



**CITY OF DOVER, DELAWARE
BOARD OF ADJUSTMENT MEETING
Thursday, June 20, 2024 at 9:00 AM**

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

AGENDA

IN-PERSON & VIRTUAL MEETING

The Board of Adjustment Meeting for June 20, 2024 will be held in City Hall Council Chambers. The public is welcome to attend in person. The Meeting will also be provided as a Virtual Meeting using Webex, an audio/video conferencing system as an electronic means of communication. See the participation information below to join by phone or computer.

**PUBLIC PARTICIPATION INFORMATION
To Attend City of Dover Board of Adjustment Meeting of June 20, 2024**

Join by Phone: Dial 1-650-479-3208

Access Code: 253 864 72892

Password for Phones: 36837262

Join Online <https://bit.ly/BOA6202024>

Webinar Number: 2538 647 2892

Webinar Password: DoverBOA

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

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

WELCOME

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

- [1.](#) Adoption of Meeting Minutes of October 18, 2023

COMMUNICATIONS & REPORTS

Meeting Reminder: The next Board of Adjustment Meeting date is Wednesday, July 17, 2024 at 9:00 AM.

OLD BUSINESS

NEW BUSINESS

The following application has been filed for Review and Public Hearing before the Board of Adjustment.

2. V-24-01 Legislative Hall Parking Garage Project - Legislative Hall Parking Garage Project proposes redevelopment of the property for construction of a three-story Parking Garage and other site improvements with portions of the existing surface parking lot and an office/credit union building to remain. The project has requested variances from the *Zoning Ordinance*, Article 5 Section 11.21 pertaining to development within the Flood Hazard Area (1% Annual Chance Flood/100-year floodplain). Variance Request 1 is to decrease the required reduction of the impervious surface area of the predevelopment conditions on the lot from 15% to 5% (Article 5 Section 11.211a). Variance Request 2 is to recognize that 48.7% of the lot is within the flood hazard area which is greater than 33% that allows Planning Commission consideration of reductions in impervious surfaces (Article 5 Section 11.211b). These Variance Requests would allow for some project development within the Flood Hazard Area. The 5.28 acre +/- property is zoned IO (Institutional and Office Zone) and is subject to H (Historic District Zone). The property is located at the southeast corner of Martin Luther King Jr. Boulevard South and East Avenue/E. Water Street. The owner of record is the State of Delaware - OMB: Division of Facilities Management. Property Address: 425 East Avenue and existing building addressed as 150 E. Water Street. Tax Parcel: ED-05-077.10-01-02.00-000.

ADJOURN

Posted Agenda: June 12, 2024

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

**CITY OF DOVER
BOARD OF ADJUSTMENT MINUTES
October 18, 2023**

A Regular/Hybrid Meeting of the City of Dover Board of Adjustment was held on Wednesday, October 18, 2023, at 9:00 A.M. in person in the City Council Chambers and using the phone/videoconferencing system WebEx. Member's present were Chairman Sheth, Mr. Keller and new member Mr. Wagner. Mr. Senato and Ms. Warren were absent.

Staff members present were City Solicitor Mr. Rodriguez, Mrs. Savage-Purnell, Mrs. Melson-Williams, and Ms. Katherine Oehmke. Assistant City Manager Mrs. Sharon Duca observed the meeting.

Welcome

Mr. Clarence Cobaugh Wagner II is the new Board of Adjustment member as appointed October 9, 2023, for a Three-Year Term to expire July 2026.

Chairman Sheth briefly mentioned the discussion of the last meeting regarding no longer providing a hybrid meeting/video conference and people attending in person and those who cannot attend in person. He mentioned that it was post-pandemic. He mentioned that Sussex County no longer has the hybrid format. He also mentioned removing Virtual Meetings/video conference from the agenda.

Chairman Sheth asked members in attendance of their thoughts. Mr. Keller stated that he agreed as well as Mr. Wagner.

APPROVAL OF AGENDA

Chairman Sheth made a motion to adopt the agenda without or dropping or omitting the video conference for public hearing. All were in favor by acclamation to accept the omitting of a video conference for public hearing.

APPROVAL OF THE REGULAR BOARD OF ADJUSTMENT MEETING MINUTES OF SEPTEMBER 20, 2023

Mr. Keller moved to approve the meeting minutes of September 20, 2023, with the necessary corrections. The motion was seconded by Mr. Wagner unanimously carried 3-0. Mr. Senato and Ms. Warren were absent.

Chairman Sheth asked if there was a meeting next month.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams mentioned the regularly scheduled meeting for the Board of Adjustment is November 15, 2023, with a 9:00 am start time in the City Council Chambers and with a virtual format. I don't believe at this point that we have any applications that have been filed unless the

filing deadline is Friday of this week. We'll confirm that for you as to whether you will be meeting in November, but at this point please keep it as a tentative date on your calendar.

Chairman Sheth asked Mr. Rodriguez a question regarding the position of the Vice Chairman. He mentioned that Colonel Ericson had resigned and has been replaced by Mr. Wagner. He wanted to know if they should elect a Vice Chairman today because it is very likely that he (Mr. Sheth) will be out of country next month and in any case if we have a meeting in November, we like to decide the chair. Can we have an election now or do we have to wait until the meeting adjourns?

Mr. Rodriguez replied to Mr. Chairman, I think you may have an election now if the Board so desires.

Chairman Sheth mentioned since we have all three members present: myself, Mr. Keller, and Mr. Wagner, I have a proposal from the floor and logically make sense of it that I would suggest Mr. Keller's name and asked Mr. Wagner if he had any questions. Mr. Wagner did not have any questions.

Chairman Sheth made a motion to elect Mr. Keller as the Vice Chairman in absence of the Chairman. All were in favor by acclamation to accept Mr. Keller as the Vice Chairman.

OPENING REMARKS CONCERNING APPLICATION

Mrs. Dawn Melson-Williams, Principal Planner stated that the meeting today will be conducted in accordance with the agenda. There is one Variance application on the agenda under New Business. The Variance application file will be read, and the floor will be opened for questions of the applicant by the Board and for public testimony. The Board may consult with the City Solicitor to discuss legal matters. If the applicant must leave, they can contact the Planning Office at 736-7196 to learn of the Board's decision. A formal notice of the decision will be mailed to the applicants. Approved variances expire after one year if the approved project has not moved forward or commenced.

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

Mr. Keller asked regarding this upcoming case of V-23-05, there were several questions that he had. One generated initially from the lack of an application form within the packet. That form requires the owner submitting and on that application form affirming that in fact whoever signs that form is in fact the owner, affirming its ownership. With that not being packaged and noting clearly that the owner is cited as City of Dover, I understand that fully, but there is also listed an equitable owner of SLS Equity Partners. Within the public records a look at the PRIDE system clearly shows the City of Dover is the owner. The ownership is by deed transfer. Also, there is a recorded plot. The question comes up as to what extent is this equitable ownership as opposed to the ownership by the City of Dover. There's no indication as to whether it's by a contract of sale or some City/equitable owner agreement of some sort. That is what has raised the question because I can only in my recollection within the last 12-15 years, we had an occasion where a property tenant in fact filed a variance. The subject of that case pursued came to a variance hearing only to

find out that the variance was requested with absolutely no knowledge of the owner. It's my recollection that the Code Enforcement officers found the owner and he was totally unaware whatsoever of any variance being filed on his behalf even though he had properly been listed as an owner. So again, just for clarification, I would like to see at the outset of this as to the interest or ownership position of this equitable owner as opposed to the cited City of Dover fee holder.

Chairman Sheth stated that this is his thirty second year with the Board of Adjustment.

With the Garrison Farm we had only one case and we did not have to act on it because there was a mistake presenting the back door and the front door for Delaware State News. There was another case where we had the same question that you raised, and we had to call the equitable owner or a legal owner to sign the application. Mr. Rodriguez replied yes, I think the request is certainly appropriate. As he was reading the September 15, 2023 letter from Becker Morgan who's representing the applicant, I see the equitable owner there is mentioned. I think that what has just been handed to me well identifies the equitable owner, but we normally have that all the time and certainly we should have it. Maybe that will be brought out by the applicant when the applicant testifies today.

Mr. Dave Hugg, City Manager, stated for clarification the City is the owner of Garrison Oak Business Park. City is in the process of selling ten (10) Lots that have not been previously sold. In this case, I believe we have an agreement or maybe a Letter of Intent, but I think it's an agreement of sale. We are in the process of selling this property to this applicant. They are not going to be tenants or anything of that nature. They're simply moving forward, kind of a parallel track going through the variance process while we go through the settlement process. I believe we are going go to settlement here in the next month or so to transfer the property.

Chairman Sheth mentioned that by selling the Post Office and land he hopes that city taxes will go down. Mr. Hugg replied let's just say they may not go up. Chairman Sheth said that's a good consolation.

Mr. Keller asked just for clarification as Mr. Hugg said technically the City of Dover is the applicant on behalf of a pending sale.

Chairman Sheth said Mr. Wagner this is your first lesson on the Board of Adjustment meeting because nobody had this experience than you are having today, right Mr. Keller. Mr. Keller replied not that he recalls. As you can see without the application signed, we would not be able to hear of the hearing. Thank you very much.

NEW BUSINESS

Application V-23-05

Lot 8 of the Garrison Oak Business and Technology Center at 451 Garrison Oak Drive. A request has been made for a variance from the requirements of Article 4 §4.16 of the *Zoning Ordinance*. The first Variance request is to reduce the setbacks as it relates to building height allowing a portion of the building to be up to 100 feet in height when only setback 88 feet (front yard) or 60 feet (side yard) from the property lines. The second Variance request is to allow an increase in the

maximum lot coverage from 65% to 71%. Subject property is zoned IPM-2 (Industrial Park Manufacturing- Business and Technology Center) and partially subject to the SWPOZ (Source Water Protection Overlay Zone). Property Address: 451 Garrison Oak Drive. The Tax Parcel ID is LC-05-068.00-02-08.00-000. The owner of the record is the City of Dover, and the equitable owner is SLS Equity Partners.

Ms. Oehmke gave a summary presentation along with the required criteria of the Application request for a variance from the requirements of Article 4 §4.16 of the *Zoning Ordinance* to reduce the setbacks as it relates to building height allowing a portion of the building to be up to 100 feet in height when only setback 88 feet (front yard) or 60 feet (side yard) from the property lines and secondly, to allow an increase in the maximum lot coverage from 65% to 71%. The owner of the record is the City of Dover, and the equitable owner is SLS Equity Partners.

Presentation

Mrs. Melson-Williams noted that the Board of Adjustment received a Staff Review Report. Attached to that is a series of Exhibits numbered A through F which consists of a Zoning Location Map Exhibit to locate the property within the Garrison Oak Business Park.

Exhibit B is the Applicant's written request letter and the responses to the four criteria you need to consider. There are two Site Plan exhibits. Exhibits C and D present information about the building restriction lines that are affected and then the impervious coverage. Exhibits E and F are two warehouse photo examples: first, an aerial view and then a close-up of the building to give a sense of how these cold storage facilities likely could be designed. It is noted that the legal notice for this application was published in the Delaware State News on October 6, 2023. The property owners within 200 feet of the subject site were notified by letter and the single property owner was the City of Dover. So that notification letter went to the City Manager's Office as all properties in that 200 feet are currently owned by the City of Dover. Some of them are in a tenant lease situation. In accordance with the established procedures, public notice was met. The applicant is not the property owner as we've noted there is an equitable owner that's in play here. The City of Dover is the current owner of the subject site.

