

CITY OF DOVER PLANNING COMMISSION

AGENDA

Monday, March 19, 2018 – 7:00 P.M.

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

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

- 1) Site Plan Application S-18-03 Lidl Grocery Store & Retail Space at North DuPont Highway and Kings Highway NE will not be heard by the Planning Commission on March 19, 2018 at the request of the applicant to defer consideration. This Application and Public Hearing will be rescheduled for a future Planning Commission meeting and will be subject to Public Notice requirements.

ADOPTION OF MINUTES OF REGULAR MEETING of February 20, 2018

COMMUNICATIONS & REPORTS

- 1) Reminder: The next Planning Commission regular meeting is scheduled for MONDAY, April 16, 2018 at 7:00pm in the City Council Chambers.
- 2) Update on City Council Actions
- 3) Update from Planning Office
 - a. Educational and Training Opportunities

OPENING REMARKS CONCERNING APPLICATIONS

OLD BUSINESS

- 1) Requests for Extensions of Planning Commission Approval: None
- 2) Revisions to Applications:
 - A. S-17-12 Capital Station Dover at 50 North DuPont Highway: Architecture Review – Review of Architecture for Building 4 associated with the commercial development to be known as Capital Station, at the northwest corner of North DuPont Highway and Division Street and also adjacent to Maple Parkway. The Planning Commission granted conditional approval on June 19, 2017 to the Site Development Plan S-17-12 for the development consisting of a 24,197 S.F. retail and restaurant multi-tenant building, a 6,625 S.F. retail and restaurant multi-tenant building, a 6,100 S.F. retail or restaurant building, a 6,080 S.F. restaurant building, and a 21,998 S.F. grocery store. Related site improvements include demolition of the former Playtex factory and provision of parking, landscaping, and pedestrian and bicycle facilities for the shopping center. The property is zoned SC-1 (Neighborhood Shopping Center Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 1: Secondary Wellhead Protection Area). The owner of record is Capital Station Dover LLC. Property Address: 50 North DuPont Highway. Tax Parcel: ED-05-077.06-01-02.00-000. Council District: 2.

NEW APPLICATIONS

- 1) MI-18-02 Text Amendments: Manufactured Housing and Land Lease Communities (Dover Code of Ordinances, Chapter 66 and Zoning Ordinance, Article 3, Section 8 and Article 12) – Public Hearing and Review for Recommendation to City Council on Text Amendments to the *Dover Code of Ordinances*, Chapter 66 - Manufactured Homes, Mobile Homes, and Land Lease Communities; to *Zoning Ordinance*, Article 3, Section 8- Manufactured Housing (MH) Zone; and to *Zoning Ordinance*, Article 12- Definitions. The proposed ordinance reorganizes and clarifies a portion of the updates to the Dover Code made in August 2016 through Ordinance #2016-16. The proposed ordinance also brings the updates into compliance with provisions of the *Delaware Code* related to manufactured housing and rental housing, particularly Title 25, Chapters 53, 55, 70, and 71. The updates affected include requirements for placing and licensing manufactured homes, standards for management and maintenance of land lease communities, taxation, and code enforcement. A distinction is also made between manufactured homes and permanently placed manufactured homes in the *Zoning Ordinance*.
 - A copy of the Proposed Ordinance #2018-01 is available on the City’s website www.cityofdover.com under the Government Heading: Ordinances, Resolutions & Tributes. <https://www.cityofdover.com/ordinances-and-resolutions>
 - *The Legislative, Finance, and Administration Committee reviewed the proposed Text Amendments on February 13, 2018 and the First Reading before City Council occurred on February 26, 2018. The Public Hearing before the Planning Commission is set for March 19, 2018 and Public Hearing and Final Reading before City Council is on April 9, 2018.*

NEW BUSINESS

- 1) Update on Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 §2.28)

ADJOURN

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

Posted Agenda: March 9, 2018

**CITY OF DOVER PLANNING COMMISSION
FEBRUARY 20, 2018**

The Regular Meeting of the City of Dover Planning Commission was held on Tuesday, February 20, 2018 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach (arrived at 7:05pm) Ms. Edwards, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Maucher and Mr. Tolbert. The member absent was Mrs. Welsh.

Staff members present were Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Jason Lyon, Mr. Julian Swierczek and Mrs. Kristen Mullaney. Also present were Mr. Mike Henry, Mr. JD Barlett, Mr. Ray Searles, Mr. Frank DiMondi, Mr. Bob MacLeish, Mr. Jamie Seckler, and Mr. Todd Frey. Speaking from the public was Mr. Christopher Smith, Mr. Stephen Schlesinger, Mr. Rudolph Ruffin and Mr. John Paradee.

APPROVAL OF AGENDA

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

**APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF
DECEMBER 18, 2017**

Mr. Holt moved to approve the Planning Commission Meeting minutes of December 18, 2017, seconded by Ms. Edwards and the motion was unanimously carried 8-0 with Mrs. Welsh absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, March 19, 2018 at 7:00pm in the City Council Chambers.

Mrs. Melson-Williams stated that the Planning Commission's Quarterly Workshop for February has been canceled. Staff will look to reschedule that meeting in the future.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on December 22 & 23, 2017, January 8 & 9, 2018, January 22 & 23, 2018 and February 12 & 13, 2018.

Mrs. Melson-Williams stated that they provided a few educational opportunities for members of the Planning Commission that are part of the University of Delaware's Institute for Public Administration. They hold workshops on certain Friday mornings related to Planning. There is one scheduled for March 2, 2018 and another one for March 23, 2018. If there is a Planning Commissioner that is interested in participating in those please let Staff know and they can get you registered for that opportunity.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

- 1) Requests for Extensions of Planning Commission Approval: None
- 2) Revisions to Applications:
 - A. S-17-29 Delaware State University Residence Hall at 1200 N. DuPont Highway: Master Plan – Update on Revisions to Site Plan and Building Architecture associated with the Site Development Master Plan application for the Residence Hall project approved by the Planning Commission on November 20, 2017. The Site Development Master Plan has been Revised to consist of a new 192,141 S.F. five-story Student Residence Hall of 620 Beds (increased from 600 Beds and including refinement of building footprint with increase in building size) and architectural changes to exterior finishes. The project phases consist of the following: Phase 1- Relocation of Utilities, Phase 2 - Construction of Residence Hall and Demolition of Laws Hall, and Phase 3 - Demolition of Tubman Hall. The subject project area is internal to the Delaware State University Campus of 287.32 +/- acres. The property is zoned IO (Institutional and Office Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone) – Tier 3: Excellent Recharge Area. The campus is location west of North DuPont Highway and north of College Road. The owner of record is State of Delaware c/o Delaware State University. Property Address: 1200 North DuPont Highway. Tax Parcels: ED-05-057.00-01-19.00-000, ED-05-057.00-01-20.00-000, and ED-05-057.00-01-21.00-000. Council District 4. *The associated Administrative Site Plans are S-17-31 Phase 1, S-17-33 Phase 2, and S-17-34 Phase 3.*

Representative: Mr. JD Bartlett, Delaware State University; Mr. Mike Henry, Becker Morgan Group

Mrs. Melson-Williams stated that this application is for Delaware State University Residence Hall on the campus of the university located at 1200 North DuPont Highway. This is a Master Plan that was first reviewed by the Planning Commission in November 2017 and at that time the Planning Commission granted conditional approval of the Master Plan. It's a series of three phases. The first phase being the relocation of utilities in preparation for the project. Phase 2 is the construction of the Residence Hall and the demolition of Laws Hall. Phase 3 will involve the demolition of Tubman Hall. The property is zoned IO (Institutional and Office Zone) and also subject to the SWPOZ (Source Water Protection Overlay Zone). The project since November has been moving through the Administrative Site Plan reviews for each of the phases which it was eligible for after approval of the Master Plan by the Planning Commission. Phase 1 for the relocation of the utilities in the project area received Final Plan approval in mid January and construction on that phase has commenced. Currently, Phases 2 and 3 are in the plan review process. In that process, one of the submissions for Phase 2 identified a series of changes that we bring to the Commission this evening for the Residence Hall. The Residence Hall has a series of site changes and some building architectural changes that they would like to inform the Commission about. They are not considered substantial amendments to the plan that would require a public hearing. Staff felt that it was appropriate to refer this to the Commission to update them on those aspects.

First, there is an increase in the total square footage of the Residence Hall building. The graphic on the screen shows the location of a somewhat “U” shaped new Residence Hall building. The Planning Commission originally approved a square footage of 190,000 SF for the building.

Through the design refinement process in the last few months, the building size is now 192,141 SF. It's no real substantial change to the building footprint itself when comparing the two plans. The second change is actually an increase in the number of beds that this Residence Hall would provide. The bed count has increased from the approved 600 beds to a proposed 620 beds. This was basically achieved through what they call re-programming some of the first-floor areas. The other aspect of change is revisions to the building architecture. There have been some minor changes to the exterior finish materials in certain areas. In November, the renderings showed basically a brick building and the proposed rendering shows some changes in the use of where brick and where the panel system will be located. Basically, there is an increase in the areas where they will be making use of the panel system rather than the brick. You see that in the corner of the building and some areas expanded beyond just the upper floor of the site.

