

**CITY OF DOVER, DELAWARE
PLANNING COMMISSION
Monday, December 16, 2024 at 7:00 PM**

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

AGENDA

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

IN-PERSON and VIRTUAL MEETING NOTICE

The Planning Commission Meeting for December 16, 2024 will be held at City Hall in City Council Chambers at 7:00 PM and as a Virtual Meeting using Webex, an audio/video conferencing system as an electronic means of communication. The public is welcome to attend. See participation information below to join by phone or computer.

PUBLIC PARTICIPATION INFORMATION

City of Dover Planning Commission Meeting of December 16, 2024 at 7:00PM

Join By Phone: Dial +1-650-479-3208

Access Code: 253 247 35700

Password from Phones: 3683772

Join Online: <https://bit.ly/PCMeeting12162024>

Webinar Number: 2532 473 5700

Webinar Password: DoverPC

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ADOPTION OF AGENDA

APPROVAL OF MINUTES

- [1.](#) Adoption of Minutes of Meeting Session 1 of November 18, 2024

- [2.](#) Adoption of Minutes of Meeting Session 2 of November 18, 2024

COMMUNICATIONS & REPORTS

Meeting Reminder: The next Planning Commission regular meeting date is Tuesday, January 21, 2025. Please note the meeting date due to the Holiday on Monday.

Update on City Council Actions

Department of Planning & Inspections Updates

- [3.](#) Schedule of Deadlines and Meetings for 2025 for the Planning Commission

Education & Training Opportunities

- [4.](#) Advanced Land Use Law Workshop presented by the University of Delaware, Institute for Public Administration on December 12, 2024 at 9:00am-12 noon at Kent County Administration Building, Room 220.

OPENING REMARKS CONCERNING MEETING PROCEDURES FOR APPLICATIONS

OLD BUSINESS

Requests for Extension of Planning Commission Approval

- [5.](#) SB-23-03 Revised Stonebrook East Planned Neighborhood Design at McKee Road and W. Denneys Road - Request for a Extension of the Planning Commission conditional approval granted December 18, 2023 and extension granted May 20, 2024 for the Revised Subdivision Plan to increase the number of townhouses from 87 to 103 townhouses (increase of 16 townhouse units) and to decrease the number of garden apartment units from 168 to 138 garden apartment units (decrease of 30 units). This development known as Stonebrook East Planned Neighborhood Design (PND) proposes 241 dwelling units, recreational areas, open space, and stormwater management areas. The conditional approval included PND-Alternative Design Standards. The property is zoned RM-1 (Medium Density Residential Zone) and approved as a PND (Planned Neighborhood Design Option). The site is on the northeast corner of McKee Road and W. Denneys Road. Property Address: intersection of McKee Road and West Denneys Road. Property Owners: Hanae Harmony Properties and Stonebrook East 168 LLC. Tax Parcels: ED-05-057.03-01-01.00-000 to ED-05-057.03-01-92.00-000. Council District 1.
- [6.](#) S-22-14 Commerce Way Dover DE LLC Warehouse on Commerce Way – Request for Extension of the Planning Commission conditional approval granted on December 19, 2022 for a Site Development Plan to permit construction of a 234,000 SF +/- warehouse and associated site improvements on Commerce Way. The property is zoned IPM (Industrial Park Manufacturing Zone). The property is located on the northwest side of Commerce Way, north of W. North Street. The owner of record is H & M Properties, LLC. The Equitable Owner is Commerce Way Dover DE, LLC. Property Address: 22.967-acre unaddressed parcel on Commerce Way. Tax Parcel: ED-05-076.10-02-07.03-000. Council District 1. PLUS #2022-09-05. *Approved Waiver Requests: Partial Elimination of the Fence Component of the Opaque Barrier; and Approved Performance Standards Review.*

NEW APPLICATIONS

7. Z-24-06 Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road: Rezoning C-PO to IO - Public Hearing and Review for Recommendation to City Council on a Rezoning application for a parcel of land consisting of 1.2302 acres +/- . The property is zoned C-PO (Commercial and Professional Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning for the property is IO (Institutional and Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the west side of McKee Road and north of the intersection of McKee Road and College Road. The owner of record is PAM Cubed Real Estate, LLC. Property Address: 1216 McKee Road. Tax Parcel: ED-05-067.00-01-34.00-000. Council District 1. Ordinance #2024-31. *The First Reading of the Proposed Ordinance was completed on November 25, 2024 and Public Hearings were scheduled for Planning Commission on December 16, 2024 and City Council on January 13, 2025.*
8. S-24-20 Office Building of Ditko Properties, LLC at 1107 S. Bradford Street – Public Hearing and Review of Site Development Plan for construction of 2,140 SF one story Office Building on the parcel of land totaling 11,326 SF (0.26 +/- acres). The zoning is C-2A (Limited Central Commercial Zone). The property is located on the east side of S. Bradford Street approximately 135.37 ft south of Wyoming Avenue. The owner is Ditko Properties, LLC. Property Address: 1107 S. Bradford Street, Dover DE. Tax Parcel: ED-05-077.17-07-27.00-000. Council District 2. *Waiver Requests: Partial Elimination of Upright Curbing and Elimination of Street Frontage Sidewalk. This property was the subject of Annexation Application AX-22-02 and annexed into the City on December 12, 2022.*
9. MI-24-10 Request for Alley Abandonment: Part of Alley Between S. Governors Avenue and S. Bradford Street – Public Hearing and Review for Recommendation to City Council on a Request for Abandonment of a portion of the improved alley, located between South Governors Avenue and South Bradford Street and extending approximately 132 feet north of the Minor Street Alley, consisting of 1,550 square feet in area. The portion of the alley to be abandoned is adjacent to the properties located at 133 S. Governors Avenue, 139 S. Governors Avenue, 145 S. Governors Avenue, 136 S. Bradford Street, 148 S. Bradford Street, and 150 S. Bradford Street, Dover DE.

NEW BUSINESS

ADJOURN

Posted Agenda: December 6, 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 PLANNING COMMISSION SESSION 1 NOVEMBER 18, 2024

The Meeting Session 1 of the City of Dover Planning Commission was held on Monday, November 18, 2024, at 5:30 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session 1 was conducted with Chair Mr. Witham presiding. Members present were Mr. Michael Lewis, Mrs. Denney, Mrs. Maucher (virtual), Mr. Baldwin, Dr. Jones, Mr. Reaves (virtual), Mrs. Welsh (virtual), and Mr. Witham. Mr. Roach was absent (joined the meeting virtually at 5:39PM).

Staff members present were Mrs. Dawn Melson-Williams, Mrs. Tracey Harvey, Ms. Sharon Duca, Mrs. Kristen Mullaney, and Mr. Jason Lyon (virtual).

APPROVAL OF AGENDA

Dr. Jones moved to approve the Agenda as submitted, seconded by Mr. Baldwin and the motion was carried 8-0 with Mr. Roach absent.

APPROVAL OF MEETING MINUTES OF OCTOBER 21, 2024

Mrs. Denney moved to approve the Planning Commission Meeting Minutes of October 21, 2024, seconded by Mrs. Welsh and the motion was carried 8-0 with Mr. Roach absent.

Mrs. Melson-Williams stated that Mr. Roach joined the meeting virtually.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission Meeting is set for Monday, December 16, 2024 at 7:00PM. You do have several applications that are beginning the process to end up with you for that evening for hearings.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on October 28 & 29, 2024 and November 12, 2024.

Mrs. Melson-Williams stated that for the Department of Planning & Inspections updates, she will note that they had a retirement this past week. Our Chief Building Inspector, Mr. Greg Akers retired with over 20 years of service to the City of Dover. We are actively looking for Building Inspection team members in addition to Planning Staff team members that you have heard her speak of before.

Mrs. Melson-Williams stated that there is an upcoming event that they do have training money available for if there is a Commissioner interested in attending and that is the 2024 Delaware Planning Conference and Annual Meeting. It is scheduled for December 4, 2024 in Newark. It is presented by the American Planning Association's Delaware Chapter. If you are interested in that, see Planning Staff and they can get you registered. It is a full day, begins at 8:30AM and ends around 4:00PM.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

Person Meeting and Virtual Meeting using the Webex system.

OLD BUSINESS

Requests for Extensions of Planning Commission Approval: None

NEW APPLICATIONS

C-24-05 JJ's Learning Experience II Child Day Care Center at 261 North DuPont Highway - Public Hearing and Review of a Conditional Use Plan application to convert an existing 12,000 SF tenant space (previous retail establishment) into a Child Day Care Center. The subject site is within a building located on a parcel developed as a shopping center known as the Centre at Dover. The subject site is located east of North DuPont Highway and east of Centre Drive (private drive). The property is zoned SC-2 (Community Shopping Center Zone). The owner of record is Mahavir Realty, LLC c/o HH Property Management Inc. Applicant: JJ's Learning Experience, LLC (Keith and Shawanda Johnson). Property Address: 261 North DuPont Highway, Suite 1. Tax Parcel: ED-05-068.14-01-03.05-000. Council District 3.

Representative: Mr. Keith Johnson and Mrs. Shawanda Johnson

Mrs. Harvey stated that the Conditional Use Plan Application is to convert an existing 12,000 SF tenant space that was previously Walgreens into a Child Day Care Center. The subject site is located on a parcel developed as a shopping center known as the Centre at Dover. The subject site is located east of N. DuPont Hwy and east of Centre Drive. The property is zoned SC-2 (Community Shopping Center Zone). The owner of record is Mahavir Realty, LLC c/o HH Property Management Inc. The applicant is JJ's Learning Experience (Mr. Keith Johnson and Mrs. Shawanda Johnson). The tenant space will serve 150 children and 19 adult staff. The Plan identifies a play area that will be located within the southern portion of the tenant space. The Plan identifies 20 parking spaces including 2 handicapped parking spaces that are located in a parking lot on the south side of the building that will be utilized as parent parking spaces. A drive aisle on the south side of the building has also been designated as a bus drop-off site. Since this facility proposes 150 children and 19 adult attendants, the site will require 34 parking spaces at the Child Day Care Center. There are a total of over 800 parking spaces in the area of this shopping complex. Overall, the 38,000 SF building will require 129 parking spaces. It is estimated that there are 161 parking spaces just on this parcel. The parking requirement has been met. There is direct access to the parcel for the building as it is interconnected from Centre Drive and between the parking lot areas. There are two entrance ways from White Oak Road and there are three entrance ways off of N. DuPont Highway leading to Centre Drive as the main circulation drive for the shopping center. There is an existing sidewalk and curbing along one side of Centre Drive. The sidewalk is along the front of the building and a partial sidewalk on the side of the building that is the proposed location for the bus drop off. A pedestrian crosswalk will need to be installed from the frontage parking lot to the main entrance of the Child Day Care Center and from the south side proposed parking lot to the main entrance of the Child Day Care Center.

Mrs. Johnson stated that they currently own and operate a Child Day Care Center in Harrington,

DE and they wish to expand to Dover, DE where it is much needed.

Mr. Witham asked if the applicant agreed with what's been stated on the record by Planning Staff. Responding to Mr. Witham, Mrs. Johnson stated yes.

Dr. Jones stated that since you are already operating in Harrington, DE what do you see as your target population? Where are you expecting your children to come from? Responding to Dr. Jones, Mrs. Johnson stated that mostly from the low income families. There is a low income apartment building right behind that shopping center and also at the hospitals. They plan to expand our hours earlier and later for those that work at the hospital as well.

Dr. Jones stated that she knows where the proposed location is for the indoor playground area. What is your thinking behind that? Is it because it's not reasonable without going through a lot of expense to have an outdoor area? Responding to Dr. Jones, Mrs. Johnson stated that at the moment, yes. Mainly because of the side parking is where they wanted to have for the parents to be able to drop-off and pick-up. They thought it would be more feasible to start on the inside and then maybe expand to the outside. They do have permission from the owners to expand to the outside if they do need it.