Representative: Mr. Jonathan Street, Becker Morgan Group.

Mr. Jonathan Street was sworn in by City Solicitor Mr. Rodriguez.

Chairman Sheth stated that the Board takes the case on exceptional hardship. So, if you focus on that when presenting for the Board members; what really the hardship is and if not able to approve then what would be different or what would be the impact. The second thing is the height. You must also have requirements for the Air Force Base for only so much height. You cannot have more because of being next to the Air Force Base or not; is it true? Mr. Street asked do you mean for aircraft clearance? Chairman Sheth mentioned for the height of the building. Mr. Street mentioned that there is a separate process with the Site Development Plan process where when you have buildings of a certain height then you have to go through the FAA (Federal Aviation Administration) and that kind of ties all of that with the Air Force Base.

Chairman Sheth asked so I don't need to worry about it because you have to go through the Air

Force Base. Mr. Street replied yes, that will be handled by Staff through the Site Development Plan process. Chairman Sheth asked so if they don't approve you cannot do it, am I right? Mr. Street replied correct, this is for the variance to build the building. Staff and the Site Development Plan process will approve the Site Development Plan for building the building and everything associated with it. Chairman Sheth mentioned he understood, but we used to have a rule. When the old Sheraton Inn was built, there was a special permit that you had to be within 200-feet and then FAA approval and then after that things changed.

Chairman Sheth asked Mrs. Melson-Williams if this was right. Mrs. Melson-Williams mentioned what Mr. Street shared is there likely is a process related to dealing with the FAA perhaps during construction for use of any type of cranes or the actual build out of the building. There's consideration given to the proximity of such a structure to active airports in the area. One of those perhaps is the Dover Air Force Base. There was also in the vicinity a private airport but there is a separate regulatory process for that. That would be part of any Site Development Review process. Today we are here for the Board of Adjustment for the variance request.

Chairman Sheth mentioned that he asked the question because no matter if the Board approves or disapproves the variance regarding the height because the final say so in the case is the Air Force Base or the FAA according to Mrs. Melson-Williams. Mr. Street said correct.

Chairman Sheth said we don't want to do so much digging in. Mr. Street mentioned that this just gives us the ability to propose the building that we want to propose.

Chairman Sheth mentioned that he agreed with Mr. Street, but he was just saying that because we have two variances: one is for the height and the other is for the Area Variance. Before you decided to purchase this land, I'm sure you were aware of the size of the lot and the size of your building and whatever you want to do with it. You thought it was absolutely necessary and that's what Board members like to know of what is really absolutely needed. Mr. Street mentioned that he plans on going through all of that. Chairman Sheth mentioned thank you very much.

Mr. Keller commented that the paperwork involved notes that the Planning Staff does remind the applicant of compliance needs with Federal Aviation Administration, State and other associated aeronautics related height restrictions, obstruction marking, and lighting standards for during construction and for the actual building. So, the Planning Staff has in fact reminded the applicant of that.

Mr. Street stated that all of this happens in Step 2; this is Step one. Step 2 is when we go through a months' worth of back and forth with Mrs. Melson-Williams and other agencies and we come together and formalize that plan. That's Step 2; this is step one. That will all happen, I promise you that.

Presentation

Mr. Street (using a Power Point Presentation) stated that Garrison Oak Technical Park is on the east side of Route 1. This is kind of an aerial showing you exactly where it is. The Garrison Oak, I think it's called the Calpine gas fired power plant, is directly across the street from us (the little star on the map there). Solar Sun Park is out there as well as Uzin Utz. And Advantech now

operates their facility out of there. So, that's where the site is. Here is an aerial view showing you exactly where the property is. You can see the Sun Park to the left and directly across the street is the Energy Center which is a gas fired power plant. They have been operating now for roughly 10 years. The first variance that we are requesting today stipulates the parcels with an IPM-2 (Industrial Park Manufacturing-Business and Technology Center) Zoning doesn't contain a physical building setback or a maximum height on the building. They set the height of the building. What they say is that the setbacks from the side or rear property line minimum is 40 feet, but the maximum setback is set by the building height itself. The building can't be any closer to the property lines than the building is tall.

This is a Site Plan of what we've got planned thus far. Again, we are in the preliminary stages but that large box in the center is the proposed building itself and the red areas around the outside are where the 100 feet can't be met. So, that building in that box for the most part in general will be straight up 100 feet tall and those red areas are where we don't meet it currently. The City, County, and State all set basically 4 criteria for requesting variances. The first two, the nature of the zone and the character of uses in the immediate vicinity are the same for both variances. The subject site is located in the IPM-2 zone and it is a technology center business park; it is appropriately zoned. For the character and uses in the immediate vicinity, what we're proposing is a cold storage basic regional distribution center. It's in keeping with the neighborhood itself. It is a more industrial use compared to its neighbors. We've got a solar farm and gas fired power plant, Uniz Utz who is a flooring manufacturer, and Advantech is operating an office at the business park itself. The last two (criteria) are really what we are going to focus on and that's whether the removal of the restriction would adversely affect the neighboring parcels and for this one we're talking about height. We would submit if the height was granted and we're able to build the 100-foot box let's just say, we would not have an adverse effect on the directly adjacent Lot 9. The building set back currently we are asking for I believe is 60-feet from that property line. The City itself owns Lot 9. Lot 9 is further encumbered by both City of Dover sewer easements and that green line that you see there was actually floodplain. They cannot build within that floodplain. So, even if Lot 9 is purchased and someone wants to build a building on it, those buildings will still be roughly almost 270 feet or almost 300 feet apart from each other.

Building a taller structure on our property isn't going to adversely affect Lot 9. Similarly, Lot 3 has the same setbacks, but they've got the same problems as well. They've got a flood line and water towers there. We would not adversely impact the two direct neighbors. Similarly across the street, the Garrison Energy Center currently has roughly a 100-foot stack on it as well. It's not like this hasn't been built out there before. We have a 100-foot stack across the street.

The fourth criteria is whether failure to remove the restriction would adversely impact us or what the hardship is on our property. What we're saying today is that these cold storage facilities use this 100-foot clear space for more automatized operations for cold storage. They have found the most efficient way for these "packing facilities" if you will. Everything is delivered to them, they store it, and then they distribute it out to the region itself. I believe it's a 76 or 78 foot clear for all their racks that they have and some of it is automated. They have some lower regular 40–50-foot storage area, but this 100-foot is a magic number for the industry. This happens all across the country. They're looking to build one here which would be great for the Peninsula itself because it acts almost like a hub for everything to then be distributed down south throughout the Peninsula itself. If this was removed and if we were encumbered by the 100-feet or if we were

not able to build 100-feet, it would primarily prevent the building from being constructed. They need these large facilities for their use. This is an example of a Dole cold storage facility down in Georgia. This is just kind of an example of almost like a massing example of the buildings themselves. They are large buildings and then this is one that was retrofitted with this 100-foot clear storage that you can see in the center. There is an office component and there is a distribution component for the trucking and the docking facilities, and then the larger component is the 100-foot cold storage area.

The second variance that we are requesting is a maximum lot impervious variance. The IPM-2 zone restricts it to 65%. I think we're asking for 71%, an increase of 6%. Garrison Oak was developed where as the stormwater management is essentially managed for all the parcels up to 65%, which means we could come in, buy a parcel, and put 65% worth of parking lots, buildings, and any other impervious area on the facility. The only thing that from a development standpoint we have to manage is the small quality storm. All the volume of the larger storms is already managed and was developed in the original layout and construction of the Park itself. Again, going through the four criteria: the nature of the zone, it's an IPM-2 zone, and it's appropriately zoned. The character in the vicinity again this is more of an industrial use and it's in keeping with the neighborhood.

The last two we're going to focus on is whether the removal of the restriction would seriously affect any of the neighboring properties. As previously explained, the 6% increase on the impervious wouldn't adversely impact the neighboring properties because if we go above the 65% on impervious, we have to manage the stormwater on site. That's already known and accounted for. We'll have to manage that extra volume anyway. Again, that approval will not only go through the City but that will be handled by the Kent Conservation District as well which will hold us to it. We are not going to adversely impact the neighbors because we'll have to manage that on site anyway.

The fourth one is failure to remove the restriction is basically what's the impact on us and what's the impact on the lot itself. We are talking about 6%, it's a couple thousand square feet and what we're trying to balance right now is the primary use of these facilities is for large interstate trucks. These large interstate trucks need a lot of room to turn and maneuver and part of it is parking. Here is also the Kraft factory. The large parking lot in the south part is used for nothing but trailer storage for their trucks. That is what we're trying to balance right now with the site. We have an application to the City of Dover Planning Commission where we're requesting a 50% parking waiver because we don't need as much as the City code requires for normal car parking for office staff and warehouse. We don't need that much, what we need is trailer storage. We need trailer storage and the ability for the trucks to be able to maneuver on the site itself. So, that's just a good example of how much trailer storage these facilities take up. Again, this is the Dole facility in Georgia. If you look down to the bottom picture itself, you've got a large concrete parking area that is just for trailer storage. Whether it is used all the time or not, it's what they need for the facility to operate itself. This is a new cold facility that is out of Washington. You can see the kind of massing that these buildings have. It's a 100-foot clear storage in that large box followed by the lower story that is trucking and shipping and packing with some small office space in there as well.

The next slide is an actual rendering of the building that we are proposing. You can obviously see that we got loading docks, car storage, and trailer storage. The difficulty with the 6% coverage on the impervious is really for truck maneuverability and trailer storage. If we're not able to get that 6% we're impacted because we are further reducing the trailer storage and/or we have to make changes to the truck maneuvering which is not what we'd like because we'd like to have the room for the truck and safety to allow them their proper maneuvering. There's a little bit more difficulty on our site as well. We are not able to put as much trailer storage in a more efficient manner because remember we are encumbered by that floodplain as well. So, we can't build anything on the floodplain itself. We are kind of pinched in somewhat of an odd, shaped parcel itself. We can't quite design some of these things as efficiently as we like. If you saw some of the trailer storage, it is angled so that we can maximize the trailers on the property itself.

Mr. Street also mentioned that one of the difficulties that we do have on the site is that it is a pie-shaped or double frontage lot. We have the difficulties that we've got the double front setbacks on the property. We also got City sewer and stormwater encumbering the front of our property. It restricts us as to what we can do and how we can put the building and all the site improvements on the site in a more efficient manner. We are encumbered by a lot of utilities and easements up front.

Mr. Street asked if there were any questions.

Chairman Sheth asked if this was a Georgia based company? Mr. Street replied no, those were just other examples of cold storage facilities located throughout the country. The one here in Dover is not a Georgia based company, though the images were.

Chairman Sheth asked Mr. Street where his company was from and if they were local? Mr. Street replied the company was out of New Jersey.

Chairman Sheth mentioned that Becker Morgan is heavily involved in all this kind of work and it is greater demographic change. For example, say you are applying today for a variance and in the future more and more industry will come that way or you see a change like in the example of Scarborough Road.

Chairman Sheth mentioned, I'm just asking to input if this Board will probably face this kind of situation. Many times, we have to recommend to the City because there are a possibility of some ordinances we may have to change for future industry so they don't have to face hard challenges.