An elevation shows a brick masonry building with a grayish panel system utilized for the top floor. Another elevation shows a view of the revised scenario which includes still using a panel system on the upper most floor but then in certain areas making use of it for a majority of the building façade.

This is a series of minor plan revisions involving some architectural tweaking and design refinement as they have been moving through this process to get ready to commence construction later this spring.

Mr. Bartlett stated that they are in agreement with everything that was described.

Mr. Holden stated that the return of this plan to the Commission and the update and increase in beds and square footage raises an issue that we talked about previously and a concern that he has. There is a remaining 800 SF or so of College Road that doesn't currently have sidewalk. This plan is going to put footprint and residents in very near proximity to that location. The Commission had some discussion at the last hearing when this previous application was held in regard to the challenges of putting sidewalk in that footprint which he understands. He visited the site to understand those a little bit better in person. He thinks that they are charged with the public safety and welfare of the project and also to the comfort and the convenience of the public in general and the residents of the immediate area. He thinks that the approval of the application needs to be contingent upon the installation of sidewalk along that remaining footage.

Mr. Henry stated that the location of the sidewalk in question poses some physical issues. The roadside drainage ditch and a significant elevational difference from the road as well as a mature line of pine trees that are basically at the top of that embankment really limit the location to install a sidewalk along there. There is really no room at the top of that embankment to install a sidewalk without significant modifications to the grading which is why they previously requested a waiver from that requirement.

Mr. Holden stated that he recognizes that there are some challenges there that are maybe not posed by a true flat at grade site without drainage along the edge. He would make comment to the abilities of the engineering firm and the designer in question; he has no doubt that there are a number of different solutions to this. He would also point out the need for this. There are both residents and visitors to the University that travel along that roadway. There was some comment

previously that the public is welcome to traverse from the terminus of one piece of sidewalk to the other through campus. There is not really a direct path there and he doesn't think that it is functional. Our Code requires sidewalk here and they have a fair amount of footprint to accomplish both drainage and sidewalk through a number of different ways. He recognizes that it is not ideal and he recognizes for the University, the value of the tree line there. He has full confidence that the applicant and their design engineer can work with Staff to come to a solution that provides pedestrian access from the terminus of where sidewalk ends currently. They have accomplished very neat engineering features there on campus and he doesn't have any concern of them being able to find a solution here.

Mr. Holden moved to approve S-17-29 Delaware State University Residence Hall at 1200 N. DuPont Highway: Master Plan to include the update to the revisions of the Site Plan contingent upon the applicant including sidewalk along the remaining portion of State College Road that does not currently have sidewalk and for the applicant to work with Staff on a functional way to accomplish that, seconded by Mr. Holt and the motion was carried 8-0 by roll call vote with Mrs. Welsh absent. Mr. Holden voting yes; for his previous statements and he would also offer that he is very happy to see the University expanding and upgrading the facilities within this footprint because they are a critical partner for the City. Mr. Roach voting yes; he doesn't know what the changes were as far as the size or if there was a financial issue in regards to trying to get that footpath but he does believe that the safety of the residents crossing in that area is very important. Ms. Edwards voting yes; based on the reasons previously stated. Mr. Holt voting yes; he thinks that the safety of the residents is primary. The buildings are very nice; they did a beautiful job on the architecture and he thinks that it's going to be a great addition for the college. Mr. Baldwin voting yes; he hopes that the applicant can work with Staff to get the sidewalks replaced. Dr. Jones voting yes; she is very concerned about the safety and welfare of the students using the appropriate walkways and she does think that the addition of the sidewalk would add to the aesthetics of the campus. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; the facility that they are in the process of getting together is very much needed at this time. He is also impressed with the representative's willingness to work with the Staff to deal with any issues that the Commission may have.

NEW APPLICATIONS

- 1) C-18-01 Governors Café Kitchen Addition at 144 Kings Highway SW – Public Hearing and Review of Conditional Use Site Plan Application to permit the construction of a one-story, 344 SF addition to the kitchen for the Governors Cafe. The Governors Café is located within the existing building at 144 Kings Highway SW. The property consists of 0.7419 +/- acres and is located at the southernmost intersection of American Avenue and Kings Highway. The property is zoned RG-O (General Residence and Office Zone) and is subject to the H (Historic District Zone). The owner of record is Cahall Properties, LLC. Address: 144 Kings Highway SW. Tax Parcel: ED-05-077.05-04-40.00-000. Council District 2. *Application HI-17-04 was reviewed by the Historic District Commission on December 21, 2017.*

Representative: Mr. Raymond Searles, Owner of the Governors Café

Mr. Swierczek stated that this application is a Conditional Use Site Plan to permit the construction of a one story 344 SF addition to the kitchen of the Governors Café. The Governors Café is located within the existing building at 144 Kings Highway SW on the northern corner of the intersection of Kings Highway and American Avenue. This site is zoned RG-O (General Residence and Office Zone) and is subject to the H (Historic District Zone) requirements. On that note, Application HI-17-04 went before the Historic District Commission in December and they voted to approve the Architectural Review Certificate for this proposal. Therefore, the application meets the requirements for the Historic District review. This is a Conditional Use application as the proposal for a kitchen addition to the restaurant is located within an existing structure. According to the *Zoning Ordinance*, restaurants are an acceptable Conditional Use in the RG-O (General Residence and Office Zone). The application also includes plans for a temporary tent structure to be located to the south on the property only to be erected on Saturday's for special events. It would include seating for approximately 56 people and the applicant has indicated that they will comply with City Codes to ensure that light and sound does not disturb neighbors.

The Code states that no parking shall be required for retail user on a site that is zoned RG-O (General Residence and Office Zone) as long as it is in the Historic District. The use of a restaurant is considered by the Planning Office to be a retail use, meaning that they would not require any off-street parking. However, they have indicated that they will keep the 13 existing ones including one handicapped space. There is still over 4,300 SF of occupied office space elsewhere in the building. There is a further provision that would require that there be fifteen parking spaces in total off-street on the site. There is a provision in the Code that allows for a 20% reduction if it's in the Historic District so that would still remain compliant.

Mr. Searles stated that Staff has been more than willing to work with them on this and it's a necessary expansion for them to continue as a business. What they are trying to do is actually cook things versus using electric gear. Their intention is to become more of a full-service place.

The only question that he thinks most people will have is what kind of special events they will be having on Saturdays. They are looking at the possibility of doing weddings in the front yard. They picked just Saturdays because there is nobody down there on Saturdays. The parking on the streets is wide open. He feels that this is something that won't impact the area at the same time. They can comply with all of the City requirements because each time he has to go through the City to permit for that. He thinks that is another plus for the Downtown area.

Mr. Tolbert questioned if they will have music on a regular basis and not just during special events? Responding to Mr. Tolbert, Mr. Searles stated that the only thing that they are looking at is putting one speaker out on the deck to play Sirius Radio. Right now, a lot of their patrons will put their iPhones in a coffee cup to amplify music because currently there is nothing out there. There are only one set of structures to the left-hand side as you are facing out from the Café. They are looking to take that one wireless speaker and running it down the side away from the building. It's always quiet because he is too old for a rock and roll place. He is very conscious of volume and things like that.

Mr. Tolbert stated that was his concern. As long as the neighbors are content and not disturbed. Responding to Mr. Tolbert, Mr. Searles stated that he tries to answer all of his neighbor's concerns

and problems right away. You can check with Dover PD. The only problems that they have had in my business is the burglar alarm system going off.

Ms. Maucher questioned if you were to hold an event you would have to get a City permit in order to have the event? Responding to Ms. Maucher, Mr. Searles stated yes, what they are trying to do is get it put into the wording of what's happening down there so that it allows him to do that. He still has to follow the City's noise ordinance and things like that. They are not looking to expand their hours. They are out of there by 11:15 PM. He is not looking to be there late night. It would be the same for weddings. If they get lucky enough to have a wedding, then they would shut it down as well. Bad things happen late at night and he is not interested in that. He did that for 26 years and that is not his thing.

Mrs. Melson-Williams stated that the temporary event information that is shown on this plan is subject to our Special Event Permit process because it would be an outside temporary space that requires a type of Public Occupancy Permit which involves review by the Fire Marshal's Office for a means of egress since it would be a public space. It is something that while there is a plan diagram here showing a potential layout, there is a permit needed for each time that such event would be held. They will certainly be working with the owner if that is the case that they chose to move forward with some type of special event activity on the project site.

Mr. Tolbert opened a public hearing.

Mr. Christopher Smith – Edward Jones - 3 South American Avenue Dover DE 19901

Mr. Smith stated that he is the owner of the building directly adjacent to Governors Café. The back of their building where they are going to be building. Their new structure is directly facing the back of his building. He is totally in favor of their project and he has no objections to what they are doing. He thinks that the only person who would probably be able to see the back of the building is him. From the road, his building pretty much blocks the facing of that structure.

