

**CITY OF DOVER BOARD OF ADJUSTMENT
AGENDA**

Wednesday, September 20, 2017 at 9:00 AM

**City Hall, Council Chambers
15 Lookerman Plaza, Dover, Delaware**

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES of July 19, 2017 Meeting

COMMUNICATIONS & REPORTS

1. Reminder: The next Board of Adjustment regular meeting is scheduled for October 18, 2017 at 9:00am in the City Council Chambers.

NEW BUSINESS

Applicant #V-17-15

505 North DuPont Highway. TLM Realty has requested a variance from the requirements of the *Zoning Ordinance*, Article 5 §4.7 pertaining to permitted signs. Specifically, the applicant seeks to permit two (2) 68.9 SF signs which exceed the maximum 32 SF permitted for signs fronting on an urban collector street (Townsend Boulevard). The site is located at the northeast corner of North DuPont Highway and Townsend Boulevard. It is 0.6 acres +/- in size and is proposed for development as a Longhorn Steakhouse Restaurant. Subject property is zoned C-4 (Highway Commercial Zone). Tax Parcel: ED-05-068.09-01-35.00-000. The owner of record is Dover Delaware Retail, LLC and the applicant is TLM Realty Corp.

ADJOURN

29 Del. C. § 10004(e)(2)

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

CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
July 19, 2017

A Regular Meeting of the City of Dover Board of Adjustment was held on Wednesday, July 19, 2017 at 9:04 A.M. with Chairman Sheth presiding. Members present were Chairman Sheth, Mr. Keller, Colonel Ericson and Mr. Senato. Mr. Hufnal was absent.

Staff members present were Mr. Dave Hugg, Mrs. Purnell, Mr. Diaz, Mr. Swierczek, and City Solicitor Mr. Rodriguez.

APPROVAL OF AGENDA

Colonel Ericson moved to approve agenda as submitted. The motion was seconded by Mr. Senato and unanimously carried 4-0. Mr. Hufnal was absent.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF MAY 17, 2017

Mr. Keller moved to approve the meeting minutes of May 17, 2017 with any necessary corrections. The motion was seconded by Mr. Senato and unanimously carried 4-0. Mr. Hufnal was absent.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF JUNE 21, 2017

Mr. Keller moved to approve the meeting minutes of June 21, 2017 with any necessary corrections. The motion was seconded by Colonel Ericson and unanimously carried 4-0. Mr. Hufnal was absent.

Chairman Sheth introduced and welcomed the new Planner Mr. Julian Swierczek.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATION

Mr. Dave Hugg, Interim Planning Director of Planning and Inspections stated that the meeting today will be conducted in accordance with the agenda. There are two (2) applications on the agenda under New Business. The Application file will be read, and the floor will be opened for questions of the applicant by the Board and for public testimony. If the Board needs to consult the City Solicitor, they will recess to discuss legal matters. If the applicant must leave, they can contact the Planning Office at 736-7196 to learn of the Board's decision. A formal notice of the decision will be mailed to the applicants. Approved variances expire after one year if the approved project has not commenced.

All public notice for the new applications on this agenda was completed in accordance with Code requirements. The meeting agenda was posted in accordance with Freedom of Information Act requirements.

NEW BUSINESS

Applicant #V-17-12

550 Bay Road. Bay Road One, LLC has requested a variance from the requirements of the *Zoning Ordinance*, Article 6 §3.11 pertaining to the maximum number of parking spaces permitted, and a variance from the requirements of the *Zoning Ordinance*, Article 5 §7.22 pertaining to the landscape component of the opaque barrier requirement. Specifically, for the first variance request the applicant proposes 119 parking spaces, 14 over the 105 permitted for Phase 1 of the project; in future phases the project will no longer require this variance. For the second variance request, the applicant proposes to eliminate the landscape component of the opaque barrier required along the northern edge of the properties. Subject property is zoned C-4 (Highway Commercial Zone). Tax Parcels are ED-05-077.00-01-10.01-000 and ED-05-077.00-01-11.00-000. The owner of record is Bay Road 1 LLC.

Exhibits for the Record: Staff report, zoning exhibit, statements and plans submitted by the applicant. Legal Notice was published in the Delaware State News on July 9, 2017. The public was notified in accordance with regulations.

Mr. Diaz gave a brief overview of the application.

Mr. Senato questioned the landscape option as to whether it had to go before the Planning Commission before the Board of Adjustment could make a decision and if the application needed to be tabled. Mr. Hugg replied that the application went before the Planning Commission on Monday, July 17, 2017 and was approved with the requests that were related to the Site Plan, recognizing that these two (2) items had to come before the Board of Adjustment for consideration. The overall Site Plan of the project and phase development which includes the parking layout is subject to the Board of Adjustment's decision on the waiver of the parking and variance requirements. All issues were addressed at the Planning Commission meeting.

Chairman Sheth mentioned the procedure regarding the Planning Commission decision and the Board of Adjustment decision on the application and that the Board of Adjustment decision could not superseded the Planning Commission decision. The Board decision is only overruled by Superior Court.

Colonel Ericson questioned if the Board would disapprove the application could it go back to the Planning Commission and they overrule the Board of Adjustment decision. He asked which agency should be considered: The Planning Commission or the Board of Adjustment. Mr. Rodriguez replied that is before the Board of Adjustment to make a decision now, and depending upon the Board's decision it might have to go before the Planning Commission again.

Colonel Ericson questioned if the Planning Commission could overrule the Board of Adjustment decision. Mr. Rodriguez replied that he did not think that the Planning Commission could overrule the Board of Adjustment decision. The Planning Commission would have to adjust their thinking about the decision.

Mr. Diaz stated that Staff recommendation was that the Board approve the variance for the parking and deny the variance for the opaque barrier. Staff does not believe that the addition of

the 14 parking spaces would cause a problem for any of the neighboring properties in the long run. There does seem to be an exceptional practical difficulty with regard not being able to have enough parking spaces for the number of employees in the future. There were concerns with the opaque barriers. If they eliminated the landscape component as requested, it would be detrimental to residential property owners that are joining the properties to the north. There is currently vegetation in the area, but we are not sure if it will be kept by the applicant or neighboring property owners.

Chairman Sheth questioned whether this was a variance for the entire project and not just a particular building and he questioned the amount of parking. Mr. Diaz replied that the first variance is to increase the parking on site for Phase 1 of the project above the maximum number of spaces permitted by *Zoning Ordinance*. Mr. Hugg replied that based on the Site Plan they would be under the threshold and have more than adequate parking for the entire site as it develops, but because of the phasing of the project and the needed construction of the parking lot for Phase 1 it technically results in over parking.

Chairman Sheth questioned what would happen in the future if the project is not completed and/or it is sold to someone else as a separate entity. Mr. Hugg replied that all of the conditions proposed would go to the successor or heirs. In an unlikely event if nothing else would be done, this would be the only building on the site. The applicant testified at the Planning Commission meeting that their plans were to grow the business and the firm. Perhaps if you look at the Site Plan, the number one building would be offset center the line with the idea of there being an addition to the building. The 14 spaces would get absorb in the future growth no matter what happened. Regarding the landscaping, he mentioned that the site layout is tight on one edge and there is an existing row of trees that adequately screens the residential neighborhood to the north. The trees are on private property.

Mr. Keller questioned whether there was any contemplation of a subdivision of the property or subsequent sale of those lots to the southwest. Mr. Hugg replied that nothing has been presented.

Mr. Keller questioned whether it is a firm that has currently within one ownership. Mr. Hugg replied right.

Mr. Keller stated that he at one point he wondered why the parking space allowance was not looked at against the entire property as opposed to that one building site proposed as building number one, but he understands why.

Mr. Keller questioned whether or not the building for Century Engineering is to be occupied and leased and not sold as a singular portion of the overall property. Mr. Hugg replied that to his knowledge there is no subdividing or condominium ownership proposed for the property.

Chairman Sheth questioned if there was any member present who had a conflict of interest and there was none.

Representative: Mr. Alex Schmidt, Century Engineering Inc.

Mr. Alex Schmidt was sworn in by Mr. Rodriguez.

Mr. Schmidt testified that this is the future home of Century Engineering. They have been in Delaware for 30 years. They are excited about coming back to Dover and being a part of the community in the future. The person who owns Bay Road One LLC is the same person who owns Century Engineering, so the intent is that this will be our future home for the next 30 years and beyond. There has been some discussion about subdividing the property, but the intent at the current time is not to do that. If they had a tenant that came along and expressed some interest in purchasing the property in the future, they might need to come back before the Planning Commission. What they currently submitted to the Planning Commission was a massive plan for four (4) basic constructions (4 buildings). The building in the rear is on its own separate parcel and could be sold now. Each building will need to come back as an Administrative application to Planning Staff. If the application was denied today, they would go back and make changes as they are able in order to address those projections of the application. He did not think that there was anything significant that needed to go back before the Planning Commission. The applicant is asking to be allowed the over the maximum amount of parking for Phase 1 only for their building. Once the second building is constructed they will come back in compliance with the parking requirements. The applicant is asking because at the current time there is 10,000 S.F. and they have 38 parking spaces and people are parking on the street and double parked in the lots. He figured at 25,000S.F. they would need at least 110 spaces based on what they use now. This does not account for when they have large meetings and they need to park. There have been issues with person(s) parking on Route 13 and behind the office. They want to make sure they have enough parking at their new office so that persons are not parking on the street. This is really from a safety standpoint of persons that come to their building and that they do not have to walk from off-street parking to their site. It is also for the people who live in the area so that they are not using residential parking spaces. He stated that regarding the landscape and the fence, the site layout is established by their entrance. They want their entrance to line up with the front of their new building in the center of the site. This is what they used to establish the parking lot around the building. Unfortunately, it only leaves roughly 4-feet on the edge of the property dividing it from the residential property. They will need to put up some type of fencing along with the landscaping outside the fence; however, it will not be very well maintained. It will not be easy for them to maintain because there is not going to be much space. They are thinking that it will be maintained by the residents although that is not their intent. They are offering to put a 6-foot privacy fence and that would provide the required screening. There is currently a mobile home sales office and 40 old mobile homes along the property line. He noted that Staff made a recommendation regarding the trees, but he expressed if the residents choose to take the trees down, that would be their decision. He did not think that it was fair to say to them to assume that they will keep the trees there or we have to plant trees because they may cut the other ones down. He asked if the Board would keep that in mind.

Colonel Ericson questioned the distance of the 6-foot privacy fence. Mr. Schmidt replied the fence would go the full length of the property at Building 4 and the length of Building 3 near the residential properties.

Colonel Ericson questioned the area near Building 1. Mr. Schmidt replied that Building 1 is not a requirement at the current time because it abuts commercial property.

Chairman Sheth questioned whether a fence was currently there. Mr. Schmidt replied that there was a chain-link fence along the entire property. They would like to take it down and replace it with a nicer fence.

Colonel Ericson questioned whether you would be able to see through the privacy fence. Mr. Schmidt replied no. They would like to install a white vinyl privacy fence.

Colonel Ericson questioned whether the privacy fence that you cannot see through met the requirements of something blocking the view and would be an adequate replacement for the plants. Mr. Diaz replied that the purpose for the opaque barrier is to provide both visual and sound screening. The fence alone would be an adequate visual barrier. Considering the warehouse use and potential of loading and unloading activities, Staff felt it was important to have the vegetation also because it is more effective as the sound screening.

Colonel Ericson questioned whether there were any plans on how wide or tall the opaque barrier is to be. Mr. Diaz replied that there are two ways to do the landscaping. One way is a row of evergreen trees which can grow 20-30 feet tall, and the other is a hedge that typically grows to the height of the fence.

Colonel Ericson questioned whether either would fit on a 4-foot wide piece of property. Mr. Diaz replied that he did think the hedge would fit.

Mr. Senato mentioned that normally evergreen trees bottom (up to 6-feet) becomes bad after 10 years, so he did not think it would be a very good barrier for long term.

Mr. Senato questioned if the area was the south side for the barrier of trees. Mr. Diaz replied it is the north side. Mr. Schmidt replied that they are only required to install a 4-foot fence at the flex (Warehouse Building 4) space portion. Mr. Diaz replied that the 4-foot fencing would be in the front yard areas, but it could not be 4-feet because the property does not have any street frontage. Since it does not have a front yard the fence would have to be 6-feet high. Mr. Schmidt stated that the Planning Commission stated that the front yard only needed a 4-foot fence, but if the Board of Adjustment would grant the variance it would allow the 6-foot fence.

Chairman Sheth mentioned other businesses in the area with the same issues regarding the fence and vegetation.

Mr. Diaz stated that if it was a 4-foot fence for this project, the requirement for the opaque barrier would supersede and become 6-feet because 4-feet would not be adequate because it has to be above eye level.