Mr. Keller mentioned after overcoming the first hurdle of who owns the property and who are you, the presentation and I think your position is well taken with the various things. Regarding the 65 to 71 percent, you will be obligated and will as you say be controlling and maintaining your overflow of surface drainage. Additionally, there's a very good comment about the impact of the height of the building. By not expanding out you do increase the vertical height in a far less damaging way than otherwise taking up more ground coverage. One thing that is important to us is to note that there are subsequent obligations on your part if there's an approval today with the follow-through with the Planning Commission, etc.

Again, the notations regarding any obligations of the Federal Aviation Administration, etc. regarding the height and clearances.

Mr. Wagner mentioned that he had read the reports. I have to say that the input Staff made was impressive. The presentation that your company made is impressive. I'm impressed. One thing that I want to reiterate is the variance only begins the process, does it not correct? Mr. Street replied correct.

Mr. Wagner mentioned in other words, if we run into issues with building heights and the FAA, these will all be taken care of by a separate agency. Mr. Street replied certainly, yes.

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

Chairman Sheth opened the public hearing.

Mr. Zachary Prebula was sworn in by City Solicitor Mr. Rodriguez.

Mr. Zachary Prebula, Business Developer, Kent Economic Partnership/Economic Development Organization for Kent County.

Mr. Prebula stated we (KEP) recently commissioned the Rockport 2.0 study which identified the target industries for Kent County in Dover. Among these industries the study highlights the critical role that warehousing and logistics plays in the Dover economy. Through our office, we have seen numerous requests for these large warehousing logistics centers and unfortunately right now our inventory does not meet these demands. By approving these variance requests, this will allow Dover to attract and accommodate these large essential projects. We firmly believe these requests are instrumental in positioning Dover to thrive in the warehousing and logistics sector. We respectfully urge the Board to approve these two variances. Thank you for your time and consideration.

Chairman Sheth asked if this project will encourage highly paid employment. Mr. Prebula replied the employment would be all based on what company comes in and uses the space.

Chairman Sheth asked what the average would be. Mr. Prebula replied I can't speak to that.

Chairman Sheth asked if there was anyone else who would like to speak in favor of the project. There was no one else wishing to speak. He asked if there was anyone who would like to speak against the project and there was no one wishing to speak.

Chairman Sheth closed the public hearing after seeing no one else wishing to speak (online or in the meeting room).

Chairman Sheth questioned if there was any additional correspondence or suggestions for the record. There was no additional correspondence.

Mrs. Melson-Williams noted that a representative of the potential equitable owner did join us online. We have Ms. Shira Weisz who has joined us if you had any questions as part of the applicant's presentation today. I'm sure she would be available to make comments.

Ms. Shira Weisz was sworn in by City Solicitor Mr. Rodriguez.

Ms. Shira Weisz stated that I think that Jon did a fabulous job of presenting the project and our position on it. We are excited about this location, and we would look forward to bringing industrial development and attracting a large logistics center to Dover. We think it's well situated, and the approval of these variances would certainly widen the scope of the potential end users for the project. The pool of potential end users would become much larger, and this project would become attractive to much larger logistics companies such as New Cold, Americold, Lineage Logistics, etc. which as Jon has presented operate very large facilities with numerous pallet positions that become that much larger because of the extended height. The ability to be able to place those trailer parking spaces really is imperative to maximizing the site and designing it as efficiently and as attractively as possible.

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

Mr. Keller moved to approve variance application V-23-05 to reduce the setbacks as it relates to the building height allowing a portion of the building to be up to 100 feet in height when only set back 88 feet (front yard) or 60 feet (side yard) from the property lines. I move for acceptance of that initial variance request. The motion was seconded by Mr. Wagner and unanimously carried 3-0. Mr. Senato and Ms. Warren were absent.

Mr. Keller moved to approve variance application V-23-05 of the second variance requested regarding the allowance of an increase in the maximum lot coverage from 65% to percent to 71%. The motion was seconded by Mr. Wagner and unanimously carried 3-0. Mr. Senato and Ms. Warren were absent.

Mr. Keller made a motion to adjourn the meeting. It was seconded by Mr. Wagner at 10:00 A.M. and approved by consensus.

Sincerely,

Maretta Savage-Purnell
Secretary



City of Dover
Board of Adjustment
June 20, 2024

V-24-01

Title: Legislative Hall Parking Garage Project – Application for Variances

Location: Southeast corner of Martin Luther King Jr. Boulevard South and East Avenue/E. Water Street

Addresses: 425 East Avenue and existing building addressed as 150 E. Water Street, Dover, DE

Owner: State of Delaware – OMB: Division of Facilities Management

Tax Parcel1: ED-05-077.10-01-02.00-000

Application Date: May 15, 2024

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

Present Use: Existing Parking Lot and Office/Credit Union Building

Proposed Use: Parking Garage Structure, Parking Lot Area, and Office/Credit Union Building

Reviewed By: Dawn Melson-Williams, AICP, Principal Planner

Variance Type: Area Variances

Variances Requested: Variance Requests to allow some project development within the Flood Hazard Area. The project has requested variances from the *Zoning Ordinance*, Article 5 Section 11.21 pertaining to development within the Flood Hazard Area (1% Annual Chance Flood/100-year floodplain).

- Variance Request 1 is to decrease the required reduction of the impervious surface area of the predevelopment conditions on the lot from 15% to 5% (Article 5 Section 11.211a).
- Variance Request 2 is to recognize that 48.7% of the lot is within the flood hazard area which is greater than 33% that allows Planning Commission consideration of reductions in impervious surfaces (Article 5 Section 11.211b).

Project Description

The property is located at the southeast corner of Martin Luther King Jr. Boulevard South and East Avenue/E. Water Street. The Legislative Hall Parking Garage Project proposes redevelopment of the property for construction of a three-story Parking Garage and other site improvements with portions of the existing surface parking lot and an office/credit union building to remain. A Site Plan set shows the project (See Exhibit E).

The Applicant (State of Delaware) has requested variances from the *Zoning Ordinance*, Article 5 Section 11.21 pertaining to development within the Flood Hazard Area (1% Annual Chance Flood/100-year floodplain). Variance Request 1 is to decrease the required reduction of the impervious surface area of the predevelopment conditions on the lot from 15% to 5% (Article 5 Section 11.211a). Variance Request 2 is to recognize that 48.7% of the lot is within the flood hazard area which is greater than 33% that allows Planning Commission consideration of reductions in impervious surfaces (Article 5 Section 11.211b). These Variance Requests would allow for some project development within the Flood Hazard Area.

The new building (Parking Garage Structure) would be subject to a separate Site Development Plan review process with the Planning Commission. The project was reviewed by the Historic District Commission on May 16, 2024 for a recommendation on Architectural Review Certification for construction activities (architectural style, design, appearance, etc.) in the Historic District.

See the Applicant's description of the project given below (excerpt from their narrative submission).

Applicant's Description Project Background Information: The project is located at the corner of Water Street and Martine Luthé King Boulevard within the City of Dover limits, Kent County, Delaware. The existing site contains a three-story brick building with attached canopy that is approximately 10,536+/- S.F. The site also contains a striped parking lot with a capacity of 150 spaces.

The proposed development of the site consists of a new 133,776+/- three-story parking garage that will accommodate 338 parking spaces for public and private use. As shown on the plan, the existing parking lot will be removed, and the proposed parking garage will sit in a portion of the footprint. The remaining existing footprint will become pervious asphalt. This area will contain parking for Capital police and will house a proposed generator that will serve the parking garage as well as Legislative Hall.

Property and Adjacent Properties: Zoning and Land Use

The 5.28 acre +/- property is zoned IO (Institutional and Office Zone) and is subject to the H (Historic District Zone). The initial Building (now offices and credit union) and the surface parking lot on the property were constructed in the late 1950s-early 1960s (in place by 1961). The more recent applications at this site were for the expansions of the OMB/DFM DFCU surface parking lot in 2005 and 2006. Applications (HI-07-01 and S-07-19) in 2007 involved the Del-One Credit Union Drive-thru Expansion to the four lanes, an ATM, and a canopy.

This subject property location at the corner of East Avenue/E. Water Street and Martin Luther King Jr. Boulevard South is part of the Capital Complex where multiple State buildings and offices are located. The Del-One Credit Union Building with its drive-thru is located south of the

project site but on the same property. Across the street to the north is Legislative Hall and to the west across the street is the Tatnall Building (offices). Surrounding properties are zoned IO (Institutional and Office Zone) with other open space areas like the Legislative Mall area zoned ROS (Recreational and Open Space Zone). The surrounding properties on the west side of the St. Jones River are also within the H (Historic Zone).

The eastern property line of the property is the St. Jones River. The eastern portions of the property are located within the Special Flood Hazard Area (100-year floodplain/ 1% Annual Chance Flood) where development and impervious surface is limited by the provisions of the *Zoning Ordinance*. The 100-year floodplain location is labeled as FP-AE (Zone AE) in the applicant's Site Plan set. The information on the Flood Hazard Areas (floodplain areas) is shown on FEMA FIRM Panel 10001C167H effective May 5, 20023 and Panel 10001C169J effective July 7, 2014. See Exhibit D for the National Flood Hazard Layer FIRMette.

A series of Map Exhibits (Exhibit B-D) prepared by Staff is attached to this Report. It shows the subject property's location and the surrounding zoning and the Special Flood Hazard Areas.

Code Citations

IO (Institutional and Office Zone)

The subject project area is zoned IO (Institutional and Office Zone). *Zoning Ordinance*, Article 3 Section 10 lists the permitted uses, conditional uses, and other provisions of the IO zone. The IO zone allows the use for public and institutional building and makes the development subject to provisions of regulations the IO zone. A parking structure would be considered an allowable use.

H (Historic District Zone)

The entire project site is located in the H (Historic District Zone) and subject to the provisions of the *Zoning Ordinance*, Article 3 §21 and referenced sections. *Zoning Ordinance*, Article 10 §3.2 outlines the review process for Architectural Review Certification and related building height, bulk, and setback standards for development in the Historic District.

Regulations for Flood Hazard Areas (Floodplains)

Compliance with the floodplain provisions of the *Zoning Ordinance* is required. The access drive to the remaining/redeveloped portion surface parking lot area appears to be planned within the Special Flood Hazard Area. The *Zoning Ordinance* limits development in the Special Flood Hazard Area (100-year floodplain) with the standards as found in *Zoning Ordinance*, Article 5 Section 11. The two standards in *Zoning Ordinance*, Article 5 Section 11.211a and b are the two variances requested.

Article 5 Section 11. – Environmental Protection

11.1 *Purpose*. The purpose of this section is to protect public health and safety by ensuring that environmental standards for water, air, and soil in the City of Dover adequately address current practices in the realm of environmental protection. Further, it is the intent of this section to protect environmentally sensitive land as well as the plants and animals that reside on that land.

11.2 *Environmentally sensitive areas and scarce resources*. All land areas which contain one of the following natural features or combination of these features shall be considered to be an environmentally sensitive area or an area of scarce resources subject to specific requirements for environmental protection and conservation: flood hazard areas, steep

slopes, water bodies and wetlands, wet soils, woodlands, significant wildlife habitats, prime agricultural soils, designated scenic areas, and natural areas and nature preserves identified in the comprehensive plan.

11.21 *Flood hazard areas.* All flood hazard areas shall remain as natural open space, except for the construction of roads authorized by the City of Dover and/or the Delaware Department of Transportation.

a) For the purposes of this section, natural open space is defined as an area of land that excludes buildings, structures, and impervious surface from being constructed on or located within the area. For evaluating flood hazard areas, patios, cement slabs, sidewalks, and other similar constructs are considered to be structures and are similarly prohibited.

