugg provided an update on the regular City Council and various Committee meetings held on November 23 & 24, 2020 and December 14 & 15, 2020.

Mr. Hugg stated they did receive three requests in a timely manner on Comprehensive Plan Amendments that Mrs. Melson-Williams will discuss with the Commission.

Mr. Hugg stated that in tonight's packet, there are a number of course announcements from the Institute of Public Administration which Planning Staff strongly recommend.

Mrs. Melson-Williams stated for the update on the implementation of the *Dover 2019 Comprehensive Plan*, Mr. Hugg mentioned that we had several Comprehensive Plan Amendments Applications filed. The filing deadline as established by your adopted Comprehensive Plan was December 15, 2020 for anyone seeking to make changes to the *Comprehensive Plan* in either the text or the maps that are part of that document. They expected three requests from the public and they will now begin a formal review process, ultimately appearing before the Planning Commission and City Council for public hearings. The first step for any Comprehensive Plan Amendment Request is for City Staff to submit those requests through the PLUS process. So Staff, in the next few weeks, will be preparing that submission for

PLUS in order to meet their January 4, 2021 submission deadline and PLUS will hear that later in the month of January. The action and the hearing on the Comprehensive Plan Amendments and any associated applications, two of them also made requests for Rezoning, will be heard at the February 2021 Planning Commission Meeting and then City Council action in March 2021. There are three items and there will be information forthcoming on those when they are ready for Planning Commission review in February. The second item is the Comprehensive Rezoning Project. Staff continues to prepare what will be the list for consideration. With that, we have to compare the City's existing Zoning Map with the Land Development Plan Map that is part of the *Comprehensive Plan* (that is Map 12-1) to identify where there is potential conflicts either in zoning or if the zoning is deemed appropriate, whether there needs to be a map change in that area. We have been through a fairly substantial, almost parcel by parcel review and are working to take the next steps with that project. They will certainly have more information to report in January on that. It is trailing a little bit behind our Comprehensive Plan Amendment process which might be good so that it's not confusing for the Commission members. That is something that we do have to have complete by June 2021.

Mrs. Melson-Williams stated that the City Hall and City Buildings continue to be closed to the public. Staff is working remotely when possible and/or different schedules to limit interaction amongst staff to the best of our ability and still continue business operations. She would point you to the City's website for how to reach out to the various departments. Email continues to be the best way to reach Planning Staff directly. She will let them know that this week. Christmas Eve is considered a City holiday thanks to City Council action last week as is Christmas Day. The following week, New Year's Day is also a City holiday. In November, Mrs. Bulkilvish and Mr. Swierczek both passed their AICP Certification tests and now can proudly display those famous professional certifications that all Planners aspire to have with AICP after their names.

Mrs. Melson-Williams stated that included in the packet is the Meeting and Deadline Schedule for 2021. They published it as a Draft because they want to do one last check to make sure the dates are good. You can mark your calendar with the Planning Commission meeting dates for next year. You will continue to meet on the third Monday of each month unless that Monday happens to be a holiday and then you meet on the Tuesday of that same week. That happens in both January and February.

Mrs. Melson-Williams stated that in the packet, there is a whole series of sessions that the University of Delaware: Institute for Public Administration is presenting. For those of you that have done these in the past, they used to be an in-person meeting but they have moved to a virtual format. The exciting part is that they are free so please take advantage of that. Especially our new Planning Commission members or if you have been at this for a bit and want a good refresher, these are excellent presentations. They are typically 1.5 - 2 hours and they have specific dates. The next one coming up is on January 22, 2021 and that is "Planning 101: Planning Your Community's Future." It is a great introduction to planning. These are presented virtually using Zoom so you get to listen to the speaker and see all of their slides but she doesn't believe that they have to see your face. They do encourage interaction with asking questions of the presenters. A lot of the presenters are well versed in how things work in Delaware. If you know David Edgell, he is a presenter at that first session. Our previous Planning Director, Ann Marie Townshend is one of the presenters in the March session. We certainly encourage you to

go online and register. Once you register online, they will send you the direct link for the Zoom meeting.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

- 1) Requests for Extensions of Planning Commission Approval: None

NEW APPLICATIONS

C-20-04 Kid Clouds Child Day Care at 113 North West Street - Public Hearing and Review of a Conditional Use application to establish a Large Family Day Care serving up to 12 children within an existing building. The property is 0.558 acres and is zoned RG-1 (General Residence Zone). The property is located on the east side of North West Street just north of Fulton Street. The owner of record is the Solid Rock Baptist Church. Property Address: 113 North West Street. Tax Parcel: ED-05-076.08-03-02.00-000. Council District 4. *This property was previously subject to Conditional Use Application C-16-01 The Gathering Place Large Family Daycare. The application was granted Conditional Approval by the Planning Commission at their February 2016 meeting, Final Plan Approval on April 18, 2016, and was in operation until October 2018.*

Mrs. Melson-Williams stated that they have not seen the applicant join the meeting at this time. Planning Staff was going to try to reach out to her.

Mrs. Harvey stated that she called, texted and emailed the applicant and has not gotten a response back.

Mrs. Melson-Williams stated that she is going to turn to Mr. Hugg for a decision. The application was properly noticed and the public hearing would be this evening. Should we proceed and then they could recess the hearing to their January meeting in hopes that the applicant would be present? Responding to Mrs. Melson-Williams, Mr. Hugg stated that he suggests that we move ahead to the next application and give the first applicant that much more time to possibly attend tonight and then if they are not here, we can make a decision at that time.

Consideration of Application C-20-04 was deferred until later in the meeting.

C-20-05 Bay Pointe Apartments at 1080 and 1106 Bay Road - Public Hearing and Review of a Conditional Use Site Plan Application and associated Lot Consolidation Plan to permit the construction of two (2) Multiple Dwelling-Unit (Apartment) Buildings consisting of a three-story 39,750 SF building with 30 units and a three-story 30,864 SF building with 24 units for a total of 54 apartment units and associated site improvements. The proposed Apartment buildings require Conditional Use review in the C-4 zoning district. The three existing lots to be consolidated total 3.302 +/- acres and are zoned C-4 (Highway Commercial Zone). The property

is located on the southwest side of Bay Road at the intersection with Lafferty Lane. The owner of record is Patel Hospitality Properties. Property Addresses: 1080 and 1106 Bay Road and an unaddressed parcel. Tax Parcel Numbers: ED-05-086.00-01-18-00-000, ED-05-086.00-01-19-00-000, and ED-05-086.00-01-20-00-000. Council District 2. *Waiver Request: Reduction of Arterial Street Buffer and Elimination of Rear Emergency Access. For Consideration: Active Recreation Plan and Request for Cash-in-Lieu of Recreation Area Construction.*

Representatives: Mr. Doug Barry, Pennoni and Associates; Mr. Dave Grayson

Mr. Swierczek stated that this is a Conditional Use Site Plan Application for the construction of two apartment buildings on two parcels of land that are on Bay Road at Lafferty Lane. The third parcel is not addressed. A Parcel Consolidation would be part of this application as well. As a Conditional Use Site Plan Application, the zoning is C-4 (Highway Commercial Zone) which requires specific approval of the use by the Planning Commission. So that is something to note in your motion. The applicant has submitted two waiver requests. One is for the reduction of the Arterial Street Buffer that is specific to the frontage along Route 1. The piece of land where this is proposed does not have any access to Route 1 as it is obviously a limited access road; however; technically by Code it does have frontage on that road. There is a part of the proposed development to the northwest of the site where the parking does slightly encroach into the Arterial Street Buffer setback. The second waiver that they have submitted is for Rear Emergency Access. This is a somewhat unique layout as the main entrances of the buildings technically face internal to the site. There is one two-way access road that is shown in the proposal providing access to the parking lots. The apartment buildings face internal towards that parking lot and not outwards towards Bay Road. Planning Staff had suggested that they seek a waiver request for Rear Emergency Access but they also wanted input from the Fire Marshal's Office. One key item for consideration is that there is also an Active Recreation Area requirement. Any development of this scale with multiple dwelling units has a requirement that the developer provide some type of active recreation outdoors for the tenants. Based on the requirements as labeled in Code, there is the minimum of 10,000 SF of Active Recreation Area required for this development. The developer had initially submitted plans not showing any Active Recreation being provided. They have submitted Revised Site Plans that are shown right now on the screen that show that they have extended a sidewalk that wraps from the multi-modal path that they are providing along Bay Road into the site to provide some walking area for tenants which is beneficial as this land does not actually have any pedestrian access to any other adjacent properties. They also provided a picnic area on the site as well. Their Revised Active Recreation that was submitted to the Parks and Recreation, as Mr. Hugg noted, was recommended to move forward to the Planning Commission for your consideration. They are not quite at the 10,000 SF and they would still have to submit a payment towards that Active Recreation Fund but again, that is for the Commission's consideration tonight as well.

They did provide renderings of the buildings. It wasn't specifically labeled but you can see a general idea. They have open staircases that face inward to the site. He believes that these renderings only show one of the buildings but they would both be similarly built. As he noted, they do provide a ten foot multi-modal path along the Bay Road frontage. There is a multi-modal path on the other side of Route 1 that is not accessible from this area. They do not have pedestrian access to any other sidewalks or neighboring parcels in the area so while Code does

require that pedestrian access be provided; it will not be connecting to anything, only to the internal facilities on the site. They are showing one hundred twenty-four parking spaces which would require seven bicycle parking spaces. They have indicated that they will be covering that requirement.

Mr. Barry stated that he wanted to offer some things that were in the review commentary that we might not have hit on. They realize that there were some minor inconsistencies with the architectural renderings that they will work out prior to submitting a Building Permit. They were minor details on how the buildings were going to look. With regards to the bedroom count, that was one of the questions that the City posed, what they foresee with the fifty-four units is thirty-six two-bedroom units and eighteen one-bedroom units. Also in the review commentary, the developer is amenable to considering construction techniques that will mitigate noise as a conditional approval.

Mr. Hartman stated that this property that is zoned C-4 (Highway Commercial Zone), it appears to him that that's the way it should be used. What the applicant is proposing here is a somewhat isolated site where some substantial waivers have to be requested to make it even semi-livable. He thinks that the waiver to reduce the green space of the active recreation area in an isolated area like this is abysmal to the quality of life that the people who live there will have to experience. A sidewalk and a picnic table does not compensate for the recreational area that should be provided. More importantly, the Fire Marshal, himself, has said that he will not support the waiver for the emergency access. That waiver and the waiver on the recreational area, he believes, is enough for the Commissioners to consider denying this application.

Mrs. Lord questioned if there were one hundred twenty-seven parking spaces? Responding to Mrs. Lord, Mr. Barry stated there are one hundred twenty-four spaces.

Mrs. Lord further questioned if that is enough to cover maximum capacity and visitors? Responding to Mrs. Lord, Mr. Barry stated yes; the City requires two parking spaces per unit with a residual $\frac{1}{4}$ space for visitors. That comes out to 2.25 spaces or for this application, one hundred twenty-two spaces. So they are parking compliant.

Mrs. Lord questioned if each unit would get a $\frac{1}{4}$ of a space of visitor parking? Responding to Mrs. Lord, Mr. Barry stated that was correct. That is even for the one bedroom units; they get 2.25 spaces also.