Mr. Schmidt stated that they do not know what the flex space (building) is going to be and it is not necessarily going to be warehousing. His concern was that they did not feel that any vegetation will provide any additional buffer. They would just like to put a fence in and not have to worry

about maintaining the other side. If the Board feels that the 6-feet is not sufficient then they could go to 8-feet if that would help alleviate some of the concerns.

Mr. Keller asked for clarification regarding Exhibit C regarding the 6-foot fence as opposed to the 4-foot fence and the locations. Mr. Schmidt stated that the fence would be 6-feet from Martin Street toward the middle of the site, back to the end of Cowgill Street; in the side yard 6ft. is allowed. He did not necessarily agree with Mr. Diaz's statement that the Code requires a higher fence with an opaque barrier. He was not sure that the Code specifically states any height whatsoever. The Code does only allow a 4-foot fence in the front yard.

Mr. Hugg asked if you would concur with one of the observations that there are places where there may be sufficient room to get some additional landscaping so that you are minimizing the amount of fence. He realizes that there are some tight spaces. Mr. Schmidt replied that there is, but to his understanding regardless if there is landscaping placed or not, there still has to be fencing. He agrees that there are areas where landscaping could be placed in addition to the fence.

Mr. Hugg questioned whether the applicant was willing to look at those other areas. Mr. Schmidt replied that they were willing to do that.

Mr. Senato questioned whether scrubs and trees would need to be removed/eliminated in order to put up the fencing. Mr. Schmidt replied on his side of the property, yes. He was not sure if they would impact anything on the north side on the private property.

Mr. Senato questioned the percentage of parking spaces that will be full at all times. Mr. Schmidt replied that at any given time they will probably have between 60-80 spaces full with regular full-time employees. They currently have six (6) fleet vehicles that is included in the number as well as 10 survey crew vehicles that will be there in the morning, but will leave throughout most of the day.

Mr. Senato questioned whether 20%-30% of the parking spaces will be vacant throughout the day one time or another and he was asking for fourteen (14) more spaces. Mr. Schmidt replied yes. There will also be forty (40) construction inspection staff on site periodically for training.

Chairman Sheth questioned whether the applicant would build the plan according to the Planning Commission requirements. Mr. Schmidt replied that upon his understanding if the Board of Adjustment would deny the application and this would eliminate some of the parking and would require some redesign.

Mr. Keller stated that he did not have any concerns with the parking variance request. It seems reasonable and rationale to him to have it go in at Phase 1 as long as the plan appears to be the fact of subsequent development expansion, etc. The additional spaces would be absorbed within the future and growth development of the overall site. However, with the second part of the variance request he was concerned with a couple of items regarding the fencing and necessity for the vegetation because he did not have anything presented to him which truly exhibits how much vegetation, screening, or plantings is on the residential properties. Exhibit B was submitted as an aerial view, but it is not enough to show anything of what truly exists along those residential

properties in his estimation. He was troubled that the burden of landscaping and the zoning requirements is incumbent upon the applicant to do what is required as opposed to throwing that burden if you will upon the residential abutters. Whether the trees on the property are in good shape or coming down tomorrow, we don't really know. He thinks a reliance on the abutting residential property owners is somewhat dodging a responsibility we have upon the developer and you the applicant to fulfill as best as possible per the requirements of the planning section. He could not think of anyone better suited either than Century Engineering as opposed to one of the residential owners to make some minor changes in the design plan to afford a greater width for the planting area. He did not know the individuals involved or the residential owner's livelihood, but he knows that Century Engineering does a super job at designing or perhaps redesigning in this case. It seems to him that it would be somewhat minimal to bring about a greater width in those areas where the distance may be only 4-feet from the edge of the applicant's proposed travel way to the property line. It appears upon looking at the plans that there were some minor areas where adjustment in the travel way could afford a little space whether the City Planning Department would agree to trees as opposed to shrubs, anything he would think for Century Engineering's perspective would lend to the aesthetic of the property as well as opposed to straight 6-foot or 8-foot fencing.

Mr. Hugg stated that the second matter before the Board of Adjustment only gets to whether or not this variance is approved or not. If it is approved that is one thing, if it is denied then how it gets figured out with the applicant is with Planning Staff and Planning Commission. In this particular case because it is a Master Plan those adjustments would be made as an Administrative Site Plan approved correction. The Board only needs to be comfortable with the question of whether or not they believe that the proposed solution is a fence in those areas limited in terms of space and if it is an adequate barrier or buffer and does not require vegetation as well.

Mr. Senato stated that it looks as if there has to be some type of barrier to protect the homes in the area.

Colonel Ericson questioned the applicant if the variance was denied regarding the fence what impact would it have on his design. Mr. Hugg replied that the Board is not disapproving the fence because the fence is not before the Board. What is before the Board is the vegetation.

Colonel Ericson questioned the applicant if the variance was denied regarding the vegetation what impact would it have on his design. Mr. Schmidt replied if this was not Century Engineering and the variance was disapproved what would likely happen is there would be a 6-foot chain-link fence with slats and a 4-foot chain-link fence with slats in front of the warehouse area and 4-foot hedges. As he understands that would meet the requirements of the Code. There is not specific height written in the Code. Mr. Diaz replied that the height is written in the Code as 6-feet. Mr. Schmidt stated that he thinks in his case a privacy fence would look nice. If they do not get the variance to remove the landscaping, they would probably put up a 6-foot hedge.

Mr. Keller questioned for a screening portion if some of the trees could be interspersed with it being some trees and some hedges of various plantings. Mr. Diaz replied correct.

Mr. Keller questioned whether it had to be solid throughout with any one particular variety of planting a tree. Mr. Diaz replied no.

Mr. Keller referred to the City's Staff recommendations which stated "The practical difficulty of planting the landscape component does not appear to be exceptional, as there are a number of solutions that would allow planting in a confined space." He stated that he agreed with the statement and with the information that a variety of plantings could go along there does not necessarily mean that it is a difficult matter for providing the screening in conjunction with the fencing. Would that kind of a rationale eliminate the need for any redesign even of the roadway that is currently being shown. He questioned if it had to be solid. Mr. Diaz replied yes. He questioned if there were plants in different locations would you anticipate all of it as a closing in of the area. Mr. Diaz replied that the landscaping has to be continuous. Mr. Keller stated that even with tree plantings there is always spacing to anticipate growth of the trees.

Chairman Sheth questioned whether it would make a difference regarding the fence versus footing space because a variance asks for parking spaces. Colonel Ericson stated that he did not have an objection to the parking spaces. Mr. Rodriguez stated that the only issue is the vegetation beyond the fence.

Chairman Sheth questioned how the applicant could assure the Board of what will be done. Mr. Schmidt replied that it is a difficult answer because he could not state that he could install exactly this number of trees or hedges. He would state that everywhere they have space they would pull the fence in as far as they could and plant what they thought would grow successfully on the other side of the fence.

The Board continued to discuss the height of the fence, vegetation, and landscaping as they compared the same situation with other businesses in the area and options if the application was denied.

Mr. Schmidt stated that he was not sure if the Board would be able to amend the application, but he would be willing to commit to providing landscape in all areas where there is more than 5 feet of space per the current design from the property line. There would be two (2) areas where there would be no landscaping provided.

Mr. Keller questioned whether the applicant had any idea of a linear run. Mr. Schmidt replied it would be less than 30 feet.

Mr. Keller questioned whether there was a minimum height requirement on the vegetation that is proposed. Mr. Diaz replied that the shrubs are supposed to grow to a minimum of 6 feet and the trees are supposed to be planted at a minimum of 6 feet.

Colonel Ericson commented that the Board would like to go back to the basics which is the area variance requirements. The Board needs to consider the nature of the zone in which the property lies which he did not see any problems; the character of the immediate vicinity and the contained uses therein where there is commercial property against residential property which is a problem; and whether, if the restriction upon the applicant's property were removed, such removal would

seriously affect neighboring properties and uses. If he was to buy a house on one of those three (3) properties and if he did not have some type of buffer, it would bother him. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is a permitted use under the provisions of the *Zoning Ordinance*. The question is whether the applicant has met all of the requirements. Colonel Ericson stated that he would like to see the code followed.

Mr. Keller commented that he had not yet been convinced that there is a supportable position for a variance of the vegetation landscape.

Chairman Sheth opened the public hearing.

Chairman Sheth opened closed the public hearing after seeing no one else wishing to speak.

Chairman Sheth questioned if there was any additional correspondence for the record. There was no correspondence from the public.

Mr. Keller moved to approve application V-17-12 the requested Variance Item #1 to increase the parking on site for Phase I of the project above the maximum number of spaces permitted by Zoning Ordinance, based upon Staff Report, testimony given today and the well laid out reports submitted by City Staff. He moved to deny requested Variance Item #2 which is a request to eliminate the landscape component of the Opaque Barrier requirement along the northern edge of the property in question. The denial is based upon the City's Report and while meeting aspects under the Board's consideration for nature and use of the general area but for failure to demonstrate Exceptional Practical Difficulty associated with the request to eliminate the landscape component. The motion was seconded by Colonel Ericson.

Chairman Sheth asked if there were any questions. Mr. Senato commented that he disagreed with the motion being combined and would like to amend that the motion to be voted on separately because of the two separate issues.

Mr. Senato moved to amend the motion so that the two (2) separate issues would be voted on separately. The amended motion was seconded by Chairman Sheth.

Roll Call Vote in favor of amendment

Chairman Sheth – yes

Mr. Keller – yes

Mr. Senato – yes

Colonel Ericson – yes

Roll Call Vote for requested Item #1: Parking Increase in Phase I as mentioned previously for approval.

All in favor of approval (vote 4-0 of the members present) Mr. Hufnal was absent.

Roll Call Vote for requested Item #2: Elimination of Landscape component as mentioned previously to be denied.

Chairman Sheth – yes for denial

Mr. Keller – yes for denial

Mr. Senato – yes for denial

Colonel Ericson – yes for denial

All in favor of denial. (vote 4-0 of the members present) Mr. Hufnal was absent.

Applicant #V-17-13

20 and 28 Spruance Road. Matthew L. Smith has requested a variance from the requirements of the *Zoning Ordinance*, Article 3 §2.1 pertaining to permitted uses in the RG-1 Zone, and Article 7 §1.5 pertaining to nonconforming uses in residential zones. Specifically, the applicant seeks to permit continued operation of the school bus vehicle storage lot currently on the properties. The use of the properties was determined to be a nonconforming use in a residential zone by the Planning Office, and in accordance with Article 7 §1.5 and Council action the property must come into compliance with the *Zoning Ordinance* either by discontinuing the existing use or using a sanctioned method of permitting the existing use. Subject property is zoned RG-1 (General Residence Zone). Tax Parcels are ED-05-068.18-04-48.00-000 and ED-05-068.18-04-47.00-000. The owners of record are Matthew L. and Rosa L. Smith.

Exhibits for the Record: Staff Report, zoning exhibit, and statements submitted by the applicant. Legal Notice was published in the Delaware State News on July 9, 2017. The public was notified in accordance with regulations.

Mr. Diaz gave a brief overview of the application.

Representative: Mr. Matthew L. Smith, Owner.

Mr. Matthew L. Smith was sworn in by Mr. Rodriguez.

Mr. Smith testified that he needed and wanted approval of the variance to remain on the property. He was informed that a letter was sent, but he did not receive a letter. The property has been a bus service for over 60 years. He has owned it for 20 years. This is the first time he has ever had an issue. Children are in need of the bus service and some would not be able to go to school without the service. The buses cannot be parked just anywhere. The neighbors in the area do not have a problem with the buses being parked in that area. He also owns the house next door to the bus parking lot. Improvements such as black top have been made to the lot because it was previously dirt and it is a fenced area. He asked the Board to consider his testimony in granting the variance so that he can continue to stay in business. He would appreciate whatever the Board could do.

Mr. Senato questioned whether he was before the Board for a variance due to a change in the Planning & Zoning Ordinance within the City. Mr. Smith replied that he was before the Board to come into compliance. Mr. Hugg replied that the property was rezoned RG-1 as part of the 2008

Comprehensive Plan which designates an underlying Land Use Classification for all properties in the City. Planning records indicate that prior to 2009, the property was split-zoned, with 20 Spruance Road being zoned C-3 and 28 Spruance Road being zoned R-7. Both parcels on the property were rezoned to RG-1 as part of the 2009 Comprehensive Rezoning.

Mr. Keller questioned whether there was any period of time that the applicant had any plans to discontinue the bus operation in the future. Mr. Smith replied no sir, it is his livelihood and bread and butter.

Mr. Keller stated that he can appreciate very much the time period that the business has been expended and been used and the issue as a result of the rezoning in the City's Comprehensive Plan change. At the same time, he has to respect the City's effort to bring about the discontinuance of nonconforming uses. He applauds the applicant in the appearance by the virtue of the photographs given as he referenced Exhibit B which is very well maintained property and not a trash deposit site.