Mr. Stephen Schlesinger – 40 East Division Street Dover DE 19901

Mr. Schlesinger is concerned about the use of oil or other smells that will change the neighborhood. The restaurant is in a RG-O (General Residence and Office Zone). It originally started as a coffee shop and now they want to extend it he believes with more liquor which could be a concern. The extending of the kitchen may also have odorous attention. He doesn't know that for a fact but the odor will come right to their building which is across the alleyway. Their main concern is a zoning creep where it changes more and more challenging for the environment. They have eleven foot spacing as far as parking and they are concerned because they have had usages in the past where other people used their parking lots when it's inappropriate. They are not in disfavor of this but they are concerned about the oil aspect and also the parking. Large beer trucks go up the alleyway; they have been doing that for a long time. As far as the alleyway is concerned, it's really in pretty poor paving shape right now. He thinks that it might be attributed to more and more issues going on with the café. He is concerned because he thinks that we are moving in the wrong direction; it's kind of creeping in that regard. He is concerned about moving in too much in the sense of what's going on around them. They are about 30 feet from the back of where the oil would be.

Mr. Tolbert questioned if Mr. Schlesinger had spoken to the owner about his concerns? Responding to Mr. Tolbert, Mr. Schlesinger stated that he has not been able to see the full plan so he doesn't know what is happening besides what is being built out.

Mr. Tolbert further questioned if Mr. Schlesinger represented all of the neighbors in the area or if he was just speaking for himself? Responding to Mr. Tolbert, Mr. Schlesinger stated that he is speaking for himself.

Mr. Tolbert suggested that Mr. Schlesinger speak to the owner of the café regarding the alleyway if it's not suitable for traffic. He would also suggest that Mr. Schlesinger speak to public officials about that as well.

Mr. Tolbert closed the public hearing.

Mr. Roach questioned if Mr. Searles has any statements that he wanted to make in regards to Mr. Schlesinger's concerns about the expansion? Responding to Mr. Roach, Mr. Searles stated that their deliveries are actually out on the street. Beer trucks don't come up through the alleyway. The only trucks that come up through the alleyway is their soda provider and he has a step down truck so it's not a full 18-wheeler; it's no bigger than the garbage truck that comes each week. They also have a daily delivery of fresh bread that comes through the alleyway. Those are the only two trucks that make any deliveries through the alleyway. Everybody else parks on the side streets, which most of you can probably tell when they impede traffic for a couple of minutes while they are off-loading their items. As far as the grease smells and things like that, they put lids on things, they cover things and they do have exhaust fans back there that will be pulling things out from the kitchen but that's by Code. There is nothing else that can be done with that so you will smell grilling steaks. It's on the backside of both buildings. He doesn't know what he can do to lessen that impact. He can obviously tell the delivery drivers not to use the alleyway but that is what the alleyway is for and the trucks are smaller than the garbage trucks that go through. The main delivery trucks park on the side of the road and hand cart it into the property.

Mr. Tolbert questioned if Mr. Searles had spoken to the neighbors about their concerns? Responding to Mr. Tolbert, Mr. Searles stated that he talked to Chris and also the son of the owner directly behind him. He actually gave him a copy of what they planned to do and there were no concerns voiced at that time. He talked to the people living at the adjacent property and he did not know that the gentleman living there is not the owner of the building. He gave him a copy of the plans and told him everything that was going on.

Mr. Tolbert further questioned as the project becomes increasingly popular and you get an increasingly large number of people, do you anticipate that parking will become a problem? Responding to Mr. Tolbert, Mr. Searles stated not at night. They are looking at increasing their night business. They are increasing dinner. Right now, the café is pretty much empty in the evening time. They are not looking to become Lone Star Steakhouse busy. He has watched what has happened with the Grey Fox and a couple of the other places Downtown. Dover doesn't really pack them in, although 33 West with half price burgers does a good job with no parking. For them, evening parking is really not an issue because at 4:00 PM all of the traffic is gone. Daytime parking is an

issue. They are already plenty busy during the daytime and that's not going to change because they can't do a whole lot more. He doesn't have enough seats and they aren't going to get more seats.

Mr. Holt questioned how many offices upstairs are still vacant? Responding to Mr. Holt, Mr. Searles stated that there are three offices that are still vacant. One directly above the coffee area and there is one on the second floor and one on the third floor. All of those offices usually contain one to two people.

Mr. Holden moved to approve C-18-01 Governors Café Kitchen Addition at 144 Kings Highway SW and a Conditional Use Site Plan attached to that application. He thinks that the café has done well for the footprint and he thinks that it's a good fit. He would advise the resident Mr. Schlesinger to contact City Staff to talk about the concerns of traffic within the alley and he thinks that they are probably addressable. If there are odor or other issues they will have address those as they occur. The motion was seconded by Dr. Jones and the motion was approved 8-0 by roll call vote. Mr. Holden voting yes; for reasons previously stated. Mr. Roach voting yes; he wishes the owner prosperity with the expansion of the kitchen to expand your night business. Mr. Edwards voting yes; based on Staff recommendations and Mr. Searles' willingness to work with Staff and his consideration for his neighbors. Mr. Holt voting yes; it's a good fit for the area. Mr. Baldwin voting yes; for the reasons previously stated. Dr. Jones voting yes; she is looking forward to the expansion. Mr. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; the project is worthwhile and needed. The applicant is willing to not only work with the community residents but he is also willing to work with City Staff.

- 2) S-18-01 DGKP Property: Office/Warehouse at 1351 West North Street – Public Hearing and Review of a Site Development Plan Application to permit construction of a two-story, 71,775 SF office and warehouse complex and adjoining parking spaces. The property consists of a 5.01 +/- acres and is located on the north side of North Street, east of Mifflin Road and west of Commerce Way. The property is zoned IPM (Industrial Park and Manufacturing Zone). The submission is subject to Review of a Performance Standards Review Application. The owner of record is DGKP North Street LLC. Address: 1351 West North Street. Tax Parcel: ED-05-076.14-01-07.00-000. Council District 1. *Waivers Requested: Elimination of Opaque Barrier (Opaque Component) and Partial Elimination of Upright Curbing. Consideration of Performance Standards Review Application.*

Representative: Mr. Frank DiMondi, DGKP, LLC; Mr. Bob MacLeish, Lighthouse Construction Inc.; Mr. Jamie Seckler, Davis, Bowen & Friedel, Inc.

Mr. Swierczek stated that application S-18-01 is a review of a Site Development Plan application to permit construction of a two-story, 71,775 SF office and warehouse complex and adjoining parking spaces. The property consists of a 5.01 +/- acres and is zoned IPM (Industrial Park and Manufacturing Zone). This property is located on the north side of North Street, east of Mifflin Road and west of Commerce Way. There is currently an active application for this site dating from May 2015 that the Planning Commission granted an extension to. This was a Site Plan to permit the construction of a self-storage facility and it will expire in May 2018. However, this new application would supersede this previous one.

The Site Development Plan proposes two new buildings within accompanying site improvements. Building One is one story and a little over 37,000 SF and is planned to be used primarily as a warehouse facility. Building Two is two stories and just under 35,000 SF and is intended to be the Dover main office space for the Delaware Department of Insurance. The two new buildings are proposed to immediately adjoin one another with Building One located to the north towards the rear of the site and Building Two towards the front of the site at the south. The plan proposes a total of 208 off-street parking spaces and 4 loading spaces. In the IPM (Industrial Park and Manufacturing Zone), the Code calls for parking to be provided at a rate of 1 space per 800 SF or 1 per employee; whichever is greater. The applicants have provided a letter attesting that they will intend to employ approximately 120 employees in Building Two so the proposed use of 208 spaces is allowed by Code.

The Planning Office has received two waiver requests for this application. The first is for the requirement for curbing along the outside perimeter of the parking lot which Planning Staff recommends approval for as this would be for the sake of facilitating stormwater management. The applicant has further requested a waiver from the Planning Commission regarding the opaque barrier requirement of the *Zoning Ordinance* specifically to eliminate the fence requirement and to utilize site grading with the required landscaping. Staff would not recommend approval of this request unless the applicant can provide evidence for their need.

Mrs. Melson-Williams stated that with this property, because it is in the IPM (Industrial Park and Manufacturing Zone) there is a Performance Standards Review application process that must be completed. The applicant has provided a narrative of their intended use and how it does not appear that it would be triggering anything that is dangerous, noxious or offensive. There are a series of those elements that they must prove that they are not creating in this IPM (Industrial Park and Manufacturing Zone). Those objectionable elements are outlined on Page 3 of the DAC Report and the Planning Commission as part of this must confirm that the application is meeting these applicable Performance Standards. There are some references to that review process in the DAC Report and then the applicant provided a description of their use.

Mr. Tolbert stated that every time that he sees an application for a warehouse the first thing that comes to mind is what's going to be stored in that warehouse but Mrs. Melson-Williams answered the question before he had to ask it.