11.211 *Redevelopment.* Existing uses or buildings located within a flood hazard area are considered to be nonconforming structures and are subject to the following requirements if redevelopment occurs on properties within the flood hazard area.

a) Nonresidential uses existing in a flood hazard area seeking to redevelop a property under the requirements of Appendix B—Zoning, Article 10—Planning Commission, are required to reduce impervious surfaces for the lot by 15 percent from the preredevelopment conditions.

b) For nonresidential uses where less than 33 percent of the total lot area is located within a flood hazard area, the planning commission may waive or reduce the amount of required reduction in impervious surfaces. For projects being reviewed under administrative site plan review, the city planner may waive or reduce the amount of required reduction in impervious surface for projects where less than 33 percent of the total lot area is located within a flood hazard area.

c) New residential building construction or additions of impervious surface are not permitted in pervious areas of the flood hazard area.

Additionally, the following definitions are part of the *Zoning Ordinance*:

Flood hazard area: Land areas delineated on the Federal Emergency Management Agency's (FEMA's) Community Flood Insurance Rate Map as being within the limits of the 100-year floodplain, and any lands subsequently identified by FEMA as being within the limits of the 100-year floodplain as a result of any revision to the community flood insurance rate map approved by FEMA, or by issuance of a conditional letter of map revision issued by FEMA.

Hazard areas: Areas subject to flood hazard, including alluvial soils, as defined and mapped by the Federal Emergency Management Agency. Where mapping from this source is not available, the Kent County soil survey shall be used to determine the extent of flood hazard areas.

Impervious surfaces: "Impervious surfaces" are those that do not absorb rain. All buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt shall be considered "impervious surfaces" within this definition. In addition, other areas determined by the engineer to be impervious within the meaning of this definition will also be classed as "impervious surfaces."

Lot coverage: The percent of a lot which is covered, or planned to be covered, with impervious surfaces. [The term] "lot coverage" shall include off-street parking areas and driveways, but not public streets.

Applicant's Proposed Project and Variances Requested

The Applicant has submitted a Site Plan Set (Exhibit E). These plans/drawings depict the proposed demolition activities, building placement, and other site improvements as currently proposed. Also included are the locations of the Flood Hazard Areas (Floodplain) and the associated lot area and impervious surfaces. The Variance Requests are to allow some project development with the Flood Hazard Area. The project has requested variances from the *Zoning Ordinance*, Article 5 Section 11.21 pertaining to development within the Flood Hazard Area (1% Annual Chance Flood/100-year floodplain).

- Variance Request 1 is to decrease the required reduction of the impervious surface area of the predevelopment conditions on the lot from 15% to 5% (Article 5 Section 11.211a).
- Variance Request 2 is to recognize that 48.7% of the lot is within the flood hazard area which is greater than 33% that allows Planning Commission consideration of reductions in impervious surfaces (Article 5 Section 11.211b).

Exceptional Practical Difficulties Tests

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

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

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

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

Review of Application

As part of the Application, the applicant was asked to summarize how the requested variance relates to the above criteria. The applicant's response along with a Staff assessment of the

application in accordance with the required criteria is provided below. The applicant provided responses to each variance request (Variance 1 and Variance 2).

Variance 1

Variance Request 1: Variance from City of Dover Code, Appendix B, Article 11, Section 11.211a

Variance Requested 1: Variance to not have a reduction of impervious surface area of 15% from existing conditions to proposed conditions.

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

Applicant Response: “The subject parcel is currently zoned IO (Institutional and Office). The current and proposed use is a permitted use within the IO zone.”

Staff Response:

The subject property is zoned IO (Institutional and Office Zone) and subject to the H (Historic District Zone). The IO zone allows uses for public and institutional buildings. The H (Historic District Zone) does not regulate use, but how development and construction activities are to occur to be in harmony with the neighboring structures and architectural character of the Historic District.

Related to the Flood Hazard Area (floodplain), a portion of the property is located in floodplain Zone AE known as Special Flood Hazard Area (1% Annual Chance Flood/ 100-year floodplain) where there are additional restrictions and certain limitations and requirements for development/redevelopment.

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

Applicant Response: “The property currently holds 10,536± S.F. building with a parking facility that has 150 parking spaces. The existing building houses the Del-One credit union. The character of the area is in the historic district of the city. Various state buildings surround the site making the parking garage a much-needed facility as parking is limited when legislatures are in session.”

Staff Response:

This area is part of the Capital Complex where a number of State Office buildings, Legislative Mall (open space area), and Legislative Hall are located. There are some other office buildings to the southeast along East Water Street. The majority of the land area is owned by the State of Delaware. The eastern boundary of this property is the St. Jones River and includes open grass lawn areas and trees and other vegetation along the immediate banks of the river. The property slopes toward the St. Jones River.

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

Applicant Response: “Removing the requirement of a reduction of the impervious area would not have an impact on neighboring properties. The proposed conditions will place the

parking garage within a portion of the existing impervious parking lot; the remaining portion of asphalt will be removed and replaced with a pervious pavement. The reduction from existing to proposed is 5%.”

Staff Response:

Planning Staff acknowledges that the neighboring State parcels are already developed or are zoned for open space. The eastern portion of this property is encumbered by a Special Flood Hazard Area (100-year floodplain) just as other parcels that have frontage along the St. Jones River. The proposed redevelopment areas on the property are located adjacent to the East Avenue/E. Water Street and Martin Luther King Jr. Boulevard South street network. And the improvements (access drive and parking lot area) are internal to the subject property located some distance from the adjacent properties. The project does propose a reduction in the amount of impervious surfaces within the Flood Hazard Area (floodplain area); the reduction is 5% rather than 15%. While project still proposes areas of pavement within the floodplain, their intent to utilize pervious paving materials would likely allow for the infiltration of water and not increase flood levels along the St. Jones River. Therefore, the requested variance should not impact neighboring lands.

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

Applicant Response: “If the variance would not be approved, the proposed garage would hold fewer parking spaces for the constituents and legislatures of the state. Replacing the impervious pavement with a pervious pavement allows for a small reduction in lot coverage. The master plan for the Legislative Hall complex is to expand the existing Legislative Hall; with this expansion, 46 parking spaces are being eliminated. The parking garage is designed to include the eliminated spaces.”

Staff Response:

Planning Staff notes that based on review of the information submitted, the applicant has made efforts to minimize the amount of redevelopment in the Flood Hazard Area (100-year floodplain). The main building of the Parking Garage Structure is proposed to address parking space displacement in the nearby area and for future building additions to State facilities (i.e. Legislative Hall); the Parking Garage Structure is not within the Flood Hazard Area. While they are reducing the amount of impervious surface in the Flood Hazard Area (floodplain) as required for redevelopment by the *Zoning Ordinance*, the ability to provide some secure and services areas related to the building requires some development within the Flood Hazard Areas due to the available development area location on the property and the existing office/credit union building that will remain.

Variance 2

Variance Request 2: Variance from City of Dover Code, Appendix B, Article 11, Section 11.211b.

Variance Requested 2: Variance to have more than 33% of the lot within the floodplain.

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

Applicant Response: “The subject parcel is currently zoned IO (Institutional and Office). The current and proposed use is a permitted use within the IO zone.”

Staff Response:

The subject property is zoned IO (Institutional and Office Zone) and subject to the H (Historic District zone). The IO zone allows uses for public and institutional buildings. The H (Historic District Zone) does not regulate use, but how development and construction activities are to occur to be in harmony with the neighboring structures and architectural character of the Historic District.

Related to the Flood Hazard Area (floodplain), a portion of the property is located in floodplain Zone AE known as Special Flood Hazard Area (1% Annual Chance Flood/ 100-year floodplain) where there are additional restrictions on certain limitations and requirements for development/redevelopment.

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

Applicant Response: “The property currently holds 10,536± S.F. building with a parking facility that has 150 parking spaces. The existing building houses the Del-One credit union. The character of the area is in the historic district of the city. Various state buildings surround the site making the parking garage a much-needed facility as parking is limited when legislatures are in session.”

Staff Response:

This area is part of the Capital Complex where a number of State Office buildings, Legislative Mall (open space area), and Legislative Hall are located. There are some other office buildings to the southeast along East Water Street. The majority of the land area is owned by the State of Delaware. The eastern boundary of this property is the St. Jones River and includes open grass lawn areas and trees and other vegetation along the immediate banks of the river. The property slopes toward the St. Jones River.

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

Applicant Response: “Removing the required 33% required would allow the state to develop the site for the parking garage within no adverse effect on the surrounding properties. The proposed parking garage is being placed in a portion of the existing footprint of the current parking lot.”

Staff Response:

Planning Staff acknowledges that the neighboring State parcels are already developed or are zoned for open space. The eastern portion of this property is encumbered by a Special Flood Hazard Area (100-year floodplain) just as other parcels that have frontage along the St. Jones River. The proposed redevelopment areas for the project are located adjacent to the East Avenue/E. Water Street and Martin Luther King Jr. Boulevard South street network. And the improvements (access drive and parking lot area) are internal to the subject property located some distance from the adjacent properties. This variance

request recognizes that a larger area (48.7%) of the subject lot is within the floodplain/Flood Hazard area in order to allow the Planning Commission to consider alternative impervious surface reductions. Therefore, the requested variance should not impact neighboring lands.

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

Applicant Response: “With the current mapping of the floodplain, 48.7% of the lot is within the Floodplain AE. To reduce area to the required 33%, a flood study would be required to be performed. If the variance would not be approved, the study would cause a delay in the construction of the parking garage and lead to continued parking issues within the city.”

Staff Response:

The Planning Staff recognizes that the applicant has provided information on the location of the Flood Hazard Area on their subject property and made an effort to minimize the amount of redevelopment in the Flood Hazard Area (100-year floodplain) with their proposed project. The aspects of the project to be located in the Flood Hazard Area (floodplain) enhance the ability to provide some security and services areas related to the building. The location of these security and service areas requires some development within the Flood Hazard Area (floodplain) areas due to the available development area location on the property and the existing office/credit union building that will remain. The areas are proposed as an access drive and parking spaces but not buildings.

Planning Staff does note that there is a process whereby a property owner may study the existing conditions of their land and the floodplain and seek a Map Amendment or Map Change to the FEMA designated Special Flood Hazard Areas. This Flood Study involves data collecting and engineering analysis which takes time and may not result in any changes to the location of the floodplain/flood hazard area on the property.

Variance Recommendations

Staff recommends approval of the Variance 1 and the Variance 2 that would allow for some project development within the Flood Hazard Area on this property at 425 East Avenue/150 E. Water Street based on the applicant’s response statements and our earlier findings outlined in this report and as noted below. Approval of Variance 1 would decrease the required reduction of the existing impervious surface area from 15% to 5% which the proposal appears to accomplish with its design. Approval of Variance 2 would recognize that the subject property contains a Flood Hazard Area of 48.7% as an existing condition and allow the Planning Commission to further evaluate and consider reductions in the impervious surfaces for the project as the design is refined in the Site Development Plan review process.

Planning Staff finds that the development that taken steps to minimize the redevelopment in the Flood Hazard Area with the proposed location of the Parking Garage Structure outside of the Flood Hazard Area and also with the proposed use of pervious paving in areas of parking lot and

access drive in order to reduce that level of impervious surfaces in the Flood Hazard Area. A significant portion of the property will remain as open space with no development in the floodplain areas especially located along the St. Jones River.