Mr. Keller questioned whereas when variances run with the land once approved would it be possible to have an approval whereby this nonconforming use would continue for a period of years then extinguished as opposed to run with the land forever in a day if it was approved. Colonel Ericson replied it might depend on the applicant's ability to have family members or someone else to purchase later on these making it more difficult. It is understood that if something else is built for some other purpose they would have to come before the Board for another variance. As long as it remains in this capacity, it could go from now on. Mr. Hugg replied that this is a Use Variance and as long as this use continues as it, then it will be allowed to remain. Nonconforming Uses cannot be extended or enlarged, the applicant would be prohibited from demolishing a house next door or buying a house across the street to store more buses. Otherwise, unless there was some type of restrictions on the time period to revisit then the use still remains the same. It appears that everything that we have seen is perfectly acceptable although a nonconforming use of the property that is in no way fault or brought about by an action of the applicant.

Mr. Keller questioned Mr. Hugg's statement regarding absent the action by City Council was he wrong in thinking that this was a traditional nonconforming use and without the need to bring about this sunseting of nonconforming uses this use could have remained forever in a day for the existing use as a traditional nonconforming use as long as the degree of nonconforming is not increased. Mr. Hugg replied correct. This became a nonconforming use by a series of government actions and rezoning from the City's Comprehensive Plan.

Mr. Keller asked that if 50 years from now the applicant intends to stop the school bus nonconforming use at that point would it become a conforming use. Mr. Hugg replied yes, it would become a conforming use. If the applicant sells the business and it is no longer a bus operation, it would cease that operation.

Colonel Ericson questioned what happens if the business was sold to someone else and the new owner wanted to keep the school bus operation. Mr. Rodriguez and Mr. Hugg replied it could remain a school bus operation. Mr. Rodriguez replied that the only difference would be if Mr.

Smith the applicant intended to change the business in any way. The applicant cannot change the business and make it more nonconforming than it is at the present time. You would have to find exceptional practical difficulty because it is a use variance as opposed to an area variance.

Chairman Sheth stated that all daycare centers and funeral services are nonconforming. When a daycare is sold, it stills remain nonconforming.

Mr. Hugg stated that he was not sure of the maximum parking capacity of the site, but the thing that would most likely change is if the applicant decided to build a maintenance shop, but what he currently has as well as the parking capacity is allowed.

Mr. Keller questioned if the applicant wanted to build a maintenance shop to service the buses, etc. Mr. Hugg replied that the applicant would have to come to the City to change the zoning because of the Comprehensive Plan as it would not be a permitted use.

Mr. Hugg commended the applicant on a very neat and well maintained site and he has not received any complaints.

Chairman Sheth opened the public hearing.

Mr. E. Vernon Ingram Jr. of 402 Greenhill Road, Dover Delaware and also owner of Delaware Auto Center was sworn in by Mr. Rodriguez.

Mr. Ingram stated that he wished he could be just as half as good as the applicant Mr. Smith who has renovated over 14 homes in the area. He has been also given the pleasure of continuing his business. It is hard to find a place to put a school bus.

Chairman Sheth opened closed the public hearing after seeing no one else wishing to speak.

Chairman Sheth questioned if there was any additional correspondence for the record. There was no correspondence from the public.

Colonel Ericson moved to approve application V-17-13 variance request based on the Staff Report and testimony today, to exempt the properties from the requirement that nonconforming uses in residential zones sunset after the specified time. The motion was seconded by Mr. Senato and unanimously carried 4-0. Mr. Hufnal was absent.

Mr. Senato moved to adjourn the meeting, seconded by Colonel Ericson and unanimously carried 4-0. Mr. Hufnal was absent.

Meeting adjourned at 10:35 A.M.

Sincerely,

Maretta Savage-Purnell
Secretary



City of Dover

Board of Adjustment

September 20, 2017

V-17-15

Location: 505 North DuPont Highway

Applicant: Landon White c/o Site Enhancement Services
Michael Oestreich c/o TLM Realty Corp.

Owner: Dover Delaware Retail, LLC

Tax Parcel: ED-05-068.09-01-35.00-000

Application Date: August 21, 2017

Present Zoning: C-4 (Highway Commercial Zone)

Present Use: Vacant lot

Proposed Use: Restaurant

Reviewed By: Eddie Diaz

Variance Type: Area Variance

Variance Requested: To permit two (2) 68.9 SF signs which exceed the maximum 32 SF permitted for signs fronting on an urban collector street.

Project Description

The applicant proposes to construct on the property a Longhorn Steakhouse restaurant (Site Plan S-17-13). The applicant proposes to install a total of four (4) signs on the restaurant building, as well as a freestanding monument sign on the property and a tenant panel on the shopping center's existing pylon sign. The monument sign, tenant panel, and two (2) of the wall signs may be installed in compliance with the *Zoning Ordinance*, based on the property's frontage on North DuPont Highway (an "Urban Principal Arterial" street). However, the two (2) other permitted wall signs are limited in area based on the property's frontage on Townshend Boulevard (an "Urban Collector street"). The applicant is requesting a variance from the Supplementary Sign Regulations as specified in the *Zoning Ordinance*, Article 5 §4.7 in order to allow these signs to exceed the maximum permitted sign area for an Urban Collector street.

The applicant's full sign package can be found in Exhibit D. The sign package specifies six (6) wall signs, however for zoning purposes the signs may be combined into four (4) signs as in two cases two signs are right next to each other.

Adjacent Land Uses

This property is part of the Capital Commons Shopping Center (addressed as 545, 515, and 505 North DuPont Highway). The shopping center is zoned C-4. The main building of the shopping center is located to the north of the site and contains two retail establishments (Big Lots and Burlington). Northwest of the site across the center's main parking lot is another restaurant use currently under construction (Panera Bread, Site Plan S-16-23). A pylon sign for the common use of all the establishments in the shopping center is located midway between the two restaurant sites. The shopping center, and more specifically the Longhorn Steakhouse site itself, are located at the intersection of North DuPont Highway and Townsend Boulevard.

Across North DuPont Highway and Townshend Boulevard from the site are a large number of small commercial buildings. A sampling of the businesses and institutions in the area include a loan center, an insurance agency, a tattoo parlor, a gas station, a children's learning center, and a church. These properties are mostly zoned C-4, though three directly across North DuPont Highway from the site are zoned C-2A (Limited Central Commercial Zone). To the northeast of the site down Townsend Boulevard are one-family residences in the Towne Point subdivision, zoned R-8 (One-Family Residence Zone).

A map of the property and surrounding area may be found in Exhibit A.

Code Citations

The City of Dover sign regulations found in *Zoning Ordinance* Article 5 §4 determine the allowable number, type and dimensional characteristics of signage on a property according to:

- The type of use
- Proximity to residential uses
- Classification of roads on which the property has frontage

The proposed restaurant is considered a permitted, non-residential use not located adjacent to a residential use as specified in Article 5 §4.3 of the *Zoning Ordinance*.

The City of Dover sign regulations distinguish three (3) types of roads for purposes of determining allowable signage. North DuPont Highway is an “Urban Principal Arterial” as defined by Article 5 §4.3, while Townsend Boulevard is an “Urban Collector.”

The entire “Sign Table” from *Zoning Ordinance* Article 5 §4.7 is presented in Exhibit B. The section pertaining to this project is highlighted at the bottom of the table.

This section is what applies to “Nonresidential Uses in Nonresidential Districts” as shown in the vertical text on the left, and shows the sign types, maximum number of signs, sign area, sign height, and minimum required setbacks and exclusion zones for signs on properties fronting both “Urban Principal Arterial” and “Urban Local/Collector” streets.

When a property fronts on two streets of differing classifications, the regulations pertaining to each classification apply to the signs granted by that street frontage. For this property, two wall signs are permitted based on the property’s frontage on North DuPont Highway. Two wall signs are also permitted based on the property’s frontage on Townsend Boulevard. However, the signs granted by Townsend Boulevard are limited in size to 32 SF, while the signs granted by North DuPont Highway have no specific maximum size. All wall signs are limited to being no more than 15% of the size of the facade they are on.

To promote flexibility in signage designs, wall signs may be placed on any façade of the building regardless of what street classification they are permitted under. (See *Zoning Ordinance* Article 5 §4.4(C)(5).)

The table below compares what is permitted under *Zoning Ordinance* Article 5 §4.7 to the applicant’s proposed signage. Based on the ability to locate signs on any façade, the two allowed signs with no specific maximum have been matched to the applicant’s two larger requested wall signs.

Table 1
Allowed and Requested Signage, 505 North DuPont Highway

Sign #	Description	Location		Max size	Max height	% of Wall Area	Setback (ROW)	Exclusion Zone
1	36" Channel Letters on Raceway	west façade	Permitted	32 SF	N/A	15%	N/A	N/A
			Requested	68.9 SF		3.1%		
2	36" Channel Letters on Raceway w/ Steer Logo	north façade	Permitted	No max	N/A	15%	N/A	N/A
			Requested	88.6 SF		4%		
3	36" Channel Letters on Raceway	south façade	Permitted	32 SF	N/A	15%	N/A	N/A
			Requested	68.9 SF		3.6%		
4	36" Channel Letters on Raceway w/ Steer Logo	east façade	Permitted	No max	N/A	15%	N/A	N/A
			Requested	88.6 SF		4.2%		
5	Monument Sign	west of building	Permitted	100 SF	10 feet	N/A	10 feet	20 feet
			Requested	48 SF	10 feet		not specified	>20 feet

*Pylon sign tenant panel not included in the above table, as the regulations for pylon signs do not include regulations for individual panels.

Exceptional Practical Difficulties Tests

Zoning Ordinance Article 9 §2 dictates the specific powers and duties of the Board of Adjustment with regard to granting variances. Specifically, the Board must determine:

2.1 Variance – The board shall have the authority to authorize variances from provisions of the Zoning Ordinance that are not contrary to public interest where the board determines that a literal interpretation of the Zoning Ordinance would result in undue hardship or exceptional practical difficulties to the applicant. In granting variances, the board shall determine that the spirit of the Zoning Ordinance is observed and substantial justice is done.

2.11 Area Variance. A variance shall be considered an area variance if it relates to bulk standards, signage regulations, and other provisions of the Zoning Ordinance that address lot layout, buffers, and dimensions. In considering a request for an area variance, the board shall evaluate the following criteria and document them in their findings of fact:

- (a) the nature of the zone in which the property lies;
- (b) the character of the immediate vicinity and the contained uses therein;
- (c) whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses; and
- (d) whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is a permitted use under the provisions of the Zoning Ordinance.

Review of Application

As a part of the application, the applicant was asked to state how the requested variance relates to the above four criteria. The applicant's responses are provided below, along with a staff assessment of the application in accordance with the required criteria. The applicant's responses are also provided in Exhibit C.

1. The nature of the zone in which the property lies.

Applicant Response:

“The Longhorn Steakhouse is located in a C-4 Highway Commercial zone. This corridor is occupied by various types of businesses, many similar in nature to Longhorn Steakhouse's use. The proposed signage is equivalent to signage currently represented in this commercial corridor.”

Staff Response:

Staff concurs that the C-4 zone permits a wide variety of businesses, including restaurants. The basic building and site typology used by the steakhouse, i.e. a freestanding building housing a single restaurant and surrounded by parking, is common along DuPont Highway. The proposed signage is equivalent in character to other signs in the zone and along the highway, and each individual sign is within the permitted size range for this urban principal arterial. However, all four of the signs together being as large as they are is atypical for businesses along the corridor.

2. The character of the immediate vicinity and the contained uses therein.

Applicant Response:

“The immediate vicinity is high-density commercial in nature. There is a wide variety of uses ranging from gas stations to hotels, retail, and other restaurants. The main thoroughfare of DuPont Highway is a 4-lane road with a speed limit of 40 MPH with a

fifth turning lane and signage is critical for traffic safety in a commercial corridor such as this.”

Staff Response:

Staff concurs with the applicant regarding the high-density commercial nature of the immediate area. Staff also concurs with the need for signage that is appropriate to the size and speed of the roadway in order to promote traffic safety. In front of the site there are three (3) northbound lanes and three (3) southbound lanes. There is also a turn lane leading into the Capital Commons Shopping Center that starts about 370 feet from the site. Directly in front of the site is a lane that allows westbound traffic on Townsend Boulevard to turn right onto North DuPont Highway.

3. Whether, if the restriction upon the applicant’s property were removed, such removal would seriously affect neighboring properties and uses.

Applicant Response:

“The variance requested will not negatively affect any neighboring properties or uses. It will primarily serve as appropriate and necessary wayfinding services. Our visibility and branding will add another profitable business in this commercial corridor which will drive revenue for other businesses in the area as consumers are drawn to the area. This visibility would allow motorists to safely navigate the vicinity, visit Longhorn Steakhouse, and shop at surrounding retail establishments. Being granted relief from the current square footage limitation would allow Longhorn Steakhouse to promote the economic success of the surrounding area while still being compatible with the sign code’s intended purpose of allowing a signage presence that clearly identifies a business to surrounding motorists. In granting this variance, the intent of the sign code is upheld and it is proven a commercial corridor benefits from well-designed and effective wayfinding signage.”