Mr. Swierczek stated that it is rounded up so if there was just to be two units that would require five spaces. Responding to Mr. Swierczek, Mrs. Lord stated that she finds that a little problematic only because many places have those visitors or family coming in and we have all been to other apartments building or townhouses where you drive around forever trying to find a place to park. Having a $\frac{1}{4}$ of a space per unit seems a bit small.

Mr. Swierczek stated that two spaces would be provided for the residents at each apartment unit and then that $\frac{1}{4}$ space is the added bit extra. So, essentially every four apartments gets an added space.

Mrs. Lord stated that you would have a two-bedroom apartment with two people and two cars and they get ¼ visitors space. Responding to Mrs. Lord, Mr. Barry stated yes, that is assuming that there are two people in the two bedroom units. Sometimes there is only one car.

Mrs. Lord stated that she is just pointing it out because it has always been a frustration of hers when visiting people.

Dr. Jones stated that without repeating Mr. Hartman's observations of this application, she concurs whole heartedly with him regarding the two items, especially the Active Recreation Area and the emergency exits.

Mrs. Welsh stated that she concurs with Dr. Jones and Mr. Hartman's comments. In particular, about the Fire Marshal's review of this project. That seems to be a life safety issue and as far as she can see that is paramount as far as what they are looking at here.

Mrs. Maucher opened the public hearing.

Mr. Swierczek stated that an email was received by a Mr. Richard Bubik and he communicated via email that he was in favor of the project and he was happy to go on record saying that he was welcoming it, wished it success and it seemed like a great use for the property.

Mrs. Maucher closed the public hearing.

Mr. Hartman moved to deny C-20-05 Bay Pointe Apartments at 1080 and 1106 Bay Road based on the Zoning Ordinance, Article 10, Section 1.1, the lack of emergency accessibility there which coincides with the Fire Marshal's rejection of their waiver for the emergency access and Article 10, Section 1.2, this does not fit in with the character of C-4 (Highway Commercial Zone) as it is an isolated area and the quality of life of the residents would be greatly affected, seconded by Dr. Jones and the motion carried 8-0 by roll call vote with Mr. Baldwin absent. Mr. Hartman voting yes; he wanted to add earlier that the package presented by the DAC and the Planning Office and the applicant as well, was very well done and made it easy to understand. He is sorry that he had to go against it. Mrs. Lord voting yes; she finds it troubling that the Fire Marshal pointed out the limited access because to her that is a cost of life issue. Dr. Jones voting yes; based upon her previous comments and comments from the other Commissioners. Mrs. Welsh voting yes, she agrees with the issue of safety for fire access although it was a well done presentation and that space would be very usable for something other than apartments. Mr. Adams voting yes; primarily for the public safety issue. Mr. Roach voting yes; for the concerns that the Fire Marshal has as far as the safety of the site. It was a very nice presentation and he does feel as though it would help having apartments unlike some of the other Commissioners but the safety of the people in the building are more important to him than having more apartments. Mrs. Malone voting yes; her reasons are the emergency access issue and the Cash-in-lieu of Active Recreation Area. Mrs. Maucher voting yes; the emergency access is a great concern. The lack of Active Recreation Area and Cash-in-lieu of is an amenity of an apartment and people can decide whether or not that is something that they need. And, if it's not offered then they can go look elsewhere.

Returning back to the other application C-20-04 due to the arrival of its representative.

C-20-04 Kid Clouds Child Day Care at 113 North West Street - Public Hearing and Review of a Conditional Use application to establish a Large Family Day Care serving up to 12 children within an existing building. The property is 0.558 acres and is zoned RG-1 (General Residence Zone). The property is located on the east side of North West Street just north of Fulton Street. The owner of record is the Solid Rock Baptist Church. Property Address: 113 North West Street. Tax Parcel: ED-05-076.08-03-02.00-000. Council District 4. *This property was previously subject to Conditional Use Application C-16-01 The Gathering Place Large Family Daycare. The application was granted Conditional Approval by the Planning Commission at their February 2016 meeting, Final Plan Approval on April 18, 2016, and was in operation until October 2018.*

Representatives: Ms. Jabria Allen

Mrs. Harvey stated that this Conditional Use Site Plan review is to permit a Large Family Day Care in the community room of an existing building that is being utilized as a church at 113 North West Street to be known as Kid Clouds Large Family Day Care. The property for the proposed development is zoned RG-1 (General Residence Zone). The property was previously subject to Conditional Use project C-16-01 The Gathering Place Large Family Day Care. It was granted Conditional Use approval by the Planning Commission at the February 2016 Meeting and was in operation until October 2018. Conditional Use Site Plan C-13-07 for the construction of a two story community center building also on the property but addressed as 109 North West Street was approved by Planning Commission at the August 2013 Meeting. It is adjacent to the existing place of worship. The Conditional Use Site Plan C-13-07 included the construction of a parking lot and tree plantings for the site so the requirement for tree planting and parking has been met for the Day Care. The applicant's submission states up to twelve children, infants and toddlers 0-12 months only will be attending the Day Care with two adult attendees. The applicant has submitted changes to the plans stating that the age of the children will go up to 24 months and there will be three attendees. The project proposal for twelve children would be classified as a Large Family Day Care by the *Zoning Ordinance* as it provides care for more than six children but less than thirteen. Since the large family day care is proposing to operate in a community room of a church, this review is considered a Conditional Use Plan Application. Since the applicant indicated the age of the children attending the Day Care would be infants and toddlers only up to 24 months, no outdoor play area will be required.

Mrs. Lord stated that there will be twelve children but it states infants only 0-12 months but then she heard Mrs. Harvey say up to 24 months. Responding to Mrs. Lord, Ms. Allen stated yes, it is actually going to be twelve children and infants ranging from 0-12 months. It is not 0-24 months; it is 0-12 months.

Mrs. Lord questioned no toddlers? Responding to Mrs. Lord, Ms. Allen stated no toddlers. Originally, they were going to accept toddlers but they have decided to keep it strictly infants.

Mrs. Lord stated that when she heard the toddler provision earlier and no outdoor play space, she was concerned because we all know little kids need to go outside and run. Do you feel that two

people can handle twelve infants? Responding to Mrs. Lord, Ms. Allen stated no they cannot; so there will be based on the number of children enrolled. If there are three infants then there will be one teacher, if there are six infants then there will be two teachers, and if there are nine infants there will be three teachers. The ratio is one teacher per three infants.

Mrs. Malone stated that she is confused because she thought that it was mentioned that they are going to have children up to 24 months. Responding to Mrs. Malone, Ms. Allen stated that originally they were but as of a week or two ago, they changed it back to just infants. She is guessing that it wasn't updated in the description that Mrs. Harvey read but it will only be 0-12 months.

Dr. Jones stated that she is concerned about the note stating that there will be one teacher and one intern. Responding to Dr. Jones, Ms. Allen stated that originally the Day Care was only planning to have four children. So it was going to be her and an intern who can be a family member or a family friend. When she talked to the Fire Marshal, he told her that she could have up to twelve children. Right now, it will be based off of ratio. The number of teachers will be dependent on how many children attend the Day Care.

Dr. Jones stated that intern, to her, implies that it is someone who is in training who may come and go. Responding to Dr. Jones, Ms. Allen stated that this is a family child care, it is not really a day care center. It is going to be very intimate and very small. It says an "intern" but it is really just a family friend who will be assisting her. She will be a qualified teacher but she will be listed as an intern because she (Ms. Allen) would be in charge of the Large Family Day Care.

Mrs. Lord questioned if everyone is going to be CPR certified for infants? Responding to Mrs. Lord, Ms. Allen stated yes.

Mrs. Lord questioned if there will be background checks done on employees? Responding to Mrs. Lord, Ms. Allen stated yes.

Mrs. Maucher opened the public hearing.

Mr. Donny Legans – 139 N American Avenue Dover, DE 19901

Mr. Legans stated that his question is for the applicant. Is there any concern with the long term vacant buildings in the area that the church or day care might have? Responding to Mr. Legans, Ms. Allen stated no, there are no concerns.

Mrs. Lord stated that it sounds like you will not be taking the children outside because of their very young age and because there is no playground or anything like that. Responding to Mrs. Lord, Ms. Allen stated that when the weather permits, some days they will do walks in the stroller.

Mrs. Lord questioned where they will be walking the children? Responding to Mrs. Lord, Ms. Allen stated around the parking lot around the church but they won't be going anywhere too far.

Mrs. Lord questioned if the applicant feels like it is a safe environment to take the children

outside? Do you feel like the environment is conducive to that? Responding to Mrs. Lord, Ms. Allen stated that she feels it will be safe because it won't be her alone with twelve infants; it will be her alone with three. She will be in charge of three children and another teacher will be in charge of three children.

Mrs. Maucher closed the public hearing.

Mr. Hartman thanked the applicant for undertaking this job. He thinks that it is very much needed and he appreciates it.

Mrs. Maucher questioned if this was a Conditional Use that would limit the age of the children? Is it a Conditional Use for twelve children 0-12 months of age or can it be changed later by the applicant? Responding to Mrs. Maucher, Ms. Allen stated that there is not a limit on the age; she just decided to do 0-12 months because it is just something that she has always wanted to do. She just wanted to have a small intimate day care where there will be mainly infants. In the future, it will not change unless she moves into a completely different building.

Mrs. Maucher questioned if the applicant would have to come back if she wanted to make that change? Is our approval approving a Large Family Day Care strictly for children up to 12 months? Responding to Mrs. Maucher, Mrs. Melson-Williams stated that she thinks that since this is a Conditional Use, in making any motion the Commission could certainly as a condition of approval limit that age bracket if you wanted to. That would mean if for some reason in the future she wanted to increase the age of the kids that she was servicing, that would then trigger some type of outdoor play area and it would need to come back to the Commission for focusing on services for that age group of children. She thinks that you are certainly within your means since it is a condition to make that part of your review and approval process this evening.

Mrs. Lord moved to approve C-20-04 Kid Clouds Child Care at 113 North West Street with the condition that it is only 0-12 months because there is not an outdoor playground and she is not sure that it would be a safe area for an outdoor playground, seconded by Mrs. Malone and the motion was carried 8-0 by roll call vote with Mr. Baldwin absent. Mrs. Lord voting yes. Dr. Jones voting yes; this type of children care facility is very much in need. Mrs. Welsh voting yes. Mr. Adams voting yes. Mr. Roach voting yes; we appreciate you taking your time to serve this age group and also being careful enough to be providing for the safety of the children regardless of the surrounding circumstances. Mrs. Malone voting yes; for reasons previously stated. Mr. Hartman voting yes; he wishes the applicant the best of luck. Mrs. Maucher voting yes; she concurs with the successful wishes.

NEW BUSINESS

Meeting adjourned at 8:21 PM.