Advisory Comments to the Applicant

- If granted, variances become null and void if work has not commenced within one (1) year of the date the variance was granted. At present there is no provision for extension.
- If the requested variances are granted, the Applicant must still obtain the appropriate Site Development Plan and construction activity Permits approvals for construction of a Building on the property. A Site Development Plan for a building of this size requires an application and review process involving the Planning Commission. Contact the Planning Office to discuss steps for application submission.
- The Applicant should be aware that whenever the Board of Adjustment denies an application for a variance, such application for a variance, or an application on the same property, which is substantially similar, shall not be accepted for reconsideration by the Board of Adjustment sooner than one year from the date of denial (*Zoning Ordinance*, Article 9 §3.8).
- The project must also ensure compliance with the requirements of all codes related to construction within the Flood Hazard Area (100-year floodplain) including *Dover Code of Ordinances*, Chapter 50 – Floods.

GUIDE TO ATTACHMENTS

Exhibit	Description/Author	# Pages
A	BOA Application Form	1
B	Planning & Inspections View Map - Zoning Map Exhibit (Staff)	1
C	Planning & Inspections View Map showing Floodplains (Staff)	1
D	National Flood Hazard Layer FIRMette (Staff using FEMA Map Service Center tool)	1
E	Applicant's Written Responses: Narrative	2
F	Site Plan set: Sheets C100 Cover Sheet, C101 Legend, C102 Existing Conditional & Demolition, C103 Site Layout, C104 Construction Details, C105 Existing Site Breakdown, C106 Proposed Site Breakdown, C107 Fire Marshal Plan	8



Board of Adjustment Application

Application Information

Property Address: 150 W. Water Street, Dover, DE 19901

Tax Parcel Number: 2-05-077.10-01-02.00

Owner Name: State of Delaware

Property Zoning: IO

Variance (s) Requested: Variance from Appendix B, Article 11, Section 11.211a, reduction of impervious surface area of 15%, and Appendix B, Article 11, Section 11.211b: more than 33% of the lot within the floodplain.

*Provide eight (8) copies of any survey, drawings, photos, site plan, etc. that may help support your application, and your response to the criteria. The criteria for a use variance and appeal are on the back of the form.

Area Variance

An area variance shall be evaluated on the following criteria: **Please state how your request meets each of these four (4) criteria.**

1. The nature of the zone in which the property lies;
2. The character of the immediate vicinity and the contained uses therein;
3. Whether, if the restriction upon the applicant's property were removed, such removal would seriously affect neighboring properties and uses; and
4. Whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in his efforts to make normal improvements in the character of that use of the property that is permitted uses under the provisions of the zoning ordinance.

Signature

I Jennifer Coverdale do affirm that I am the property owner on which the variance is sought and that all the information provided in this application is accurate to the best of my knowledge and belief.

Signature

Director

Title

5/15/24

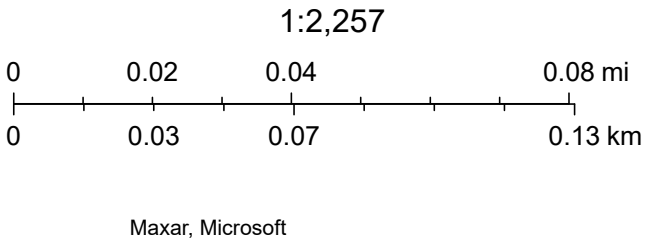
Date

Planning & Inspections View Map



6/12/2024, 9:41:01 PM

- Dover_Boundary
- Dover Floodplains
- AE: 100-year Floodplain
- AE: 100-year Floodplain
- AE, Floodway: Regulatory Floodway
- X, 0.2 PCT Annual Chance Flood Hazard: 500-year Floodplain
- X, 0.2 PCT Annual Chance Flood Hazard: 500-year Floodplain
- Parcels Outside Dover
- Dover Parcels



Planning & Inspections View Map - Zoning



6/12/2024, 9:54:44 PM

- Dover_Boundary

Tier 1 Secondary Wellhead Protection Area

Tier 2 Primary Wellhead Protection Area

SWPOZ Source Water Protection Overlay Zones - Tier 3 Excellent Recharge Areas

Noise Zone Areas

65 DNL A

70 DNL B
- 75 DNL C

80 DNL D

H Historic District

COZ-1 Corridor Overlay Zone

AEOZ Airport Environs Overlay Zone

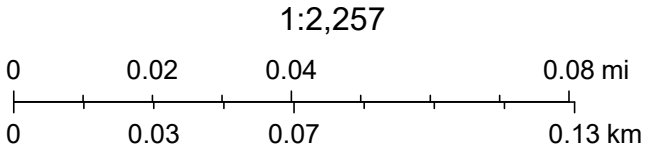
APZ I

APZ II
- CZ

Zoning Boundary Line

Parcels Outside Dover

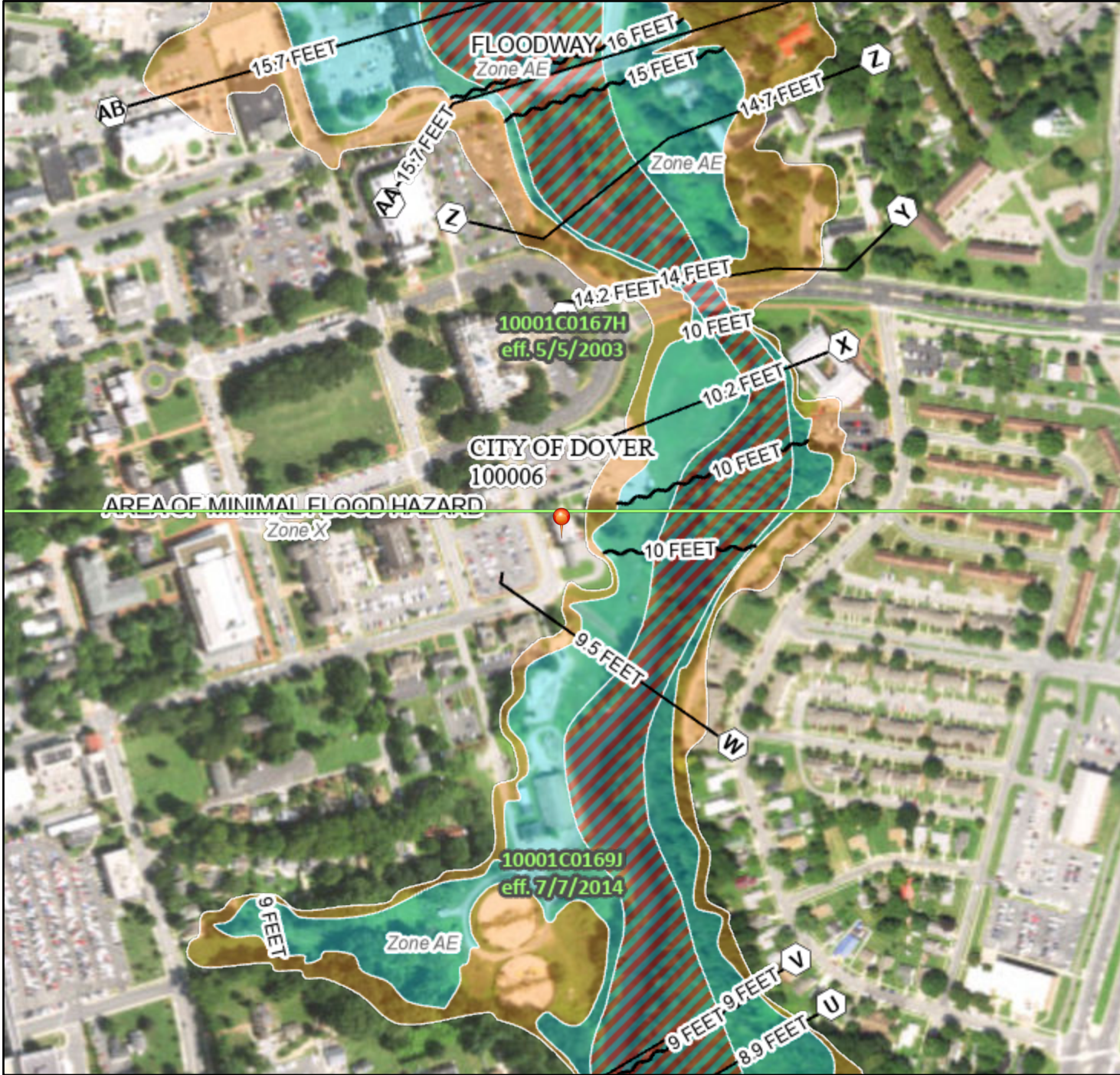
Dover Parcels



Maxar, Microsoft

National Flood Hazard Layer FIRMMette

75°31'27"W 39°9'36"N



0 250 500 1,000 1,500 2,000 Feet 1:6,000

Basemap Imagery Source: USGS National Map 2023

Legend

Item 2.

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM UT

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
OTHER AREAS OF FLOOD HAZARD		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee. See Notes. Zone X
		Area with Flood Risk due to Levee Zone D
OTHER AREAS		NO SCREEN Area of Minimal Flood Hazard Zone X
		Effective LOMRs
GENERAL STRUCTURES		Area of Undetermined Flood Hazard Zone D
		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
MAP PANELS		Digital Data Available
		No Digital Data Available
		Unmapped



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 6/12/2024 at 9:45 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifier, FIRM panel number, and FIRM effective date. Map in unmapped and unmodernized areas cannot be used for regulatory purposes.

Applicant: Legislative Hall Parking Garage

Variance Request 1: Variance from City of Dover Code, Appendix B, Article 11, Section 11.211a

Variance Requested 1: Variance to not have a reduction of impervious surface area of 15% from existing conditions to proposed conditions.

Project Background Information: The project is located at the corner of Water Street and Martine Luthe King Boulevard within the City of Dover limits, Kent County, Delaware. The existing site contains a three-story brick building with attached canopy that is approximately 10,536+/- S.F. The site also contains a striped parking lot with a capacity of 150 spaces.

The proposed development of the site consists of a new 133,776+/- three-story parking garage that will accommodate 338 parking spaces for public and private use. As shown on the plan, the existing parking lot will be removed, and the proposed parking garage will sit in a portion of the footprint. The remaining existing footprint will become pervious asphalt. This area will contain parking for Capital police and will house a proposed generator that will serve the parking garage as well as Legislative Hall.

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

The subject parcel is currently zoned IO (Institutional and Office). The current and proposed use is a permitted use within the IO zone.

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

The property currently holds 10,536± S.F. building with a parking facility that has 150 parking spaces. The existing building houses the Del-One credit union.

The character of the area is in the historic district of the city. Various state buildings surround the site making the parking garage a much-needed facility as parking is limited when legislatures are in session.

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

Removing the requirement of a reduction of the impervious area would not have an impact on neighboring properties. The proposed conditions will place the parking garage within a portion of the existing impervious parking lot; the remaining portion of asphalt will be removed and replaced with a pervious pavement.

The reduction from existing to proposed is 5%.

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

If the variance would not be approved, the proposed garage would hold fewer parking spaces for the constituents and legislatures of the state. Replacing the impervious pavement with a pervious pavement allows for a small reduction in lot coverage. The master plan for the Legislative Hall complex is to expand the existing Legislative Hall; with this expansion, 46 parking spaces are being eliminated. The parking garage is designed to include the eliminated spaces.

Variance Request 2: Variance from City of Dover Code, Appendix B, Article 11, Section 11.211b.