Mr. MacLeish stated that he is the construction manager for DGKP. He wants to turn it over to Mr. Seckler from Davis, Bowen & Friedel to touch on some points on the engineering side of it.

Mr. Seckler stated that they agree with everything that Staff mentioned. In regards to the curb waiver, they are planning on providing the 6 inch curbing around the building and around some of the parking; however, at the perimeter area of the parking they would like to get a waiver for curbing to allow for the stormwater to sheet flow into stormwater areas adjacent to those areas. They would also like a waiver for the opaque barrier. Currently, there are berms with existing 40 foot trees and the bottom 15-20 feet are dead so there is really no value to them at all. Their plan is to re-grade those berms and provide better landscaping and trees to do a complete buffer to the residential. There is really no other fencing in the area which makes them feel like the waiver to remove the opaque barrier requirement would kind of fit in better with the surrounding

community. Their dumpster area that they provide on the plan has three dumpsters. He knows that only two are required but he thinks that with the size of the buildings, that three will fit better.

Mr. MacLeish stated that the Insurance Commissioner's insurance department is moving into the front two story office. The back, which is the warehouse is actually going to consolidate a number of the Division of Historical and Cultural Affairs sites. They are located throughout the greater Dover area and they are going to bring all of those into one house. There are minimal employees who are employed there. There are about 8-10 that run the facility overall but most of it is going to be housing of artifacts that are collected over a period of years and stored there. It's a very minimal use. The staff who are there will work on some of those artifacts to the presentations for public as well.

They have read through all of the requirements. The City and State requirements are outlined. The Performance Standards and bicycle racks are noted and they will work with Staff on their final location as well as the dumpsters that Mr. Seckler mentioned earlier. The ADA accessibility and the lighting plan were submitted today. They also agreed on the notes on Sheets 1 and 4 that Staff had spoken to. They also agree with the DAC comments from the Electric Department and Public Works as well as the Fire Marshal. They have submitted to DeIDOT and are in the initial review process.

Ms. Maucher questioned why they want the maximum number of parking spaces rather than the minimum? From the description, it sounds like they could use fewer spots and they are just paving more than is necessary. Responding to Ms. Maucher, Mr. MacLeish stated that one of the things the Insurance Commissioner will have is public meetings and one of the problems that they run into at their present location when they have those meetings is that sometimes it overflows and they fill up Silver Lake Boulevard. There is really no overflow that they can go to at the new location. They don't want to spend money and pave if they don't have to but it was a request and they thought that it was a reasonable again to meet their needs.

Mr. Holden stated that he likes the plans and the uses. He thinks that it's a great project for an unused site although it's been a stand in skate park for years. He is hopefully that the City can find an alternative spot but he also has some concerns. The plans that were submitted don't necessarily address all that is required for a Site Plan for submission to the City. It doesn't show outdoor signs, outdoor lighting, proposed contours (the contours that are shown for stormwater don't tie to the existing contours that were shown), the existing/proposed utilities, who is going to build what component of that and where new and existing paving is. Out of all of those, he thinks that the applicant can work with Staff to address all of those. He recognizes that DeIDOT is going to drive the entrance quite a bit and that probably will change. The major concern that he has is the request for the waiver of the fence. He thinks that a berm and landscape is a suitable replacement. The challenge is that the berms that seem to be apparent on the Existing Conditions Plan are going to have to be removed for the stormwater and the parking lot. So we are left without information to understand what the height of the berm is or how they would be landscaped and then add into that the statement about the lower 15-20 feet of those trees are dead. If we are left with 6 inches of berm and 10-15 feet of dead trees below, he doesn't know that they meet the intent for a barrier. He doesn't know if the applicant can comfortably provide

a minimum height of berm and confirm that those will be planted to the satisfaction of Staff to ensure that those lower 15-20 feet of trees that are dead that they are going to further cut back into are going to provide the screening or whether we want to revisit this at a future meeting. He thinks that the path is sound but they haven't been provided enough information to act on that.

Mr. Seckler stated that they are going to remove the berm. If you go over more than a 4 to 1 it is really hard to maintain so there will be about a 4 to 1 berm. They will be roughly about 3 feet high with the plantings on top of that with the shrubbery. The berm is going to be roughly 2.5 to 3 feet high to fit in the 20-25 feet landscape buffer area.

Mr. MacLeish stated that they are removing those existing trees because they think that a lot of them are diseased. They are trying to finalize that right now with the Landscape Architect. Right now as they work through, a lot of what they look at is very similar to see what's on the new Parkway that has just been built with a really nice berm. They looked at the fencing on the back and on the west side of the property. They have a drainage ditch that runs parallel with them and they just thought that they could act a little bit softer or nicer and create more of a comfort within the zone. The backside backs up to the apartments and they thought that when they got there that it became a real harshness. That was the reason they asked; it wasn't because they were just opposed to putting it in. They were trying to juggle here is a combination of DeIDOT telling them to move a little bit in the front. They have had their meeting with Soil Conservation who agrees in principal with what they are trying to do and then to just bring all of those components together.

Mr. Holden stated that if we can land to ensure that we have a three-foot berm above proposed grade that is going to be landscaped to the satisfaction of Staff then that provides them a framework to consider the waiver. That process is there for good reason and that existing tree line doesn't always provide it nor is a fence always the right solution so he appreciates the opportunity for an alternative solution. They just want to make sure that they have enough information to really address that waiver request. If the applicant is comfortable with a three foot berm and landscaping to be provided to Staff's concurrence, then he thinks that gives the Commission something to act on.

Mr. MacLeish stated that they would agree to that. He has enjoyed the meetings that they have had with Staff. A lot of their suggestions and ideas up to this point have been very helpful.

Mr. Tolbert questioned if the applicant will be able to work cooperatively with Staff regarding some of the issues that may be raised by this Commission regarding this application?
Responding to Mr. Tolbert, Mr. MacLeish stated yes.

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

Dr. Jones moved to approve S-18-01 DGKP Property: Office/Warehouse at 1351 West North Street to include the request for waiver for the partial elimination of the upright curbing and that we approve the elimination of the opaque barrier on the basis of the comments and considerations voiced and based upon the applicant's agreement to work with Staff to make sure

this happens, seconded by Mr. Holt.

Mrs. Melson-Williams questioned if Dr. Jones is also granting approval to the Site Plan itself as part of the motion in accordance with the DAC Report? Responding to Mrs. Melson-Williams, Dr. Jones stated yes.

Mrs. Melson-Williams further questioned if Dr. Jones had a preference in regards to the Performance Standards Review application? Responding to Mrs. Melson-Williams, Dr. Jones asked for assistance.

Mr. Holden stated that he wanted to amend the motion to ensure that we are clear that the waiver for the opaque barrier is contingent upon a minimum three-foot berm from either top curb or near the edge of paving to be landscaped to Staff's satisfaction and then that the Commission acknowledges that the Site Plan and application is in compliance with the Performance Review Standards.

The motion was amended to include that the opaque barrier is contingent upon a minimum three-foot berm from either top curb or near the edge of paving to be landscaped to Staff's satisfaction and then that the Commission acknowledges that the Site Plan and application is in compliance with the Performance Review Standards and the motion was carried 8-0 by roll call vote with Mrs. Welsh absent. Mr. Holden voting yes; the addition of this project in this area will benefit the City and he appreciates the applicant's willingness to work with both Staff and the Commission. Mr. Roach voting yes; for the reasons previously stated. Mr. Edwards voting yes; for the reasons previously stated. Mr. Holt voting yes; in regards to Mr. Holden's comments and the applicant's ability to work with Staff. Mr. Baldwin voting yes; for the applicant getting the area cleaned up and for clarifying the opaque barriers for the neighbors in that area. Dr. Jones voting yes; for the reasons previously stated and she thinks that it is going to be a welcomed addition to that area. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; for the reasons previously stated and for the clarification that he got from Mrs. Melson-Williams regarding what would be stored in that warehouse and the limitations on it.

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

Representative: Mr. Todd Frey, Duffield Associates

Mr. Diaz stated that this is a Minor Subdivision Plan for 747 North DuPont Highway which is sometimes known as the old Berry Van Lines site. The property is located on the northeast side of North DuPont Highway and south of Leipsic Road. It has frontage on both of those streets but as shown on the Site Plan, it does not include the corner of those two streets. The property is zoned

SC-2 (Community Shopping Center: Shopping Center Development Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 3: Excellent Recharge Area). The property is 25 acres and applicant’s proposal is to divide it into a front lot of 10 acres and a rear lot of 15 acres. The front lot would be off of North DuPont Highway and the rear lot would be off of Leipsic Road. At present, they don’t know what will be developed on these two lots but they expect to see a submission in the near future that will tell them more and will come before the Planning Commission once it’s received. The DAC had no issues with the Subdivision itself. The Public Works Staff did work with them to resolve the confusion surrounding of the old utility easements on the site and Planning Staff also asked the applicant to record a cross access easement between the two parcels. That easement will allow people and vehicles to move freely between the two parcels once they are developed which is a critical thing to make sure that the two parcels can maintain cohesion as a single community shopping center as called for by the zoning. There are no suggested conditions of approval for this project.