Sincerely,

Kristen Mullaney
Secretary

City of Dover, Delaware
Summary of Applications

| Application Type | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | | | | | 2020 | | | | |
|------------------------------|------------|------------|------------|------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|------|----|----|----|-----------|-----------|----------|----------|-----------|-----------|
| | | | | | | | | | | | | | | | Q1 | Q2 | Q3 | Q4 | Total | Q1 | Q2 | Q3 | Q4 | Total |
| Board of Adjustment | 18 | 25 | 38 | 20 | 15 | 15 | 13 | 15 | 17 | 14 | 15 | 16 | 17 | 12 | 3 | 2 | 4 | 0 | 9 | 3 | 1 | 0 | 1 | 5 |
| Annexations | 6 | 10 | 4 | 3 | 1 | 0 | 0 | 1 | 3 | 0 | 1 | 3 | 0 | 2 | 1 | 0 | 0 | 0 | 1 | 2 | 1 | 0 | 0 | 3 |
| Conditional Use | 9 | 8 | 7 | 14 | 8 | 5 | 7 | 6 | 11 | 6 | 4 | 5 | 6 | 5 | 0 | 2 | 5 | 1 | 8 | 1 | 0 | 2 | 2 | 5 |
| Site Plans | 39 | 49 | 66 | 43 | 29 | 33 | 23 | 20 | 21 | 24 | 16 | 24 | 33 | 12 | 8 | 4 | 8 | 5 | 25 | 1 | 3 | 4 | 6 | 14 |
| Subdivisions | 8 | 7 | 7 | 2 | 7 | 5 | 2 | 2 | 6 | 5 | 2 | 0 | 2 | 4 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 2 |
| Rezoning | 7 | 13 | 10 | 11 | 5 | 8 | 6 | 2 | 3 | 4 | 4 | 7 | 5 | 3 | 4 | 2 | 0 | 0 | 6 | 1 | 0 | 0 | 2 | 3 |
| Miscellaneous | 17 | 17 | 23 | 20 | 15 | 20 | 17 | 24 | 22 | 14 | 14 | 18 | 8 | 13 | 2 | 2 | 4 | 0 | 8 | 2 | 3 | 1 | 2 | 8 |
| Unified Sign | 1 | 0 | 1 | 3 | 1 | 0 | 2 | 2 | 3 | 1 | 2 | 4 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Historic District Commission | 3 | 9 | 7 | 4 | 4 | 11 | 5 | 7 | 5 | 6 | 8 | 6 | 4 | 3 | 1 | 0 | 3 | 0 | 4 | 1 | 0 | 0 | 1 | 2 |
| TOTAL | 108 | 138 | 163 | 120 | 85 | 97 | 75 | 79 | 91 | 74 | 66 | 83 | 77 | 54 | 19 | 13 | 24 | 6 | 62 | 12 | 8 | 8 | 14 | 42 |

**Summary of Applications through year end of 2020 including all 2020 Meetings of the Planning Commission, Board of Adjustment and Historic District Commission and Administrative Plan Reviews.*

Planning 101: Planning Your Community's Future



COURSE INSTRUCTOR

David Edgell, AICP

Principal Planner
Office of State Planning Coordination



COURSE INSTRUCTOR

Edward O'Donnell, AICP

Senior Fellow, IPA
University of Delaware



COURSE INSTRUCTOR

Max Walton, Esq.

Partner
Connolly Gallagher, LLP

JANUARY 22, 2021
10:00 a.m. to NOON

VIA ZOOM MEETING

*Registration in advance is required.
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Planning 101 provides valuable information for all elected officials who consider and act upon comprehensive plans, land use and zoning matters, and other growth issues. Planning and zoning commissioners, board of adjustment members, and those who take part in community planning and land-development matters will enjoy this course.

Course topics will include:

- Delaware planning and zoning statutory requirements
- The elements of a comprehensive plan
- The basics of land use control
- The role of the planning & zoning commissioner

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UNIVERSITY OF DELAWARE
**BIDEN SCHOOL OF PUBLIC
POLICY & ADMINISTRATION**

The **Institute for Public Administration** presents

Introduction to Land-Use Law, the Constitution, and Takings



COURSE INSTRUCTOR

Max Walton, Esq.

Partner
Connolly Gallagher, LLP

FEBRUARY 12, 2021
10:00 a.m. to NOON

Check-in begins at 8:30 a.m.

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This course focuses on Land Use Law in Delaware. It begins a review of the basic principles governing land-use law. Topics include police power, delegation of authority, nuisances, due process, equal protection, just compensation, vagueness, and vested rights. Participants will then learn about Delaware court decisions affecting local land use.

Course topics will include:

- Basic terms and concepts
- A summary of tools
- Zoning, subdivision, and site-plan review
- Other approaches to land-use control

This session qualifies for certificate credit in the Academy for Excellence in Local Government Leadership and the Delaware Planning Education Program.



UNIVERSITY OF DELAWARE
**BIDEN SCHOOL OF PUBLIC
POLICY & ADMINISTRATION**

The **Institute for Public Administration** presents

Introduction to Land Use Administration



COURSE INSTRUCTOR

Ann Marie Townshend, AICP

City Manager
City of Lewes



COURSE INSTRUCTOR

Savannah Edwards

Planner, Municipal Department
AECOM

March 5, 2021
10:00 a.m. to NOON

Check-in begins at 8:30 a.m.

VIA ZOOM MEETING

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ipa/events/upcoming](http://www.bidenschool.udel.edu/ipa/events/upcoming)**

Introduction to Land Use Administration focuses on the principal strategy for implementing comprehensive plans.

Course topics include:

- Zoning, subdivision, and land-use codes and how they are linked to comprehensive plans
- Typical contents of land-use, zoning, and subdivision codes
- Procedures and issues governing changes to the zoning map
- Issues involved in the day-to-day administration of land-use codes

This session qualifies for certificate credit in the Academy for Excellence in Local Government Leadership and the Delaware Planning Education Program.



UNIVERSITY OF DELAWARE
**BIDEN SCHOOL OF PUBLIC
POLICY & ADMINISTRATION**

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF January 6, 2021

PLANNING COMMISSION MEETING OF January 19, 2021

| | | | |
|---------------------|---|-----------|--|
| Plan Title: | Cassidy Commons at 101–1001 Cassidy Drive, C-21-01 | | |
| Plan Type: | Conditional Use Site Plan | | |
| Location: | South side of Lafferty Lane west of Horsepond Road along a private drive known as Cassidy Drive | | |
| Tax Map #: | ED-05-077.00-01-28.04-000 | | |
| Owner/Applicant: | Cassidy Commons, LLC | | |
| Site Area: | 10 acres +/- | | |
| Zoning: | M (Manufacturing Zone) AEOZ (Airport Environs Overlay Zone) APZ I (Accident Potential Zone I) Noise Zone A Noise Zone B | | |
| Proposed Use: | Wholesale Storage and Warehouses Manufacturing Building Contractor's Yards | | |
| Building Area(s): | Buildings 1-4 individually (constructed): | 9,950 SF | |
| | Building 6-10 individually (to be constructed): | 9,950 SF | |
| | Total Area: | 99,500 SF | |
| Off Street Parking: | Required – 125 spaces Constructed – 52 spaces with Buildings 1-4 Additional Proposed – 78 spaces | | |
| Sewer & Water: | City of Dover | | |
| Waiver Requests: | Partial Elimination of Sidewalk Partial Elimination of Upright Curbing Elimination of Bicycle Parking | | |
| For Consideration: | Performance Standards Review Application | | |

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: January 6, 2021

APPLICATION: Cassidy Commons at 101-1001 Cassidy Drive

FILE #: C-21-01

REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Julian Swierczek, AICP, Planner I

PHONE #: (302) 736-7196

I. PLAN SUMMARY

This application is for review of a resubmission of an expired Conditional Use Site Plan Application to permit the construction of six (6) additional manufacturing/warehousing buildings (in addition to the four (4) already constructed) for a total of ten (10) 9,950 SF manufacturing/warehousing buildings on one parcel of land and other associated site improvements at 101-1001 Cassidy Drive. The property is 10 acres \pm and is zoned M (Manufacturing Zone) and is subject to the AEOZ (Airport Environs Overlay Zone) APZ I and Noise Zones A and B. The property is located on the south side of Lafferty Lane west of Horsepond Road along a private drive known as Cassidy Drive. The owner of record is Cassidy Commons, LLC. Property Address: 101-1001 Cassidy Drive. Tax Parcel: ED05-077.00-01-28.04-000

Previous Applications:

This Plan was originally submitted as Conditional Use Site Plan Application C-09-03 then superseded by C-11-04 M & L Ventures at Lafferty Lane. C-11-04 received Conditional Approval by the Planning Commission in June 2011 and as amended in February 2012 (related to timing of Road construction) with Final Plan Approval granted on April 23, 2012. Four of the originally proposed ten (10) buildings were constructed, but due to a prolonged period of inactive construction the Plan C-11-04 has since expired.

Preliminary Land Use Services Review (PLUS)

A development application for this property was reviewed on April 21, 2008 by the Preliminary Land Use Services as part of the original Application (C-09-03) submitted by the Applicant and approved by the Planning Commission in March of 2009. The PLUS Review is required by a City of Dover Memorandum of Understanding (MOU) for certain types of projects. This MOU requires that non-residential development of over 75,000 S.F. complete the PLUS Review process prior to application submission. The applicant's response to the PLUS letter from 2008 is on file at the Planning Office. As the remainder of the project does not meet that minimum 75,000 SF threshold, the applicant did not need to resubmit for a PLUS review for this Application C-21-01.

II. PROJECT DESCRIPTION

The subject property is located to the south of Lafferty Lane, with Bay Road and Horsepond Road at some distance from the subject site. The applicant is resubmitting a previously approved Conditional Use Site Plan which itself is proposing to construct the remaining six (6) one-story structures measuring 9,950 SF each to be utilized primarily for the following uses: wholesale storage and warehouses, manufacturing, and building contractor's yards. These six (6) proposed structures are in addition to the four (4) already built per Conditional Use Site Plan Application C-11-04 Land of M&L Ventures. No specific type of manufacturing use has been identified for the six (6) new buildings proposed.

Planning Staff notes that this project is returning to the Planning Commission as the previously approved Conditional Use Site Plan C-11-04 Lands of M&L Ventures has expired. This previous Plan C-11-04 was granted approval by the Planning Commission on June 20, 2011 and established a plan for construction of ten warehouse/storage buildings on the property. Final Plan approval was granted April 23, 2012 and four of the buildings have been constructed, each with multiple tenant spaces. The Conditional Use Plan approval for the unbuilt six (6) other warehouse buildings is considered expired as construction has not been continuous. This new Conditional Use Application has been submitted for review by the Planning Commission in order to continue construction.

Neighboring properties along Lafferty Lane are also zoned M (Manufacturing Zone). The property immediately to the east and south is currently undeveloped, as is the property immediately to the west. The property across Lafferty Lane to the north also remains undeveloped.

III. ZONING REVIEW

M (Manufacturing Zone)

The application is a Conditional Use Site Plan for the proposed construction of a series of warehouse style buildings for multiple tenants. Manufacturing, building contractor's yards, and wholesale storage and warehousing buildings in the M Zone are Conditional Uses which require approval from the Planning Commission. (*Zoning Ordinance*, Article 3 Section 19.1)

Article 3 Section 19.1 Manufacturing zone (M)

19.1 *Uses permitted.* No building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following, and conditional upon approval as to use by the planning commission in accordance with the provisions of article 10, section 1 and in accordance with performance standards procedure as set forth in article 5, section 8:

19.11 Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing, handling, or storage of products or materials involving the use of only oil, gas or electricity for fuel.

19.12 Research, design and development laboratories.

19.13 Wholesale storage and warehousing.

19.14 Building contractors' yards.

19.15 Public utilities uses.

19.16 Ministorage facilities, subject to the following regulations:

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

This Conditional Use Site Plan is subject to the requirements of Article 10 §1 further discussed below.