Staff Response:

Staff believes that granting the sign variance will negatively impact neighboring properties and uses. The goal of providing safe wayfinding services while clearly identifying the business may be met with smaller signs. In general, while businesses have a right to visibility and branding, such branding must not be excessive in nature. Too many oversized signs are detrimental to neighboring businesses because the business owners, especially if they operate in a similar market (i.e. are also restaurants), may feel that their neighbor’s oversized signs will draw customers away from their own establishments. This risks sparking a campaign of one-upmanship as businesses erect ever-larger signs in order to compete for potential customers’ attention. Competition necessarily arises because signs by themselves cannot attract additional customers to an area for all of the businesses to share; they can only direct and inform people already there or passing through.

Staff also has concerns about safety issues that may arise from the applicant’s proposed signage. In general, seeing a business logo once or twice from a car driving on the highway should be sufficient for a customer to identify the location of the business.

Additional signs, especially large ones, risk confusing and distracting passing drivers. It is for this reason that businesses along urban principal arterials are typically limited to two large wall signs. Any additional wall signs permitted to them must be smaller, and are encouraged to be visible primarily from places with slower traffic, such as low-speed streets or parking lots.

4. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is a permitted use under the provisions of the *Zoning Ordinance*.

Applicant Response:

“Strict adherence to the sign code would negatively affect navigational abilities for motorists. Failure to obtain relief for the sign code would hinder traffic safety as clear visibility of the business to passing motorists is essential. The location of the incoming Longhorn Steakhouse is situated upon two streets which will be critical to have signage on in order to provide effective wayfinding for motorists. Motorists traveling toward DuPont Highway via Townsend Boulevard will require the signage for proper directional assistance to navigate onto our property. Without relief from the sign code, motorists will not be able to make safe and proper navigational decisions. The variance request proposed by Longhorn Steakhouse would greatly increase our visibility to both motorists and possible customers shopping in the plaza. The additional number and square footage is necessary to properly identify, advertise, and provide wayfinding to our site.”

Staff Response:

Staff believes that the maximum allowable signage under the *Zoning Ordinance* is adequate to properly and safely direct motorists onto the site and to the building, and that therefore no unnecessary hardship or exceptional practical difficulty exists. The applicant speaks of the need to have signage along DuPont Highway and Townsend Boulevard, yet is not proposing their two larger permitted signs of 88.6 SF each along these frontages. Once a customer is in the shopping center parking lot, a sign of 88.6 SF or 68.9 SF is unnecessary, as a 32 SF sign is visible from a fair distance away when moving slowly or still. Finally, if additional wayfinding signage is needed, the applicant has a number of other options that would be permitted under the *Zoning Ordinance*, including a larger monument sign or a new pylon sign specific to the restaurant. The applicant could also put up directional signs in the parking lot, which would not need permits if they were under 5 SF.

Variance Recommendation

Staff recommends **denial** of the variance to permit two (2) signs exceeding 32 SF, for the following reasons:

- The size of the requested sign area would be out of character for the zone and the surrounding uses.

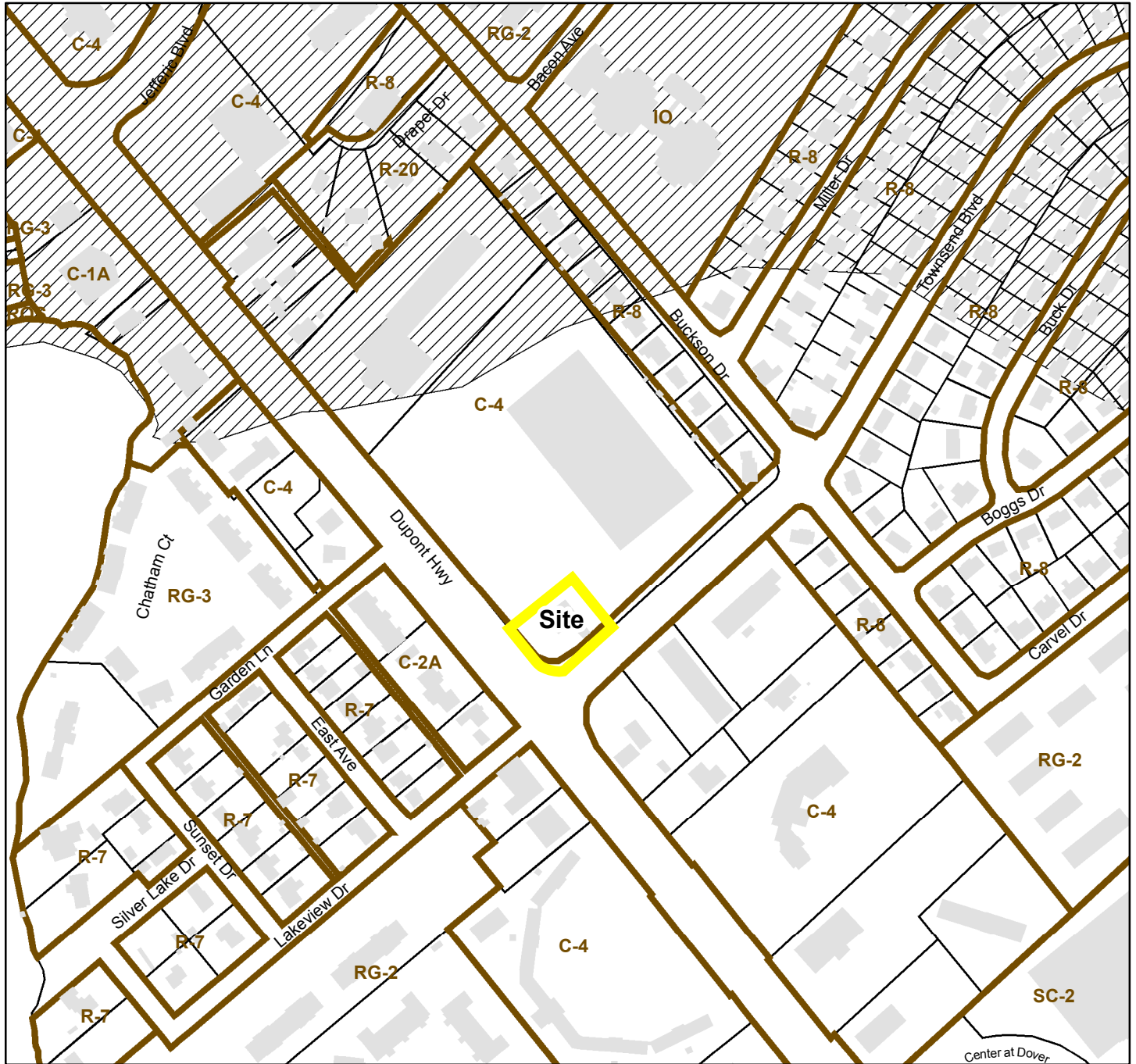
- Having excessive signage may promote unhealthy competition for larger signs among the neighboring businesses.
- The size of the requested sign area may be unsafe due to the potential to confuse or distract passing motorists.
- The signs permitted under the *Zoning Ordinance* are sufficient to meet the applicant's goals of branding, business identification, wayfinding, and safety. The applicant does not appear to have fully explored the other options available.

Advisory Comments to the Applicant

- If granted, variances become null and void if work has not commenced within one (1) year of the date the variance was granted. At present there is no provision for extension.

GUIDE TO ATTACHMENTS

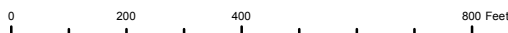
Exhibit	Description/Author	# Pages
A	Zoning Exhibit Map (Staff)	1
B	Sign Table from <i>Zoning Ordinance</i> Article 5 Section 4.7 (Staff)	1
C	Applicant Responses to Criteria	1
D	Applicant's Proposed Sign Package	18 (11"x17")



Title: Longhorn Steakhouse
Address: 505 N DuPont Highway
Parcel IDs: ED-05-068.09-01-35.00-000
Zoning: C-4
Owner: TLM Realty
Date: 8/31/2017

Legend

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



Zoning Ordinance , Article 5 §4.7

SIGN TABLE										
Use		Road Type	Permitted Signs							
	Specific		Sign Type	Number Permitted	Max. Size	Max. Height	% of Total Wall Area	Setback (R.O.W.)	Exclusion Zone	
Residential Uses and Nonresidential Uses in Residential Districts	Single-Family Detached Semi-Detached	All Streets	Signs permitted in § 4.5 only							
	Professional Office	All Streets	Post or Monument	1/entrance	12 S.F.	7 feet	N/A	5 feet	20 feet	
			Wall	1/frontage	16 S.F.	N/A	< = 15%	N/A	N/A	
	Subdivisions Multi-Family Residential Uses Mobile Home Parks	All Streets	Wall &	1/frontage	32 S.F.	N/A	< = 15%	N/A	N/A	
			Monument or Post and Panel	2/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet	
Nonresidential Uses Adjacent to Residential Districts or Uses	Places of Worship	Urban Principal Arterial	Wall &	2/frontage	32 S.F.	N/A	< = 15%	N/A	N/A	
	Daycare Centers Approved Conditional Uses		Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	10 feet	20 feet	
			Post** &	1/frontage	16 S.F.	7 feet	N/A	5 feet	5 feet	
	Educational/ Institutional	Urban Minor Arterial	Pylon*	1/frontage	32 S.F.	30 feet	N/A	30 feet	50 feet	
			Wall &	2/frontage	32 S.F.	N/A	< = 15%	N/A	N/A	
	All Other Approved Nonresidential Uses	Urban Minor Arterial	Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet	
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet	
			Urban Local/ Collector	Wall &	2/frontage	32 S.F.	N/A	< = 15%	N/A	N/A
				Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet
	Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet			
	Nonresidential Uses in Nonresidential Districts	Nonresidential Uses	Urban Principal Arterial	Wall &	2/frontage	No max	N/A	< = 15%	N/A	N/A
				Monument or Post and Panel &	1/entrance	100 S.F.	10 feet	N/A	10 feet	20 feet
Pylon OR *				1/frontage	100 S.F.	30 feet	N/A	15 feet	50 feet	
Pylon*				1/frontage	150 S.F.	30 feet	N/A	31 feet	50 feet	
Urban Minor Arterial			Wall &	2/frontage	64 S.F.	N/A	< =15%	N/A	N/A	
			Monument or Post and Panel OR	1/entrance	64 S.F.	7 feet	N/A	5 feet	20 feet	
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet	
Urban Local/ Collector			Wall &	2/frontage	32 S.F.	N/A	< = 15%	N/A	N/A	
			Monument or Post and Panel OR	1/entrance	32 S.F.	7 feet	N/A	5 feet	20 feet	
			Post**	1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet	
				1/frontage	16 S.F.	7 feet	N/A	5 feet	10 feet	

* Denotes that an additional wall sign may be permitted/added in lieu of a freestanding pylon sign.

** Post sign would be in lieu of a monument sign or post and panel sign.

Variance Criteria – Longhorn Steakhouse at 515 [505 N] DuPont Highway**1. *The nature of the zone in which the property lies***

The Longhorn Steakhouse is located in a C-4 Highway Commercial zone. This corridor is occupied by various types of businesses, many similar in nature to Longhorn Steakhouse's use. The proposed signage is equivalent to signage currently represented in this commercial corridor.

2. *The character of the immediate vicinity and the contained uses therein*

The immediate vicinity is high-density commercial in nature. There is a wide variety of uses ranging from gas stations to hotels, retail, and other restaurants. The main thoroughfare of DuPont Highway is a 4-lane road with a speed limit of 40 MPH with a fifth turning lane and signage is critical for traffic safety in a commercial corridor such as this.

3. *Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses.*

The variance requested will not negatively affect any neighboring properties or uses. It will primarily serve as appropriate and necessary wayfinding services. Our visibility and branding will add another profitable business in this commercial corridor which will drive revenue for other businesses in the area as consumers are drawn to the area. This visibility would allow motorists to safely navigate the vicinity, visit Longhorn Steakhouse, and shop at surrounding retail establishments. Being granted relief from the current square footage limitation would allow Longhorn Steakhouse to promote the economic success of the surrounding area while still being compatible with the sign code's intended purpose of allowing a signage presence that clearly identifies a business to surrounding motorists. In granting this variance, the intent of the sign code is upheld and it is proven a commercial corridor benefits from well-designed and effective wayfinding signage.