Mr. Frey stated that he believes that the summary by Mr. Diaz is accurate and they have no objection to any of the comments that were received to date.

Mr. Tolbert opened a public hearing.

Mr. Rudolph Ruffin – MDR & Son – 18 Guenever Dr New Castle, DE 19720

Mr. Ruffin stated that he is 100% for the project. He has seen these projects come and go over the years. He owns the property at 705 North DuPont Highway and a lot of the engineers have been out to look at his property. We have a septic tank and they have been trying to figure out how to get a gravity flow and the only way that he can get a gravity follow is to go across that piece of land. When Mr. Berry was there running the property, he indicated to him that he was in the process of selling it. He has owned this property of a number of years and it used to be an old Arby’s. He got promise after promise from people who would buy the property, but nothing would happen to it. They kept telling him to come back when the next person comes along. He has been waiting since 2005 to get somebody to do something with this property so that they could have a gravity flow sewage line. They have promised him many times that whoever develops that property would put a line right up to his line and then he would be able to tie into it and have a gravity flow. He understands from Public Works that it is on the paperwork.

Mr. Tolbert closed the public hearing.

Mr. Holt stated that the Golden Corral restaurant was going to build there and then for some reason it didn’t pan out and he is wondering what happened on that. Is something not quite right with the property? Responding to Mr. Holt, Mr. Frey stated that the property had a different owner at the time that the Golden Corral was coming through, so he doesn’t have any specifics as to why that didn’t go through. He doesn’t believe that it was anything related to the property; he thinks that it was something related to the restaurant.

Mr. Holt stated that he knows that it is a valuable piece of property that has been sitting empty for some time for many years. He hopes that something nice would happen to that piece of property as a gateway into part of the City of Dover.

Mr. Holden questioned if the Handbook requires that they extend sewer to adjacent property or is that ultimately at the pleasure of the applicant once they come back for a Site Plan? Responding to Mr. Holden, Mr. Lyon stated that when it comes back for a Site Plan that will be evaluated. He will say that it was a condition of approval in the previous application for Capital Commons. They will hold tight to that. If you have seen the news, they are not a big fan of pump stations. They are trying to get everyone on gravity if they can.

Mr. Holden further questioned if Mr. Lyon would recommend that Mr. Ruffin return if we have a Site Plan to share with us the information that he did this evening? Responding to Mr. Holden, Mr. Lyon stated yes.

Ms. Maucher moved to approve SB-18-01 Minor Subdivision Plan for 747 North DuPont Highway, seconded by Mr. Holt and the motion was carried 8-0 by roll call vote with Mrs. Welsh absent. Mr. Holden voting yes; it's a Code compliant subdivision and if it helps support redevelopment of this parcel he thinks that it's a great thing. Mr. Roach voting yes; for the development of vacant property and also from the support of adjacent property owners. Ms. Edwards voting yes; based on the all of the reasons previously stated and she really enjoyed Mr. Ruffin's support of the applicant. Mr. Holt voting yes; he thinks that the Minor Subdivision to get this property conditioned and something nice will happen to it now. Mr. Baldwin voting yes; for all of the reasons stated. Dr. Jones voting yes; for the reasons previously stated. Ms. Maucher voting yes; for the reasons previously mentioned and hopefully the subdivision will speed development of the project. Mr. Tolbert voting yes; he sees no reason to vote otherwise at this point. He is glad that something is going to happen to that tract of land because he need something positive to happen to it. This applicant will have to come back before us again once they decide what they want to go on that lot.

4) MI-18-01 Text Amendments: Zoning Ordinance, Article 3 Section 28 for Fuel Pumps as Conditional Use in TND zone - Public Hearing and Review for Recommendation to City Council on Text Amendments to the Appendix B: *Zoning Ordinance, Article 3 – District Regulations*. The proposed Ordinance is to amend Section 28 - Traditional Neighborhood Design Zone (TND), Subsection 28.52 – Neighborhood Commercial District. The proposed text revision seeks to allow fuel pumps as Conditional Use as accessory to a convenience retail store and subject to the requirements of Article 10, Section 1 – Approval of Conditional Uses. Ordinance #2017-16. *The City Council Public Hearing on this Text Amendment request is scheduled for March 12, 2018.*

- A copy of the Proposed Ordinance #2017-16 is available on the City's website www.cityofdover.com under the Government Heading: Ordinances, Resolutions & Tributes. <https://www.cityofdover.com/ordinances-and-resolutions>
- *The Legislative, Finance, and Administration Committee reviewed the proposed Text Amendments on December 12, 2017 and the First Reading before City Council occurred on January 8, 2018. The Public Hearing before the Planning Commission is set for February 20, 2018 and Public Hearing and Final Reading before City Council is on March 12, 2018.*

Representative: (Ordinance Request under sponsorship of 3 members of City Council)

Mrs. Melson-Williams stated that we have a Text Amendment proposal that was received by

City Council as a constituent request and then sponsored by three members of Council which is one of the ways a proposed Text Amendment can arrive before the Planning Commission. This proposed amendment is an amendment to allow fuel pumps as a Conditional Use Accessory to the convenient store retail use in the TND (Traditional Neighborhood Design Zone), specifically in the Neighborhood Commercial District of that zone. The key features of the provisions would allow gas pumps as an accessory use to the use of a convenience retail store. It is specific to the TND (Traditional Neighborhood Design Zone) and the Neighborhood Commercial District only of the TND (Traditional Neighborhood Design Zone). It would establish a review process that is the process of Conditional Use by the Planning Commission which allows more careful consideration of the proposal. The Text Amendment would also eliminate the exclusion of gasoline filling stations as a type of service establishment as the Code is currently written in the Neighborhood Commercial District of the TND (Traditional Neighborhood Design Zone).

Some provisions in the Staff Report review the process for proposed Text Amendments; they are referred to the Planning Commission for recommendation and then the Planning Commission makes that recommendation to City Council who conducts their own public hearing and takes final action on the amendment. In preparing the Text Amendment for the Planning Commission's consideration, there is a City Planner Report that has to evaluate two specific factors. Likewise, the Planning Commission's action on the Text Amendment also has to consider the following factors: Whether the change is consistent with the aims and principals embodied in the Ordinance as to the particular zone and whether the proposed amendment is consistent with the aims of the *Comprehensive Plan* for the City. In developing the City Planner's Report, they felt it was appropriate to provide some background information on the Traditional Neighborhood Design Zone. The history of the development of that zone actually goes back to as early as 2002 and then specifically in the *2003 Comprehensive Plan*, one of the goals in that document was to create a new zoning district for mixed use traditional development. The resulting Ordinance became the Traditional Neighborhood Design Zone and that was adopted by City Council following review of this body in November 2004. The Ordinance that was adopted for the TND (Traditional Neighborhood Design Zone) has a very specific purpose and intent statement to it and then outlines the process for development within the TND Zone. Currently, there is one area of the City that falls into this zoning classification and that would be the Eden Hill Farm property located on the south side of West North Street.

For the *2008 Comprehensive Plan*, the Land Development Plan Chapter again talks about land use opportunities and the Mixed Use land use category has a number of zoning districts that fit, including the TND (Traditional Neighborhood Design Zone). Also, the *Comprehensive Plan* goes on to specifically talk about the Eden Hill Farm property and sets a series of goals related to land development activity at that location. Just some reminders about the *Zoning Ordinance* itself. "The intent of the Zoning Ordinance is to provide for the orderly and desirable development and use of land. The Ordinance itself provides specifications, procedures and a precise plan to guide new development while improving, conserving or facilitating desirable change in existing portions of the City." This is quoted from Article 1 Section 2 of the *Zoning Ordinance*.

They have included the purpose and intent statement for the TND (Traditional Neighborhood Design Zone) for the Commission's review. The Planning Office did a comparison of uses in the

commercial zoning districts of the City. They put forth a table that gives the Commission a sense of the permitted uses, those uses that are established as conditional uses and then those that are prohibited.

Specifically in looking at this proposed text amendment, Staff identified that the C-2 (Central Commercial Zone) and the C-2A (Limited Central Commercial Zone) are very comparable to the types of commercial uses that are within the current TND (Traditional Neighborhood Design Zone) commercial district. Specifically when you look at fuel pumps, while they are prohibited in the C-2 (Central Commercial Zone) focused in the Downtown Dover, the C-2A (Limited Central Commercial Zone) does allow the use of fuel pumps as an accessory to a permitted use when established through a Conditional Use process. The process for Conditional Uses is identified in Article 10, Section 1 of the Code.

This did go through the Development Advisory Committee review. There were a number of comments provided by the agencies. Mostly, there were no objections to the Ordinance itself. There are some advisory comments related to future development of fuel pumps in that there are specific permitting things required at the State and Federal level for that. Basically, she wants to focus on what is the City Planner's recommendation regarding this text amendment because they have to evaluate the two factors.