Variance Requested 2: Variance to have more than 33% of the lot within the floodplain.

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

The subject parcel is currently zoned IO (Institutional and Office). The current and proposed use is a permitted use within the IO zone.

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

The property currently holds 10,536± S.F. building with a parking facility that has 150 parking spaces. The existing building houses the Del-One credit union.

The character of the area is in the historic district of the city. Various state buildings surround the site making the parking garage a much-needed facility as parking is limited when legislatures are in session.

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

Removing the required 33% required would allow the state to develop the site for the parking garage within no adverse effect on the surrounding properties. The proposed parking garage is being placed in a portion of the existing footprint of the current parking lot.

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

With the current mapping of the floodplain, 48.7% of the lot is within the Floodplain AE. To reduce area to the required 33%, a flood study would be required to be performed.

If the variance would not be approved, the study would cause a delay in the construction of the parking garage and lead to continued parking issues within the city.

G:\Projects\24002670.001A - Leg Hall Parking
Garage\DESIGN\Correspondence\CityofDover\BoardAdjustment\AreaVarianceExplanation.docx

THE RECIPIENT OF THESE PLANS IS HEREBY ADVISED THAT THE INFORMATION CONTAINED HEREIN IS FOR THE EXCLUSIVE USE OF THE CLIENT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT INCLUDE ANY CONSEQUENTIAL DAMAGES. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT INCLUDE ANY CONSEQUENTIAL DAMAGES. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED AND DOES NOT INCLUDE ANY CONSEQUENTIAL DAMAGES.

5/16/2024 12:47 PM

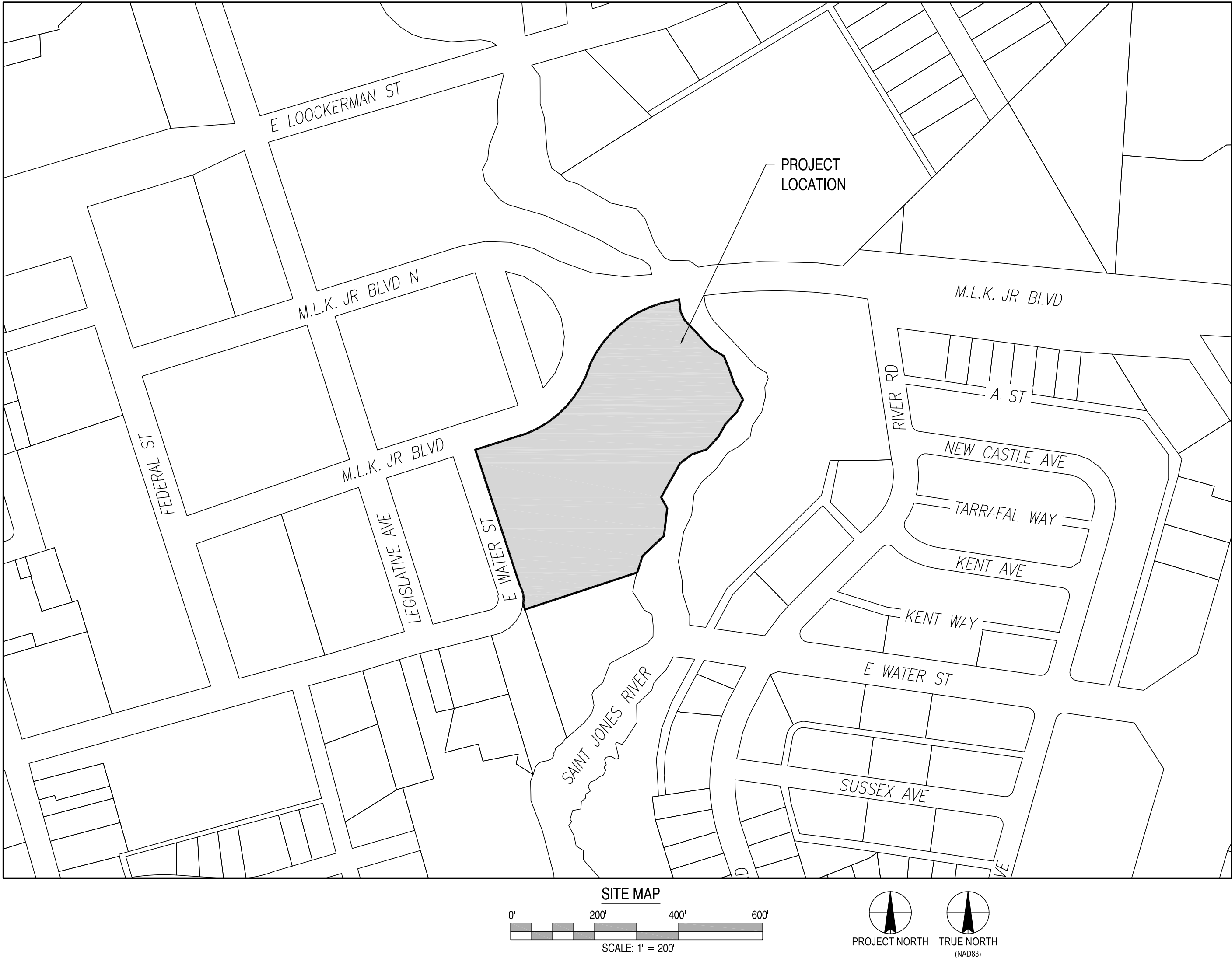
SITE CONSTRUCTION PLANS

FOR

LEGISLATIVE HALL PARKING GARAGE

2-05-077.10-01.02.00

CITY OF DOVER, KENT COUNTY, DELAWARE



DATA COLUMN	
1. COUNTY TAX MAP:	2-05-077.10-01-02.00
2. APPLICATION NUMBER:	
3. ADDRESS OF SITE:	150 W WATER STREET DOVER, DE 19901
4. ZONING:	EXISTING: IO-INSTITUTIONAL/OFFICE PROPOSED: IO-INSTITUTIONAL/OFFICE
5. LOT AREA:	5.28± ACRES
6. SOURCE OF TITLE:	D.R. 14-103
7. EXISTING USE:	PARKING LOT / BANK
8. PROPOSED USE:	PARKING GARAGE / BANK
9. DATUM:	EXISTING IRON PIN, SEE SHEET C102 VERTICAL - NAVD83 HORIZONTAL - NAD83
10. SETBACK:	FRONT: 10' SIDE: 10' REAR: 15'
11. MONUMENTS:	EXISTING MONUMENTS: 0 EXISTING IRON PINS: 0 PROPOSED MONUMENTS: 0
12. PROJECT SITE BREAKDOWN (5.28± ACRE LOT/LOC):	EXISTING SITE IMPERVIOUS: 69,810± S.F. (1.60± ACRES) OPEN SPACE: 160,155± S.F. (3.68± ACRES) OVERALL TOTAL: 229,965± S.F. (5.28± ACRES) PROPOSED SITE IMPERVIOUS: 56,747± S.F. (1.30± ACRES) OPEN SPACE: 173,218± S.F. (3.98± ACRES) OVERALL TOTAL: 229,965± S.F. (5.28± ACRES) PROPOSED DECREASE IN IMPERVIOUS AREA: 0.34± ACRES
13. FLOOD PLAN MAP:	PER FEMA MAP NUMBER 1000100167H, DATED MAY 5, 2003, THIS SITE LIES WITHIN ZONE X (AREAS OF 0.2% ANNUAL CHANCE FLOOD); AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.) AND ZONE AE (BASE FLOOD ELEVATIONS DETERMINED)
14. PURPOSE OF PLAN:	THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED 127,500± S.F. THREE STORY PARKING GARAGE AND ASSOCIATED IMPROVEMENTS.
15. DEBRIS DISPOSAL:	NO DEBRIS SHALL BE BURIED ON THE SITE. ANY BURIED DEBRIS ENCOUNTERED SHALL BE REMOVED AND DISPOSED OF AT AN APPROVED FACILITY.
16. TOPOGRAPHY:	TOPOGRAPHIC SURVEY DATA SHOWN HEREON WAS PERFORMED BY CENTURY ENGINEERING, LLC, OCTOBER 2023.
17. BOUNDARY SURVEY:	BOUNDARY SHOWN HEREON PREPARED BY CENTURY ENGINEERING, LLC, DATED OCTOBER 2023.
18. WETLANDS:	A WATERS OF THE U.S. INVESTIGATION WAS PERFORMED IN JANUARY, 2024 BY CENTURY ENGINEERING, INC. WATERS OF THE U.S. WERE FOUND WITHIN SUBJECT PARCEL.
19. PROPOSED SIGNAGE:	ALL PROPOSED MONUMENT SIGNS AND OTHER SIGNAGE IS SUBJECT TO A SEPARATE SIGN PERMIT APPLICATION REVIEW PROCESS.
20. OWNER/EQUITABLE OWNER:	DIRECTOR, DIVISION OF FACILITIES MANAGEMENT OFFICE OF MANAGEMENT + BUDGET 122 MARTIN LUTHER KING JR. BLVD S DOVER, DE 19901 (302) 739-5644 JENNIFER COVERDALE, MBA
21. ENGINEER:	CENTURY ENGINEERING, LLC 550 SOUTH BAY ROAD DOVER, DE 19901 (302) 734-9188 SONIA S. MARICHC, P.E.

STUDIOJAED

ARCHITECTS ■ ENGINEERS ■ FACILITIES SOLUTIONS

Email: info@StudioJAED.com
Website: www.StudioJAED.com

DELAWARE OFFICE

122 MARTIN LUTHER KING JR. BLVD STE. 110
DOVER, DELAWARE 19901
P: (302) 832-1692

MARYLAND OFFICE

1000 W. 10TH ST. #100
CRUMPTON, MARYLAND 21035
P: (410) 646-0084

CENTURY

ENGINEERING

A Kleinfelder Company

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ARCHITECT / ENGINEER SEAL

STATE OF DELAWARE
OMB/DIVISION OF FACILITIES MANAGEMENT
OMB/DFM CONTRACT #MJ1002000071
LEGISLATIVE HALL PARKING GARAGE
MARTIN LUTHER KING JR BLVD AND E WATER ST
DOVER, DE 19901

REVISIONS

SHEET TITLE

COVER SHEET

AGENCY SUBMISSION

MAY 16, 2024		
DRAWN	CHKD	PROJECT NO.
TCV	DLD	23094
SHEET NO.		

C100

WETLAND DELINEATION

THIS PROPERTY, 2-05-077.10-01.02.00 WAS BEEN EXAMINED BY CENTURY ENGINEERING, LLC, FOR THE PRESENCE OF WATERS OF THE UNITED STATES, INCLUDING WETLANDS (SECTION 404 AND SECTION 10), STATE SUBAQUEOUS LANDS AND STATE REGULATED WETLANDS AS ESTABLISHED BY THE REVIEWING AGENCIES IN THE FORM OF MANUALS, POLICES AND PROCEDURES IN PLACE AT THE TIME THAT THE INVESTIGATION WAS CONDUCTED. THE WETLAND INFORMATION CONTAINED IN THIS PLAN SET IS IN ACCORDANCE WITH THIS CRITERIA. THE WETLAND DELINEATION FOR THIS PROJECT WAS COMPLETED BY CENTURY ENGINEERING, LLC.