Mr. Witham asked if they see the need for this Day Care Center. Responding to Mr. Witham, Mrs. Johnson stated most definitely because there are not really any large Day Care Centers in the City of Dover. Most of them are home centers or home based. There is one located right down from the street from that. Other than that, she gets a lot of calls. They actually have parents that come down from Dover to our Harrington location; so, there is definitely a need for childcare.

Mrs. Maucher asked if the State has requirements regarding the amount of play space for children and is this sufficient. Is it going to be like a gymnasium type environment? Responding to Mrs. Maucher, Mrs. Johnsons stated that the requirement for the State Office of Childcare Licensing is 75 SF per child so it really depends how big we make the space. They will tell us how many children we can have in the area at one time.

Mrs. Denney stated that on the indoor play area, she realizes that everything happens at once and it's not free. So as you update, do you have plans to make some type of slides and different equipment for the children to play with? Responding to Mrs. Denney, Mr. Johnson stated that they could actually have slides but they try to stay away from swings. We do soft play so it will be a safe environment for the kids.

Mrs. Johnson stated that even though it's an open area, they can still have different fall zones for rock climbing and things like that.

Mrs. Denney stated that she has an appreciation for what you are trying to accomplish, having managed medical groups locally and especially with the hospital, if you are having extended hours for staff that work different hours. Now a lot of people aren't just working 8 hour shifts and it can be difficult and certainly many of the people have a need. The hospital has a small facility but it's almost a lottery at this stage to get in. Hopefully that will be your case someday.

It is much needed and she appreciates this endeavor.

Dr. Jones asked about the number of children at their Harrington location since here you're proposing 150. Responding to Dr. Jones, Mrs. Johnson stated 120. It is a smaller space but most of them are before and after. We have about 45 before and after so they are not really there until school lets out. But typically on an average every day, it's about 90 but we have 120 enrolled.

Mr. Witham asked if the designated parking for staff is going to be separated from public parking and is the parking itself going to be sufficiently far enough away from the drop-off zone? Responding to Mr. Witham, Mr. Johnson stated that the bus drop-off zone is actually in between so they have to have a walk zone basically where you can actually walk through. Basically, it is parking for parents then bus zone. Across the street basically right in front of it, is another area for parking for staff. They will have the staff park away so there is extra space for the parents.

Mr. Witham asked if it would be marked. Responding to Mr. Witham, Mr. Johnson stated yes.

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

Dr. Jones moved to approve C-24-05 JJ's Learning Experience II Child Daycare Center at 261 North DuPont Highway considering that the applicants are in agreement with the DAC Comments, seconded by Mrs. Denney and the motion was carried 9-0 by roll call vote. Dr. Jones voting yes; for the reasons previously stated. Mrs. Welsh voting yes; she thinks it's a good use for the space that's been there for a little while and we certainly do need quality Day Care and she thinks it's a great plan. Mr. Lewis voting yes; for reasons previously stated and he wishes the applicants good luck with their endeavors. Mr. Roach voting yes; for reasons previously stated. Mrs. Denney voting yes; she definitely believes that good child care facilities are so needed here. This couple and this business has history and it's been working well; she applauds them for expanding and wishes them well. Mrs. Maucher voting yes; for reasons stated and she concurs that it is a much needed service in the City. Mr. Baldwin voting yes; day care is very much needed in this area. Mr. Reaves voting yes; for reasons previously stated and this will be good for the community. Mr. Witham voting yes; the demonstrated need has been made required by the rules and it does meet the terms and conditions of our Comprehensive Plan and there is a demonstrated need here so he welcomes the new business in Dover.

S-24-19 Legislative Hall Building Addition at 411 Legislative Avenue – Public Hearing and Review of a Site Development Plan Application and associated Architectural Review Certification to permit renovation and expansion of Legislative Hall. The proposal includes a three-story 56,820 SF Building Addition on the east side of the existing Legislative Hall building creating a new main public entrance, a Plaza area with Monument Walk, and other site improvements. The main property of 2.80 acres+/- is zoned IO (Institutional and Office Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone) and the H (Historic District Zone). The other property of 0.43 acres+/- is zoned ROS (Recreational and Open Space Zone) and subject to H (Historic District Zone). The subject properties are located on the east side of Legislative Avenue as the block between Martin Luther King Jr. Boulevard North and Martin Luther King Jr. South. The owner of record is the State of Delaware. Property Addresses: 411

Legislative Avenue and Court Street. Tax Parcels: ED-05-077.09-05-15.00-000 and ED-05-077.09-05-14.00-000. Council District 4. *The project was the subject of HI-24-07 for Historic District Commission Review and Recommendation on the Architectural Review Certification at their October 17, 2024 Meeting.*

Representative: Ms. Dana Dunphy, Century Engineering; Mr. Dan Ridgely, Studio JAED

Mrs. Melson-Williams stated that this is the Legislative Hall Building Addition. It is a Site Development Plan and consideration of Architectural Review Certification. Because this property is located within the City of Dover's Historic District, it first visited the Historic District Commission on October 17, 2024. Included in your packet is the Architectural Review Report which includes the recommendation of the Historic District Commission which is a recommendation for approval of that Architectural Review Certificate. That process does also involve the Planning Commission tonight so you will take those items into consideration as to whether or not the proposed project meets the *Design Standards and Guidelines for the City of Dover Historic District Zone*. The property is actually two properties; one of which is addressed as the 411 Legislative Avenue and there is also a small piece that is known as Court Street. The Legislative Hall Building that we know is on the larger tract and that is property that is zoned IO (Institutional and Office Zone). As noted, both parcels are in the Historic District Zone and there is part of the property that is the SWPOZ (Source Water Protection Overlay Zone). There is the smaller easternmost portion of the subject area as a separate parcel and it is zoned ROS (Recreational and Open Space Zone). This project proposes an addition to the east side of the building. The proposed addition will close the "U" shape of the existing building that is there. The proposed addition is multiple stories with a total of 56,820 SF for this project. This will expand the Legislative Hall Building which was originally constructed in the 1930's and underwent several additions and renovations over the years in the late 1960's and then most recently in 1994. This project will relocate the main entrance to the east side of the building and also create a new main public entrance Plaza Area with a Monument Walk. That Plaza Area is several tiers and as you can see in this image here, they have also been working with the Fire Marshal's Office in regards to some plan design changes in order to accommodate the required fire lane that is needed to access that main area of the building. The Plaza Area has a series of pavement but it also has landscaping with shrubs and other ground covers and tree plantings as well. With this property, the IO (Institutional and Office Zone) obviously allows for public governmental buildings and with that, there is also a series of monuments that will be relocated as part of that Monument Walk area creating kind of resting spots for a series of monuments that exist on the property including the statue that we see on the east side of building. It will just move a little further to the east with this project. Looking at the Site Development Plan elements for this location, this project will actually displace some of the parking that is existing on the Legislative Hall site. However, in recent months you have looked at and approved the Legislative Hall Parking Garage which is to be located to the south of Legislative Hall. That would be Plan Bottom in this image shown on the screen. They are looking to make a tunnel connection between the Legislative Hall Building Addition and that Parking Garage as well as do some enhanced crosswalk improvements that cross Martin Luther King Jr Blvd South and North in this area as well. They will be surface level and just changes to the pavement rather than elevation across that road. The project includes the other types of elements related to lighting and dumpsters. The sidewalk network in the area will continue as a brick paving system. For the

project, they will hear a little bit more about the building architecture specifically from the applicant, but it basically continues the Colonial Revival style that the current Legislative Hall has in brick and the surrounding Capital Complex buildings have in place. The DAC Report continues with the comments from the various agencies and they are working with them as noted including the Fire Marshal's Office. A lot of work with the Department of Water/Wastewater is related to infrastructure improvements that are necessitated by this project because of where existing lines are unfortunately not in great locations and have to be moved. They are also working with DNREC related to stormwater management planning so some of those areas of the Plaza will be pulling double duty for landscaping as well as stormwater management. For the Planning Commission members, we do not have any Waiver Requests related to this. You are considering a Site Plan and then the Architectural Review Certification for this three-story building addition to Legislative Hall.

Ms. Dunphy stated that the existing site is located at 411 Legislative Avenue. It is currently housing the State Government and there is water, sewer, and electric available. Access is taken from Martin Luther King Jr. Blvd North and South as well as Legislative Avenue. The existing parking and plaza will be removed for this project; however, as Mrs. Melson-Williams mentioned with the Parking Garage, there will be parking there for both the public and for the Legislators. The Legislators will have a separate entrance/exit than the public. The existing building is remaining and we are just expanding upon it. As Mrs. Melson-Williams mentioned, zoning is IO (Institutional and Office Zone) and H (Historic District Zone). They are proposing a three story building. The footprint will be about 254 feet by 167 feet with new brick sidewalks along the frontage with the new Plaza and Monument Walk. They have worked with the Fire Marshal after our initial submission to the City and reworked the Plaza Area to have a fire lane. They are proposing a tunnel to connect from the Parking Garage to the new addition of the Building Addition. Then also as Mrs. Melson-Williams mentioned are the crosswalks with just a change of material and not raised. Here are just a few architectural renderings, these represent the new fire lane with the Monument Walk and just the Plaza Area.

Mr. Ridgely stated that just to add to Ms. Dunphy's presentation, as Mrs. Melson-Williams mentioned, they do plan to match the architectural style of the existing Legislative Hall as the rendering there is the Addition. You can see the similarities and they have been working on detailing that and refining that now.

Mr. Witham asked where exactly the underground corridor is going to connect in the building. Responding to Mr. Witham, Ms. Dunphy stated that Plan South on the screen shows the crosswalk. The tunnel will be right underneath of there and it's connecting from the Garage over to the new portion of the Addition.

Mr. Witham asked if it would come in what would be the basement. Responding to Mr. Witham, Mr. Ridgely stated yes, it will come in to a tunnel level. There is a ground level with occupiable space and even below that will be the tunnel level. The tunnel level happens on the Parking Garage and the Legislative Hall Addition.

Mr. Witham asked if they would be restricted. Responding to Mr. Witham, Mr. Ridgely stated yes.

Mr. Witham opened a public hearing and after wishing to speak, closed the public hearing.

Mrs. Denney moved to approve S-24-19 Legislative Hall Building Addition at 411 Legislative Avenue. This plan is so well thought out and those who have known her for fifty years here as the President of North Murderkill Historic Society, she is very much into protecting our environment most especially here in the Capital City of the State that started this Nation and she thinks this design lends itself some much to that cause, seconded by Mr. Lewis.

Mrs. Melson-Williams asked to clarified the motion with Mrs. Denney. Is the motion for approval of the Site Plan with the Development Advisory Committee comments and then also approval of the Architectural Review Certification which deals with the architecture in the Historic District? Responding to Mrs. Melson-Williams, Mrs. Denney stated yes.

The motion was approved as amended 9-0 by roll call vote. Mrs. Denney voting yes; once again, this is so well thought out and lends itself so much to the Capital City. Mrs. Maucher voting yes; it's a much needed expansion having attempted to attend public sessions in the existing building, she thinks this is well overdue. Mr. Baldwin voting yes; for all of the forementioned statements. Dr. Jones voting yes; for reasons previously stated. Mr. Reaves voting yes; for the reasons stated previously and he really appreciates the fact that you guys are relocating the military monuments into that area for the veterans. Mrs. Welsh voting yes; based on her review of the various building perspectives that we've seen. They are completely detailed, and she totally anticipates that they knew that the Addition will be totally integrated with the existing facility and will preserve the historical and Colonial façade for the integrity of the completed building. Mr. Lewis voting yes; for reasons previously stated and he wants to thank the applicants and Staff for putting all of the information together and all of detailed renderings are very helpful. He is sure that the local brick concern is excited as well. Mr. Roach voting yes; for reasons previously stated. Mr. Witham voting yes; this well thought-out plan for improvement of the Legislative Hall is compatible with all requirements of the Zoning Ordinance as well as the Architectural Review Certification and Staff recommends approval thereof. The design is compatible with the intent of the Design Standards and Guidelines for the Historic District. It will certainly be a crowd-pleaser he thinks. It will not just help the members of the Legislature do their work in the expeditiously and well thought-out manner but also bring more visitors to the City of Dover to see the new building.