4. *Whether, if the restriction is not removed the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is permitted uses under the provisions of the zoning ordinance.*

Strict adherence to the sign code would negatively affect navigational abilities for motorists. Failure to obtain relief for the sign code would hinder traffic safety as clear visibility of the business to passing motorists is essential. The location of the incoming Longhorn Steakhouse is situated upon two streets which will be critical to have signage on in order to provide effecting wayfinding for motorists. Motorists traveling toward DuPont Highway via Townsend Boulevard will require the signage for proper directional assistance to navigate onto our property. Without relief from the sign code, motorists will not be able to make safe and proper navigational decisions. The variance request proposed by Longhorn Steakhouse would greatly increase our visibility to both motorists and possible customers shopping in the plaza. The additional number and square footage is necessary to properly identify, advertise, and provide wayfinding to our site.



LH16 Building

515 N. DuPont Highway
Dover, DE 19901

Store #TBD

August 15, 2017

Preliminary Sign Package



Ph: 1 . 800 . 599 . 7696

Fax: 1 . 574 . 237 . 6166

www.siteenhancementservices.com

- A** 36" Channel Letters: 68.9 SF

- B** 36" Channel Letters: 68.9 SF

- C** 3'-9" x 5'-3" Steer Logo: 19.7 SF

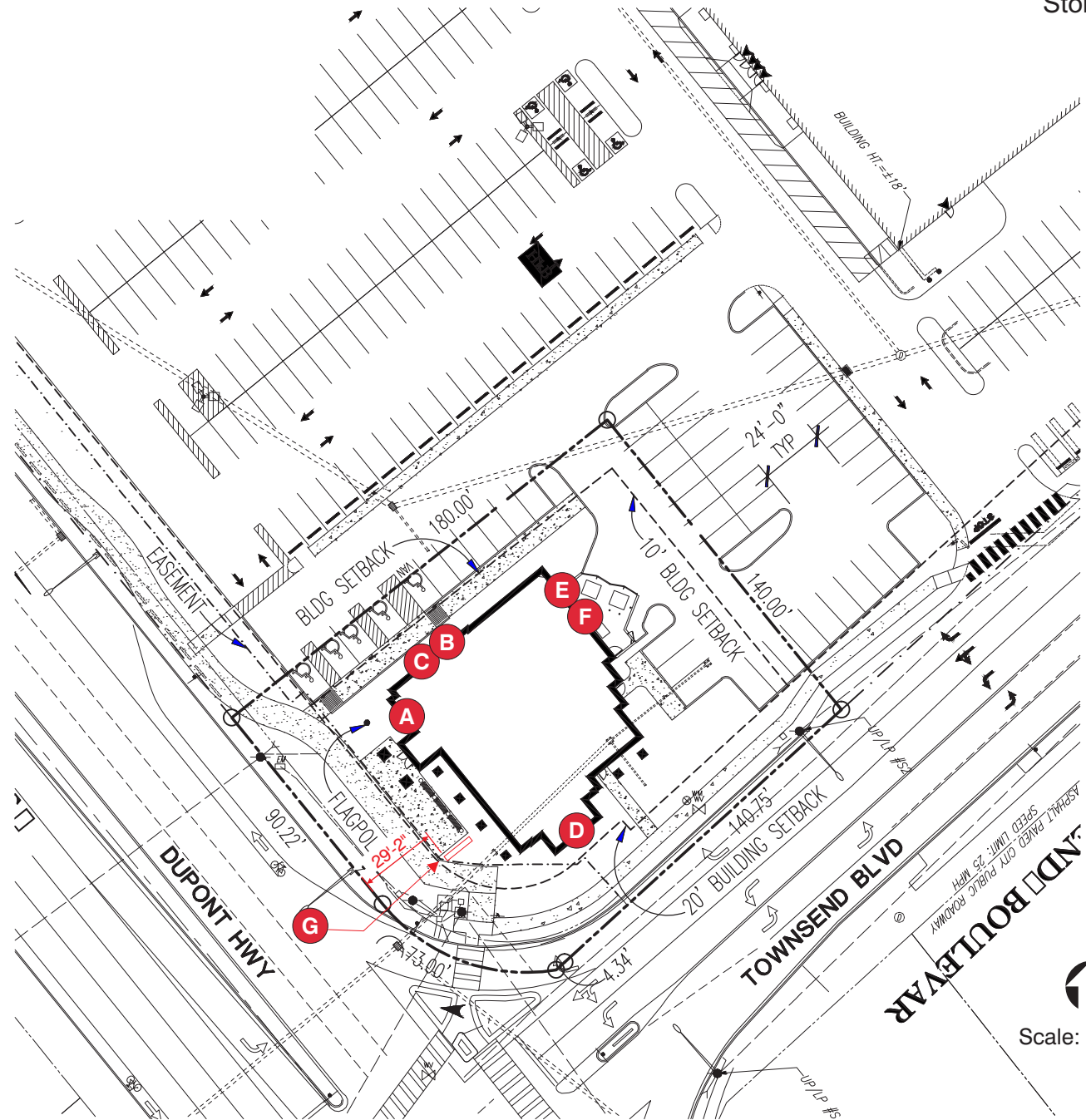
- D** 36" Channel Letters: 68.9 SF

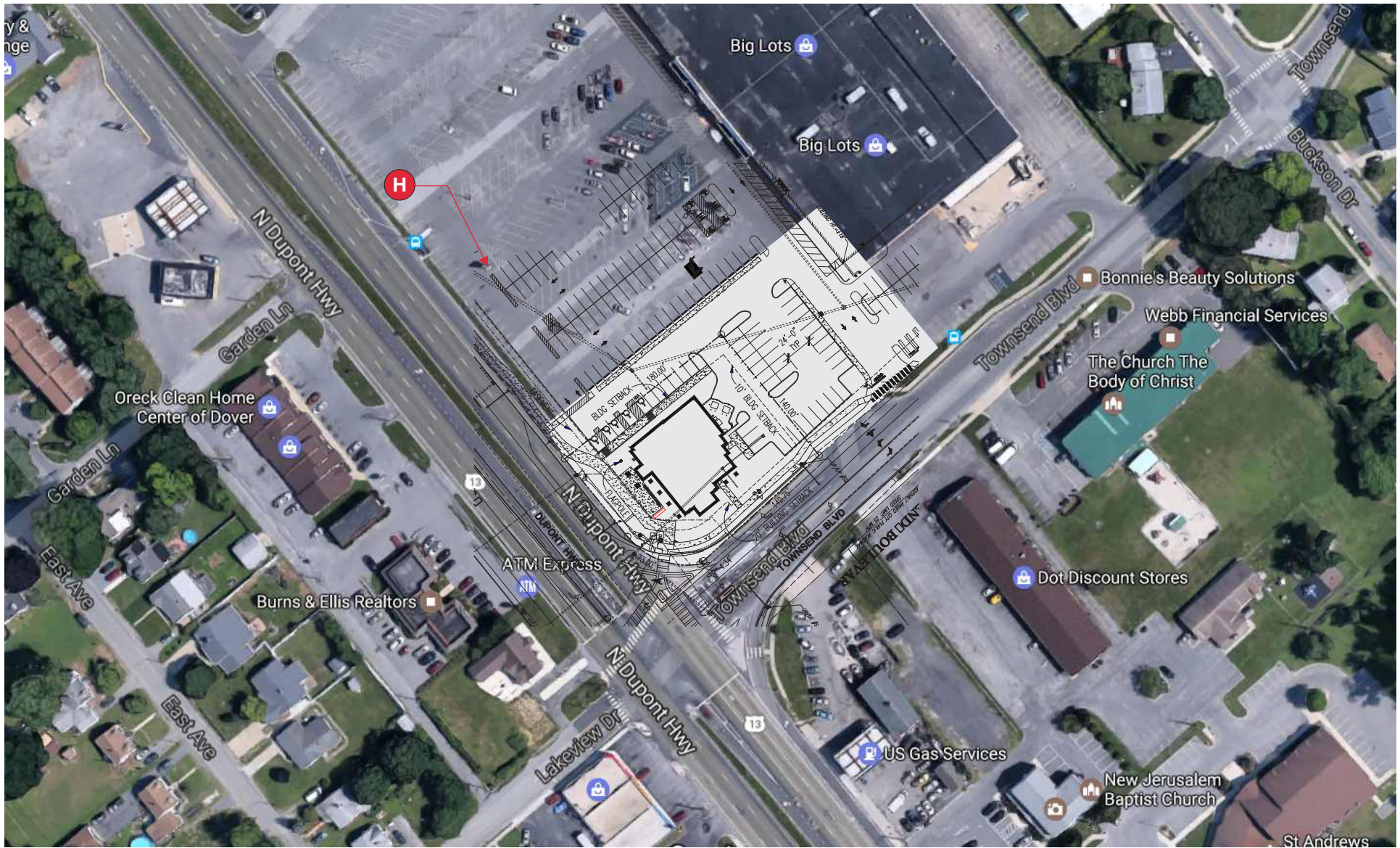
- E** 36" Channel Letters: 68.9 SF

- F** 3'-9" x 5'-3" Steer Logo: 19.7 SF

- G** 4'-0" x 12'-0" Monument at 10'-0" OAH: 48 SF

- H** 2'-0" x 6'-0" Tenant Panel: 12 SF
See next page for sign location





Front Elevation

Store #TBD

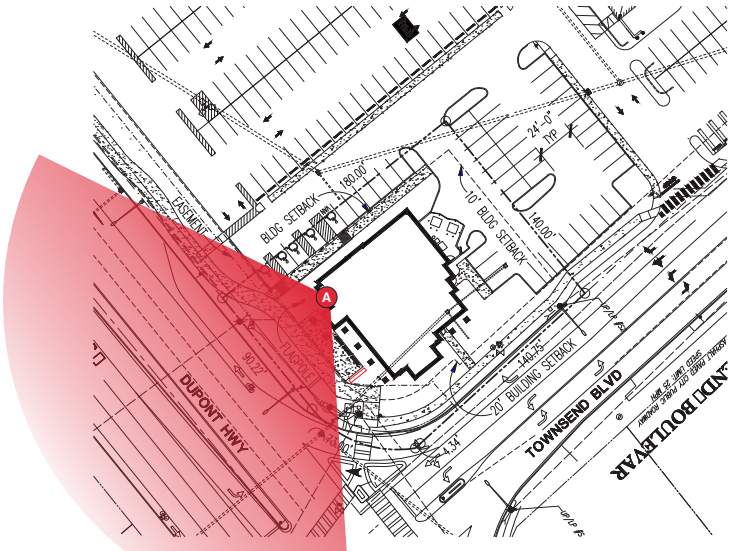


Measurements based on architectural plans provided. Measurements to be field verified.

Scale: 1/16"=1'



36" Channel Letters on Raceway (Internally Illuminated w/LED)
 Utilized Square Footage: 68.9
 Scale: 1/4"=1'



Left Elevation

Store #TBD

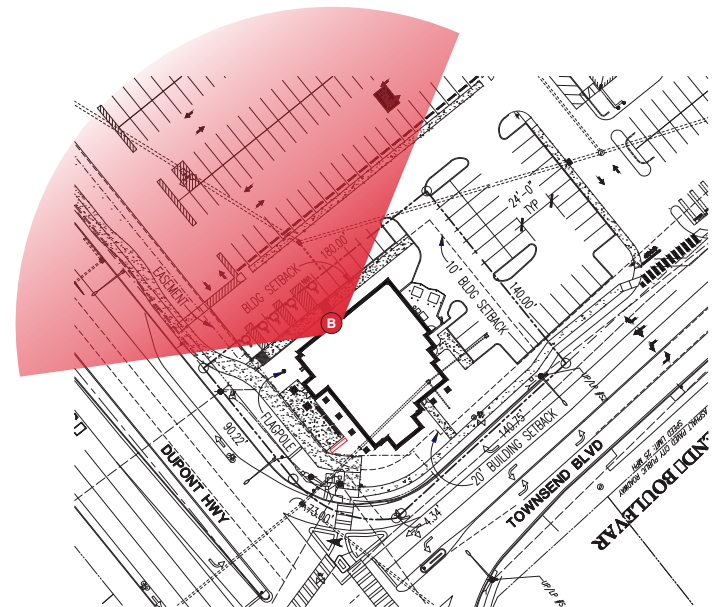


Measurements based on architectural plans provided. Measurements to be field verified.