With Conditional Use Site Plan applications, the Planning Commission reviews the proposed project to determine whether or not the intended use is appropriate in type and scale for the immediate neighborhood. The Commission must also consider whether or not the proposed use will have an adverse impact on the future orderly development of the surrounding area. The following sections of the *Zoning Ordinance* which relates to the role of the Commission in reviewing Conditional Use Site Plan applications are particularly relevant when reviewing this application:

Article 10 §1.1 *Accessibility for emergency response*. That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;

Article 10 §1.2 *Harmony of location, size and character*. That the proposed use shall be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

AEOZ (Airport Environs Overlay Zone)

The application is subject to the AEOZ (Airport Environs Overlay Zone): Noise Zones A and B, and APZ I (Accident Potential Zone I) whose requirements may be found in the *Zoning Ordinance*, Article 3 Section 22. Article 3 Section 22.6 provides a Land Use Compatibility Table that specifically lays out permitted as well as restricted uses within the various Airport Environs Overlay Zones. The site is located within Noise Zone A (65dB-69dB) and Noise Zone B (70dB-74dB), and within Accident Potential Zone I (APZ I). The location of the property in the APZ I may limit the types of manufacturing allowed. The Noise Zones may require an interior noise level reduction of twenty-five (25) decibels or more.

The proposed land uses (including any tenants within the buildings) must comply with the permitted uses of the M (Manufacturing) Zoning District (Article 3 §19) and the Land Use Compatibility Table of the AEOZ (Article 3 §22.6). The application generally meets the

requirements of the M Zone for the proposed uses. However, as each specific tenant is identified, the use must be reviewed through a Permit Review process for compliance with the M Zone and the AEOZ Land Use Compatibility Table.

IV. PARKING SUMMARY

The parking requirement for most uses in the M (Manufacturing Zone) is based on a rate of one parking space per 800 square feet of floor area or one parking spaces per employee, per largest working shift (if greater than the requirement under the floor area calculation). Based on a total floor area of 99,500 SF the facility would require 125 parking spaces. The plan notes a total of 130 parking spaces. The Plan shows a parking area consisting of 26 parking spaces between each paired sets of buildings.

Loading Berths

Article 6 Section 4.2 of the *Zoning Ordinance* states that for manufacturing, wholesale, or storage uses in the M or IPM zone, and for buildings in excess of 150,000 square feet in any zone, sufficient off-street loading berths shall be provided. Staff will determine the sufficiency of the loading berths after reviewing written documentation from the applicant through the site plan review process. The Applicant does not currently note any specific loading area(s) on the Plan submitted.

The applicant had noted on the previous submission (C-11-04) that the proposed development will not be utilized by large semi-trucks. The applicant will however still need provide a written description of all proposed activity to take place on site with this current submission, before Planning Staff may determine the sufficiency of the proposed loading berths.

Waiver Request: Bicycle Parking

Bicycle parking shall be provided for parking spaces at a rate of one (1) bicycle parking space for every twenty (20) parking spaces. Based on the 130 parking spaces provided, seven (7) bicycle spaces are required. The Plans submitted note two (2) Bicycle Parking spaces being provided between Buildings 1 and 2, but do not appear to be noted anywhere else on the site Plan.

The Planning Commission may waive the requirement for the bicycle parking if it is demonstrated that bicycle parking would not be appropriate for safety reasons or due to the nature of the use of the site. The Applicant has submitted a written waiver request for the elimination of bicycle parking for consideration by the Planning Commission. The request notes the belief of the Applicant that due to the type of tenants planned, and the general remote location of the site in relation to other developed areas, meeting the full minimum requirement of seven (7) bicycle parking spaces would not be necessary. The Planning Commission previously approved the waiver to eliminate bicycle parking as a part of the previous application C-11-04.

V. SITE CONSIDERATIONS

Access

The property is accessed via Cassidy Drive, a private drive constructed as part of the original

approval of Conditional Use Site Plan C-11-04. The drive provides two-way access off of Lafferty Lane, a State maintained road; this entrance was constructed under a previous Entrance Plan approval from DelDOT. Cassidy Drive currently has only been constructed only up to and providing access to Building 4. This drive was originally approved and is still shown on the Plan to be constructed all the way through the length of the site to Building 10 at the rear (southeast end) of the property. It is noted on the Site Plans submitted that this drive is to remain private, and not be dedicated to the City.

There is also shown a proposed street (named Construction Drive) on the plans submitted that was to provide cross-access to the adjoining properties. This street was initially proposed to facilitate access to any potential future developments on the sites immediately to the east and west of the subject site and become part of a larger street network in the general area. Previously, the Planning Commission revised the timeframe for construction of this street requiring it to be constructed prior to Building 7. Construction Drive was shown labeled as cross-access easement and as a proposed 60 ft. right-of-way on a Record Plan recorded in April 2012 (KCRD Plat Book 117 page 56). As depicted on the current C-21-01 Plans, this street Construction Drive is still shown as proposed. The intentions of the applicant must be clarified as to if it will be privately maintained or constructed to be ultimately dedicated to the City of Dover.

Lighting

Exterior building wall-mounted lighting is shown along the front of each of the buildings (the “front” being the elevation of each building facing the parking areas). There does not appear to be any pole lighting shown, either in the parking areas, or along Cassidy Drive.

Dumpsters

Industrial/warehousing buildings require one (1) dumpster pad for the first 40,000 S.F. of building area and one (1) for each additional 40,000 S.F. of building area or a fraction thereof. Based on this calculation one (1) dumpster pad may be required for each building. Based on this calculation ten (10) dumpsters are required. The Site Plan currently indicates ten (10) dumpster pads. The method of private trash collection needs to be identified on the plan. A dumpster enclosure detail shall be provided on the plan to ensure that the architectural components of the Dumpster enclosures match the construction materials of the proposed buildings.

Sidewalks

Waiver Request: Elimination of Sidewalk

Sidewalk is required along all street frontages. Sidewalk appears to have been constructed along Lafferty Lane. Sidewalk is also shown being provided along both sides the cross-access connector street of Construction Drive. Furthermore, sidewalk is provided along the east side of Cassidy Drive. A written waiver request for the elimination of sidewalk along the west side of Cassidy Drive was approved by the Planning Commission for the previous submission of this Site Plan submission (C-11-04).

The C-21-01 Plans submitted similarly show sidewalks along all street frontages except for the western side of the privately maintained Cassidy Drive. The Applicant has submitted a written waiver request from the requirements for a sidewalk along the western side of Cassidy Drive for consideration by the Planning Commission. The request notes the existence of sidewalk along the

eastern side of Cassidy Drive already planned, as well as the limited space to accommodate a sidewalk along the western side of Cassidy Drive, as reasons for the request.

Administrative Waiver Request: Partial Elimination of Upright Curbing

The parking areas and access drives are required to be curbed with upright curbing (*Zoning Ordinance*, Article 6 §3.6). Curbing is provided along the east side of Cassidy Drive and the cross-access connector street. Planning Staff can consider a Waiver from the requirements for Upright Curbing, provided the Applicant can demonstrate sufficient need. A written waiver request for the elimination of curbing has been submitted, and subsequently granted by Planning Staff. The request specifically notes the necessity for the waiver so as to help facilitate sheet water flow as part of the approved stormwater management plan.

It is noted that the Planning Commission previously approved the waiver to allow for the elimination of upright curbing and the use of depressed curbing as part of a previous application (C-11-04). This Waiver however no longer needs to be considered by the Planning Commission, but rather can be reviewed administratively by Planning Staff.

VI. BUILDING ARCHITECTURE

The proposed buildings will be a metal building with siding and a stone watertable feature. The buildings will have pitched roofs. The buildings will have bay doors with an awning and window over and next to the door. The proposed six (6) buildings to be constructed under this plan resubmission appear to be of the same format and design of the four (4) buildings already constructed.

VII. TREE PLANTING AND LANDSCAPE PLAN

Tree Planting Requirements

The *Zoning Ordinance* further requires a tree planting/landscape plan for at a rate of one tree per 3,000 SF of development area. Based on the size of the site 146 trees are required. The Plan notes 146 trees being provided; however, the Tree Planting Plan appears to only show 145 trees. The trees are located throughout the development with concentrations along the proposed access road, and the property boundary. The trees are a mixture of deciduous trees and evergreen trees. The trees include White Pines and Red Sunset Maple trees.

Planning Staff notes that the site must maintain compliance and achieve compliance with the 146 trees shown on the Plans. As trees had been previously provided on the site, the applicant must ensure that their overall health is maintained. If any already planted trees have since been removed, new ones must be provided to ensure continued compliance.

VII. PERFORMANCE STANDARDS REVIEW

Uses in the M Zone are subject to the Performance Standards Procedure set forth in the *Zoning Ordinance*, Article 5, Section 8.1 and 8.2 and referenced sections.

Article 5 §8.1 Dangerous and objectionable elements. No land or building in any zone shall be used or occupied in any manner so as to cause any one or more of the following conditions to exist and to be dangerous, injurious, noxious or offensive beyond the boundaries of such premises in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises: Fire, explosive or other hazard; noise, or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness or electromagnetic

disturbance; glare, liquid or solid refuse or waste; traffic congestion causing roadways or intersections in the surrounding highway network to fall below acceptable levels of comfort and convenience; or other substance, condition or element (referred to hereinafter as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.

The project's compliance with a series of performance standards for the "dangerous and objectionable elements" had previously considered by the Planning Commission. The "dangerous and objectionable elements" are as follows:

- Fire and explosion hazards (activities with and storage of)
- Radioactivity or electromagnetic disturbance
- Noise (sound pressure level)
- Vibration
- Smoke
- Odors (Odorous gases or odorous matter)
- Fly ash, dust, fumes, vapors, gases and other forms of air pollution
- Glare (from lighting or high temperature processes)
- Liquid or solid wastes
- Traffic congestion (Level of Service E)

The project cannot cause the above conditions to exist so that they adversely affect the surrounding areas or adjoining properties. The specific limits of each performance standard are described in the *Zoning Ordinance*. Where the performance standards conflict with regulations established by other state or local agencies such as the Delaware Department of Natural Resources and Environmental Control (DNREC), the more restrictive regulations apply.

As part of this procedure, a *Performance Standard Review Application* is required to accompany this Plan submission for review and approval. The Applicant has submitted a Performance Standard Review Application letter indicating how the proposed development would restrict the emission of dangerous and objectionable elements detailed in Article 5, Section 8.5.

VIII. CITY AND STATE CODE REQUIREMENTS:

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

- 1) Sidewalk/pathway must be provided along the entire western side of Cassidy Drive in accordance with the *Zoning Ordinance* unless a Waiver is granted by the Planning Commission. A written Waiver Request has been submitted by the applicant for consideration and approval by the Planning Commission in order to eliminate the sidewalk along the western side of Cassidy Drive.
- 2) Bicycle Parking must be provided at a rate of one (1) space for every twenty (20) vehicle parking spaces in accordance with the *Zoning Ordinance* (seven bicycle parking spaces) unless a Waiver is granted by the Planning Commission. A written Waiver Request has been

submitted by the Applicant for consideration and approval by the Planning Commission in order to reduce the number of bicycle parking spaces to be provided.