NEW BUSINESS - none

Meeting adjourned at 6:28 PM.

Sincerely,

Kristen Mullaney
Secretary

CITY OF DOVER PLANNING COMMISSION SESSION 2 NOVEMBER 18, 2024

The Meeting Session 2 of the City of Dover Planning Commission was held on Monday, November 18, 2024, at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session 2 was conducted with Chair Mr. Witham presiding. Members present were Mr. Michael Lewis, Mr. Roach (virtual), Mrs. Denney, Mrs. Maucher (virtual), Mr. Baldwin, Dr. Jones, Mr. Reaves (virtual), Mrs. Welsh (virtual), and Mr. Witham.

Staff members present were Mrs. Dawn Melson-Williams, Ms. Sharon Duca, Mrs. Kristen Mullaney, and Mr. Jason Lyon (virtual).

APPROVAL OF AGENDA

Dr. Jones moved to approve the Agenda as submitted, seconded by Mrs. Denney and the motion was carried 9-0.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that in keeping with our regular order of business for meetings, under Communications and Reports, it is just a meeting reminder. The next Planning Commission Meeting is set for Monday, December 16, 2024 at 7:00PM. You do have several applications that are beginning the process to end up with you for that evening for hearings.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

Requests for Extensions of Planning Commission Approval: None

Pending Development Application: None

NEW APPLICATIONS

MI-24-09 Text Amendments: Recreational Marijuana Land Uses and Related Zoning Regulations - Public Hearing and Review for Recommendation to City Council of a series of Text Amendments to the *Zoning Ordinance* for establish provisions for recreational marijuana land uses and related zoning regulations.

A. Ordinance #2024-29: Text Amendments to the Zoning Ordinance pertaining to recreational marijuana land use and zoning for cultivation, manufacturing, and testing facilities and compassion centers by amending Dover Code of Ordinances, Appendix B – Zoning: Article 3 - District Regulations Section 19 - Manufacturing Zone (M), Section 20 - Industrial Park Manufacturing Zone (IPM), and Section 23 - Agricultural Zone (A); Article 5 - Supplementary Regulations adding new Section 24 - Marijuana Related Businesses; and Article 12 - Definitions.

These amendments add definitions for marijuana related businesses, allow these business types to operate as permitted uses within certain zones, and add supplementary regulations by which these businesses must abide.

B. Ordinance #2024-30: Text Amendments to the Zoning Ordinance pertaining to recreational marijuana land use and zoning for retail marijuana stores and provisions for compassion center conversions by amending Dover Code of Ordinances, Appendix B – Zoning: Article 3 - District Regulations Section 16 - Highway Commercial Zone (C-4); Article 5 - Supplementary Regulations adding new Section 24 - Marijuana Related Businesses; and Article 12 – Definitions. These amendments add the definition of retail marijuana stores and allow recreational marijuana stores to operate as permitted uses in the C-4 zone, and add supplementary regulations by which these businesses must abide.

Representative: Mrs. Ann Marie Townshend, Rossi Group and Planning Staff

Mrs. Melson-Williams stated that this evening there are two Text Amendments that are here before the Planning Commission. In regards to them, the Planning Commission will be making a recommendation. That recommendation goes onto City Council as City Council has their own public hearing and action scheduled for their December 9, 2024 meeting in regards to these two Ordinances. Because they are Ordinances that amend the *Zoning Ordinance*, that's why they are here in front of the Planning Commission. Ordinance #2024-29 focuses on the marijuana cultivation, product manufacturing, and testing and where those marijuana land uses would be permitted in municipal city limits of Dover. The other Ordinance #2024-30 focuses on recreational marijuana retail stores and likewise, the provisions to allow that like when and where in the City of Dover. For this effort to focus on recreational marijuana land uses and zoning provisions, the City did retain consultant services given the staffing levels over the last year in the Planning Office and she is going to allow the consultant to really give this presentation. They are much better versed in what happened and how we got to this point here. Your Planning Commission meeting packet includes a narrative report with comments from our Development Advisory Committee members, copies of each of the Ordinances, and then a number of other reference documents.

Mrs. Townshend stated that she would start by giving an overview of what we are going to be talking about. There is a lot of ground to cover. We will talk first about the Marijuana Control Act: what it does, what it allows municipalities to do, and what the City's options are under this Act. We will talk about the timeline to date. There was a public survey that was available online. It was also mailed with utility bills and available in paper form at City buildings. We will share some of the takeaways. She knows your packet includes the detailed Survey Report. In the interest of time, we will kind of hit the major takeaways from that and then we will talk about the Draft Ordinances and the next steps.

Basically, during the 152nd General Assembly, which was in 2023, the Legislature approved two bills: House Bill 1 and House Bill 2. House Bill 1 decriminalizes personal use quantities of marijuana and then House Bill 2 creates a framework for a legal recreational marijuana industry in Delaware with regulations and taxation that is similar to how the State regulates alcohol. Under House Bill 1, adults 21 and over may share personal use quantities of marijuana; they may

possess, use, display, purchase, and transport personal use quantities of marijuana. They may transport marijuana and marijuana accessories in a vehicle if the items are in a closed container, not readily accessible to anyone in the vehicle. So, you cannot use it in a vehicle. Also, under what individuals cannot do is that individuals may not sell marijuana. They may not consume marijuana inside of a moving vehicle or drive under the influence of marijuana. You cannot transport marijuana over state lines. You cannot consume marijuana in areas that are accessible to the public; so that would be streets, sidewalks, restaurants, malls or any place that is open to the public. So, it's not just an open space but places that are open to the public. People that are under 21 cannot use recreational marijuana. House Bill 2 adds Chapter 13 to Title 4 of the *Delaware Code*. Basically, this establishes the role of the Marijuana Commissioner and charges the Marijuana Commissioner with establishing a licensing process and regulations and penalties for the industry. It also establishes a 15% tax for recreational marijuana and creates the Marijuana Regulation Fund. The rules under this law and under the Office of the Marijuana Commissioner are enforced by the Division of Alcohol and Tobacco. The Office of the Marijuana Commissioner is located within the Department of Safety and Homeland Security. A State issued license is required for growing, manufacturing, testing, or selling marijuana. All growing facilities must be indoors; no outdoor cultivation is allowed. Marijuana sales are restricted to the same days and times as liquor sales; so, there are certain days of the year where marijuana sales, just like liquor stores are closed, marijuana sales are not allowed on those days either. Marijuana retail establishments will not be allowed to sell online or offer delivery. They will not be able to sell alcohol, tobacco, or food. No consumption of marijuana products is permitted on the premises of any marijuana establishments and that includes all of the establishments whether it's the cultivation facilities, the retail, the manufacturing, or the testing. Employers still have the freedom to manage the terms of employment, policies and discipline procedures; so, not all employers are required to allow employees to use marijuana. Those in charge of a property can prohibit or somehow restrict marijuana use on their properties. That would mean that a landlord for instance, could say that it's not allowed in their building. House Bill 2 does specifically mention what municipalities can and cannot do. House Bill 1 legalizes recreational marijuana; therefore, that preempts the City's ability to be able to say it's not allowed in municipal limits. We are also at the municipal level, preempted from creating a special tax or fee and that has been one of the things that have come up in many municipalities. She thinks municipalities would be more receptive if they could get some revenue from it, but the State does prohibit that. It can be licensed in the same manner as other business licenses that are issued. Similar to the alcohol regulations, the public will get notice and have the opportunity to comment at the State level before a license is issued for a specific location.

So, what can we do at the municipal level? One of the options is, and many municipalities in the State of done this, municipalities can prohibit the operation of marijuana establishments in their jurisdictions. You have seen this particularly in Sussex County with the coastal towns; most of them have passed something to say all of these uses are prohibited. The other thing that municipalities can do is regulate the time, place and manner in which the establishments operate. So, what does that mean? You can set hours; you can set standards. You will see when we get into some of the things that we have put into these draft ordinances, we have distancing requirements. You can do things at the municipal level to restrict how, where, and when these uses take place. Again, through the State regulatory process, residents do have the opportunity to comment before licenses are issued for a specific location.

Looking at the timeline to date: this was first discussed by the City Council Committee of the Whole back in September 2023 and there were three specific Committee meetings this year in 2024 where the Council Committee of the Whole discussed options for how the City could deal with it. In July 2024, the City passed a Moratorium basically to provide time for the City to thoughtfully address the issue and not be put in a situation where the clock runs out and a license is issued because we don't have anything in effect. So basically, in July, the Moratorium was put in place and that will last until the end of the year. Also in July, the City launched a public survey. They started online and then it was at a Council of the Committee of the Whole Meeting where they said they wanted to make sure that it was as widely available as possible. So, paper copies were made available at City Buildings and they were mailed with every utility bill. The Survey remained open until the end of August. On August 5, 2024, the Legislative, Finance and Administration Committee had a special meeting to talk about options and to ask questions. At that point, they knew they weren't going to make any decisions until after the Survey was done but they were able to have a little more of an exchange. On August 19, 2024, the Office of the Marijuana Commissioner started accepting applications for their lottery. On September 11, 2024, the Marijuana Control Act Regulations went into effect officially. Also, at the end of September and beginning of October, City Council Committee of the Whole: Legislative, Finance and Administration Subcommittee continued discussion and ultimately took action to recommend a set of Ordinances to City Council at their meeting on October 8, 2024. The First Reading was on October 28, 2024 and that was when the referral was made to the Planning Commission. Over the course of the last year, there have been nine (9) public meetings where this has been discussed. This will be the tenth meeting. There was a public Survey where they received 1,408 online responses and 820 paper responses for a total of 2,228 responses in general. Again, the Moratorium remains in place until the end of December. Some of the themes and trends that we saw on this Survey are that a majority of 58% of the people who responded in favor of allowing recreational marijuana businesses within the City. There was also support for distancing from incompatible uses. The uses that were really at the top of that list were schools, daycares and rehabilitation centers. The biggest concerns that were cited by over 1,000 people out of 2,228 were concerns about odor and crime. The biggest potential benefits, again cited by over 1,000 of the people who responded, were economic growth and better regulation of marijuana products and increased licensing revenue. Again, keeping in mind, the licensing revenue is not a big financial boom for the town because we are limited through State law by how much it can be licensed in terms that we can't impose a higher license fee than we would on similar uses. In the Ordinance development, basically the City can prohibit all of the uses. That is an option and many municipalities have done that. The City can permit it similar as to how alcohol or any other use is permitted without any special restrictions. The path that City Council ultimately chose was to develop Ordinances that permit with restrictions. Again, as we get into the Ordinances you will see that they have drafted in things to work to protect the surrounding communities from any external negative effects.

The first Ordinance #2024-29 addresses marijuana cultivation, manufacturing and testing facilities. It would permit these as permitted uses in the M (Manufacturing Zone) and IPM (Industrial Park Manufacturing Zone) and additionally it would allow marijuana cultivation facilities as a permitted use in the A (Agricultural Zone). It would also include Supplementary Regulations which we will discuss in a second and it adds definitions for compassion center,

marijuana cultivation facility, marijuana manufacturing facility, and marijuana testing facility.