Scale: 1/16"=1'



36" Channel Letters on Raceway (Internally Illuminated w/LED)
Utilized Square Footage: 68.9
Scale: 1/4"=1'



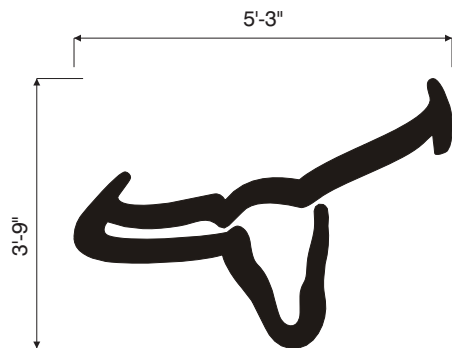
Left Elevation

Store #TBD

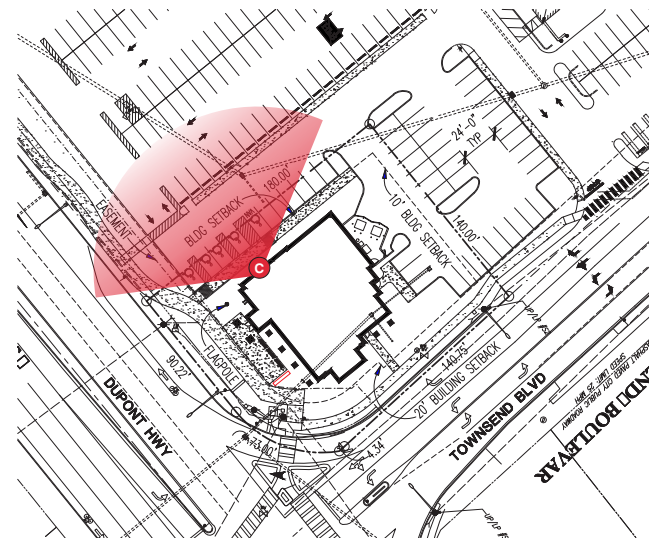


Measurements based on architectural plans provided. Measurements to be field verified.

Scale: 1/16"=1'



Steer Logo (Halo Illuminated w/LED)
Utilized Square Footage: 19.7
Scale: 3/8"=1'



Right Elevation
Store #TBD

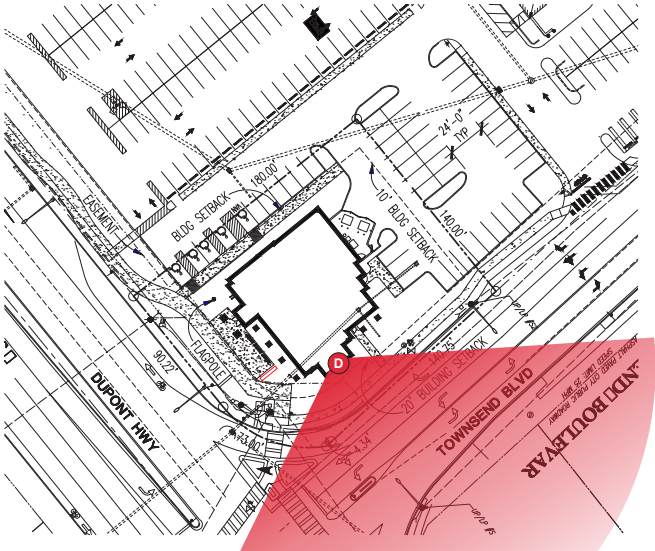


Measurements based on architectural plans provided. Measurements to be field verified.

Scale: 1/16"=1'



36" Channel Letters on Raceway (Internally Illuminated w/LED)
Utilized Square Footage: 68.9
Scale: 1/4"=1'



Rear Elevation
Store #TBD

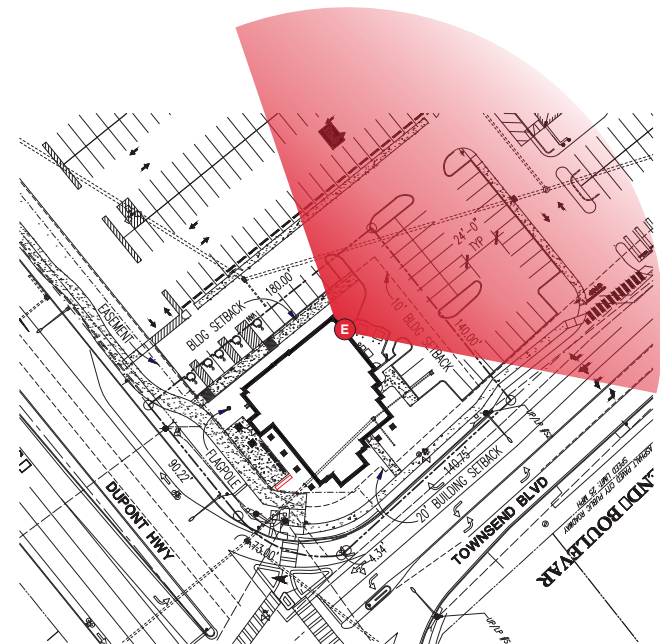


Measurements based on architectural plans provided. Measurements to be field verified.

Scale: 1/16"=1'



36" Channel Letters on Raceway (Internally Illuminated w/LED)
Utilized Square Footage: 68.9
Scale: 1/4"=1'



48 SF Monument

Store #TBD

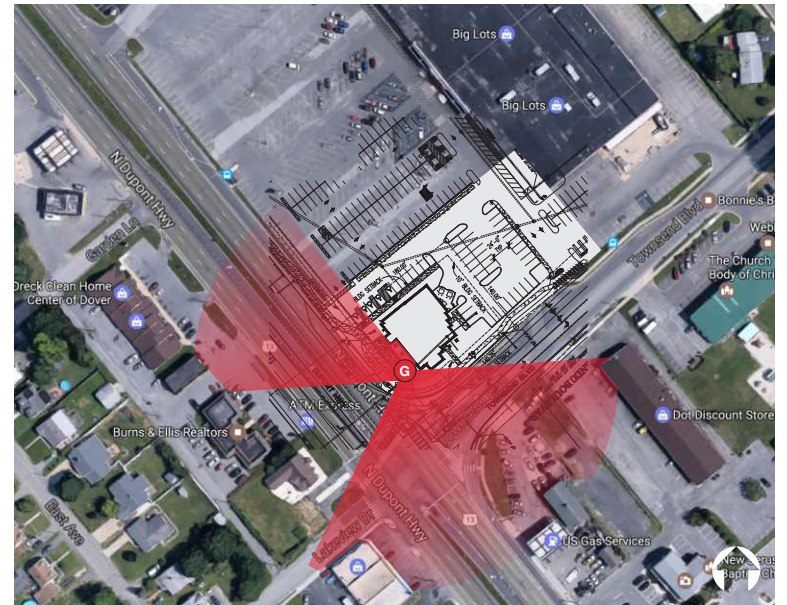


Note: Base structure by sign company. Stone provided by owner and installed by GC.

48 SF Monument (*Internally Illuminated*)

Utilized Square Footage: 48.0 | Allowed Square Footage: 100

Scale: 3/8" = 1'





Tenant Panel
 Utilized Square Footage: 6 | Allowed Square Footage: 6
 Scale: 1/2"=1'

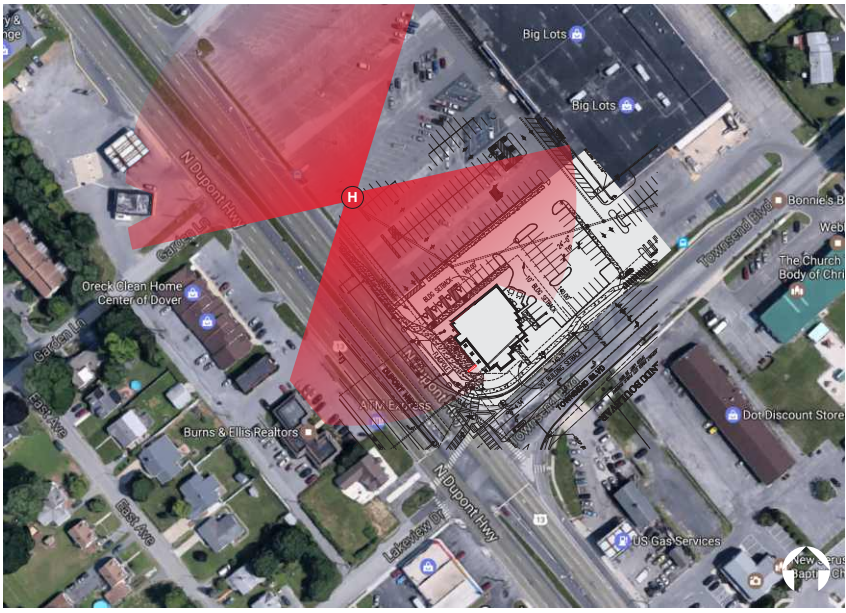
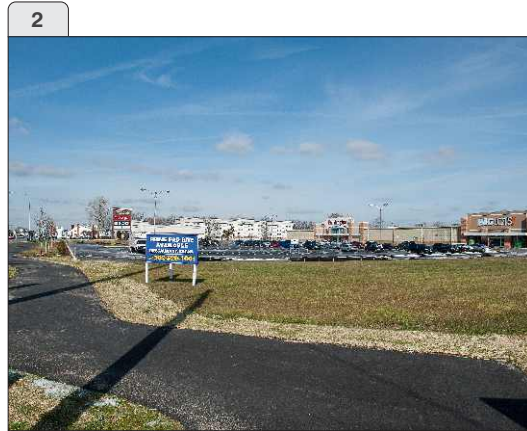


Photo Overview

Store #TBD





MATERIAL FINISH COLORS		
Returns	Faces	Trimcap
Pre-finished Aluminum Matte Black finish	7328 White Acrylic	Black

Sign company responsible for choosing raceway color that best matches facade color.

RACEWAY COLORS		
Raceway Option 1	Raceway Option 2	Raceway Option 3
Benjamin Moore #063 "Pennies from Heaven"	Benjamin Moore "Brookline Beige" HC 47	Benjamin Moore "Country Redwood" HC-183
Quantity	Quantity	Quantity

ELECTRICAL REQUIREMENTS	
Total:	2.5 Amps
(1) 120V 20A Circuit Required.	
ALL BRANCH CIRCUITS SHALL BE DEDICATED TO SIGNS (INCLUDING GROUND AND NEUTRAL) AND SHALL NOT BE SHARED WITH OTHER LOADS.	

LH-36RW / INTERNALLY ILLUMINATED CHANNEL LETTERS ON RACEWAYS / 61.78 SQ.FT.

SCALE : 1/2" = 1'-0"

"LONGHORN STEAKHOUSE":

FACES: (.187) #7328 WHITE ACRYLIC W/ 1" BLACK TRIMCAP.

RETURNS: 5" DEEP, .040 PRE-FINISHED MATTE BLACK ALUMINUM

NOTE: INTERIOR OF LETTERS TO BE PAINTED W/ WHITE LIGHT ENHANCEMENT PAINT.

ILLUMINATION: GE WHITE LED MODULES & POWER SUPPLIES(PER GE LAYOUT)

CUSTOMER TO PROVIDE:

(For New / Remodel Construction) ADEQUATE BEHIND THE WALL BACKING AND ACCESS AS REQUIRED TO INSTALL SIGNAGE. CUSTOMER TO FORWARD COPY OF FINAL APPROVED SIGNAGE DRAWINGS TO BUILDING SITE CONTACT SO THAT THESE PROVISIONS CAN BE MADE DURING CONSTRUCTION AND PRIOR TO SIGN INSTALLATION.

ALL BRANCH (PRIMARY ELECTRICAL SERVICE) CIRCUITS & FINAL CONNECTION TO EACH SIGN (WITHIN 5 FT.) TO BE BY CERTIFIED ELECTRICIAN:

- A. All branch circuits for signs must be totally dedicated to signs (including dedicated ground and dedicated neutral per circuit).
- B. Sign circuits must not be shared with other loads such as lighting, air conditioning, and other equipment.
- C. Properly sized ground wire that can be traced back to the breaker panel must be provided.
- D. Number and size of circuits for each sign to meet Federal Heath Sign's requirement.

Any deviation from the above recommendations may result in:

- 1. Damage to or improper operation of the sign(s).
- 2. Delays and additional costs.