The City Planner has found that while the TND (Traditional Neighborhood Design Zone) allows for a mix of uses, there are a variety of commercial uses that are allowed in the Neighborhood Commercial District of that zone. In comparison, the C-2 (Central Commercial Zone) and C-2A (Limited Central Commercial Zone) are comparable to that and it is clear that fuel pumps are allowed in the C-2A (Limited Central Commercial Zone) through a Conditional Use process. So this would establish a very similar process for that if established in the TND (Traditional Neighborhood Design Zone). The TND (Traditional Neighborhood Design Zone) as well as the C-2A (Limited Central Commercial Zone) are both found as Mixed Uses in the Land Development Plan of the *Comprehensive Plan*. It is very specific in the proposal this evening that it would be in the Neighborhood Commercial District of the TND (Traditional Neighborhood Design Zone). There are two other district areas of a TND (Traditional Neighborhood Design Zone) and that is the Residential District and the Professional Office, Medical and Financial District. This amendment only affects the Neighborhood Commercial District.

Looking at the requirement for the fuel pump use as a Conditional Use, Staff has found that that is very important because during a Conditional Use process the compliance with the true intent and development provisions of the TND (Traditional Neighborhood Design Zone) can be more carefully analyzed and appropriate conditions added to ensure that compatibility with the neighborhood that the purpose and intent statement focuses on.

The *Comprehensive Plan*, while making specific recommendations about Mixed Uses, does also indicate that they should be facilitating opportunities for development and recognizing that with different types of commercial uses often times needs to be some consideration to reflect a change in economy, market conditions and new types of uses that come on board. The Land Development Plan in the *2008 Comprehensive Plan* very specifically for Commercial land uses

notes that they should be providing the citizens with “convenient access to needed goods and services as well as well-designed and spaced community and neighborhood commercial centers.” With those recommendations, Staff is making the findings that the Text Amendment as proposed would certainly meet those factors for consideration in dealing with whether it’s consistent with the aims and principals of the zone and whether it is also consistent with the aims of the *Comprehensive Plan* for the City.

Mr. Holt questioned if the applicant wanted to be able to put a gasoline filling station in certain areas that don’t have them now and make it a little more convenient for people to get gas for their cars in certain areas? Responding to Mr. Holt, Mrs. Melson-Williams stated that this is a proposal specific to the TND (Traditional Neighborhood Design Zone) that right now the Code prohibits the establishment of a gasoline filling station. The proposed Text Amendment would allow fuel pumps as an accessory use to a retail store. This means that it could not be the only use; that it would be in conjunction with a primary use of a convenience retail store.

Mr. Holt stated that he kind of wondered himself why we always had to go to Route 13 to get gas and a lot of times you have to wait in line to find a pump to fill up at. This kind of breaks through some of that and would be a help.

Mr. Holden questioned if the Code defined “fuel pumps” to encompass electric, propane, natural gas, hydrogen as well as diesel and gasoline? Responding to Mr. Holden, Mrs. Melson-Williams stated that there is not a specific definition of “fuel pumps” in the Code. They have certainly seen the variety. She thinks there is one reference specific to allowing electric charging stations that was recently added to our Code in some of the parking provisions but is not specifically defined for any specific fuel type in the remaining part of the Code even in the locations where fuel pumps are a permitted use or an existing Conditional Use in the Code.

Mr. Tolbert stated that his understanding is that underground tanks have had problems after they have been underground for a while with leakage. We get our water from underground sources. Are we aware of any serious problems with underground tanks polluting our water? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that there are regulations that are administered by DNREC in regards to underground storage tanks. It depends on the size of them. They do have programs that deal with remediation issues should a leaking underground storage tank be encountered during construction. She is not fully aware of what their exact procedures are for evaluating underground storage tanks on an ongoing basis.

Mr. Tolbert further questioned if they were familiar with any problems that we have had in Dover with underground storage tanks? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that there are certainly identified leaking underground storage tanks throughout the City. That is something that DNREC has tracking of.

Ms. Maucher questioned if this Ordinance change would permit a convenience store with a gas station but the Conditional Use application would limit the scope of any such establishment? Responding to Ms. Maucher, Mrs. Melson-Williams stated yes, the review of a Conditional Use could set parameters on things like the number of pumps and other provisions to ensure that its location and placement are compatible with the surrounding community and neighborhood.

Mr. Tolbert opened a public hearing.

Mr. John Paradee – Baird, Mandalas and Brockstedt, 6 South State Street Dover DE 19901

Mr. Paradee stated that Mrs. Melson-Williams did an excellent job in summarizing the history of the application and the criteria under the Code. This proposition is consistent with the *Zoning Ordinance*, in particular the TND (Traditional Neighborhood Design Zone) and the *Comprehensive Plan*. The TND (Traditional Neighborhood Design Zone) Ordinance was written in 2002 for the Eden Hill property and he had the privilege of representing the Horsey and Scheller families at that time so he was involved in the drafting of the Ordinance. At that time it was really a blank slate; it was a great idea but none of them at really done a TND Ordinance anywhere in lower Delaware. So they were really writing on a blank slate at the time and as time and experience and progress have demonstrated, certain tweaks or flexibility in zoning regulations that are written on a blank slate like that are often times necessary and appropriate. This is a classic case of that. Twenty years ago, you didn't have the types of convenience retail that you have today. The reason that they have requested that the City entertain this proposition is because we would like to place a prototype Wawa Store within the Eden Hill development at the commercial entrance directly across from the existing Royal Farms which is right across the street and has C-2A (Limited Central Commercial Zone). What they are proposing to do is extremely consistent with what is in the neighborhood presently. Unfortunately, even though they believe that it is an entirely appropriate use of this property and this neighborhood, the text of the TND (Traditional Neighborhood Design Zone) regulations does not permit fuel pumps at all in the TND (Traditional Neighborhood Design Zone). They would agree that it is not appropriate to allow fuel pumps in a residential or professional office area but what they are talking about is just the commercial component of the TND (Traditional Neighborhood Design Zone). He thinks that when they conceived the TND (Traditional Neighborhood Design Zone) zoning regulations, what they were trying to prohibit was the typical gas station with a service station that has vehicle bays and just gas pumps. He doesn't think that they ever envisioned the type of convenience uses that you see today with Royal Farms and Wawa. Certainly, what they are proposing with regard to a Wawa is consistent with village neighborhood design principals of the TND (Traditional Neighborhood Design Zone) and that is as Mr. Holt alluded to, you try to bring convenience retail closer to the residential neighborhoods while at the same time maintaining the consistency so that there are appropriate buffers as necessary. It allows people to have access to convenience retail without having to drive all the way across town or out on the highway and that helps reduce traffic in the area generally which is the village concept of design. It is certainly consistent with that. He thinks that it is also important to note that as proposed it would be a Conditional Use. Mr. Hugg suggested it when they first started discussing this concept and he thinks that it's a brilliant point because that would allow the Planning Commission to attach conditions that would be designed to maintain the integrity of the neighborhood. For example, things like the layout and setbacks, landscape and buffering, profiles and impacts for signage and lighting that would be appropriate to the neighborhood and complimentary design aesthetics. That is all very important that the Commission would maintain that ability to exercise your discretion and jurisdiction to make sure that in any particular case, what is being proposed in terms of a Site Plan would be appropriate and there would be safeguards and buffers to protect the aesthetics of the neighborhood. The TND (Traditional Neighborhood Design Zone) zoning regulations very specifically say that the intent is to create

and economically viable professional commercial and mixed use residential neighborhood and the Staff Report concludes that this proposal was consistent with that intention. With regard to the *Comprehensive Plan* as Mrs. Melson-Williams indicated, this would be consistent with the C-2A (Limited Central Commercial Zone) and he thought that Staff did a nice job of comparing how the commercial zones sort of match up with the commercial district in the TND (Traditional Neighborhood Design Zone). They are not asking the Commission to do anything crazy or radical here. The Commission will have a chance to review a real life example of this if and when a Site Plan application comes before them. The Planning Commission will retain the jurisdiction and authority to put appropriate controls in place to make sure that it's appropriate for the neighborhood.

Mr. Tolbert closed the public hearing.

Mr. Tolbert stated that he expressed his concern about underground tanks and if he remembers correctly there were some underground problems with storage tanks leaking. We already have one service station in that area which is Royal Farms and we will have another one. He does have apprehensions about underground tanks and the problems that we have had, not only here in Dover but all over the place with these tanks leaking after some point in time. In Dover, we get a good portion of our water from underground sources so therefore he is concerned. The neighborhood where you will put the Wawa with the service station is a high residence area. Mrs. Melson-Williams did answer a lot of his concerns when saying that DNREC would oversee a lot of that and he is hoping that they do a terrific job.