- 3) Upright Curbing must be provided in accordance with the *Zoning Ordinance* unless an Administrative Waiver is granted by Planning Staff. A written Waiver Request was submitted by the Applicant to Planning Staff which has granted an Administrative Waiver as they have sufficiently demonstrated that there is sufficient need related to stormwater management design for such a Waiver to be granted.
- 4) A *Performance Standard Review Application* is required to accompany this Plan submission for review and approval by the Planning Commission. The applicant has submitted a Performance Standard Review Application letter to the Planning Office indicating how the proposed development would restrict the emission of dangerous and objectionable elements detailed in *Zoning Ordinance*, Article 5, Section 8.5.
- 5) The Project Data column must be updated per the actions of the Planning Commission and as follows:
 - a) Update AEOZ (APZ I and Noise Zones A and B).
 - b) Add property addresses.
 - c) Add notes regarding the actions taken on each Waiver Request.
- 6) Please note that a minimum of 146 trees are required for the overall site; however, the plans submitted appear to only show 145 trees being provided. Please revise to show compliance with minimum Tree Planting Requirements as laid out in the *Zoning Ordinance*.
- 7) Clarify the intent to provide a cross-access street allowing access to the properties immediately east and west of the subject site shown to be between Buildings 6 and 7. Clarify the status and intended use of the street (Construction Drive) shown to be between Buildings 6 and 7.
 - a) A previous Record Plan was approved and recorded in relation to the previous application C-11-04, but it is not certain as to whether the road/street is to be established as right-of-way, or simply as a cross-access easement.
 - b) Similarly, note whether the road/street is to be dedicated or privately maintained. If this is right-of-way to be dedicated to the City, then a Record Plan will be required to establish the area of dedicated right-of-way.
- 8) Please note that the plans submitted are a copy of the previously approved Final Plans for Conditional Use Site Plan C-11-04. Please note on the Plans, the status of all Site improvements already made (Current Conditions Plan Sheet) as well as a separate Sheet for all Site Improvements to still be carried out (Proposed Site Plan Sheet).
- 9) Please identify the locations of all proposed parking spaces in the format constructed (Buildings 1-4 have angled parking), and how many are to be handicapped parking spaces.
- 10) If further Bicycle Parking Spaces are proposed beyond the two (2) identified, please note them on the Plans.

- 11) Please identify the location of any dumpsters and note details of any proposed dumpster enclosures. Please note as well that Private Trash Collection is to be provided.
- 12) Clarify the operation of loading spaces on the site. Information in the various narrative provided seem to indicate most activity as internal to the buildings.
- 13) Clarify the location of curbing on the site on all plan sheets.
- 14) Provide construction details for the following items but not limited to: barrier free sidewalk, dumpster pad, curbing, traffic control signage, lighting fixtures, handicap signage, bike racks, etc.

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

In accordance with the *Zoning Ordinance*, Article 10 §1, the Planning Commission in considering and acting upon Conditional Use 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 1.1 to 1.3.

1) Recommendation on Waiver Requests:

- a) Elimination of Sidewalk: A written Waiver Request has been submitted by the Applicant demonstrating the need for a Waiver Request to be granted by the Planning Commission. Planning Staff recommends approval of the Waiver Request, as the Applicant has noted the limited space to accommodate said sidewalk on the west side of Cassidy Drive due to the stormwater management plan for the site. The Applicant will still provide a sidewalk along the eastern side of Cassidy Drive. Staff again notes that the Planning Commission had previously approved a similar Waiver Request for Application C-11-04 and portions of the approved stormwater management plan for the site have been implemented with the construction of Buildings 1-4.
- b) Reduction in Minimum Required Bicycle Parking Spaces: A written Waiver Request has been submitted by the Applicant demonstrating the need for a Waiver Request to be granted for consideration of the Planning Commission. Staff recommends approval as the Applicant has noted that the intended uses on the site, as well as the relative remoteness of the location, will likely not encourage many to bike to the property. If a tenant finds the need for bicycle parking to accommodate their employees or visitors, then consideration of placement can occur.
- c) Partial Elimination of Upright Curbing: An Administrative Waiver Request was submitted and consequently granted by Planning Staff due to the stormwater management plan approved and under implementation for the site. The Request noted the need to eliminate the curbing so as to better accommodate sheet-flow for overall stormwater management.

- 2) Consideration of Performance Standards Review Application: Planning Staff recommends approval of the Performance Standards Review, believing it sufficiently demonstrates the intent to comply with the restriction as provide in *Zoning Ordinance*, Article 5 Section 8.1 and 8.2.
- 3) Any uses of the site, buildings, and individual tenant spaces within the buildings are subject to compliance with the allowable uses of the M (Manufacturing Zone) and the AEOZ (Airport Environs Overlay Zone) Land Use Compatibility Table. Evaluation of each use will occur as part of the Permit process for construction activity or for establishment of a use and also as part of the Business Licensing program. Currently, the Code Enforcement Division is following-up on potential lack of compliance issues observed by the City Fire Marshal.
- 4) Status of Construction Drive (Proposed Street): Clarification is needed regarding the proposed street or cross-access drive located between Buildings 6 and 7. The developer should clarify if they intend to build this as a privately maintained drive or as a public street for dedication to the City. Planning Staff recommends that this street/drive be constructed prior to the issuance of Building 7. It begins to establish part of what could become a larger circulation network for this area on the south side of Lafferty Lane as there are vacant lands that could see future development.

IX. ADVISORY COMMENTS TO THE APPLICANT:

- 1) 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.
- 2) In the event, that major changes and revisions to the Conditional Use Site Plan occur in the finalization of the Conditional Use Plan contact the Department of Planning and Inspections. Examples include relocation of site components like paving 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 regard to the Plan.
- 3) Following Planning Commission approval of the Conditional Use Site Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff and the other commenting agencies. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement (Final Plan Approval).
- 4) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.

- 5) For building new construction, the requirements of the building code and the fire code must be complied with. Consult with the Chief Building Inspector and City of Dover Fire Marshal for these requirements. The resolution of these items may impact the site design including such items as building dimensions and height, building openings, and fire protection needs, etc.
- 6) The applicant shall be aware that Conditional Use 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. Building Permits will be required for each building and for each tenant space fit-out/occupancy.
- 7) In the event that there are changes to the architecture, building footprint, layout or square footage of the building contact the Planning Office. These changes may require review by the Planning Commission.
- 8) 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.
- 9) The applicant shall be aware that Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign may require a Sign Permit from the City of Dover prior to placement of any such sign in accordance with *Zoning Ordinance* Article 5 §4.

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: DECEMBER 30, 2020



APPLICATION: Cassidy Commons at 101-1001 Cassidy Drive
FILE #: C-21-01
REVIEWING AGENCY: City of Dover Department of Public Works
CONTACT PERSON: Sharon J. Duca, P.E.
CONTACT PHONE #: 302-736-7025

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

CITY AND STATE CODE REQUIREMENTS

STORMWATER / STREETS / SANITATION / GENERAL

1. None.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

STORMWATER

1. None.

STREETS

1. None.

SANITATION

1. The City of Dover is able to provide a maximum of two (2), ninety (90) gallon trash containers to commercial customers. Bulk and yard waste collection services are not provided. Based upon the associated use, and to most effectively meet the sanitation needs at this location, it is strongly recommended that a private hauler be utilized to provide trash services.

GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

STORMWATER / STREETS / SANITATION / GENERAL

1. None.

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: DECEMBER 30, 2020



APPLICATION: Cassidy Commons at 101-1001 Cassidy Drive
FILE #: C-21-01
REVIEWING AGENCY: City of Dover Department of Water & Wastewater
CONTACT PERSON: Jason A. Lyon, P.E., Director of Water & Wastewater
CONTACT PHONE #: 302-736-7025
CONTACT PHONE #: jlyon@dover.de.us

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

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

CITY AND STATE CODE REQUIREMENTS

WATER

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 Water & Wastewater specifications and requirements.
 - c. The site contractor shall contact the City of Dover Department of Water & Wastewater Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Water & Wastewater 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 building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
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 Water & Wastewater 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.
7. A minimum of fifteen feet (15') shall be provided between the fire hydrant and fire hydrant valve.

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 Water & Wastewater 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. 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.
7. 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.

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. No trees may be planted within ten feet (10') of utility infrastructure.
3. The final site plan must be submitted in the following compatible digital formats:
 - a. AutoCAD 2018 (.dwg format).
 - b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

WATER / WASTEWATER / GENERAL

1. None

ADVISORY COMMENTS TO THE 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 Water & Wastewater directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.
4. Water impact fees will be required to be paid prior to Certificate of Occupancy for this project.

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, it may be required to submit the sanitary sewer system plans 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. 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.
4. Wastewater impact fees will be required to be paid prior to Certificate of Occupancy for this project.

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. When this project is at least seventy five percent (75%) built out, the developer can request dedication for water and wastewater mains to be provided to the City of Dover for ownership.
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 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 ELECTRIC
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: DECEMBER 30, 2020

| | |
|--------------------------|---|
| APPLICATION: | <u>Cassidy Commons at 101-1001 Cassidy Drive</u> |
| FILE #: | <u>C-21-01</u> |
| REVIEWING AGENCY: | City of Dover Electric Department |
| CONTACT PERSON: | Paul Waddell, Electric Director |
| CONTACT PHONE #: | 302-736-7072 |
| CONTACT EMAIL: | <u>pwaddell@doover.de.us</u> |

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. 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.
2. Owner is responsible for locating all existing underground facilities to include electric, water and gas.
3. Owner is responsible for site and/or street lighting.
4. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
5. 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.
6. All Engineering and design for Dover Electric will be engineered upon receipt of final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

GENERAL

1. Final site plan must be submitted in a digital format compatible with AutoCAD 2010 (.dwg format) and Adobe Reader (.pdf format), if applicable.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

1. Owner must give the City of Dover Electric Department three (3) months' notice prior to construction. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is now available on the website at the following link: <https://evogov.s3.amazonaws.com/media/27/media/13108.pdf>

ADVISORY COMMENTS TO THE APPLICANT

1. Provide load sheets as soon as possible for proper sizing of transformers and creation of primary fee estimates. Current load sheets can be found at the following link:
<https://www.cityofdover.com/media/Electric%20Department/COD%20Electric%20Load%20Sheet.pdf>.
- 2.

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: 12/30/20

APPLICATION: Cassidy Commons at 101-1001 Cassidy Dr

FILE #: C-21-01 REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire MarshalPHONE #: (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

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

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

3. Parking shall be prohibited in front of the primary entrance for a width of not less than 1.5 times the width of the door(s) or for 10 feet, whichever is greater.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.2)
4. Perimeter access shall be 50% (25% if sprinklered) and clearly shown on the plans.

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

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

5. Fire lanes are shown covering approximately 40% 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. NFPA 72 compliant 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 (researching previous requirement). Sprinkler system is shown on the site plan. 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.