For the Supplementary Regulations: one, it clarifies that a “compassion center” is classified as retail use. That is something that has been in place through policy and that the “compassion center” that is here was treated as a retail use similar to a pharmacy; so, that is memorialized in this. The real Supplementary Regulations that are there in order to protect the community are that the building footprint of a cultivation or manufacturing facility would be required to be 750 feet minimum from residential zones, K-12 schools, hospitals, colleges and universities, child daycare centers, and substance abuse disorder treatment facilities. The Supplementary Regulations would also require odor control technologies, as do the State regulations. But again, this just gives you that kind of double layer of regulation on that. It would require that openings be screened and windows be covered so that the inside cannot be viewed from the outside. And it would require compliance with the utility handbooks and the applicant would be responsible for upgrade costs. This issue is really an issue with cultivation. Cultivation utilizes a lot of water. It utilizes a lot of electricity. Anybody initiating a land use needs to comply with the utility handbooks anyway but it was because these could be big utility users. They decided that it was important to put that in there so that there’s not any question. Marijuana testing facilities would be required to be 750 feet away from residential zones, K-12 schools, hospitals, child daycare centers, and substance abuse disorder treatment facilities. What is not on that list is colleges and universities and part of that is because laboratories are often a use that’s on a university campus and it could be that there is some sort of interest in one of the universities or colleges to do something. The testing for all of the uses has the least external effects. If you look at the Map, basically what you see is there are very few places where the manufacturing, cultivation, and testing would be allowed. Basically, anything that has one of those icons with a circle around it has the distance requirement and all of that gray shading is a distancing requirement. So, you have a portion of maybe the Enterprise Business Park and some of the industrial manufacturing land around the Base and the stuff around Kraft General Foods which at this point is all utilized. Basically, that’s what you are left with. She is going to explain the agricultural from a zoning perspective, but also then from a practical perspective because we did talk to the State about this. One, cultivation again, has to happen indoors. What the State is seeing is where there is cultivation; there is also the product manufacturing. So, you are seeing a lot of vertically integrated businesses and you see that in Milford and Newark where they have the cultivation facilities are also processing and manufacturing and, in some cases, they are also selling. Basically, that is the business model that seems to be out there and that would not be able to take place in the Agricultural Zone land because the only thing that would be allowed is the cultivation. But again, since we are not 100% sure how the business is going to unfold, there was a sense that because growing is an agricultural use that it should be allowed in that zone. Again, she thinks the likelihood is not really there. Then you have a whole other level of complexity if you get into agricultural land that is in the State’s Agriculture Preservation Program because the uses that are allowed and then there is also in some cases, federal money in the easements which adds another challenge. From a practical perspective, it’s unlikely that any of these will be in the Agricultural Zone but the Ordinance is drafted in a way that would allow the cultivation use.

The next Ordinance #2024-30 is specific to retail marijuana stores. One of the things that they decided in working with the City Administration is that breaking them into two ordinances keeps the retail which seems to have a lot more concern about it from what we heard, keeping that in a

separate ordinance so that they are not dependent on each other. That's why it's in two separate ordinances. Basically, this would permit the retail marijuana stores in the C-4 (Highway Commercial Zone). So the C-4 (Highway Commercial Zone) is only on Route 13 and Bay Road. It also includes Supplementary Regulations that include that the building footprint would need to be at least 500 feet away from K-12 schools, child daycare centers, substance abuse disorder treatment facilities, and hospitals and then 250 feet away from residential zones and colleges and universities. Additionally, there is language that would require that the building footprint be at least 1 mile away from other marijuana retail establishments or marijuana retail stores in the City. So that would prevent any grouping of marijuana retail stores near each other. Again, similar to with the other uses, it would require that openings and windows be covered. The last thing is that it would allow licensed compassion centers to obtain a conversion license and operate without meeting the distancing requirements. There is currently one compassion center in the City and it does not meet any of the distance requirements. This was something that as it was discussed at the Council Committee of the Whole, there was interest in making sure that establishment could receive a conversion license. The other thing is that it adds a definition of a "retail marijuana store."

With that, we look at the Map and C-4 (Highway Commercial Zone) is in red on that map. With the buffering, there are just a few places. A marijuana leaf shows where the current compassion center is located. So, if that compassion center received a conversion license at that location and became a retail marijuana store, we show in that light green strip as a mile in either direction. Basically, you take that out and you take the buffering from other uses and there might be some place just at the north end of town and then maybe right along Bay Road or at the south end of town. There is not a lot of area so it is not something that is really going to proliferate. There were some responses in the survey for the question "where else would it make sense?" Some people said anywhere liquor stores are allowed. Some people said nowhere. The current Ordinance Draft does not include anything along the Route 8 Corridor. It restricts it only to Route 13 and Bay Road.

Tonight, we are here for the Planning Commission Public Hearing and then the City Council has set the Public Hearing and Final Reading before them at their December 9, 2024 meeting and on December 31, 2024 the Moratorium expires. One thing they want to make sure you understand and that the City Council understands also is that failure to have an Ordinance in place basically defaults to what the underlying use is. So, if the *Zoning Ordinance* doesn't address marijuana retail stores, then basically you are looking at where retail stores are allowed. You are looking at the type of use not the category because retail in the Code doesn't address what you are selling. So, without having that layer to say these are how we are dealing with the marijuana uses, it really will fall down to that base use below it. This is why with the Moratorium expiring, they have been working really hard to try to make sure that there is something in place before the end of the year. As for the Planning Commission, you will have your Public Hearing and you can obviously propose amendments. You could recommend to not approve any of these. You could recommend to scrap it all and prohibit. Basically, the motion you make is a recommendation to City Council. But if there are specific amendments, you could make that as well.

Mrs. Denney asked Mrs. Townshend to help her understand the "compassion centers." When she reads this, her assumption is that it's a facility where people who are prescribed by professionals,

the use of marijuana. Responding to Mrs. Denney, Mrs. Townshend stated yes, but right now a “compassion center” is a medical marijuana facility where you need a medical card to go in and buy any product. Under the State Law, they created a conversion license and basically, they are expecting the compassion centers to convert to the full recreational and medical. They are issuing conversion licenses that would allow the existing establishment to become a recreational establishment. So, the “compassion center” that we have in Dover is only retail. They do not do any cultivation or manufacturing; so, for them to get a conversion license it would convert to a retail establishment for recreational and medical marijuana.

Mrs. Denney stated that realistically if a conversion happens, then what her understanding of what was just said is that if a conversion happens, our Council would have to allow or disallow with recommendations but if the conversion happens, then that is going to be a retail center where if she decided to use marijuana, she could go down there and buy it whether it is prescribed or not. Responding to Mrs. Denney, Mrs. Townshend stated yes.

Mrs. Denney stated that that needs to be clear and we all need to really understand that. Responding to Mrs. Denney, Mrs. Townshend stated that it is in Ordinance #2024-30. Again, from a practical standpoint, she has had several conversations with the Office of Marijuana Commissioner about this and they are expecting that compassion centers will be phased out because the retail marijuana stores will service both. In order for a compassion center to get their conversion license, they have to demonstrate that they can still support that medical need but they are going to do that. What the Commissioner’s Office has said is that once industry is up and running, a business won’t be able to survive as compassion center alone. From a practical perspective, while the law still recognizes the compassion centers, from a practical perspective they will be phased out. In Ordinance #2024-29, the top of Page 2, starting Line 40 it says that “a compassion center licensed by the State of Delaware on or before January 1, 2024 (that date is there to make sure nobody tries to get a compassion center up and running) that obtains a conversion license under the State of Delaware Marijuana Regulations, must comply with the requirements of Article 3 - District Regulations.” This means it has to be permitted in the zone. If it wasn’t permitted in the zone, all bets are off. Also, it “shall be exempt from the distancing requirements detailed in Appendix B – Zoning, Article 5 - Supplementary Regulations.” The conversion of a compassion center to recreational retail would allow the existing compassion center, which we only have one, to be where it is and not meet those distance requirements; but it wouldn’t allow any new.

Mrs. Denney stated that they can all see it on the map but do you happen to know the address of our compassion center? Responding to Mrs. Denney, Mrs. Townshend stated that it’s on Jefferic Boulevard but she can’t remember the exact number. It is near Big Lots and Burlington Coat Factory.

Mrs. Denney stated that it is more out on the Route 13 Corridor. Responding to Mrs. Denney, Mrs. Townshend stated yes.

Mrs. Denney stated that this is her opinion, but it feels like they shouldn’t be allowing that conversion to happen. The point here is that it is going to be legal and whether she likes it or not, that doesn’t matter. She doesn’t use it but again, being in medicine, she fully understands the

need for many people to have access to it. She still thinks that it should be by prescription only because we all know, just like with alcohol, you can say that you can't drink and drive but how many people are killed in this Country and even in this City because somebody decided not to obey the laws? Frankly, she lives on State Street. She drives down that road and it used to be that people stopped at stop signs and now they just roll through it. It is becoming more and more frequent and to her, it's ridiculous. She is certainly not going to say "where is the City of Dover Police Department" because they have their hands full. To her, the first thing that would need to be adopted if we were even entertaining some of this would be that we have to find some type of a fine so that we can pay our Police Department to have the extra staffing although it is hard to recruit police officers. Her husband was a Delaware State Trooper and the United States Marshal. She has a stepson who is a Deputy United States Marshal and frankly if one of her grandchildren came to her tomorrow and said this is what they wanted to do to honor Granddad, she would have a heart attack because just like they don't respect the laws, they don't respect law enforcers. She is just saying that because we are about to vote on how we feel about allowing these things to happen.

Dr. Jones asked if there was a reason why houses of faith were not included. Responding to Dr. Jones, Mrs. Townshend stated that that has actually gotten quite a bit of discussion at the Council level and we have definitely looked to map them out. The challenge is this, for K-12 schools there is a very clear way to find where they are and the same with licensed daycare centers. Now if someone is doing it without a license that is a whole different issue. The places that are included are places that we are able to obtain a comprehensive list of where they are so that there is not errors and uncertainty. There is not a comprehensive list of churches. We looked at two data sources. We looked at the tax records and you can get some through that, but there are also a lot of houses of worship that rent. If it's rented, you are not going to find them that way. So they looked at Public Occupancy Permits and it looks like they might be able to do that but it is very labor intensive in terms of the Department being able to continue that. We have looked at that and the City Manager has that information. If an amendment were introduced that did that, they would find a way. But you have to be able to know where things are to be able to distance from that and that was the challenge with that.

Dr. Jones stated that she thinks that make every bit of sense because they pop up here and there and they are renting here and there. She doesn't think it's too late in the process for your organization to take a look at this. But it is possible to call together, as there are organizations of faith-based organizations that run the gamut of various faiths. Bring them together and hear what they have to say. Responding to Dr. Jones, Mrs. Townshend stated that would be a question for City Council. That was discussed at the City Council meetings. Again, the information has been pulled together of where they are. She thinks they actually did some mapping and most of the places of worship are not in that area. There are some along the highway corridor but a lot of them are kind of more back in neighborhoods. They do have the mapping. If it is something that an amendment was introduced for and if the Ordinance was amended, it's something that could be done potentially.

Dr. Jones asked if there was any relationship between manufacturing and/or the retail with CBD. Responding to Dr. Jones, Mrs. Townshend stated no, CBD is basically unregulated. Those places don't fall into this; they are not regulated under this. They can continue to operate as they are.

Dr. Jones asked if they may become a part of what's going on. Responding to Dr. Jones, Mrs. Townshend stated that is probably a question for like the market. There is a question on whether people will still be getting CBD if they can get marijuana. Again, she has had several people using CBD in her family and they are not using that for a high. Her mother-in-law uses it to put on her arthritic hands. She thinks that it is separate enough that it's not going to be affected but she is not an industry expert either.

Mr. Witham asked if this Commission recommended to City Council to prohibit marijuana in the City, how would that affect the one compassion center? Are they likely to close because they are not going to be profitable? Responding to Mr. Witham, Mrs. Townshend stated that she knows they have already applied for and been approved for a conversion license. She knows the COO of the compassion center was here at one of the meetings where the Council Committee talked about it. He reached out to her afterwards and basically, he said here on the floor and then he said again to her, if they can't get a conversion license then they won't be able to continue.

Mr. Witham stated that the level of the HTC in marijuana has consistently gone up over the years so now they are selling high concentrated marijuana which presents great issues for people. His concern is, was there any consideration in regulating the level of HTC in marijuana either at the State level or could the City of Dover regulate that? Responding to Mr. Witham, Mrs. Townshend stated that the City can't regulate the quality. They can only regulate the time, place and manner. She is not sure if that was addressed in the State. She does know that they have to put the strength; if it's 5mg, 10mg, or 20mg on the packaging. She doesn't know how that works for the flower. It seems to her that that's harder to figure out in that.