Ms. Maucher questioned if access to the commercial portion of that area is strictly off of North Street or will there be access from the new road that has been built? Responding to Ms. Maucher, Mrs. Melson-Williams stated that the Eden Hill development has multiple access points from North Street as well as POW/MIA Parkway, also previously known as the West Dover Connector. Location of entrances really isn't germane to the Text Amendment discussion this evening. Access points such as that would come with any development application process.

Mr. Paradee stated that he has a plan that may help. He tends to agree with Mrs. Melson-Williams but he also wants to answer the Commission's questions. (*Mr. Paradee passed out a diagram showing the access points for the property at Eden Hill Farm TND.*)

Mrs. Melson-Williams stated that what Mr. Paradee passed out is a copy of the current Implementation Plan for the Neighborhood Commercial District. It is kind of the northwest corner of the overall Eden Hill property. This is a page out of the Comprehensive Design Standards Manual, also known as the Pattern Book for the Commercial District. This evening, the Commission is just dealing with a Text Amendment. Any revisions or changes to what is the approved Implementation Plan for the Commercial District and/or consideration of a Conditional Use would be subject to future development applications and in the case of the fuel pumps as a Conditional Use, subject to action taken on the proposed Text Amendment.

Mr. Paradee stated that the proposed location for the Wawa would be the area that is designated as Building #8. Obviously, the configuration of this size or shape may change and that would subject to a Site Plan application that the Commission would see.

Mr. Holden moved to recommend approval to City Council for MI-18-01 Text Amendments: Zoning Ordinance, Article 3 Section 28 for Fuel Pumps as Conditional Use in TND zone, as presented. With a specific project that envisions this and makes sense, the Planning Commission and the public will have opportunity to make comment on a Site Plan as it would require a Conditional Use approval. This Commission will have the ability to place additional restrictions on any specific project that may come before them, seconded by Mr. Holt and the motion was carried 8-0 by roll call vote with Mrs. Welsh absent. Mr. Holden voting yes; for reasons previously stated. Mr. Roach voting yes; for reasons previously stated. Ms. Edwards voting yes; based on reasons previously stated. Mr. Holt voting yes; for reasons previously stated and by Mr. Holden's comments. He really thinks that it has been a long time coming and he thinks that it will be a plus for the neighborhood. Mr. Baldwin voting yes. Dr. Jones voting yes; for all of the reasons mentioned. Ms. Maucher voting yes; for reasons previously stated and to improve flexibility for development. Mr. Tolbert voting yes; he has been assured that everything will be done to ensure that the project remains safe for the neighborhood and the residents. He has no reasons to believe that it will not occur.

Mrs. Melson-Williams stated that this Text Amendment will now move onto City Council for public hearing; that public hearing is scheduled for March 12, 2018.

NEW BUSINESS

- 1) S-17-28 Multiplex at 299 College Road: Review of Cash-in-lieu of Active Recreation Area Payment – Review of the payment amount for Cash-in-lieu of Active Recreation Area construction as associated with the Site Development Plan to permit construction of a three (3) unit multiplex residential building (multi-family dwelling) with adjoining parking spaces. The property consists of a 18,244 S.F. +/- parcel (0.42 +/- acres) and is zoned RM-2 (Medium Density Residence Zone). The property is located on the northwest side of College Road and adjacent to Conwell Street. The owner of record is Stephen E. Lumor (Enyam, LLC). Property Address: 299 College Road. Tax Parcel: ED-05-067.00-02-26.00-000. Council District 4. *Cash-in-lieu amount of \$4,000 was accepted by the Parks, Recreation & Community Enhancement Committee on December 12, 2017 and by City Council on January 8, 2018.*

Representative: None

Mr. Diaz stated that the Commission last saw this application in November 2017. It's an application for three residential units in a multiplex format. They kind of look like townhouse but they are in a single structure and they are on a single property. The Commission reviewed the main application and the layout of the site at that time. One of the unaddressed items from that meeting was the matter of the Active Recreation Area which is required with all new residential development. This project qualified for an exception to the typical active recreation requirements on account of its small size and number of units. They were not required to provide new Active Recreation Areas in the form of playgrounds or trails, but they did need to make a payment into the City's Recreation Fund. The money in that fund is used to improve parks throughout the City. The amount that is to be paid into that account is based on an appraisal of the property. An

appraisal was done for us by the applicant and submitted and based on that appraisal, the amount to be donated came to \$4,000. The proposal went to the Parks, Recreation & Community Enhancement Committee for review and recommendation. They recommended approval of the cash-in lieu of recreation area. Based on that, it now returns to the Planning Commission for final approval.

Mr. Tolbert questioned how we arrive at how much will be accepted? Responding to Mr. Tolbert, Mr. Diaz stated that with this exception for small properties, the amount asked for is 10% of the gross appraised value of the property. The appraisal that we received indicated that the property was worth \$40,000 and that rounds out to a payment value of \$4,000.

Mr. Holt questioned what was going to be in the recreation area? It is something that they were going to use that the students would need? What exactly are we giving up? Responding to Mr. Holt, Mr. Diaz stated that he can't speak to what might have been given up because we did not receive a proposal from the applicant as to what they would have provided instead of the money. Based on the size of the project, they are not required to do that.

Dr. Jones moved to approve S-17-28 Multiplex at 299 College Road: Review of Cash-in-lieu of Active Recreation Area Payment in the amount of \$4,000, seconded by Mr. Holden and the motion was carried 8-0 by roll call vote with Mrs. Welsh absent. Mr. Holden voting yes; due to comments and Staff recommendation. Mr. Roach voting yes; for reasons previously stated. Ms. Edwards voting yes; based on Staff recommendation. Mr. Holt voting yes; based on Staff recommendation. Mr. Baldwin voting yes; based on Staff recommendation. Dr. Jones voting yes; based upon previous statements. Ms. Maucher voting yes; for reasons previously stated. Mr. Tolbert voting yes; he agrees with Staff that this application is not problematical and he liked Mr. Diaz's answer to his question.

- 2) Update on Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 §2.28)

Mrs. Melson-Williams stated that at the December 2017 Planning Commission meeting, the Commission appointed the two Planning Commission members of the Architectural Review Oversight Subcommittee; that being Mrs. Welsh and Mr. Holden and then directed Staff to confirm the availability of two of the design professionals that have previously served on that Subcommittee. Staff has been in contact with both of those individuals and are still awaiting confirmation of that. She is fairly certain that they will definitely get it for one but they will report to the Commission next month. Hopefully, they will have a yes to two people. They have reached out to Ms. Sarah Keiffer and Dr. Reginald Chandler in regards to serving on that Subcommittee.

Meeting adjourned at 8:57 PM.

Sincerely,

**Kristen Mullaney
Secretary**



MEMORANDUM

Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903
Phone: (302) 736-7196 Fax (302) 736-4217

DATE: March 9, 2018

TO: Members of the Planning Commission

FROM: Planning Office

SUBJECT: **S-17-12 Capital Station Dover at 50 North DuPont Highway: Architecture Review (Building 4)**

This submission is for Review of Architecture for Building 4 associated with the commercial development to be known as Capital Station, at the northwest corner of North DuPont Highway and Division Street and also adjacent to Maple Parkway. The Planning Commission granted conditional approval on June 19, 2017 to the Site Development Plan S-17-12 for the Capital Station development consisting of a 24,197 S.F. retail and restaurant multi-tenant building, a 6,625 S.F. retail and restaurant multi-tenant building, a 6,100 S.F. retail or restaurant building, a 6,080 S.F. restaurant building, and a 21,998 S.F. grocery store. Related site improvements include demolition of the former Playtex factory and provision of parking, landscaping, and pedestrian and bicycle facilities for the shopping center. The property is zoned SC-1 (Neighborhood Shopping Center Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 1: Secondary Wellhead Protection Area).

The *Zoning Ordinance*, Article 5 §19 provides the building and architectural guidelines related to physical orientation and façade and the architectural characteristics (proportions, mass, materials, roofs, and visible utilities). The proposed one-story Building 4 will face DuPont Highway and appears to consist of a variety of materials and surface changes.

Attached are copies of the Applicant's Cover Letter and a series of color Exhibits on the project site; the previously reviewed architecture of Buildings 1,2,3, and 5; and the Architecture of Building 4. The information is presented to the Planning Commission for review in order to satisfy their previous condition of approval to submit the architecture of Building 4 once available.



PETITION TO AMEND TEXT of
Dover Code of Ordinances and Zoning Ordinance

Report to the
Dover Planning Commission
March 19, 2018

Proposed Changes:

Text Amendments to the following:

- *Dover Code of Ordinances*, Chapter 66 – Manufactured Homes
- *Dover Code of Ordinances*, Appendix B: Zoning (*Zoning Ordinance*)
 - Article 3 – District Regulations, Section 8 – Manufactured Housing Zone
 - Article 12 – Definitions
- *Dover Code of Ordinances*, Appendix F – Fees and Fines, Chapter 26 Businesses, Article II – Licenses and Chapter 66 – Manufactured Homes, Mobile Homes, and Land Lease Communities

Summary of Amendment:

The proposed amendment reorganizes and clarifies a portion of the updates to the Dover Code made in August 2016 through Ordinance #2016-16. The proposed amendment also brings the updates into compliance with provisions of the Delaware Code related to manufactured housing and rental housing. The updates affected include requirements for placing and licensing manufactured homes, standards for management and maintenance of land lease communities, taxation, and code enforcement.