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)

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. 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

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. The proposal is for manufacturing/warehousing buildings. Any other occupancy classification would need to be approved through a building permit or license application. Obtaining licenses and proper occupancy classifications have been an issue in the past.
2. We will not be reviewing/accepting building plans/code information as part of this submittal, this is for site plan process only. Currently the two submitted documents do not have the same information on them.
3. Plans show each building is sprinklered, please confirm the same.
4. Is this going to be single completed buildings or "shells" requiring fit outs?
5. This office will need to know what is being manufactured/stored in the buildings to determine code requirements.
6. Ensure item #'s 29 and 30 listed above are followed.
7. I researched the current buildings and found the following which will be passed onto Code Enforcement:
 - a. 101: A/B Ultimate Home Services (contractor), D JW Work Zone Supplies (merchant), E Café Wine & Spirits (distributor), F 201: Eastern Shore Coffee & Water (distributor).
 - b. 201: A Hunters Flooring (no license), C Morales Screen Printing (printer), D Children's Families First (no license), Mark North Builders (no license, could be under contractor)
 - c. 301: No licenses B Tracey Palmer Ministers, Woods Hole Group, GND Contractors

- d. 401: A-D City Electric Supply (no license), E Blue Hen TV (no license) F Nu Vision Auto Glass (motor vehicle serviceman)
 - e. Anyone without a license should contact planning first to see if it is a use that is allowed in the zone
 - f. All trash and debris need to be removed from the property (rear), storage trailers/pods at the rear need to be removed (if it is against code in this area)
8. Fire Lanes need to remain clear

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

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APPLICATION: Cassidy Commons (101 to 1001 Cassidy Drive)
FILE#: C-21-01 REVIEWING AGENCY: DeIDOT

CONTACT PERSON: Joshua Schwartz PHONE#: 302-760-2768

=====

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

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

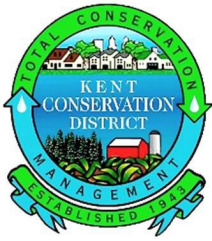
CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. Schedule a pre-submittal meeting through DeIDOT Subdivisions.
2. Record Plan and Entrance Plan approval will be required.



KENT CONSERVATION DISTRICT

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

Item 4.

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

APPLICATION: Cassidy Commons at 101-1001 Cassidy Drive

FILE #: C-21-01

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Katherine Owens

PHONE #: 302-608-5370

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

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

Kent Conservation District has no objection to the conditional use site plan for the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

1. The Kent Conservation District sediment and stormwater management plan approval for this site will expire on November 8, 2022.
2. If significant changes are made to the plan, a new application and plan set are to be submitted for a re-review and approval.



Mark E. North
 211 Waterford Drive
 Middletown, Delaware 19709
 302-530-3620
 Marknorth15@gmail.com

To:
 City of Dover, Delaware
 Department of Planning & Inspections
 P.O. Box 475 Dover, Delaware 19903
Re: Cassidy Commons at 101–1001 Cassidy Drive, C-21-01

January 6, 2021

LAND DEVELOPMENT REQUEST FOR WAIVER

Elimination of Bicycle Parking

To Whom it May Concern:

The applicant requests to eliminate the bicycle parking requirement as per the Dover, Delaware Code of Ordinances.

It is the applicants position that Cassidy Commons, unlike a retail, educational use or office park, is not conducive to commuting by bicycle. Individual bicycle parking racks would not likely be convenient, attractive to or utilized by a person who is so inclined to commute by bike. A cyclist would most likely park a personal possession such as a bicycle close to the destination, i.e. the individual tenant space.

The applicant takes the opinion that the lack of bicycle parking will in no way discourage such commuting but rather prevent the occurrence of damage to or the theft of the bicycle. The applicant would rather not encourage such a bicycle owner to leave, most likely, an expensive possession unattended on site for the safety of the commuter and their possessions.

We hope you find this waiver request consistent with the intent and purpose of the city zoning regulations, the city land use plan, and the requirements of this article.

Respectfully submitted,

Mark North



Mark E. North
 211 Waterford Drive
 Middletown, Delaware 19709
 302-530-3620
 Marknorth15@gmail.com

To:
 City of Dover, Delaware
 Department of Planning & Inspections
 P.O. Box 475 Dover, Delaware 19903
Re: Cassidy Commons at 101–1001 Cassidy Drive, C-21-01

January 6, 2021

LAND DEVELOPMENT REQUEST FOR WAIVER

Partial Elimination of Sidewalk

To Whom it May Concern:

The applicant requests to partially eliminate the sidewalk requirement as per the Dover, Delaware Code of Ordinances, Article II, Street Construction and Article IV Sidewalk Construction. The particular area of interest is the west side of Cassidy Drive.

This particular request is in conjunction with a request for an upright curb waiver. The addition of sidewalk without the upright curbing will create a walk with no meaningful separation from the motor traffic way. The existing west pavement edge of Cassidy Drive is not a sufficient distance from the west property line to accommodate the sidewalk, storm water management grades and landscaping without placing the sidewalk right adjacent to the pavement.

The storm water management practices have been designed and approved to utilize sheet run-off of storm events over pavement edges. The storm water management plans are currently approved utilizing this practice. Creating additional impervious surface may also impact the original, currently approved design. In addition, placement of upright curbing and sidewalk will alter the current sheet flow approved design. The site has been forty percent constructed as per the previous approval and changes to the design will have substantial effect on the functionality of the current approved plans. There is also a substantial existing culvert and headwalls that was constructed between building 4 and building 5 as per the approved and active storm water management plan and previous grading plan. The addition of sidewalk to the west side of Cassidy Drive was not considered in the design and construction of the culvert system. Substantial changes would be necessary to accommodate the sidewalk.

The particular existing physical conditions, shape, and topography of the specific property involved causes an undue hardship to the applicant if the strict letter of the code is carried out. The granting of the waiver will not be injurious to the other adjacent property as such conditions are already existing as per previous approval. The conditions, upon which a request for the waiver is based, are particular to the property for which the waiver is sought and are not generally applicable to other property and do not result from actions of the applicant.

There is existing and proposed sidewalk along the east side of Cassidy Drive that will accommodate pedestrian traffic along the corridor.

We hope you find this waiver request consistent with the intent and purpose of the city zoning regulations, the city land use plan, and the requirements of this article.

Respectfully submitted,

Mark North



Mark E. North
 211 Waterford Drive
 Middletown, Delaware 19709
 302-530-3620
 Marknorth15@gmail.com

To:
 City of Dover, Delaware
 Department of Planning & Inspections
 P.O. Box 475 Dover, Delaware 19903
Re: Cassidy Commons at 101-1001 Cassidy Drive, C-21-01

January 6, 2021

LAND DEVELOPMENT REQUEST FOR WAIVER

Partial Elimination of Upright Curb

To Whom it May Concern:

The applicant request to partially eliminate the upright curb requirement as per the Dover, Delaware Code of Ordinances, Article II, Street Construction, Section 98-42 Curb and Gutter. The particular areas of interest are at the east end of the existing and proposed parking areas and the west side of Cassidy Drive.

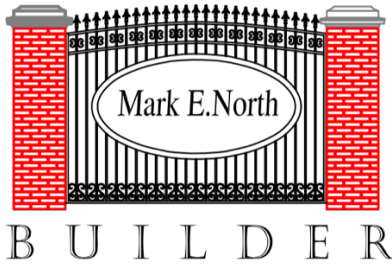
The storm water management practices have been designed and approved to utilize sheet run-off of storm events over pavement edges. The storm water management plans are currently approved utilizing this practice. The placement of upright curbing will alter the current approved design. The site has been forty percent constructed as per the previous approval and changes to the design will have substantial effect on the functionality of the current approved design.

The particular existing physical conditions, shape, and topography of the specific property involved causes an undue hardship to the applicant if the strict letter of the code is carried out. The granting of the waiver will not be injurious to the other adjacent property as such conditions are already existing as per previous approval. The conditions, upon which a request for the waiver is based, are particular to the property for which the waiver is sought and are not generally applicable to other property and do not result from actions of the applicant.

We hope you find this waiver request consistent with the intent and purpose of the city zoning regulations, the city land use plan, and the requirements of this article.

Respectfully submitted,

Mark North



Mark E. North
 211 Waterford Drive
 Middletown, Delaware 19709
 302-530-3620
 Marknorth15@gmail.com

To:
 City of Dover, Delaware
 Department of Planning & Inspections
 P.O. Box 475 Dover, Delaware 19903
Re: Cassidy Commons at 101-1001 Cassidy Drive, C-21-01

January 6, 2021

PERFORMANCE STANDARDS REVIEW APPLICATION

To Whom it May Concern:

The applicant submits this document to provide compliance as per the Dover, Delaware Code of Ordinances, Article 5 Section 8.1, 8.2, 8.5 and other referenced sections.

Article 5 §8.1 Dangerous and objectionable elements. No land or building in any zone shall be used or occupied in any manner so as to cause any one or more of the following conditions to exist and to be dangerous, injurious, noxious or offensive beyond the boundaries of such premises in such a manner or in such amount as to adversely affect the reasonable use of the surrounding area or adjoining premises: Fire, explosive or other hazard; noise, or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness or electromagnetic disturbance; glare, liquid or solid refuse or waste; traffic congestion causing roadways or intersections in the surrounding highway network to fall below acceptable levels of comfort and convenience; or other substance, condition or element (referred to hereinafter as "dangerous or objectionable elements"), provided that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.

Site Characteristics

The site is proposed to have a total of 10 individual buildings utilized primarily for the following uses: wholesale storage and warehouses, manufacturing, and building contractor. The design is intended to accommodate multiple small business tenants (2,000 SF average) who are contractors or warehouse operators. The building and parking lot plan due to structure utilization does not lend itself to outside manufacturing, storage or staging. Tenants are leasing building space with appropriate parking spaces. There is no additional unoccupied outside space for other use. In summary the site is not designed for or can accommodate any outside storage or manufacturing. All activities will be confined to building interiors.

New Tenant Occupancy Procedure

The buildings will be constructed as shell only and an individual tenant fit-out will require a separate permit (tenant specific). As has been the policy of the City of Dover in the past, the permit must obtain zoning approval to be issued. The tenant must also obtain a Dover business license in order to occupy the tenant space. New tenants will be required by the landlord/owner to provide proof of zoning approval and a City of Dover business license. New tenants as required by the City of Dover Fire Marshal shall acquire a building permit for occupancy regardless the need for any building alteration.

Each tenant occupancy permit is specific to that described tenant and will be considered non-transferable to the next tenant.

Hazard Consideration and Avoidance

The following dangers and nuisances are to be minimized by the above noted conditions and procedures.

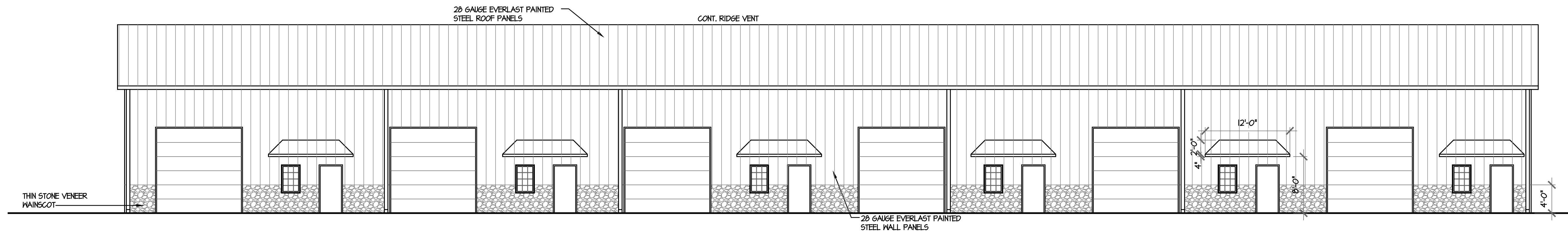
- Fire and explosion hazards (activities with and storage of)
- Radioactivity or electromagnetic disturbance
- Noise (sound pressure level)
- Vibration
- Smoke
- Odors (Odorous gases or odorous matter)
- Fly ash, dust, fumes, vapors, gases and other forms of air pollution
- Glare (from lighting or high temperature processes)
- Liquid or solid wastes
- Traffic congestion (Level of Service E)

The mere nature of the site will not provide suitable conditions for any outside material processing or manufacturing that would produce such obnoxious side effects noted above (noise, vibration, smoke, odors, dust and multiple trucks contributing to traffic congestion). The site will not have any un-paved, non-stabilized areas to contribute to dust or other negative environmental impacts. Again it is emphasized that activities on site are confined to the interior of the buildings. Permitting, as outlined above, each tenant will screen out those who are not appropriate for the facility.