Mr. Witham stated that some states are now looking into that to try to regulate the level of HTC in marijuana because they find that high levels are extremely dangerous. There are studies that show that the crime rates go up, the DUI rates go up. They have been going up ever since Colorado and some of the other states have allowed general recreational marijuana to exist in the states. The rates just continued to go up; so, he was just wondering whether there was any thought in that area? Responding to Mr. Witham, Mrs. Townshend stated that she is not aware. Again, at the local level they are preempted from regulating that aspect. She is not sure, but she can certainly find out from the Commissioner's Office. She has read quite a bit about some of the effects of the higher content stuff that isn't necessarily good.

Mr. Witham stated that given his background, he has seen the worst. The other question that he has is he understands that Ordinance #2024-30 would permit the use of retail marijuana stores in a C-4 (Highway Commercial Zone). He noticed that both of the Ordinances that pertain to this don't mention at all courthouses. Courthouses in this City are located just off The Green. There is the Kent County Courthouse and the new Family Courthouse going up on Governors Avenue. Both of those courthouses are going to have programs in courts involving the use of drugs which will be prohibited from their standpoint. There is no mention of court houses. Are they covered in some other area? They should be viewed as the same thing as the substance abuse treatment center. Responding to Mr. Witham, Mrs. Townshend stated that it is something certainly that could be added.

Mr. Witham stated that he was informed by one Council member that there was a provision in those Ordinances that would exclude the establishment of retail stores, cultivation, and manufacturing so many feet from the courthouse, but he didn't see it. Responding to Mr. Witham, Mrs. Townshend stated that she had not heard that discussed but again, that is something that you know where they are and we could easily identify them. From a practical perspective for today, she doesn't think it's an issue except the current Family Court. Once the Family Court moves it's not, but the current Family Court could be within a distance of C-4 (Highway Commercial Zone). It could be something that could be done through an amendment. But she thinks the courthouses, with the exception of Family Court, tend to be located in the Downtown Area.

Mr. Witham stated that he thinks the Superior Courthouse and the new Family Courthouse would be in the area of which we call the Downtown Development zone. Responding to Mr. Witham, Mrs. Townshend stated that the current ordinance does prohibit it in the Downtown Area. That was one of the things that came up on multiple occasions throughout the process and ultimately, the Survey showed that a majority of the people who responded did not think it should be Downtown. At this point, there was not the desire from Council to amend the drafts that they brought forward to do that.

Mr. Witham stated that he can assure them that members of the judiciary, if they knew about this, they would probably be concerned about this. He thinks that it is something that he would recommend that Council address if they want to adopt such an ordinance. Responding to Mr. Witham, Mrs. Townshend stated that Mrs. Melson-Williams can correct her if she is wrong but she would suggest that if there are recommendation that you want to make to Council to amend, to include that in a motion.

Mrs. Melson-Williams stated yes, with looking at both of these Ordinances, if there are proposed as amendments. You have kind of mentioned the question of places of worship, which that gets difficult in our Code because they are more generally referred to as places of public assembly and then the courthouses. You could certainly make a recommendation to add to the Supplementary Regulations an amendment that would specify a distancing requirement from those two types of uses.

Mr. Witham stated that the other question that he has is that there appears to be no requirement of odor control technology for retail stores. Why is that? Responding to Mr. Witham, Mrs. Townshend stated that the research that they did and the areas that they found odor complaints were really on the cultivation and manufacturing. In the stores, you are not allowed to use it. Certainly something could be added but it's typically sealed and not out in the open.

Mr. Witham stated that this facility is closed now but the Central Delaware Committee on Substance Abuse Control operated the Kent County Counseling Center just off of Walker Road. They were a treatment center and one of the complaints that were made to him years ago was that they would treat people and people would light up right outside the store. The whole area would be permeated with the smell of marijuana. So, that was a retail establishment so why would that not occur if we allow retail stores in Dover? Responding to Mr. Witham, Mrs. Townshend stated that under the State Law and under the State Regulations, you cannot consume

onsite. She smells it too; she is not pretending like she was born yesterday. But under the Law, you cannot consume it on the premises and you cannot consume it in a publicly accessible place. If people are smoking it on a street corner whether it's near the retail or wherever it is, that's not allowed. She thinks the practical matter to his point is what do you do about it because the Police are busy. They have a lot of other things.

Mrs. Denney stated exactly. It is almost like they are not laws, they are suggestions and it's really just about the attitude of people when it comes to obedience. She is old and if it was a law and you had her father, you obeyed the law. By Big Lots there is the Lutheran Church right there on the highway. Responding to Mrs. Denney, Mrs. Townshend stated that she is not sure the actual distance, but again, based on the current draft which was amended to include the exemption from the distancing to allow for the conversion; that is something that came about through the process.

Mrs. Denney stated that at one time there was a little preschool in that Lutheran Church. To her, that's a school. Any place where children are being taught is a school, but she realizes that is not written in the laws necessarily. Responding to Mrs. Denney, Mrs. Townshend stated that if it's a licensed daycare center then that would be get picked. But again, by virtue of exempting compassion center conversions from the distancing, that would be one location where that would happen.

Mrs. Denney stated then perhaps about allowing that conversion, we shouldn't be doing that. Perhaps we should not allow it and then we protect the children. Responding to Mrs. Denney, Mrs. Townshend stated that is certainly something that they could recommend to Council. That's what this process is for.

Mr. Witham stated that he appreciates Mrs. Townshend's presentation but he has another question. As he understands from her presentation, the State Law on this subject is not going to allow a driver who is driving to use marijuana. Is that correct? Responding to Mr. Witham, Mrs. Townshend stated yes, it also doesn't allow passengers in the car to be using it in the car. Again, she thinks even before it was legal, we have all observed otherwise.

Mr. Witham stated that he is sure that was because a majority of our wonderful police officers would use the smell of marijuana as one aspect of probable cause to stop a driver driving. But by prohibiting that, it makes their job a little bit easier.

Mrs. Maucher asked how the distancing is determined for these buffers. Is that pulled out of the State Law? What is the basis for the 250 feet, 500 feet, and one mile? Responding to Mrs. Maucher, Mrs. Townshend stated that it is not in State Law. There is no distancing requirement in State Law. This was based on discussion with City Council Committee of the Whole to have some distancing but they also wanted to make sure that once you applied the distancing that it wasn't a defacto prohibition. So, we looked at different scenarios and what distancing did to whether or not it would be viable. So, that's how we got to where we are.

Mrs. Maucher stated that hypothetically if you applied these to these instances, how many potential sites would be available? Responding to Mrs. Maucher, Mrs. Townshend stated that she

thinks very few. Basically, you see what a mile is. You could theoretically get at the most four to five if that one dot moved. Again, that is theoretical. Once you look at available space. Then with the issue of distancing, they said the building footprint of where the marijuana use is. So, if it's one retail space in a larger building, you are looking at the building footprint. You are not looking at that tenant space. She thinks that they looked at it and thought, theoretically you might be able to get four. But the likelihood to be able to get four without allowing it other than on Route 13 and Bay Road is really difficult. The other thing, it's only C-4 (Highway Commercial Zone). It doesn't include the shopping center zones. For instance, you've got Blue Hen Corporate Center and Bay Court Plaza. They are both zoned Shopping Center. They both have a lot of available retail space, but they aren't zoned C-4 (Highway Commercial Zone).

Mr. Reaves stated that he has a question with regards to the cultivation. Does the Ordinance mention anything about container farming? Responding to Mr. Reaves, Mrs. Townshend stated that it does not. But both under the Ordinance and under the State Regulations, she doesn't know how they would be able to meet the odor control in particular and the ventilation. There are a lot of things that she thinks would be difficult to meet in the context of container farming. She suspects that there is also National Fire Prevention Regulations that come into play that it would be very difficult to do in that type of environment. Even though it is not addressed, it certainly could be.

Mrs. Denney stated that was an excellent question. It never crossed her mind.

Mr. Reaves stated that from a business perspective that people grow. This is not for sale or use or anything like that, but just from a business perspective. There is a growing movement of container farming in which people can have a successful business because as Mrs. Denney said with regards to the medicinal purposes, there is a need for production. With the land use space, container farming is a viable option for a lot of different uses. Responding to Mr. Reaves, Mrs. Townshend stated that the other thing that the State Regulations have is they have very stringent security requirements.

Mrs. Welsh questioned that in regard to the C-4 (Highway Commercial Zone) and the comment that you just had, Mrs. Townshend, about the retail spaces in the Bay Court Plaza and Blue Hen Mall being retail spaces but not C-4 (Highway Commercial Zone). Is it available to them to put a restriction on the ability for them to request a Rezoning to C-4 (Highway Commercial Zone) in the future? Responding to Mrs. Welsh, Mrs. Townshend stated that she is going to defer to the Chair because her guess is that he has got a lot better background on being able to condition not allowing a request.

Mr. Witham stated that he can't make a comment about future applications, but it would be a legitimate question of the Planning Commission and the Commissioners to ask a question if someone wants to rezone their property to C-4 (Highway Commercial Zone) or some other zone that would permit cultivation, manufacturing or sales of marijuana. They can make an inquiry about the purpose of the Rezoning. It certainly would go under into the nick so to speak, as to whether it should be allowed.

Mrs. Townshend stated that you can't really preempt the ability for somebody to request.

Mr. Witham stated that that triggers another question in his mind. He thinks that the adoption of these Ordinances would allow the transportation of the product from agricultural marijuana to the store, correct? Responding to Mr. Witham, Mrs. Townshend stated yes, and that is also very tightly regulated in the State Regulations.

Mr. Witham further asked if that was so a person using his private vehicle could transport several pounds of marijuana. Responding to Mr. Witham, Mrs. Townshend stated that would not be allowed.

Mrs. Denney asked if it would be like a “Brinks” car operation. Responding to Mrs. Denney, Mrs. Townshend stated that is her understanding in the conversations that she has had with the Commissioner’s Office. Each piece of plant will have a barcode, and it will be tracked so at no point would they “put this in your car and take it.” It is all very monitored from the time that it is germinated to the time that it is sold.

Mr. Witham opened the public hearing.

Mrs. Cynthia Christiansen – 714 Carol Street Dover, DE 19904

Mrs. Christiansen stated that she has been a resident of Dover, DE for 60+ years. This is not her first time here. If you have read any minutes from any previous Committee Meetings or Council Meetings, you know what her position is. She is a retired school teacher for 43 years but she is substituting full time. She is concerned about the location of a retail store anywhere near Route 13 or a housing development. It bothers her that the cultivation is 750 feet and schools, hospitals, and daycares is only 500 feet. That doesn’t make sense to her because these children are outside breathing the air and they should have clean air. If it’s near a store that is selling marijuana, whether they have it sealed that does not prevent them from smoking on the way home or smoking it in their car. Right now, she can’t go anywhere in this City on the highway, in neighborhoods or even her own neighborhood and drive down the street without smelling a dead skunk and there is not a dead skunk on the road. She knows that the cultivated marijuana is supposed to be different and a higher grade but there is still going to be that smell. There are still going to be people driving and dropping their kids off at school. She knows for a fact because she has opened doors of cars and she can get a contact high. A contact high can be given to a child. She has had students come in with a contact high in Dover schools. They are contact high not because they are smoking but because they are sitting in a car or at their home and their parents are smoking around them. They don’t know any different until about 9:30 or 10:00AM and they come off of that contact high. What happens at the end of the day? They get right back in that car and we can’t do anything as teachers or administrators. They have already tried. It’s because the laws are not really written. She thinks the cart has been put before the horse. “You shouldn’t” or “you are prohibited.” They don’t know what that word is in any place in Dover especially at a concert. Let’s say that is different because that is supposed to be controlled but anywhere outside. For a football game, no you are not allowed to have drugs or marijuana in a stadium but you can sit in the car in the parking lot and smoke up and the air comes right to us. This bothers her greatly. It bothers her to the point where she looks and sees Dewey Beach, Rehoboth, Fenwick Island, Bethany Beach, all of the party towns said “absolutely no.” If you think about it, she thought they would be the biggest ones to pass it, but they said no. The Rossi

Group was hired by City Council and she has questioned this through the whole process. She has heard nothing but positive; there is nothing negative. Dr. Vendetti commented twice at meetings and she said that she called other places in the country asking for them to tell her how things are with just marijuana. One place said, “if you have a nice town, don’t do it.” This is what bothers her because she has lived here all of her life and she loved her City. She loved it when she used to smell chocolate from General Foods and she loved when we smelled chicken from Richardson and Robbins. Now, we smell marijuana everywhere. How can the Police enforce this? She even asked the head czar of the Marijuana Department if he was going to give more money to towns and cities that are going to say yes. He just looked at her and shrugged his shoulders. She knows what the answer is; absolutely not. And that 15%, who knows where that goes. They are probably looking to make a lot of money. The thing is, your Police Department cannot do it. They can’t even pull over somebody that they assume is smoking. Yes, they are driving and smoking. If anyone drives up or down Route 13 or down Governors Avenue, you don’t have to be a rocket scientist to know that someone in the car in front of you is in there smoking because your car is going to smell like it. As a taxpayer, as a teacher, and as somebody who just had a brand-new baby granddaughter born last Thursday, do I want her to stay living in Dover? Yes, because it’s close to me. Do I think they will? Probably not, if we keep doing what we are doing. It’s not building up; she thinks we are building down.