Notes:

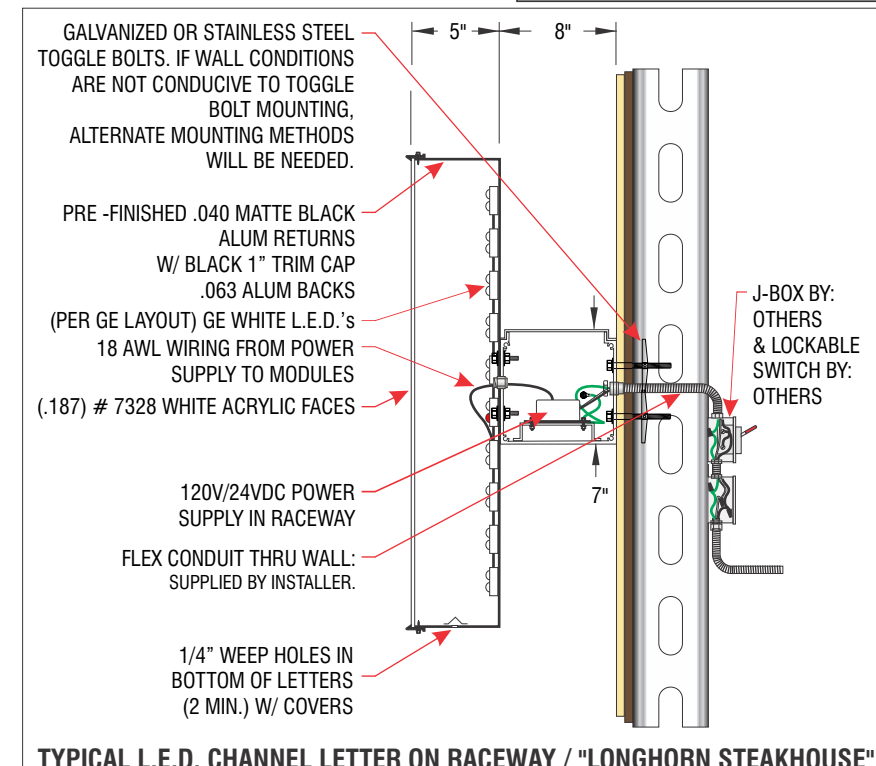
- Ⓢ Certain electrical components of signs will fail prematurely if signs are not shut-off for a period of time, once, each day. For best performance, we recommend signs to be connected to an automatic controlling device such as an Energy Management System, Time Clock or Photo Cell that will automatically shut-off the sign for a period of time, each day. Failure to do so will cause damage to the electrical components of the sign and will void the warranty.
- Ⓢ Some dimming devices will also adversely affect sign electrical components, causing failure. Any dimming of the sign without consultation with Federal Heath Sign Co. will void the warranty.

INSTALLER IS RESPONSIBLE FOR:

PROVIDING AND INSTALLING ALL COMPONENTS REQUIRED TO RUN SECONDARY WIRING (CONNECTORS, GTO CONDUIT, ETC.) TO BE DETERMINED BY LOCAL CODE AND SITE CONDITIONS.

PROVIDING ALL NEEDED INSTALLATION HARDWARE AS DETERMINED BY LOCAL CODE AND SITE CONDITIONS.

SEALING BUILDING PENETRATIONS WITH SILICONE TO PREVENT MOISTURE PENETRATION @ EXTERIOR LOCATIONS.



TYPICAL L.E.D. CHANNEL LETTER ON RACEWAY / "LONGHORN STEAKHOUSE"

GE LED LOW VOLTAGE LIGHTING SYSTEM
U.L. LISTED - CLASS 2 - CONFORMS TO U.L. 48 - N.E.C. 600 STANDARDS

GENERAL NOTES:

- 1. CONTRACTOR SHALL VERIFY WALL CONDITIONS IN THE FIELD.
- 2. TYPE, SIZE & NUMBER OF FASTENERS TO BE DETERMINED.
- 3. ALL BOLT TO BE DRILLED AND OR PUNCHED.
- 4. ISOLATE ALUMINUM FROM STEEL.

MATERIAL ESTIMATION		Job Name: LONGHORN_36(GEMX2471-W1)_STEAKHOUSE_12(GEMM2471-W)				Material List		
Sign Information		Special Instructions				Description	SKU	Qty
REF.	LH-36RW	ESTIMATE FOR SINGLE FACED SIGN				GEMX2471-W1	93053670	137 Mod 91 Ft
					GEMM2471-W1	93053666	69 Mod 35 Ft	
1) THE GRAPHICS BELOW ARE FOR REFERENCE ONLY and should not be used for commercial quotation or bid without validation. The material estimates for Tetra® LED Systems are based upon our engineering standards and information provided pertaining to font, letter height, can depth, face material, and any special instructions provided by the customer. Missing information will cause delays in delivery of estimate as well as affect product selection, quantities, application, and illumination.								
2) LED MODULE PLACEMENT AND QUANTITY IS AN APPROXIMATION ONLY. The sign manufacturer <u>must</u> verify module placement and quantity to ensure even illumination.						GEPS24-100U-NA		2 Ea
3) Final material quantities for estimation purposes and construction are the responsibility of the sign OEM.						GEPS24-25U-NA		1 Ea
4) All signs should be tested as complete units (including correct Tetra® power supply) before installation for acceptable color, illumination, intensity, & functionality.								0 Sets
5) For detailed information and instructions refer to the applicable Tetra® product found under Signage; http://www.gelighting.com/LightingWeb/na/solutions/sign-lighting/								0 Sets
Can Depth	Power Supply Location	Illumination	Total Amps (Primary)	Total Watts (System)	Total Area	Energy Usage	Wire Connector	191600041 or 192160004
5"	RACEWAY	FACE LIT	2.5 Amps	130.31 Watts	29.95 Sq Ft	4.35 Watts/Sq Ft	18 AWG Supply Wire	9409
							Wire End Caps	191600041
								135 Ft
								42 Ea
						Material Breakdown		
						GEMX2471-W1	Modules	24V P/S
						L	11	100w
						O	17	
						N	20	
						G	15	
						H	20	
						O	17	
						R	17	25w
						N	20	
GEMM2471-W1	Modules	24V P/S						
S	7	100w						
T	5							
E	8							
A	6							
K	7							
H	8							
O	7							
U	6							
S	7							
E	8							

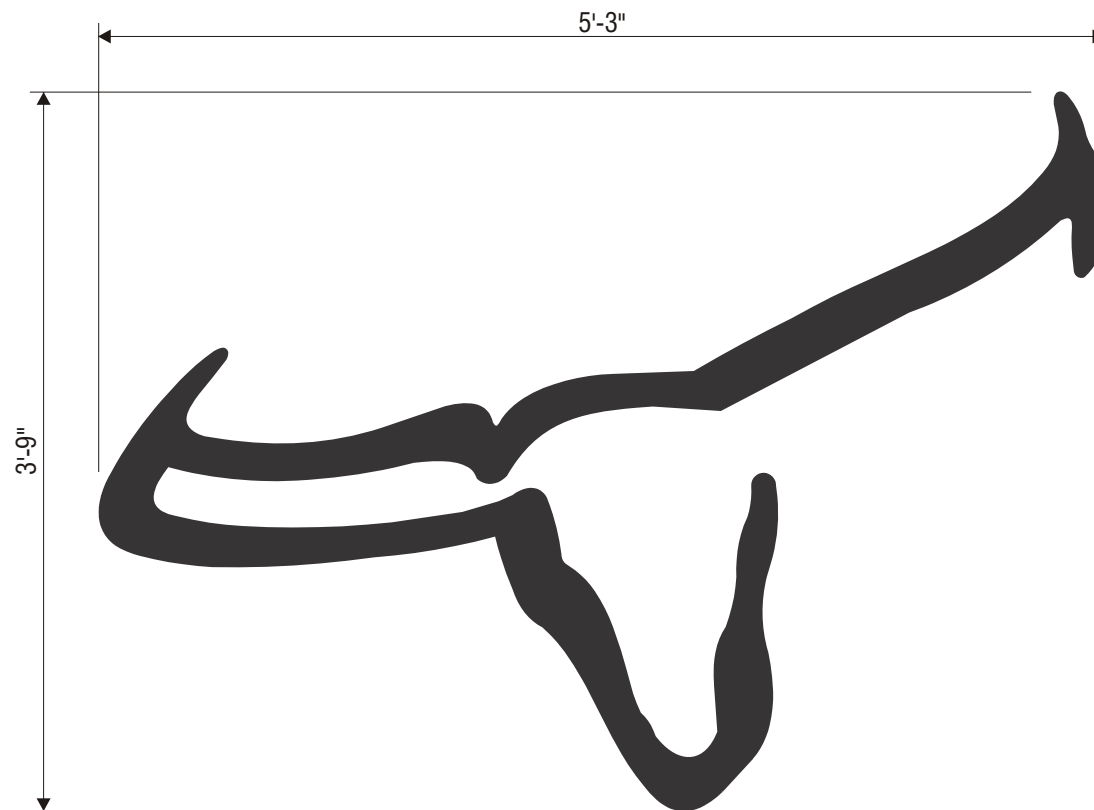
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TECHNICAL SUPPORT:
888-694-3533 / 216-266-2419
EMAIL: tetradrawings@ge.com



Drawn By: MM
Checked By: MM
Date: 6/23/17

Drwg #: 070801 - 03 Rev



LH-45STEER / HALO-ILLUMINATED REVERSE CHANNEL STEER / 19.68 SQ.FT.

SCALE : 1" = 1'-0"

"LONGHORN":

FACE & RETURNS: FABRICATED FROM ALUMINUM & PAINTED SATIN BLACK FINISH.

NOTE: INTERIOR OF LETTERS TO BE PAINTED W/ WHITE LIGHT ENHANCEMENT PAINT.

ILLUMINATION: GE WHITE LED MODULES POWERED BY REMOTE POWER SUPPLIES. (PER GE LAYOUT)

CUSTOMER TO PROVIDE:

(For New / Remodel Construction) ADEQUATE BEHIND THE WALL BACKING AND ACCESS AS REQUIRED TO INSTALL SIGNAGE. CUSTOMER TO FORWARD COPY OF FINAL APPROVED SIGNAGE DRAWINGS TO BUILDING SITE CONTACT SO THAT THESE PROVISIONS CAN BE MADE DURING CONSTRUCTION AND PRIOR TO SIGN INSTALLATION.

ALL BRANCH (PRIMARY ELECTRICAL SERVICE) CIRCUITS & FINAL CONNECTION TO EACH SIGN (WITHIN 5 FT.) TO BE BY CERTIFIED ELECTRICIAN:

- A. All branch circuits for signs must be totally dedicated to signs (including dedicated ground and dedicated neutral per circuit).
- B. Sign circuits must not be shared with other loads such as lighting, air conditioning, and other equipment.
- C. Properly sized ground wire that can be traced back to the breaker panel must be provided.
- D. Number and size of circuits for each sign to meet Federal Heath Sign's requirement.

Any deviation from the above recommendations may result in:

- 1. Damage to or improper operation of the sign(s).
- 2. Delays and additional costs.

Notes:

- ① Certain electrical components of signs will fail prematurely if signs are not shut-off for a period of time, once, each day. For best performance, we recommend signs to be connected to an automatic controlling device such as an Energy Management System, Time Clock or Photo Cell that will automatically shut-off the sign for a period of time, each day. Failure to do so will cause damage to the electrical components of the sign and will void the warranty.
- ② Some dimming devices will also adversely affect sign electrical components, causing failure. Any dimming of the sign without consultation with Federal Heath Sign Co. will void the warranty.

INSTALLER IS RESPONSIBLE FOR:

PROVIDING AND INSTALLING ALL COMPONENTS REQUIRED TO RUN SECONDARY WIRING (CONNECTORS, GTO CONDUIT, ETC.) TO BE DETERMINED BY LOCAL CODE AND SITE CONDITIONS.

PROVIDING ALL NEEDED INSTALLATION HARDWARE AS DETERMINED BY LOCAL CODE AND SITE CONDITIONS.

SEALING BUILDING PENETRATIONS WITH SILICONE TO PREVENT MOISTURE PENETRATION @ EXTERIOR LOCATIONS.