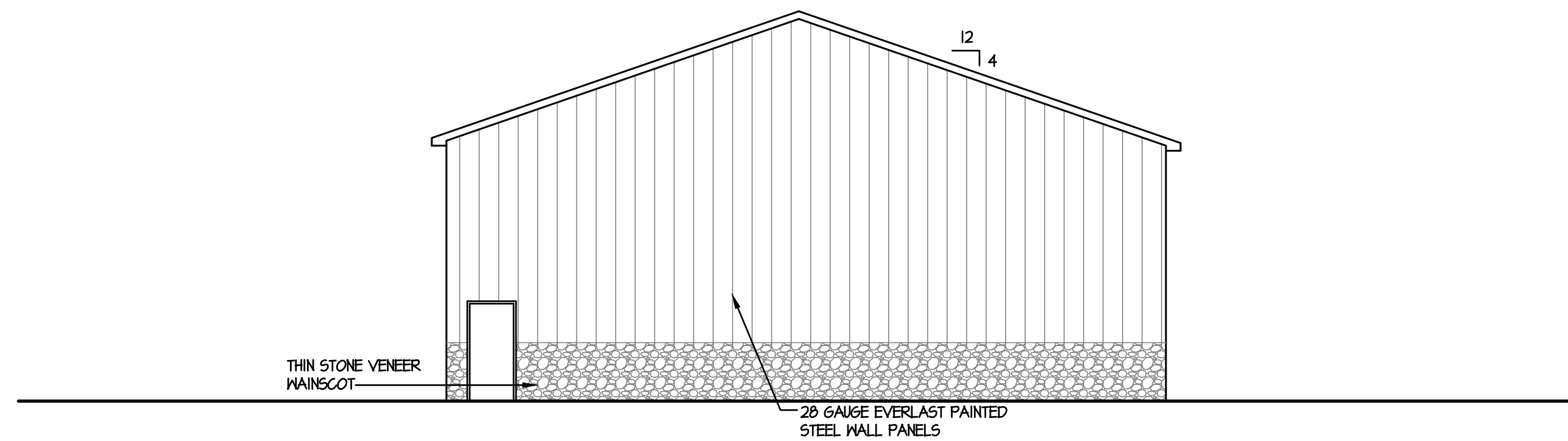
We hope you find this consistent with the intent and purpose of the city zoning regulations, the city land use plan, and the requirements of this article.

Respectfully submitted,

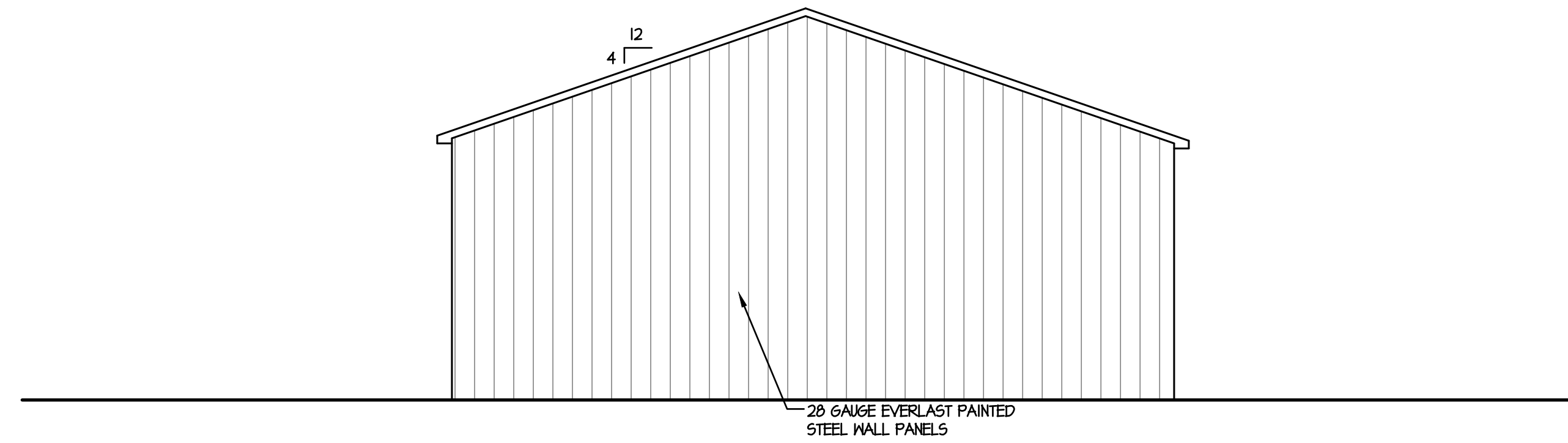
Mark North



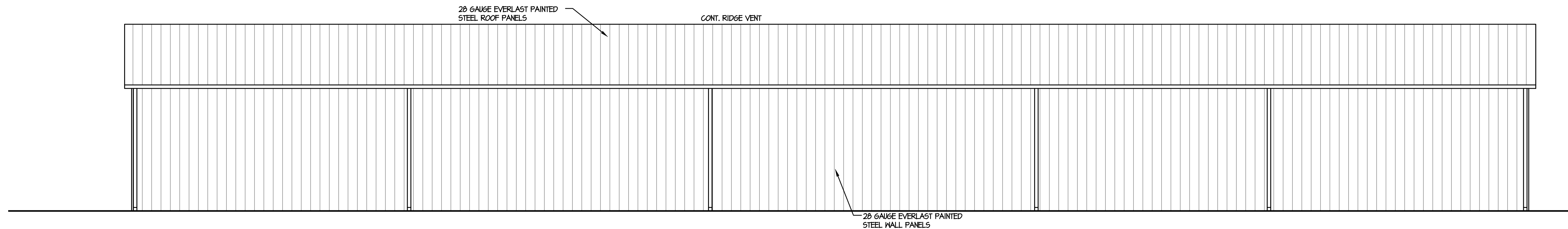
1 FRONT ELEVATION
1/8" = 1'-0"



2 LEFT SIDE ELEVATION
1/8" = 1'-0"



3 RIGHT SIDE ELEVATION
1/8" = 1'-0"



4 REAR ELEVATION
1/8" = 1'-0"

SIGNATURE OF :
WILLIAM F. HORN, JR.

DATE OF SIGNATURE:
09/14/17

DATE OF REGISTRATION:
EXPIRATION : 01/31/18

PRINTED
09/14/17

PURPOSE
FOR CONSTRUCTION

ELEVATIONS

THE PROFESSIONAL SERVICES OF THE ARCHITECT ARE UNDERTAKEN FOR AND ARE PERFORMED IN THE INTEREST OF CASSIDY COMMONS. NO CONTRACTUAL OBLIGATION IS ASSUMED BY THE ARCHITECT FOR THE BENEFIT OF ANY OTHER PERSON INVOLVED IN THE PROJECT.

THE ARCHITECT WHO SEALED, SIGNED AND DATED THIS DOCUMENT HAS NOT BEEN EMPLOYED TO FURNISH CONSTRUCTION CONTRACT ADMINISTRATION SERVICES AS DEFINED IN 24 DEL. C. 303 (C).