Mr. Bill Winters – Mitten & Winters LLC at 117 W Loockerman Street Dover, DE 19904

Mr. Winters stated that he owns a business at 117 W Loockerman Street and he is a Dover resident located at 133 Walker Road Dover, DE 19904. He spoke to City Council months ago. He has some concerns about the Ordinance but first he has a question either for the Commissioners or Mrs. Townshend. Assuming the Ordinance passes and there is a retail location opened which he is against. If it is passed by the Commission and it is passed on to Council. Is there a limit to the quantity of marijuana that somebody can buy when they enter a facility? Can they go in like if they go into a liquor store and buy as much as they want or is there a limitation to the quantity at any one time? Responding to Mr. Winters, Mrs. Townshend stated that under House Bill 1 which is the first of the two marijuana bills, you are limited to a personal use quantity which is no more than one ounce per person. She doesn’t know for sure that you can’t buy any more than that but you can’t load up like you can at the Costco Liquor Store or anything.

Mr. Witham stated that he thinks from his standpoint, the way he would interpret that is that you are limited to personal use only. If you go in there try to buy a pound or two of marijuana and you get in your car you are going to get stopped.

Mr. Winters stated that some of this is going to be repetitive repeating what Mrs. Christiansen said but he has followed this pretty closely. He has seen what some of the towns in Sussex have done. Dewey said they didn’t want it because they have enough issues with alcohol. In Newark, Commissioners decided that they didn’t want it on Main Street because of the University being there and the excessive use that could possibly happen with a college campus. Fortunately, at least with the Ordinance that you currently have set up, there won’t be any retail within the Downtown area. But we do have the Del State University Campus which is three blocks from Downtown. You are faced with a very difficult decision on whether to approve this or not. Dover has some of the best parades in the State. It’s amazing what they do with parades. This past St. Patrick’s Day, they had a phenomenal parade. Loockerman Street was packed with people. His

office is right across the street from the old Dover Hardware was and there is open space there now. After the conclusion of the parade, they had a DJ playing out there and our office was open on that Saturday because it was tax season. The music was great; however, the amount of marijuana being smoked out on the street was amazing. We had to have a couple of people leave our office because of the smell that permeated our office. Mrs. Christiansen is right, you go anywhere around Dover and you are going to smell marijuana. He and his wife regularly drive through Silver Lake Park on bike rides and the amount of consumption there on a regular basis is amazing. So, if we are already saying that it's problem, he can't imagine what it's going to be like if we approve this in our City right now. It's going to be a big issue to deal with and how are the police going to deal with it if somebody's doing public consumption, do they arrest them? Do they take the time to take them to the station and then they are going to get released right away? That's the whole concept right there; he doesn't know how that's going to work. All he knows is that the Commission has a very difficult decision to pass along to the City Council. There is no revenue coming to the City of Dover for this provision; so, what benefit is it to our community? He doesn't see any.

Mrs. Nicole Chick – 510 Kirkwood Highway Wilmington DE 19805 (virtual)

Mrs. Chick stated that she had discussed a while back with Council President Anderson an Ordinance that he put forth on June 11, 2024 that businesses already in existence that apply for a retail license could obtain a waiver of the residential buffer restriction by obtaining signatures of approval from the residents. Her question is where does that stand currently and if it is still being considered? She would ask that we ensure the amendment says something like business owners and not just businesses because someone owning an existing hemp business for instance, liability wise likely isn't going to apply with the exact business names and risk the liability there. They would apply as a new business that would sell marijuana instead. If the amendment has already been voted on, could she know who voted for and against it? If it's still under consideration, she just wanted to say that an existing medical dispensary or a compassion center shouldn't qualify for an exemption to the zoning requirements if hemp stores can't equally get the same treatment. Responding to Mrs. Chick, Mrs. Melson-Williams stated that she believes that there were discussions in the City Council Committee of the Whole regarding potential amendments; however, that amendment was not voted upon or released from Committee as part of the proposed Ordinance packages for consideration here.

Mrs. Townshend stated that there was language and there were two kind of conceptual amendments: the one that Mrs. Chick mentioned and then the one that would address conversion licenses was the other. We put them both in Ordinance format and there was no action on the one that you mentioned. For the one that you mentioned, the way that you characterized it would not have allowed for your business to obtain a license anyway. Looking at the objective, they drafted something that would have allowed it as a Conditional Use in the C-2 (Central Commercial Zone) and that Draft Amendment did not move forward.

Mr. Witham stated that the bottom line is that presumably the not approved Amendment is not before this Commission. It is not being considered.

Mrs. Melson-Williams stated that there was no Amendment in short that came out of Committee to us for consideration by the Planning Commission in regards to a possible hemp store provision

in the Ordinance.

There was technical difficulty with the sound through WebEx.

Mrs. Chick typed in the chat if someone could forward her the status of that Amendment. Responding to Mrs. Chick, Mrs. Melson-Williams stated that that Amendment was never released from Committee as part of the Ordinance package.

Mrs. Chick asked through the chat if Mrs. Melson-Williams could repeat herself. Responding to Mrs. Chick, Mrs. Melson-Williams stated that the concept for that Amendment related to hemp stores was not part of the package that was released by the Council Committee of the Whole. It was discussed she believes, at one of their earlier meetings this summer but ultimately was not made part of the proposed Ordinance that was released for consideration.

Mr. Witham stated that it is not before this Commission. Responding to Mr. Witham, Mrs. Melson-Williams stated that is correct.

Mrs. Chick asked through the chat who voted against it. Responding to Mrs. Chick, Mrs. Melson-Williams stated she doesn't believe that it was ever brought forth formally as an amendment at that Committee. The City Clerk's Office would have the meeting minutes for those Council Committee of the Whole Meetings where it was discussed.

Mr. Witham closed the public hearing.

Mr. Witham stated that they have before them a Petition for Text Amendments for recreational uses of marijuana in the City of Dover. Under Article 10, Section 5 they must evaluate these factors for proposed Ordinances #2024-29 and #2024-30. To get this matter moving forward, there are three options. The first option is to prohibit, recommending that the City Council deny adopting these Ordinances in whole. The second option is to permit as requested by these Ordinances before us. The third option is to approve with exception and/or recommendations for improvements.

Mrs. Denney stated that she thinks it's pretty evident here to everybody from the beginning of this that in her perfect world, we would just go with Option 1 and prohibit it completely for non-medical uses because once again, she managed an orthopedic surgery practice. She has seen many people with injuries. She has happened to have been married, have her children and she is now widowed but she was married to a sailor and Vietnam left a lot of people with issues. She does see a medical necessity, but her feeling is if they decide not to prohibit it completely, just keep it out on the highway in a very restricted area. But her preference would be to do what they were brave enough to do in Sussex County. She remembers when her kids were young, there was a slogan "Just Say No" and that's where she would love to be.

Mr. Witham stated that he believes that the Planning Office had found that the proposed Ordinances were consistent with the aims and principles of the *Zoning Ordinance* and the *Comprehensive Plan*. Is that correct? Responding to Mr. Witham, Mrs. Melson-Williams stated that any time you are looking at a Text Amendment, the *Zoning Ordinance* has two criteria that

are prescribed for you to evaluate those Text Amendments. This is found in the *Zoning Ordinance*, Article 10 Section 5 and when considering a proposed Text Amendment, we have to issue whether or not the change is consistent with the aims and principles embodied in the Ordinance as to the particular zone concerned and whether the Amendment is consistent with the aims of the *Comprehensive Plan* for the City. As part of the DAC Report on Page 5, Planning Staff along with our consultant have responded to those criteria. In finding that when you generally look at cultivation, manufacturing and testing, those types of uses are allowed in the M (Manufacturing Zone) and the IPM (Industrial Park Manufacturing Zone) because those zones permit the manufacturing and industrial processing of goods. They also allow for research and testing labs. The cultivation, likewise when you look at the A (Agricultural Zone), is something where you find crop harvesting as permitted use. Then looking at marijuana retail stores, in looking at the C-4 (Highway Commercial Zone) that is a zone that allows for retail and that is a zone where they would expect to find higher intensity and likely auto dependent uses in that zone. It's considered a higher intensity type provision. The Ordinance as proposed does provide those Supplementary Regulations where we find the requirements for distancing, the things that the City as a municipality is allowed to control related to time and place. For the second provision related to the *Comprehensive Plan*, they included in their Report some notations about specifically looking at where the Land Use Category of Commercial High Intensity areas are. That is found in the DuPont Highway (Route 13) and Bay Road corridors and there is a statement there about what the makeup of those types of corridors is. And then additionally, there is some discussion in the Land Use of Employment Centers where they should be providing sufficient land area for industrial purposes and whether that is existing facilities, new facilities, or revitalizations of older industrial sites. With those statements, they found that it would be consistent with the aims and principles of the *Zoning Ordinance* basically for similar type uses; however, given that it's marijuana then adding additional restrictions to it as well as how those areas from a land use perspective are described in the *Comprehensive Plan*.

Mr. Michael Lewis stated that he might be looking at this from maybe a different perspective. He hesitates to make assumptions but he may be one of the younger people sitting here. Somebody mentioned Bay Court Plaza before but he is old enough to remember the Pink Elephant store that was there. He believes that it had a drive through window and that was an alcohol facility. He mentions that as just an example of how things evolve, how things change, how as a culture and society we move on from things from time to time. He appreciates the fact that Council submitted these proposed Ordinances and they followed pretty closely with what the Survey results were. More than 2,200 people filled out the Survey and they have seemed to narrowly follow what the majority of the Survey respondents wanted. 58-42 was the overall percentage breakdown as far as allowing some uses with the restrictions in general; allow was the 58% and prohibit was the 42%. He thinks the Ordinances do a fine job of capturing the mood and the result of the survey. The surveys can't obviously be our end all but when they presented the, the public had the chance to weigh in and they did on this issue. He would support more surveys being sent on other issues. To him, this marijuana issue isn't in the top 10 or 15 of issues facing Dover but that is a discussion for another day. From his perspective, he thinks the Ordinances do a good job of capturing what the mood and the wishes of the survey respondents are. He would support the permit with restrictions side of things. If there are no other comments, he would put forth a motion to approve but he doesn't want to jump the gun.

Mr. Witham asked what exceptions or restrictions would he suggest. Responding to Mr. Witham, Mr. Lewis stated that he would be just in favor of adopting Ordinances #2024-29 and #2024-30 as stated but he assumes that they have to do one at a time.