MATERIAL FINISH COLORS

Face & Returns



Satin Black
Painted Aluminum

Logo Back



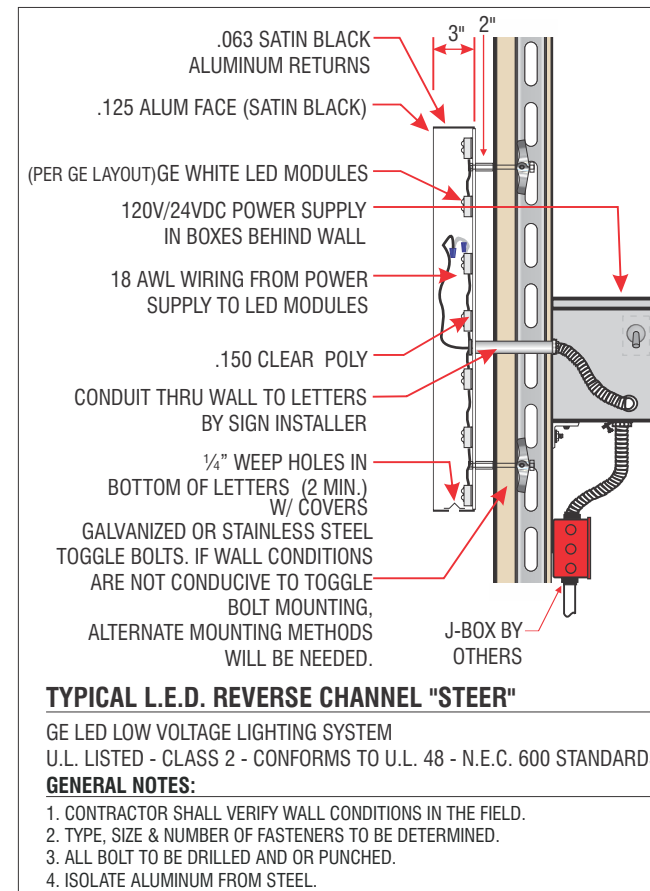
Clear
Polycarbonate

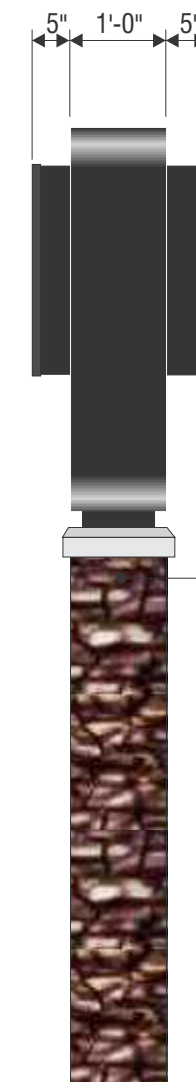
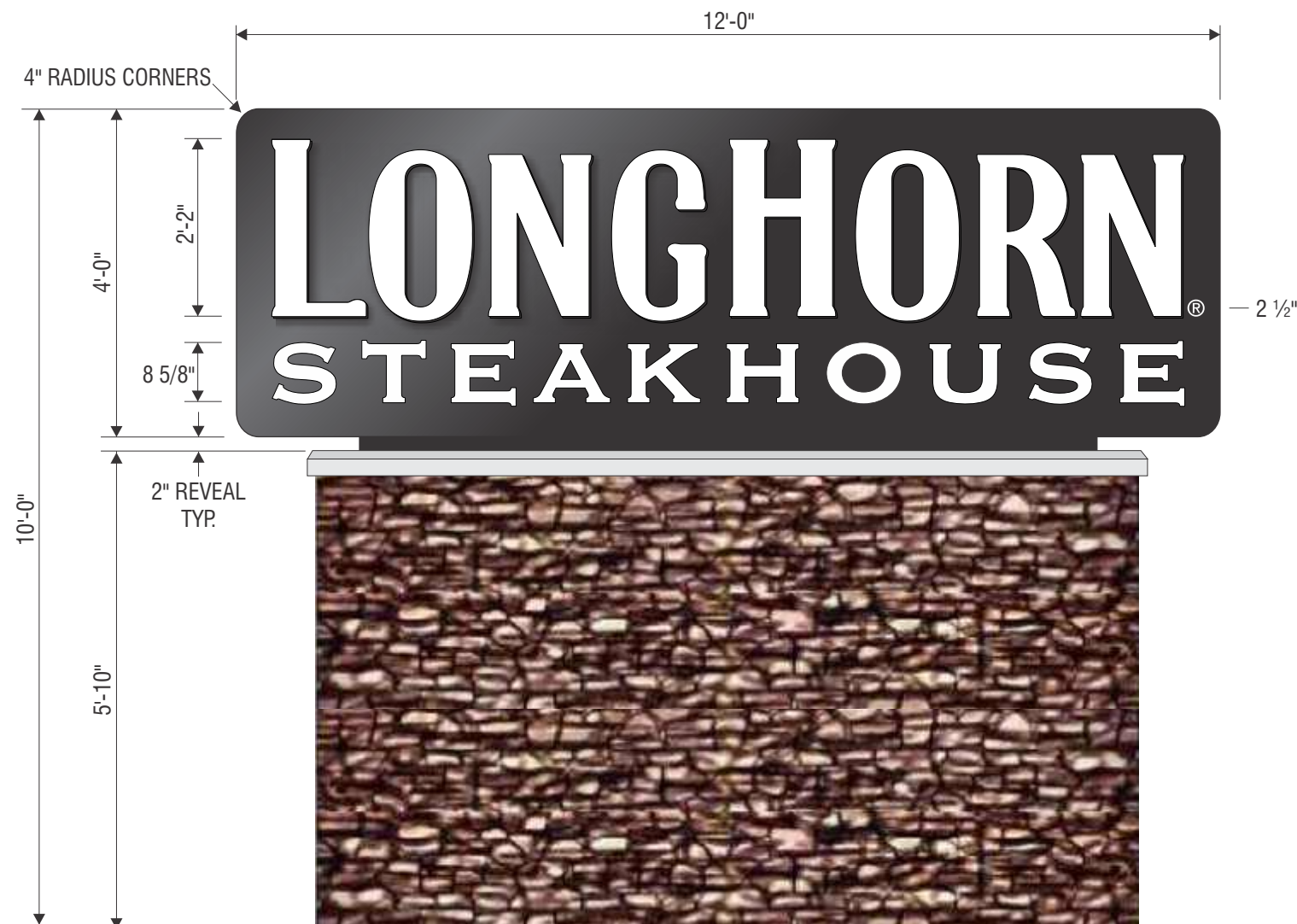
ELECTRICAL REQUIREMENTS

Total: .3 Amps

(1) 120V 20A Circuit Required.

ALL BRANCH CIRCUITS SHALL BE DEDICATED TO SIGNS (INCLUDING GROUND AND NEUTRAL) AND SHALL NOT BE SHARED WITH OTHER LOADS.





NOTE:
 BASE MATERIAL SHALL MATCH STONE
 INSTALLED ON BUILDING.
 GENERAL CONTRACTOR IS
 RESPONSIBLE FOR SUPPLYING
 LABOR & MATERIAL TO INSTALL BASE.

END VIEW

LH-M48 / INTERNALLY ILLUMINATED MONUMENT SIGN / 48.00 SQ.FT.

CABINET: CONVENTIONAL STEEL ANGLE & ALUMINUM SKIN PAINTED SATIN BLACK ON ALL EXTERIOR SURFACES (INCLUDING REVEAL).

SCALE : 1/2" = 1'-0"

"LONGHORN": INTERNALLY ILLUMINATED CHANNEL LETTERS.

FACES: (.187)#7328 WHITE ACRYLIC FACES W/ 1" BLACK TRIM CAP.

RETURNS: 5" DEEP, .040 PRE-FINISHED MATTE BLACK ALUMINUM RETURNS

NOTE: INTERIOR OF LETTERS TO BE PAINTED W/ WHITE LIGHT ENHANCEMENT PAINT.

ILLUMINATION: WHITE GE LED MODULES(PER GE LAYOUT)

"STEAKHOUSE": COPY TO BE ROUTED OUT OF ALUMINUM FACE & BACKED UP W/ (.187) #7328 WHITE ACRYLIC.

ILLUMINATION: WHITE GE LED MODULES(PER GE LAYOUT)

®: 2100-02 WHITE OPAQUE VINYL.

NOTE: THERE WILL BE A STUB PIPE OUT OF THE MAIN CABINET THAT WILL BE USED IN THE MOUNTING IN THE FIELD FOR THE STUB CONNECTION.

ELECTRICAL REQUIREMENTS

Total: 3.6 Amps

(1) 120V 20A Circuit Required.

ALL BRANCH CIRCUITS SHALL BE DEDICATED TO SIGNS (INCLUDING GROUND AND NEUTRAL) AND SHALL NOT BE SHARED WITH OTHER LOADS.

MATERIAL FINISH COLORS			
Cabinet	Returns	Faces	Trimcap
Paint RAL 9005 Black Satin Finish	Pre-finished Matte Black Aluminum	7328 White Acrylic	Black

MATERIAL ESTIMATION			Job Name: LONGHORN_LH-M48(GEMX2471-W1 GEDS71-2)			Material List					
Sign Information			Special Instructions			Description	SKU	Qty			
REF.	LHSH BRANDBOOK LH-M48		ESTIMATE FOR DOUBLE FACED SIGN			GEMX2471-W1	93053670	126 Mod 84 Ft			
			LONGHORN COPY IS WHITE			GEDS71-2		20 Mod			
			STEAKHOUSE COPY IS ILLUMIINATED BY POWERSTRIP DS								
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Can Depth	Power Supply Location	Illumination	Total Amps (Primary)	Total Watts (System)	Total Area	Energy Usage					
5"	REMOTE	FACE LIT	3.6 Amps	212.16 Watts	72.47 Sq Ft	2.93 Watts/Sq Ft					
						Material Breakdown					
						GEMX2471-W1			Modules	24V P/S	
						SIDE 1					
						L	5		100w PS ↓		
						O	8				
						N	9				
						G	7				
						H	9				
						O	8				
						R	8				
						N	9				
						SIDE 2					
						L	5				
						O	8				
						N	9				
G	7										
H	9										
O	8										
R	8										
N	9										
GEDS71-2			Modules	24V P/S							
STEAKHOUSE (CABINET)			10	180w BANK 1							
			10	180w BANK 2							

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TECHNICAL SUPPORT:
888-694-3533 / 216-266-2419
EMAIL: tetradrawings@ge.com



Drawn By: MM
Checked By: MM
Date: 6/29/17

Drwg #: 070894 - 01 Rev -



First State Signs@gmail.com

FAX 302.744.9993

OFFICE 302.744.9990

122 ROSEMARY ROAD, DOVER, DE 19901

CLIENT:

CONTACT:

JOB LOCATION:

JOB SPECS:

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REVISION DATES:

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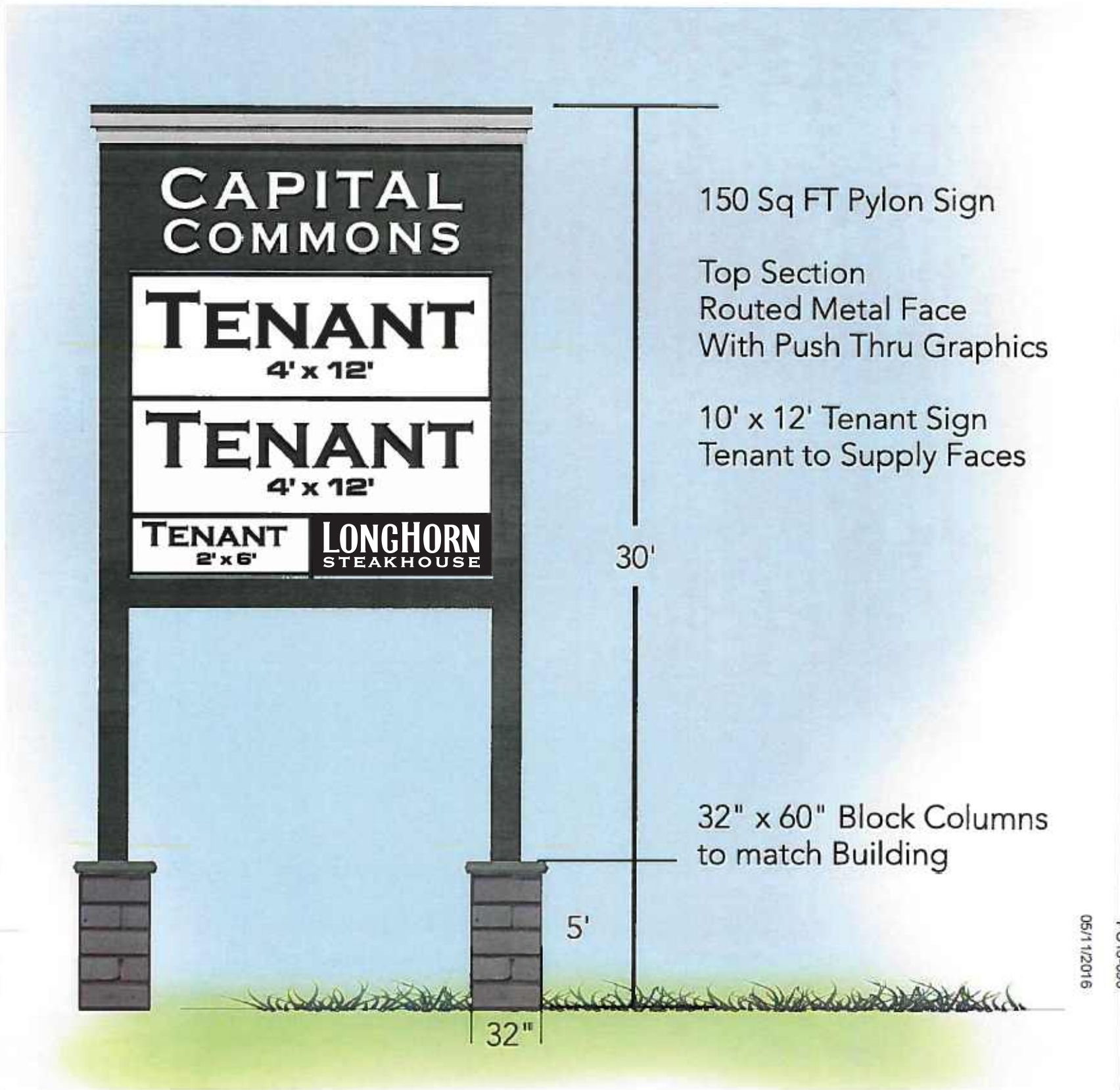
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APPROVAL DATE:

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FILE:

FILE LOCATION:



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PO16-096