TJ AUSTIN, PWS
CENTURY ENGINEERING, LLC
550 BAY ROAD
DOVER, DELAWARE 19901
(302) 734-9188
TJAUSTIN@KLEINFELDER.COM

DATE

CERTIFICATION OF PLAN ACCURACY

I, SONIA S. MARICHC-GOUDY, HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF DELAWARE; THAT THE INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF REPRESENTS GOOD ENGINEERING PRACTICES AS REQUIRED BY THE APPLICABLE LAWS OF THE STATE OF DELAWARE.

SONIA S. MARICHC, P.E., DE NO. 13171
CENTURY ENGINEERING, LLC
550 BAY ROAD
DOVER, DELAWARE 19901
(302) 734-9188
SMARICHC@KLEINFELDER.COM

DATE

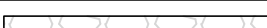
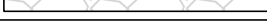
CERTIFICATION OF OWNERSHIP

I, JENNIFER COVERDALE, HEREBY CERTIFY THAT THE STATE OF DELAWARE IS THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT THEIR DIRECTION, AND THAT THEY ACKNOWLEDGE THE SAME TO THEIR BY ACT AND DESIRE THE PLAN TO BE DEVELOPED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

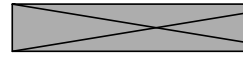
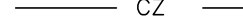
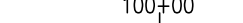
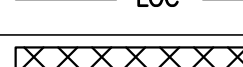
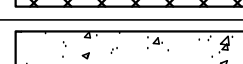
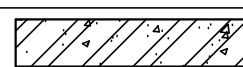
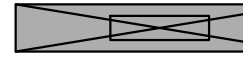
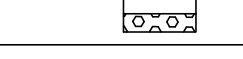
JENNIFER COVERDALE, MBA
DIRECTOR, DIVISION OF FACILITIES MANAGEMENT
OFFICE OF MANAGEMENT + BUDGET
122 MARTIN LUTHER KING BLVD S
DOVER, DE 19901
(302) 739-5644
JCOVERDALE@DELAWARE.GOV

DATE

GRADING		
FEATURE DESCRIPTION	EXISTING	PROPOSED
CONTOUR	---	_____
SPOT ELEVATIONS	○ ——— XX.XXX	○ ——— XXXX

PAVEMENT SECTION(S)	
MILL AND OVERLAY - SEE TYPICAL SECTIONS FOR MATERIAL AND DEPTHS	
FULL DEPTH PAVEMENT	
SHARED USE PATH	
GRAVEL	
CONCRETE	
PERVIOUS PAVEMENT	

RIGHT-OF-WAY FEATURES		
FEATURE DESCRIPTION	EXISTING	PROPOSED
DENIAL OF ACCESS	_____ DA _____	_____ DA _____
EASEMENT – OTHERS	_____ _____ _____	_____ _____ _____
PERMANENT EASEMENT	_____ PE _____	_____ PE _____
PROPERTY LINE	_____ _____ _____	_____ _____ _____
PROPERTY MARKER – CONCRETE	CM ○	C.M. ■
PROPERTY MARKER – IRON PIPE	LP: ○	LP: ●
RIGHT-OF-WAY BASELINE	100' 00' _____	100' 00' _____
RIGHT-OF-WAY LINE	_____ RW _____	_____ RW _____
RIGHT-OF-WAY & DENIAL OF ACCESS	_____ R/W-DA _____	_____ R/W-DA _____
RIGHT-TO-ENTER		_____ RTE _____
TEMPORARY CONSTRUCTION EASEMENT		_____ TCE _____
CLEAR ZONE		_____ CZ _____
HORIZONTAL CLEARANCE		_____ HC _____

MISCELLANEOUS FEATURES	
FEATURE DESCRIPTION	PROPOSED
BUTT JOINT	
CLEAR ZONE	
CONSTRUCTION BASELINE	
LIMIT OF CONSTRUCTION	
DEMOLITION	
P.C.C. SIDEWALK	
6" P.C.C. SIDEWALK	
PAVEMENT PATCH	
ACCESSIBLE RAMP	
SAW CUT	

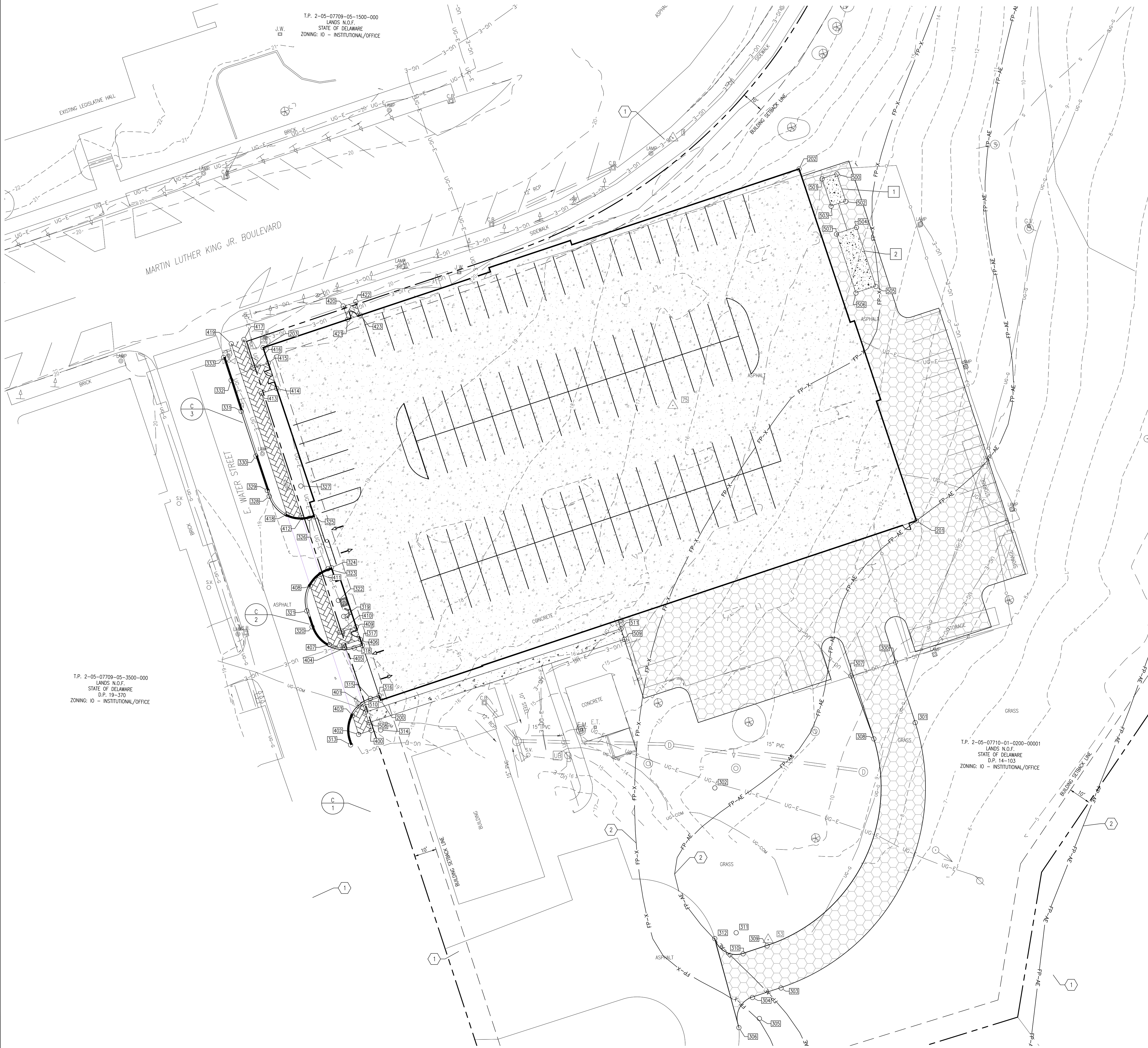
EROSION & SEDIMENT CONTROL FEATURES	
FEATURE DESCRIPTION	PROPOSED
LIMIT OF DISTURBANCE	_____ LOD _____
PORTABLE SEDIMENT TANK	
PUMPING PIT	
SILT FENCE	_____ SF _____
COMPOST FILTER LOG	_____ CFL _____
SENSITIVE AREA PROTECTION	_____ SAP _____

ABBREVIATION SCHEDULE	
ABBREVIATION	DEFINITION
ADD	AMERICANS WITH DISABILITIES ACT
ALLOW	ALLOWABLE
ASD	ALLOWABLE STRESS DESIGN
ALUM	ALUMINUM
BL	BALANCE
BSIT	BOTTOM
BRO	BEARING
CAP	CAPACITY
CJ	CONTROL JOINT
CL	CENTER LINE
CLR	CLEAR
CONC	CONCRETE
CONN	CONNECTION
CORR	CORRODATED
CSJ	CONSTRUCTION JOINT
DFM	DIVISION OF FACILITIES MANAGEMENT
DAG	DAGONAL
DL	DEAD LOAD
DNRC	DIVISION OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DORS	DEVELOPER'S LAGER
DOT	DEPARTMENT OF TRANSPORTATION
E.F.	EACH FACE
EL	ELEV
ELEV	ELEVATION
EQU	EQUAL
EX. EXIST.	EXISTING
F.F.	FAIR FACE
F.C.	COMPRESSIVE STRENGTH OF CONCRETE
FIN. FL.	FINISHED FLOOR
FIN. GR.	FINISHED GRADE
FND.	FOUNDATION
FTG	FOOTING
fy	YIELD STRENGTH OF STEEL
GABC	GRADED AGGREGATE BASE COURSE
GALV	GALVANIZED
HORIZ	HORIZONTAL
JI	JOINT
K/S	KIPS PER SQUARE INCH
LI	LIVE LOAD
LLV	LONG LEG VERTICAL
LHP	LONG LEG HORIZONTAL
LUER	LONG LEG BACK TO BACK
LOC	LIMIT OF CONSTRUCTION
LOS	LIMIT OF RESERVANCE
LRF	LOAD RESISTANCE FACTORED DESIGN
MHW	MEAN HIGH WATER
MFL	METAL
NO	NUMBER
NOM	NOMINAL
N.F.	NEAR FACE
O.C.	ON CENTER
OHV	ORDINARY HIGH WATER
OPP	OPPOSITE
P.L.	PROPERTY LINE
PL	PLATE
PS	POUNDS PER SQUARE INCH
PT	PRESSURE TREATED
REBAR	REINFORCING BAR
ROW, RW, R/W	RIGHT OF WAY
SF	SQ. FTENZ
SW	SWIMLAK
SLBR	SHORT LEG BACK TO BACK
SS	STAINLESS STEEL
SIA	STATION
STD	STANDARD
STL	STEEL
STR	STRAIGHT
T&B	TOP AND BOTTOM
TYP	TYPICAL
UHMW	ULTRA HIGH MOLECULAR WEIGHT
UNIFORM	UNIFORM
UNO	UNLESS NOTED OTHERWISE
VERT	VERTICAL
WSE	WATER SURFACE ELEVATION
WWF	WELDED WIRE FABRIC
NOTE: NOT ALL ABBREVIATIONS INCLUDED IN THESE PLANS	

C101

THE REGISTERS OF THESE PLANS OR ANY PART THEREOF, OR ANY INFORMATION THEREIN, OR ANY INFORMATION DERIVED THEREFROM, OR ANY INFORMATION OBTAINED THEREFROM, OR ANY INFORMATION OBTAINED FROM ANY OTHER SOURCE, SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE REGISTER OF DEEDS. THE REGISTER OF DEEDS SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO OR LOSS OF ANY INFORMATION OR DATA, OR FOR ANY LOSS OF PROFITS OR REVENUE, OR FOR ANY OTHER DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES AND COSTS OF LITIGATION, ARISING OUT OF OR RESULTING FROM THE USE OF THESE PLANS OR ANY PART THEREOF, OR ANY INFORMATION THEREIN, OR ANY INFORMATION DERIVED THEREFROM, OR ANY INFORMATION OBTAINED THEREFROM, OR ANY INFORMATION OBTAINED FROM ANY OTHER SOURCE.