Mr. Michael Lewis moved to recommend approval to City Council for Ordinance #2024-29 Text Amendments to the Zoning Ordinance pertaining to recreational marijuana land use and zoning for cultivation, manufacturing, and testing facilities and compassion centers by amending Dover Code of Ordinances as presented.

Mrs. Melson-Williams stated that Mr. Lewis moved to recommend approval to City Council to adopt Ordinance #2024-29 as presented. This is the one that focuses on manufacturing, cultivation and testing. We are looking for a second on that motion to move into discussion and/or a vote.

Mrs. Maucher seconded the motion.

Mr. Witham stated that his thoughts would be directed to Mr. Lewis. Would he be amenable to an amendment to the motion to include the requirement that City Council improve the proposed amendments to include a distance requirement from any and all public courthouses within the City of Dover? Responding to Mr. Witham, Mr. Lewis stated yes.

Mrs. Melson-Williams stated that if the motion maker is accepting of the amendment, is there a distance that they want to specify? Responding to Mrs. Melson-Williams, Mr. Witham stated that he would suggest, like the other distance requirements of the other public facilities, which is 750 feet.

Mrs. Denney stated that she doesn't think that it belongs in Dover and most definitely not in Downtown Dover.

Mrs. Welsh stated that she concurs with Mrs. Denney.

Mrs. Melson-Williams stated they need to address the amendment. You had the motion maker agree to that. Is the second also amenable to that amendment? Responding to Mrs. Melson-Williams, Mrs. Maucher stated yes.

Mr. Lewis moved to recommend approval to City Council for Ordinance #2024-29 Text Amendments to the Zoning Ordinance pertaining to recreational marijuana land use and zoning for cultivation, manufacturing, and testing facilities and compassion centers by amending Dover Code of Ordinances and adding a requirement for a 750 feet distancing requirement from courthouses, seconded by Mrs. Maucher.

Mrs. Melson-Williams stated that the amendment would be added to the section of Lines 90-94 where that distancing is listed and then also again on Line 129-133. That would capture all of the manufacturing, testing, and cultivation.

Mr. Witham asked if that would be for retail also. Responding to Mr. Witham, Mrs. Melson-

Williams stated that retail is not discussed in this one. There are basically three sections where that (amendment for distancing from courthouses) would need to be added. That includes 165-170 as well where the distancing is listed.

Mr. Michael Lewis moved to recommend approval to City Council for Ordinance #2024-29 Text Amendments to the Zoning Ordinance pertaining to recreational marijuana land use and zoning for cultivation, manufacturing, and testing facilities and compassion centers by amending Dover Code of Ordinances and adding a requirement for a 750 feet distancing requirement from courthouses, seconded by Mrs. Maucher and the motion failed with 4-5 by roll call vote(4 in favor, 5 against the motion). Mr. Lewis voting yes; for reasons previously stated. Mr. Roach voting yes; for reasons previously stated. Mrs. Denney voting no; if we approve manufacturing, next thing you know they are going to be fighting to sell it where they grow it and manufacture it. Mrs. Maucher voting yes; based on reasons stated in the motion. Mr. Baldwin voting no. Dr. Jones voting no; for her there are still areas that have been unaddressed and there seem to be some that are unenforceable. Mr. Reaves voting yes; for reasons previously stated. Mrs. Welsh voting no; for reasons stated by Mrs. Denney and Dr. Jones. Mr. Witham voting no; he frankly doesn't see how the adoption of these Ordinances would further the economic development goals of Dover for the sales, cultivation and manufacturing in this federally illegal drug which is still illegal under Federal Law. It is a Schedule II drug that has never been approved through the federal government although the State does allow it. It's just problematic for the State and for the City. Second of all, we draw no income. The City gets no part of the 15% tax on marijuana yet the cost of public services to monitor, regulate and police the growing, dispensing and sales of marijuana is going to cause an increase in public funds being expended. And although it does meet the technical requirements of a proposed amendment under the zoning law, our zoning law doesn't direct the type of retail sales that we promote in this community. Obviously, this is a retail sale or manufacturing of an item that is very problematic and controversial. He doesn't think the Zoning Ordinance or the Comprehensive Plan ever contemplated this.

Mrs. Melson-Williams stated that it is probably best if there is a motion in the affirmative to say no and prohibit if that is your vote in order to clarify that.

Mrs. Denney stated that the motion failed so it dies, and someone can make a new motion. Is that the better way? Responding to Mrs. Denney, Mrs. Melson-Williams stated yes.

Mrs. Denney stated that she would be happy to make a motion, but she isn't sure if we want to add anything.

Mrs. Denney moved to recommend denial to City Council for Ordinance #2024-29 Text Amendments to the Zoning Ordinance pertaining to recreational marijuana land use and zoning for cultivation, manufacturing, and testing facilities and compassion centers by amending Dover Code of Ordinances, seconded by Dr. Jones.

Mrs. Denney stated that if there is something happening in the universities for testing or researching, she doesn't want to prohibit that so she's not sure what to do with that. Responding to Mrs. Denney, Mrs. Townshend stated that testing in the context of this Ordinance is testing under the licensing program. It wouldn't prevent academic research.

Mrs. Denney stated that with that understanding her motion still stands.

Mrs. Denney moved to recommend denial to City Council for Ordinance 2024-29 Text Amendments to the Zoning Ordinance pertaining to recreational marijuana land use and zoning for cultivation, manufacturing, and testing facilities and compassion centers by amending Dover Code of Ordinances, seconded by Dr. Jones and the motion was carried 5-4 by roll call vote (5 in favor and 4 against the motion to deny). Mrs. Denney voting yes; she thinks that it's to the benefit to us and to our children and grandchildren. She feels that it's necessary to protect them as much as we can and to protect our City which is the capital city of the State that started the Nation and she hopes that others follow our lead. Mrs. Maucher voting no; the State has determined that it is a legal product and has set up regulations for it. This is for cultivation, manufacturing and testing for it, and she thinks it's reasonable. If it's not allowed here, it's going to occur somewhere else in the State and you are not insulating Dover from any of that material coming into the City. Having it in the City, she thinks, gives us additional protections rather than a free for all. Mr. Baldwin voting yes. Dr Jones voting yes. Mr. Reaves voting no; because this is a business proposition, this is not distribution or sell. This is the manufacturing, cultivation, and testing. This is just like a normal business that would be producing anything in Dover and would potentially sell it to different facilities. This product is legal in the State and he doesn't think that they should be prohibiting this business opportunity. Mrs. Welsh voting yes; for reasons stated in the motion. Mr. Lewis voting no; he can just add with firsthand experience that there is plenty of academic research that takes place at the Firefly Music Festival. Mr. Roach voting no; he agrees with Mrs. Maucher and thinks it is handicapping us. We are the capital of the State. It is legal in the State of Delaware so to prohibit the manufacturing and testing and things of that nature, it just seems not logical. If it's legal in the State, to not be able to manufacture here is not doing anything but putting us behind times; behind everybody else that already has it in their City. It is actually counterproductive and he really would urge people to not do that. It is putting us behind the times by doing it anyway because the whole State is legalized. It just doesn't make sense to prohibit it here. It is actually putting us in a worse place than it is a better place. Mr. Witham voting yes; the passage of this Ordinance will do nothing to improve the City of Dover. The reasons that he set forth in the previous motion will apply here. We draw no revenue from this. The only way to force the State to give us revenue is to deny the cultivation, manufacturing and transportation, and the retail sales of marijuana. If we don't deny these motions, we are just asking for trouble.

Mrs. Melson-Williams stated that the recommendation on Ordinance #2024-29 to City Council would be that Ordinance is not adopted and that there should be prohibition of manufacturing, testing, and cultivation.

Mr. Witham stated that the next Ordinance that needs to be addressed is Ordinance #2024-30.

Mrs. Melson-Williams stated that just to remind you, proposed Ordinance #2024-30 is the Ordinance that was set up with provisions related to retail marijuana stores with limitations in being established only in the C-4 (Highway Commercial Zone) and then a series of Supplementary Regulations for their operations.

Mr. Witham moved to recommend denial to City Council for Ordinance #2024-30 Text Amendments to the Zoning Ordinance pertaining to recreational marijuana land use and zoning for retail marijuana stores and provisions for compassion center conversions by amending Dover Code of Ordinances for the reasons that he stated earlier and for the reasons that Mrs. Denney stated, seconded by Dr. Jones and the motion was carried 5-4 (5 favor and 4 against of denial) by roll call vote. Mr. Lewis voting no; the Ordinance as proposed gives a pretty narrow window to anything potential retail establishment. Plus, we have already stated in this meeting how denying this would put the one compassion center that we do have in jeopardy which does serve for a medical marijuana purpose. Mr. Roach voting no; he agrees with the reasons previously stated. Mrs. Denney voting yes; for reasons she stated throughout this meeting. She thinks that we don't need to legalize one other opportunity for people to drive intoxicated, act out intoxicated, get in fights at sporting events and she enjoys taking her grandchildren down to Silver Lake. They went there for homecoming photos and her grand-daughter went to the house and had to spray her dress because she smelled like marijuana from going to have a picture for homecoming taken by the lake. Mrs. Maucher voting no; again, the State has determined this to be a legal product. The Ordinance had put sufficient limitations on where and buffers for these types of businesses. Not allowing this retail sale in the City is not going to prevent people from bringing it into the City. You are talking about consumption issues, not sale issues. Mr. Baldwin voting yes; for reasons stated. Dr. Jones voting yes; in her mind and experience it is already out of hand and to try and bring it under control with these Ordinances with some things that are still unclear and unenforceable. Mr. Reaves voting no; for reasons stated previously. Mrs. Welsh voting yes; for reasons as noted by Dr. Jones. Mr. Witham voting yes; for the reasons that he stated earlier. In addition to that, his experience as a drug court judge tells him that this is a bad move for Dover. 80% of all of those people who came through his drug court program all had a marijuana issue. Four of them died from the use of marijuana. With the State unable to control and manage the high THC levels that this State has along with the entire country, the death rate is going to continue to rise. Our children are getting marijuana whether they like it or not. One of the reasons why people don't come down to Dover is because he is convinced that they don't want to fight the marijuana traffic or other drug traffic as well. This is not good for Dover.

Dr. Jones stated that she wanted to thank our consultant for breaking this down for her because the presentation helped her to understand more of what was presented and helped her to see some things that she did not see. The other thing that she thought of during the whole presentation is we protect our kids from cigarette smoke in restaurants, schools, and wherever we go. As Mrs. Christiansen indicated and we all know, she can't tell you how many times she has almost had a contact high. That is not the reason that she voted against it. She just thinks there are some things that need to be cleaned up.

Mrs. Welsh stated that the presenter did a fantastic job in itemizing the situation for us and giving us good information as to what exactly was being covered by all of these amendments. It was great to see Mrs. Ann Marie Townshend again.

Mr. Roach stated that he definitely appreciated the presentation but he also just wants to put it in a perspective that again, it's legal in the State. By us preventing it from here, we are not increasing the chances of us "protecting our kids". Because again, if it's legal in the State, now you are increasing their chance of having to go out of the City to be able to purchase it. This

decreases the chances of the things that everybody is saying that they want to prevent like driving under the influence of THC and things of that nature rather than going two minutes up the street for recreational use. If you want to do it, you are going to access it regardless of whether you prohibit it or restrict it from the City. It is not stopping. It is a legal action in the State. Again, he understands everybody's thought process and he respects everybody on this Commission but he thinks that it is counterproductive in regards to the mindset of wanting to protect people. Again, you can get cigarettes at age 18. He doesn't like second-hand smoke and smelling like cigarettes no more than smelling like marijuana but people are allowed to smoke in certain places. That's the reason why there are restrictions, and the prohibitions are going to be at certain places. He just really feels as though, again, like alcohol; kids are not supposed to drink until they are 21 years old, but they do it anyway. We can do whatever we can to try to "protect our children" by putting this bubble around Dover but if it's a State legalized substance, there is no stopping it from getting here anyway. To be able to have it to at least where it is being able to be purchased somewhere locally and manufactured locally so therefore, you have safeguards and things of that nature to be put in place for our kids to be protected. If our children want to use it, they are going to use it regardless because it is legal in the State.