Ordinance Number:

Proposed Ordinance #2018-01

File Number:

MI-18-02

Development of the Ordinance

Following the August 8, 2016 adoption of revisions to the *Dover Code of Ordinances*, Chapter 66 – Manufactured Homes, Mobile Homes, and Land Lease Communities; Appendix B, *Zoning Ordinance*, Article 3 Section 8 – Manufactured Housing Zone; and several other sections of the Dover Code, several members of the manufactured housing community, including homeowners and park owners, came forward with concerns about the adopted ordinance. In the process of evaluating these concerns, Planning Staff identified a series of further improvements that could be made principally to Chapter 66 to better organize the section, clarify processes and enforcement, and ensure compliance with State law. Ensuring the code's compliance with the portions of State law related to the legal obligations of landlords and tenants (*Delaware Code*, Title 25, Chapters 53 and 55) and to manufactured homes and manufactured home communities (*Delaware Code*, Title 25, Chapters 70 and 71) in particular should address the community's

concerns with the 2016 ordinance. Staff also identified potential changes in the *Zoning Ordinance* to support the main series of changes in Chapter 66 (see further description below).

Current Proposed Ordinance

Key components of proposed Ordinance #2018-01 include the following:

- Reorganization of Chapter 66. The new sections of the Chapter are as follows: 66-1, Purpose Statement; 66-2, Definitions; 66-3, Manufactured and Mobile Homes; 66-4, Land Lease Communities; 66-5, Real Property Taxes; 66-6, Enforcement and Penalties; and 66-7, Exemptions.
- Addition of a Purpose Statement establishing the reasons for regulating Manufactured Homes and Land Lease Communities.
- New definitions for *Land Lease Community Operator* and *Land Lease Community Owner* in Chapter 66.
- Detailed requirements for placement, inspection, and licensing of Manufactured Homes, as well as moving in or out of the City and use of City utilities.
- Addition of a provision allowing land lease community owners to delegate maintenance responsibility over part of a community to a homeowner or other party through an appropriate legal contract. City Code Enforcement is to work with these parties to resolve maintenance issues where such contracts exist. In the 2016 version of this ordinance, the land lease community owner was held responsible for all maintenance. This contravened Title 25, Chapter 53 of the Delaware Code, which allows landlords and tenants to agree in writing that certain maintenance tasks are to be performed by tenants.
- Reduction of the number of hours during which a land lease community owner is required to have office hours for the residents.
- Allows land lease community owners more time in which to provide a receipt for rent payment to a resident who requests one.
- No change to taxation; manufactured homes placed on permanent foundations will continue to be taxed while manufactured homes not placed on permanent foundations will continue to pay license fees in lieu of taxation. The City will not specify an approved method for a home to attain a permanent foundation.
- For homeowners, detailed penalties for failing to obtain placement permits or manufactured home licenses. For community owners, detailed penalties for failing to perform required maintenance or record-keeping.
- Revision of the Provisional Order to better establish that revoking the business license of a Land Lease Community is a measure of last resort, only imposed when there are cumulative unresolved violations creating a nuisance.
- In *Zoning Ordinance*, Article 3 §8, establishing that both manufactured homes and permanently placed manufactured homes are permitted, but not on the same lot. The purpose of this is to allow land lease communities composed of permanently placed, taxed homes, but prevent communities which include both permanent, taxed homes and impermanent, untaxed homes. In such a community it would be very difficult for the City's Tax Office to track which homes are taxed and which are not.

- In *Zoning Ordinance*, Article 3 §12, adding a definition for *permanently placed manufactured home*.

City Council Committee of the Whole/Legislative, Finance, and Administration Committee was presented with this proposed Ordinance #2018-01 at its February 13, 2018 Meeting. The Committee recommended approval of the Proposed Ordinance.

Because text amendments are proposed to the *Zoning Ordinance*, a Public Hearing and Recommendation by the Planning Commission is required. City Council will conduct a Public Hearing and take Final Action on the proposed Ordinance #2018-01 at their meeting of April 9, 2018.

Planning Review and Recommendations:

Planning Staff developed the proposed Ordinance #2018-01 regarding Manufactured Housing and Land Lease Communities and therefore, recommends its adoption. The Planning Office received comments from other Development Advisory Committee (DAC) members and has taken these under review. Based on the comments the Planning Office may offer revisions to the proposed Ordinance. The comments are summarized below.

DAC Agency Review Comment	Ordinance Lines	Proposed Revision	Reason/Notes
Public Works	167	Add stormwater facilities to line 167	This section deals with private utilities, and currently lists water and sewer utilities among others; stormwater should also be mentioned.
Fire Marshal/Chief Building Inspector	N/A	Possible revisions to conform this update to the 2018 International Residence Code (IRC), Appendix E - Manufactured Housing used as Dwellings	City Staff has initiated the initial research to begin the process to consider adoption of the 2018 <i>International Code Council</i> code series. In the future, a cross-check between the provisions of this ordinance and the new IRC will be needed to ensure there are no conflicts.

Staff Amendment #1

Planning Staff reviewed the current proposed ordinance and the comments received to develop a Staff Amendment to include the additional clarifications and changes based on department/agency concerns. The proposed changes presented as Staff Amendment #1 is outlined below.

- Add “stormwater facilities” to sentence starting on line 167. To read as follows by inserting the text in bold, blue font: All **private** water, sewer, electric, and gas lines and connections **and stormwater facilities** intended to serve common areas or the private property of tenants within the community shall be kept in good repair at all times by the land lease community **owner**.

CITY OF DOVER
APPLICATION REVIEW COMMENTARY
FEBRUARY 26, 2018

CITY OF DOVER
Public Works
Departments

APPLICATION: Text Amendment Zoning Ordinance, Dover Code of Ordinances Chapter 66 and Article 3 Section 8 and Article 12 for Manufactured Housing and Land Lease Communities

FILE #: MI-18-02

REVIEWING AGENCY: City of Dover Electric and Public Works Departments

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

CONTACT PHONE #: Public Works – 302-736-7025

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. No objections to the proposed amendments.

WATER / WASTEWATER

1. None.

STORMWATER

1. Please add stormwater facilities to line 167.

SANITATION / STREETS / GROUNDS

1. None.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

1. None.

ADVISORY COMMENTS TO THE APPLICANT

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

1. None

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

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CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 03/07/18

APPLICATION: Text Amendments: Manufactured Housing and Land Lease Communities

FILE #: MI-18-02 **REVIEWING AGENCY:** City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal

PHONE #: (302) 736-4457

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

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

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. The Fire Marshal’s Office has no comments at this time
2. The Chief Building Inspector has the following comment: Ordinance #2018-01, Chapter 66- Manufactured Homes, Mobile Homes and Land Lease Communities, 2018 Building Code(s) inclusive of Appendix E of the 2018 IRC, The 2018 building code draft ordinance will reference “Chapter 66- Manufactured Homes, Mobil Homes and Land Lease Communities” in addition to “Appendix E Manufactured Housing used as Dwellings” within the 2018 IRC. It is unknown if cross reference has been done between “Chapter 66”, the proposed ordinance(s), “Appendix E” and or other related parts of the building code/life safety code(s) to confirm or deny continuity to those codes/ordinances and as referenced within the same.

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

- 2015 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
- 2015NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)
- 2013 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)
- 2013 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)
- 2009 IBC (International Building Code)
- Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
- 2015 Delaware State Fire Prevention Regulations
- City of Dover Code of Ordinances

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: February 28, 2018



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APPLICATION: Text Amendment: Manufactured Housing and Land Lease Communities

FILE#: MI-18-02

REVIEWING AGENCY: DeIDOT

CONTACT PERSON: Joshua Schwartz

PHONE#: 760-2768

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

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

CITY & STATE CODE REQUIREMENTS:

DeIDOT has no comments regarding city & state code at this time.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

DeIDOT has no recommendations at this time.

ADVISORY COMMENTS TO THE APPLICANT:

- DeIDOT has no comments.

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.

Appointment of the Architectural Review Oversight Subcommittee of Planning Commission

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

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

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

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

As part of the Annual Meeting of the Planning Commission shall appoint the membership of the Architectural Review Oversight Subcommittee. This is an opportunity to consider individuals to serve on this subcommittee.

At the Annual Meeting of the Planning Commission on December 18, 2017, the following individuals were appointed to the Architectural Review Oversight Subcommittee of Planning Commission.

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

The Planning Commission directed Planning Staff to contact other the previous Subcommittee members to determine their willingness to continue as a member.

- Ms. Sarah Keifer, Director of Planning Services for Kent County, Design Professional
- Dr. R.G. Chandler, former Director of Architecture at DelTech Community College, Design Professional
- Alternates (Design Professionals): To Be Determined