5/19/2024 12:42 PM



T.P. 2-05-07709-05-3500-000
LANDS N.O.F.
STATE OF DELAWARE
D.P. 19-370
ZONING: IO - INSTITUTIONAL/OFFICE

T.P. 2-05-07709-05-1500-000
LANDS N.O.F.
STATE OF DELAWARE
ZONING: IO - INSTITUTIONAL/OFFICE

T.P. 2-05-07710-01-0200-00001
LANDS N.O.F.
STATE OF DELAWARE
D.P. 14-105
ZONING: IO - INSTITUTIONAL/OFFICE

SITE NOTES:

- 1 FUEL PAD
- 2 1 MEGA WATT GENERATOR

GENERAL SITE NOTES:

- 1 BOUNDARY LINES SHOWN TAKEN FROM CURRENT GIS DATA FOR KENT COUNTY DELAWARE.
- 2 FLOODPLAIN LINE TAKEN FROM FEMA PANEL NO. 1000103169, DATED 07/07/2014. THE SUBJECT PARCEL LIES WITHIN ZONE X (AREAS OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.) AND ZONE AE. (BASE FLOOD ELEVATIONS DETERMINED)

CURB SCHEDULE		
CURB NO.	ITEM DESCRIPTION/TYPE	LENGTH
1	P.C.C. CURB TYPE 1-6	125'
2	P.C.C. CURB TYPE 1-6	60'
3	P.C.C. CURB TYPE 1-6	98'

ASPHALT POINT LAYOUT			
POINT NO.	NORTHING	EASTING	DESCRIPTION
300	421143.4501	627358.5032	HOTMIX
301	421116.1833	627367.3944	HOTMIX
302	421086.7319	627277.0749	HOTMIX
303	420996.5407	627306.9169	HOTMIX
304	420992.2728	627294.0181	HOTMIX
305	420982.7790	627297.1593	HOTMIX
306	420978.6633	627287.9198	HOTMIX
307	421137.1926	627338.3964	HOTMIX
308	421108.8144	627348.7608	HOTMIX
309	421015.5283	627300.6343	HOTMIX
310	421011.2501	627289.8200	HOTMIX
311	421021.4439	627286.6787	HOTMIX
312	421018.8097	627277.0319	HOTMIX
313	421106.1135	627112.8698	HOTMIX
314	421112.8123	627126.4633	HOTMIX
315	421127.0743	627121.8162	HOTMIX
316	421128.3489	627125.7280	HOTMIX
317	421151.0244	627118.1635	HOTMIX
318	421149.8019	627114.4961	HOTMIX
319	421164.0320	627108.7524	HOTMIX

BRICK POINT LAYOUT			
POINT NO.	NORTHING	EASTING	DESCRIPTION
400	421112.6941	627122.2280	BRICK
401	421124.5372	627118.3646	BRICK
402	421110.8438	627116.5151	BRICK
403	421119.2784	627113.7648	BRICK
404	421149.7870	627110.1277	BRICK
405	421151.1295	627109.6899	BRICK
406	421153.6056	627117.2831	BRICK
407	421151.3177	627103.3174	BRICK
408	421177.7701	627094.6918	BRICK
409	421159.3099	627115.4230	BRICK
410	421156.8339	627107.8298	BRICK
411	421182.9954	627099.2989	BRICK
412	421208.5835	627090.9551	BRICK
413	421264.6071	627072.6862	BRICK
414	421266.8363	627079.5226	BRICK
415	421278.2376	627075.7559	BRICK
416	421276.0230	627068.9645	BRICK
417	421288.8719	627064.7747	BRICK
418	421210.0270	627084.1735	BRICK
419	421286.9501	627059.0904	BRICK

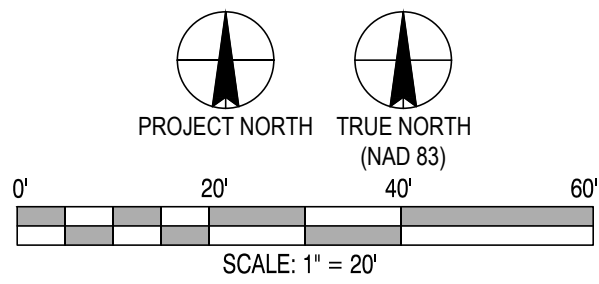
ASPHALT POINT LAYOUT			
POINT NO.	NORTHING	EASTING	DESCRIPTION
320	421159.3094	627095.5152	HOTMIX
321	421166.5219	627093.1227	HOTMIX
322	421171.2446	627107.3599	HOTMIX
323	421185.4747	627102.6161	HOTMIX
324	421186.0085	627104.2174	HOTMIX
325	421208.9227	627096.5902	HOTMIX
326	421208.3048	627094.2083	HOTMIX
327	421222.8243	627090.4420	HOTMIX
328	421218.2065	627076.1704	HOTMIX
329	421220.7809	627075.3374	HOTMIX
330	421236.3107	627070.1997	HOTMIX
331	421256.5214	627063.5269	HOTMIX
332	421270.4798	627059.0077	HOTMIX
333	421280.8011	627055.6435	HOTMIX

BUILDING POINT LAYOUT			
POINT NO.	NORTHING	EASTING	DESCRIPTION
200	421126.3000	627126.4056	BLDG
201	421207.1544	627367.8963	BLDG
202	421365.7414	627315.0300	BLDG
203	421285.2033	627073.4338	BLDG

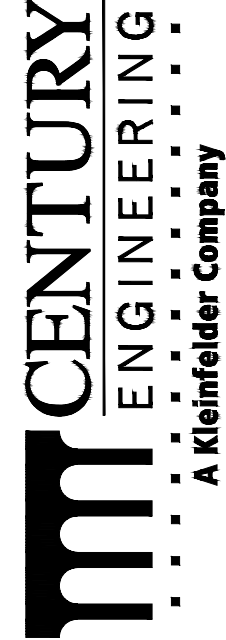
MAIN CORNERS OF BUILDING MARKED

BRICK POINT LAYOUT			
POINT NO.	NORTHING	EASTING	DESCRIPTION
420	421303.9751	627109.5386	BRICK
421	421297.9127	627111.5594	BRICK
422	421305.8928	627115.2339	BRICK
423	421299.8102	627117.2514	BRICK

CONCRETE POINT LAYOUT			
POINT NO.	NORTHING	EASTING	DESCRIPTION
500	421363.4275	627332.0836	CONCRETE
501	421361.2430	627325.4332	CONCRETE
502	421351.0767	627336.1404	CONCRETE
503	421348.8922	627329.4900	CONCRETE
504	421339.3482	627340.9211	CONCRETE
505	421312.7567	627349.6997	CONCRETE
506	421309.7816	627340.6575	CONCRETE
507	421336.3732	627331.8990	CONCRETE
508	421116.1551	627121.0990	CONCRETE
509	421153.7190	627236.2975	CONCRETE
510	421120.9096	627119.5483	CONCRETE
511	421158.4727	627234.7475	CONCRETE



CONSULTANT



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ARCHITECT / ENGINEER SEAL

STATE OF DELAWARE
OMB/DIVISION OF FACILITIES MANAGEMENT
OMB/DFM CONTRACT #MJ1002000071
LEGISLATIVE HALL PARKING GARAGE
MARTIN LUTHER KING JR BLVD AND E WATER ST
DOVER, DE 19901

PROJECT

REVISIONS

SHEET TITLE

SITE LAYOUT

AGENCY SUBMISSION

MAY 16, 2024		
DRAWN	CHKD	PROJECT NO.
TCV	DLD	23094
SHEET NO.		

C103

5/16/2024 12:42 PM



LEGEND

①	PERVIOUS ASPHALT PAVEMENT 9.5MM TYPE C, (ITEM NO. 401576)
②	ASTM D448 SIZE DELAWARE NO.8 STONE (302003)
③	ASTM D448 SIZE DELAWARE NO. 2 STONE (ITEM NO. 302001)



CENTURY
ENGINEERING
A Kleinfeider Company

ARCHITECT / ENGINEER SEA

REVISIONS

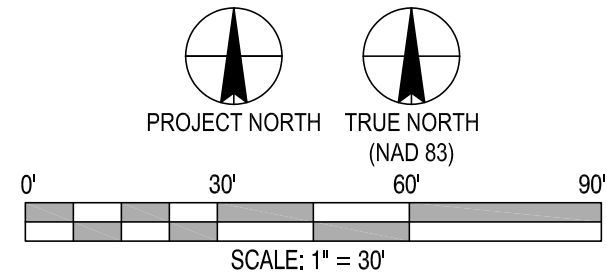
CONSTRUCTION DETAILS

MAY 16, 2024		
DRAWN TCV	CHK'D DLD	PROJECT NO. 23094
SHEET NO.		

C104



OVERALL SITE BREAKDOWN		FLOODPLAIN AE BREAKDOWN	
IMPERVIOUS:		IMPERVIOUS:	
ASPHALT:	63,207 S.F. (1.45+ ACRES)	ASPHALT:	4,884 S.F. (0.11+ ACRES)
BIOMAT:	52 S.F. (0.00+ ACRES)	TOTAL:	4,884 S.F. (0.11+ ACRES)
BUILDING:	2,825 S.F. (0.06+ ACRES)	PERVIOUS:	
CONCRETE:	3,728 S.F. (0.09+ ACRES)	GRASS:	102,359 S.F. (2.35+ ACRES)
TOTAL:	69,810 S.F. (1.60+ ACRES)	TOTAL:	102,359 S.F. (2.35+ ACRES)
PERVIOUS:		OVERALL:	107,243 S.F. (2.46+ ACRES)
GRASS:	160,155 S.F. (3.68+ ACRES)		
TOTAL:	160,155 S.F. (3.68+ ACRES)		
OVERALL:	229,965 S.F. (5.28+ ACRES)		



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USE IS AUTHORIZED OR INTENDED.

ARCHITECT / ENGINEER SEAL

STATE OF DELAWARE
DIVISION OF FACILITIES MANAGEMENT
OMB/DFM CONTRACT #MJ1002000071
LEGISLATIVE HALL PARKING GARAGE
MARTIN LUTHER KING JR BLVD AND E WATER ST
DOVER, DE 19901

PROJECT

REVISIONS

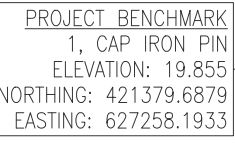
SHEET TITLE

EXISTING SITE BREAKDOWN

AGENCY SUBMISSION

MAY 16, 2024		
DRAWN TCV	CHK'D DLD	PROJECT NO. 23094

C105



The diagram illustrates the relationship between Project North and True North (NAD 83). It features two circular symbols, each containing a north arrow pointing upwards. The left symbol is labeled "PROJECT NORTH" and the right symbol is labeled "TRUE NORTH (NAD 83)". Below these symbols is a horizontal scale bar divided into segments, with markings at 0', 30', 60', and 90'. The text "SCALE: 1" = 30'" is centered below the scale bar.

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AGENCY SUBMISSION

C106