DESIGNED WFH
DRAWN WFH
CHECKED WFH
PROJ. NO. 31767
SCALE AS NOTED
SHEET NUMBER

A2.1

NEW BUILDING 501
CASSIDY COMMONS
DOVER, DELAWARE

W.F.HORN
ARCHITECT, INC.
30866 E. SALLIE ROSS BEND
MILTON, DELAWARE
PHONE: 302-674-1820 302-231-2176

| COUNTY | SHEET NUMBER | TOTAL SHEETS |
|--------|--------------|--------------|
| KENT | 3 | 17 |

PROJECT DATUM: NAVD 88

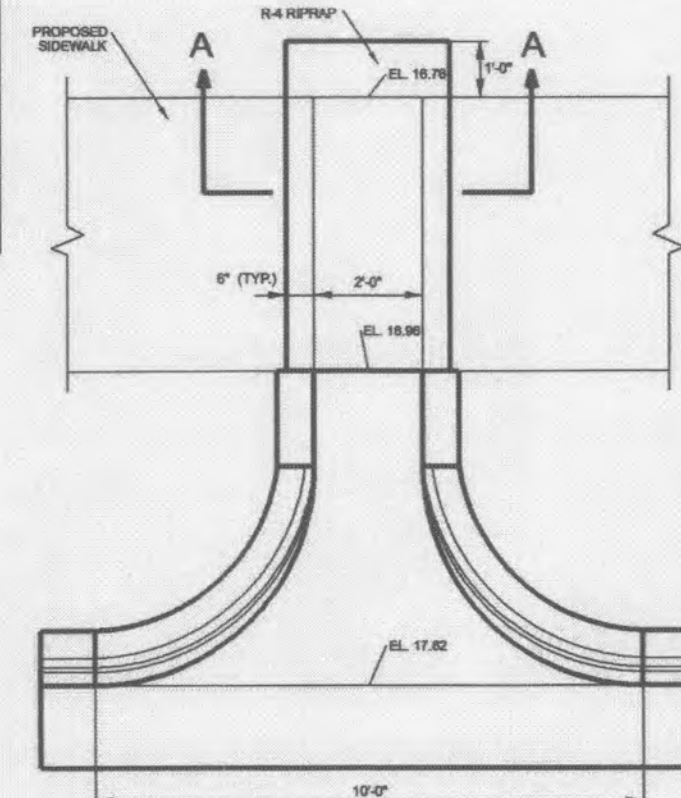
M & L VENTURES SITE PLAN CONSTRUCTION PLANS KENT COUNTY DOVER, DELAWARE

GENERAL NOTES FOR DELDOT

- ALL CONSTRUCTION AND MATERIALS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DELAWARE DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION DATED AUGUST 2007 AND ANY ADDENDA THERETO.
- ALL DISTURBED AREAS WITHIN THE STATE RIGHT-OF-WAY, BUT NOT IN PAVEMENT, SHALL BE TOPSOILED (6" MINIMUM) FERTILIZED AND SEEDS.
- A 24 HOUR (MINIMUM) NOTICE SHALL BE GIVEN TO DELDOT'S PUBLIC WORKS ENGINEER PRIOR TO STARTING ENTRANCE CONSTRUCTION.
- MISS UTILITY OF DELMARVA SHALL BE NOTICED THREE (3) CONSECUTIVE WORKING DAYS PRIOR TO EXCAVATION, AT 1800-265-8855.
- ALL SIGNING FOR MAINTENANCE OF TRAFFIC IS THE CONTRACTOR'S RESPONSIBILITY AND SHALL FOLLOW THE GUIDELINES SHOWN IN "TRAFFIC CONTROLS FOR STREETS AND HIGHWAY CONSTRUCTION, MAINTENANCE, UTILITY AND EMERGENCY OPERATIONS" (LATEST EDITION).
- DESIGN, FABRICATION AND INSTALLATION OF ALL PERMANENT SIGNING SHALL BE AS OUTLINED IN THE "GUIDE FOR FABRICATION AND INSTALLATION OF TRAFFIC CONTROL DEVICES." SIGNS SHALL CONFORM TO "DELDOT STANDARD SIGNS" (APRIL 2009).
- FOR FINAL PERMANENT PAVEMENT MARKINGS, EPOXY RESIN PAINT SHALL BE REQUIRED FOR LONG LINE STRIPING AND THERMO WILL BE REQUIRED FOR SHORT LINE STRIPING, I.E., SYMBOLS/LEGENDS.
- ALL TRAFFIC CONTROL DEVICES SHALL BE IN NEW OR REFURBISHED CONDITION, SHALL COMPLY WITH THE TRAFFIC CONTROL MANUAL AND SHALL BE REFINISHED AND APPROVED BY THE ENGINEER PRIOR TO INSTALLATION. TRAFFIC CONTROL DEVICES SHALL BE MAINTAINED IN GOOD CONDITION FOR DURATION OF USE.
- ALL ENTRANCES SHALL CONFORM TO DELDOT'S STANDARDS AND REGULATIONS FOR SUBDIVISION STREETS AND STATE HIGHWAY ACCESS AND SHALL BE SUBJECT TO ITS APPROVAL.
- BREAKAWAY POSTS SHALL BE USED WHEN INSTALLING ALL SIGNS.
- EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION. COMPLETENESS OR CORRECTNESS THEREOF IS NO GUARANTEED. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE UTILITY COMPANIES INVOLVED IN ORDER TO SECURE THE MOST ACCURATE INFORMATION AVAILABLE AS TO UTILITY LOCATIONS AND ELEVATION. NO CONSTRUCTION AROUND OR ADJACENT TO UTILITIES SHALL BEGIN WITHOUT NOTIFYING THEIR OWNERS AT AT LEAST 48 HOURS IN ADVANCE. THE CONTRACTOR SHALL TAKE THE NECESSARY PRECAUTIONS TO PROTECT THE EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE AND ANY DAMAGE DONE TO THEN DUE TO HIS NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT THE CONTRACTOR'S EXPENSE. TO LOCATE EXISTING UTILITIES IN THE FIELD PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL CONTACT MISS UTILITY OF DELMARVA (SEE NOTE #4).
- PLAN LOCATION AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE DIRECTED BY PUBLIC WORKS ENGINEER.

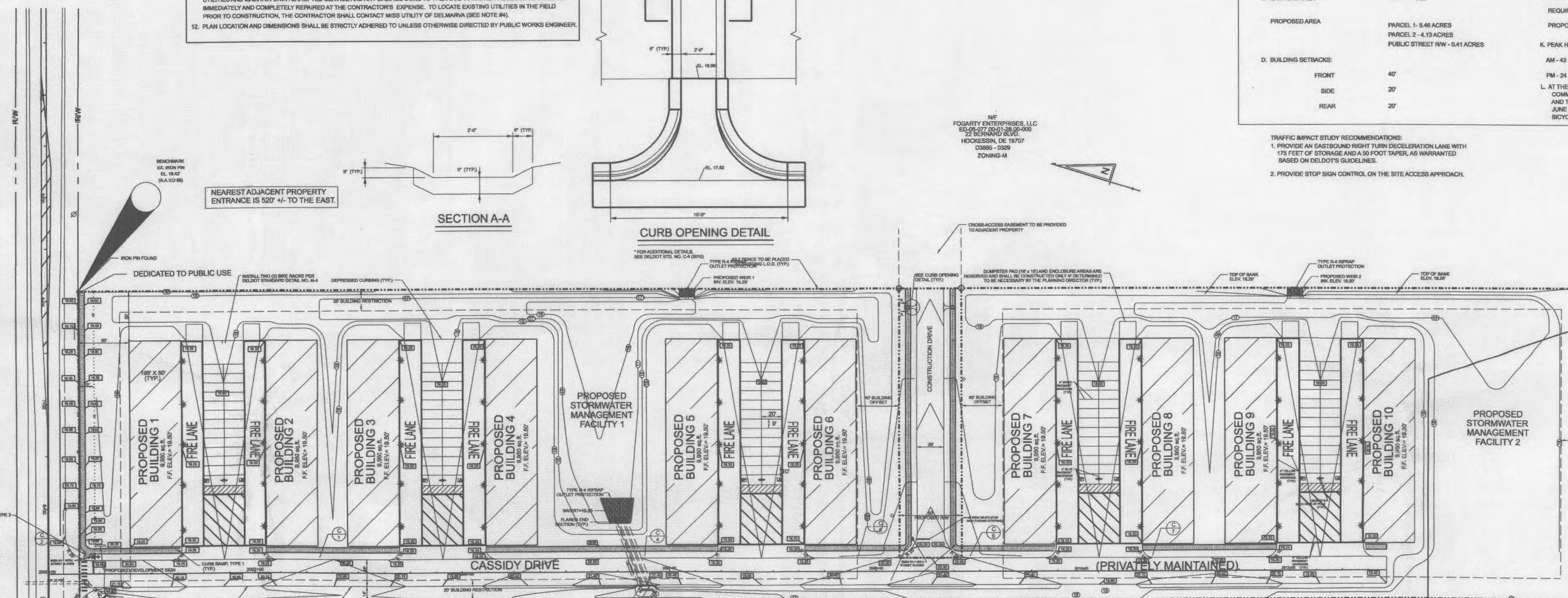


SITE LOCATION MAP 1" = 800'



CURB OPENING DETAIL

SECTION A-A



PROJECT DATA

| | | | |
|-----------------------|---|---|--|
| A. PROJECT NAME: | M & L VENTURES SITE PLAN | E. PRESENT USE: | AGRICULTURAL |
| PARCEL NO.: | 2-05-07700-01-2804-000 | F. PROPOSED USE: | MANUFACTURING / WAREHOUSING BUILDING |
| ZONE: | M (MANUFACTURING) NOISE ZONES C AND D AND APZ1 | G. SEWER: | CITY OF DOVER |
| B. OWNER/DEVELOPER: | M&L VENTURES, LLC 102 CASSIDY DR. NEWPORT, DE 19604 303-515-0181 302-463-0710 | H. WATER: | CITY OF DOVER |
| C. EXISTING AREA: | 10.0 AC. | I. GROSS LEASABLE FLOOR PLAN AREA: | 99500 S.F. |
| PROPOSED AREA: | PARCEL 1- 5.46 ACRES PARCEL 2- 4.13 ACRES PUBLIC STREET RW - 0.41 ACRES | J. PARKING: | REQUIRED - 125 PROPOSED - 130 |
| D. BUILDING SETBACKS: | FRONT 40' SIDE 20' REAR 20' | K. PEAK HOUR TRAFFIC: | AM - 43 INCOMING, 17 OUTGOING PM - 24 INCOMING, 39 OUTGOING |
| | | L. AT THE CITY OF DOVER PLANNING COMMISSION MEETING HELD ON JUNE 20, 2011, THE PLANNING COMMISSION GRANTED WAIVERS FOR THE PARTIAL ELIMINATION OF CURBING IN THE PARKING LOT AND THE ELIMINATION OF SIDEWALK ON THE WESTERN SIDE OF THE ACCESS ROAD. ON JUNE 20, 2011 THE PLANNING COMMISSION GRANTED A PARTIAL WAIVER FOR THE ELIMINATION OF BICYCLE PARKING. TWO (2) BICYCLE PARKING SPACES WILL BE PROVIDED. | |

TRAFFIC IMPACT STUDY RECOMMENDATIONS:
1. PROVIDE AN EASTBOUND RIGHT TURN DECELERATION LANE WITH 175 FEET OF STORAGE AND A 50 FOOT PAPER, AS WARRANTED BASED ON DELDOT'S GUIDELINES.
2. PROVIDE STOP SIGN CONTROL ON THE SITE ACCESS APPROACH.

D.A.C. RECOMMENDATIONS
1. THE DEPARTMENT WILL REQUIRE THE APPLICANT TO PROVIDE PROPER FORMS, FEES, AND PLANS IN ORDER TO BE ISSUED AN ENTRANCE PERMIT.
2. PER THE SUBDIVISION MANUAL, NO FACILITIES, EXCLUDING BIOSWALES, CAN BE LOCATED WITHIN 20' OF THE RIGHT-OF-WAY LINES.
3. SHOW THE BIKE LANE BETWEEN THE DECELERATION LANE AND THROUGH LANE.
4. THE PAVEMENT MUST BE BOXED OUT IN THE AREA NEAR THE TAPER OF THE DECELERATION LANE AND IN THE AREA PAST THE EASTERN ENTRANCE RADIUS.
5. PER THE TRAFFIC IMPACT STUDY (TIS), THE DEVELOPER WILL HAVE TO CONTRIBUTE TOWARDS THE ROAD IMPROVEMENTS ON LAFFERTY LANE. THE IMPROVEMENTS INCLUDE TWO 11' LANES, TWO 9' SHOULDERS, AND 6' SIDEWALKS ON BOTH SIDES OF THE ROAD FROM THE WESTERN SIDE OF THE PROPERTY TO THE INTERSECTION OF LAFFERTY LANE AND HORSESHOE ROAD.
THE DEVELOPER'S CONTRIBUTION IS BASED ON THE PERCENTAGE OF TRAFFIC GENERATED BY THE SITE.

NE
FOGARTY ENTERPRISES, LLC
ED 0677 00-01 2804-000
23 BERNARD BLVD
HOCKESSIN, DE 19707
D0886 - 1000
ZONING-M

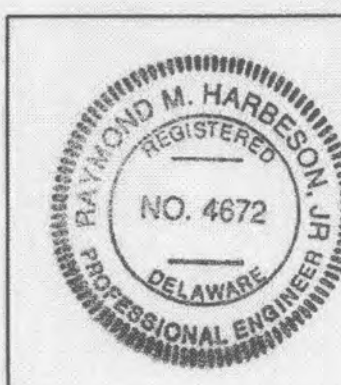
SCALE
0 20 40 60
1" = 60'

| NO. | ITEM DESCRIPTION / TYPE | LENGTH |
|-----|--------------------------------------|---------|
| 1 | INTEGRAL P.C.C. CURB TYPE 3 MODIFIED | 147.40' |
| 2 | INTEGRAL P.C.C. CURB TYPE 3 MODIFIED | 160.25' |
| 3 | INTEGRAL P.C.C. CURB TYPE 3 MODIFIED | 70.75' |
| 4 | INTEGRAL P.C.C. CURB TYPE 3 MODIFIED | 241.35' |
| 5 | INTEGRAL P.C.C. CURB TYPE 3 MODIFIED | 366.00' |
| 6 | INTEGRAL P.C.C. CURB TYPE 3 MODIFIED | 366.00' |
| 7 | INTEGRAL P.C.C. CURB TYPE 3 MODIFIED | 147.40' |

ENGINEERS CERTIFICATION

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

RAYMOND M. HARBESON DATE 10/10/11 P.E. NO. 4472



RK&K
ENGINEERING - LAND PLANNING & SURVEYING
302-672-7800
1208 FORREST AVE.
DOVER, DE. 19904

| | | | |
|---------|-----------|--------------|----------|
| DATE | 9/29/2011 | SCALE | 1" = 60' |
| JOB NO. | | DRAWN BY: | CPK |
| | | DESIGNED BY: | DWD |
| | | APPROVED BY: | |
| DATE | | REVISION | |

CONSTRUCTION PLAN

M & L VENTURES
SITE PLAN
CITY OF DOVER, DELAWARE
KENT ROAD 347

Final Plan