Mr. Witham stated that he thinks they all respect each other's opinions. He thinks that as long as the State is putting a 15% tax on marijuana, marijuana is always going to be cheaper if you buy it from a drug dealer on the street. So, he doesn't think it's going to change any life at all just to legalize it.

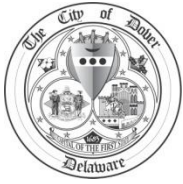
Mrs. Melson-Williams stated that the Commissioner's actions tonight will be summarized in a Recommendation Report on those Ordinances that they will transmit to City Council. City Council will take up these two Ordinances at their December 9, 2024 meeting. They have their own public hearing and final action regarding those Ordinances.

NEW BUSINESS

Meeting adjourned at 9:29 PM.

Sincerely,

Kristen Mullaney
Secretary



City of Dover, Delaware

Item 3.

APPLICATIONS TO PLANNING COMMISSION FOR CONDITIONAL USES, SITE PLANS, SUBDIVISION, & REZONING

Schedule of APPLICATION DEADLINES, DEVELOPMENT ADVISORY COMMITTEE Meeting dates, PLANNING COMMISSION Meeting dates, and CITY COUNCIL PUBLIC HEARING dates for 2025 filing deadlines. A Pre-Application Meeting must be conducted with Planning Staff prior to filing of an Application. The submittal procedures are outlined in *Zoning Ordinance*, Article 10 Sections 1, 2, 3, 4 and 5.

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Application Deadline by 4:00pm	1/3/25	2/7/25	3/7/25	4/4/25	5/2/25	6/6/25	7/3/25	8/5/25	9/3/25	10/3/25	11/7/25	12/5/25 Rezoning 11/21/25
CITY COUNCIL Rezoning Ordinance First Reading	1/27/25	2/24/25	3/24/25	4/18/25	5/12/25	6/23/25	7/28/25	8/25/25	9/22/25	10/27/25	11/24/25	12/8/25
D.A.C. MEETING (STAFF ONLY)	1/29/25	2/26/25	4/2/25	4/30/25	5/28/25	7/2/25	7/30/25	8/27/25	10/1/25	10/29/25	11/26/25	12/31/25
D.A.C. MEETING (APPLICANT)	2/5/25	3/5/25	4/9/25	5/7/25	6/4/25	7/9/25	8/6/25	9/3/25	10/8/25	11/5/25	12/3/25	1/7/26
PLANNING COMMISSION Public Hearings, Rezoning Recommendation	2/18/25	3/17/25	4/21/25	5/19/25	6/16/25	7/21/25	8/18/25	9/15/25	10/20/25	11/17/25	12/15/25	1/20/26
CITY COUNCIL Action on Rezoning: Consideration of PC Recommendation and Public Hearing/Final Reading – Rezoning Ordinance	3/10/25	4/14/25	5/12/25	6/9/25	7/14/25	8/11/25	9/8/25	10/13/25	11/10/25	12/8/25	1/12/26	2/9/26

***Planning Staff will advise applicant as to the Committee Meetings schedule if applicable to the Application submission.

DRAFT 12.5.2024

For Information Contact:

City of Dover Department of Planning & Inspections, City Hall, 15 Loockerman Plaza P.O. Box 475, Dover DE 19903
(302)736-7196 Phone (302)736-4217 Fax www.cityofdover.com compplan@dover.de.us

The **Institute for Public Administration** presents

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December 12, 2024
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Check-in begins at 8:30 a.m.

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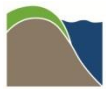
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Contact Sean O'Neill (oneill@udel.edu) with questions about this event.

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



December 6, 2024

Ms. Dawn Melson-Williams, AICP
Principal Planner
City of Dover
Department of Planning & Inspection
15 Loockerman Plaza
Dover, DE 19901

RE: Application No. SB-23-03
Conditional Use Site Plan Application – Stonebrook East
Extension Request
Tax Parcel No. ED-05-057.03-01-01.00 through 92.00
City of Dover, Delaware
Project No. 13053CA (Duffield)

Dear Ms. Melson-Williams:

Duffield Associates, LLC (Duffield) is writing this letter, on behalf of Stonebrook East 168, LLC to request an extension of the Planning Commission decision for conditional approval of the Revised Subdivision Plan for Stonebrook East (Subdivision). The decision made at the December 18, 2023 Planning Commission meeting allowed for the construction of a 103 townhomes and four apartment buildings with a total of 138 garden apartment units with a 2,500 SF clubhouse, swimming pool, basketball court, tot lot, community garden and accompanying site improvements. The Planning Commission Conditional Approval of the Revised Subdivision Plan is valid for six (6) months from the date of approval, during which time the Plan shall be finalized and recorded. Thus, the Revised Subdivision Plan SB-23-03 has until May 31, 2024 to be finalized and recorded. . An extension was of this approval was received at the May 20, 2024 Planning Commission meeting. This extended the date to December 31, 2024.

Over the past six (6) months since the approval extension was granted, the property owner has been working on Site Development Plans for the development. This includes obtaining approvals from Kent Conservation District for the Sediment and Stormwater Management Plans for the project. In accordance with Kent Conservation District's letter from December 2023, being that construction had not commenced by December 31, 2019, the previous regulations no longer apply and a new plan in compliance with the current regulations shall be submitted for review and approval. As part of preparing this new plan, additional stormwater testing was completed during this time followed by a revised grading and stormwater management design. In addition, the developer has been working on construction financing for the project, which has required value engineering to revise the plans and reduce the construction costs.

In accordance with City of Dover Code of Ordinances, we hereby request a six-month extension for Revised Subdivision Plan to be finalized and recorded.

Please do not hesitate to contact us if you have any questions or comments regarding the above request. We appreciate your consideration of this request.

Very truly yours,
DUFFIELD ASSOCIATES, LLC


K. James Taylor, Jr., P.E.
Associate Vice President



December 6, 2024

Attn: Dawn Melson-Williams, AICP
Principal Planner
City of Dover, Delaware
Department of Planning & Inspections
Via email to: dmelson@dover.de.us

RE: Site Plan S-22-14 Commerce Way Dover DE LLC Warehouse on Commerce Way
Tax Parcel: ED-05-076.10-02-07.03-000

Dear Dawn,

As noted in your December 6, 2024 email, our project was granted final approval by the Planning Commission in April of 2024.

We are requesting a one-year extension to the current approval expiration date of December 31, 2024. This extension is needed as we are talking with tenants, but these conversations are taking some time. Our preference would be to secure a tenant prior to commencing construction.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to be 'Jonathan Rubin'.

Jonathan Rubin on behalf of Commerce Way Dover LLC

PETITION TO AMEND ZONING DISTRICT

First Reading before the Dover City Council on November 25, 2024

Development Advisory Committee Review - Applicant DAC Meeting of December 4, 2024

Public Hearing Before the Planning Commission on December 16, 2024

Application: Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road:
Rezoning C-PO/COZ-1 to IO/COZ-1

Owner: PAM Cubed Real Estate, LLC

Address: 1216 McKee Road, Dover DE

Location: Located on the west side of McKee Road and north of the intersection of
McKee Road and College Road

Tax Parcel: ED-05-067.00-01-34.00-000

Size: 1.2302 +/- acres

Present Uses: Vacant

2019 Comprehensive Plan – Land Use Category: Office

Present Zoning: C-PO (Commercial and Professional Office Zone)
COZ-1 (Corridor Overlay Zone)

Proposed Zoning: IO (Institutional and Office Zone)
COZ-1 (Corridor Overlay Zone)

Reason for Request: Rezoning the property for a future expansion of the existing hospital (Post
Acute Medical (PAM) Health Rehabilitation Hospital of Dover)

File Number: Z-24-06

Ordinance Number: 2024-31

I. APPLICATION SUMMARY:

This Rezoning Application is for a parcel of land consisting of 1.2302 acres +/- . The property is zoned C-PO (Commercial and Professional Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning for the property is IO (Institutional and Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the west side of McKee Road and north of State College Road. The owner of record is PAM Cubed Real Estate, LLC. Property Address: 1216 McKee Road. Tax Parcel: ED-05-067.00-01-34.00-000. Council District 1. Ordinance #2024-31.

Existing Property:

The property is currently a vacant tract of land with frontage along McKee Road. This application only seeks rezoning of the property from CPO to IO; the COZ-1 (Corridor Overlay Zone) zoning designation will remain. The applicant is seeking rezoning to allow for future development of the property. Any redevelopment of the site will be subject to a separate application submission for plans or permits.

Previous Applications:

A Demolition Permit (#21-132) was granted for the demolition of the previous single family detached dwelling located on the property. The subject property was previously part of a series of four properties fronting on McKee Road that were rezoned from R-8 (One Family Residence Zone) to CPO (Commercial and Professional Office Zone) as part of the Comprehensive Rezoning 2009 Project. The property became subject to the COZ-1 (Corridor Overlay Zone) with the creation of that zone in the 1990s.

Surrounding Land Uses

The surrounding parcels are zoned a mix of institutional, commercial, and industrial: IO (Institutional and Office Zone), C-PO (Commercial and Professional Office Zone), and C-2A (Limited Central Commercial Zone). The property to the north is the location of the Post-Acute Medical (PAM) Rehabilitation Hospital and is zoned IO. The property to the south is a multi-tenant commercial building with retail establishments and offices. To the west is a residential area zoned R-8 (One Family Residential Zone) which consists of the Emerald Pointe Subdivision and a one family detached dwelling fronting on College Road. Across McKee Road to the northeast are several residential parcels located in Kent County and there is also a vacant tract at the northeast corner of the intersection (1205 McKee Road) zoned C-2A. The properties that front on McKee Road are subject to the COZ-1(Corridor Overlay Zone).

II. COMPREHENSIVE PLAN COMPLIANCE REVIEW

In the *2019 Comprehensive Plan*, the Land Development Plan (Map 12-1) recommends that this property be used for Office and Office Parks. The goals and policies for Office Areas are listed in the *2019 Comprehensive Plan* excerpts presented below (page 12-18):

Office Parks

The Land Development Plan designates specific tracts of land of various sizes for Office and Office Park land uses. Office Park development involves an integrated development of office buildings with shared entrances, driveways and parking. The majority of uses permitted within an Office Park are generally weekday professional office uses involving very little or no activity at night or on weekends. For this reason, the Office Park designation may be viewed as a transitional use category when situated between more intense commercial and industrial land uses and residential land uses. This designation usually involves the C-PO (Commercial/Professional Office Zone) zoning district.

These areas are located throughout the City with established office concentrations in the Enterprise Business Park, along Silver Lake Boulevard, on College Park Drive, along Old Rudnick Lane, the Northgate Center, and elsewhere. Scattered office uses are also located along Saulsbury/McKee Road and within designated “Mixed Use” areas in the Eden Hill Farm Traditional Neighborhood Design (TND). Smaller scale areas for office parks are the Woodbrook complex on South Governors Avenue, office complexes along Walker Road, and areas along Route 8.

The Rezoning Request to IO (Institutional and Office Zone) is consistent with the Land Use Classification of Office and Office Parks. Table 12-1: Land Use and Zoning Matrix (from the 2019 Comprehensive Plan) specifies that the following zones are compatible with this Land Use classification. See the excerpt from Table 12-1 given below.

Office and Office Parks	CPO (Commercial and Professional Office) IO (Institutional and Office) IPM (Industrial Park Manufacturing) RGO (General Residence and Office)
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III. ZONING REVIEW

Request for IO (Institutional and Office) Zoning

The following code excerpt of the IO zoning district is provided from Article 3 §10 of the *Zoning Ordinance*.

Article 3 Section 10. Institutional and office zone (IO).

- 10.1 *Uses permitted.* In an institutional and office zone (IO), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:
- (a) Business, professional, or governmental offices.
 - (b) Banks.
 - (c) Research, design, and development laboratories.
 - (d) Public and institutional uses including hospitals, medical clinics, libraries, police stations, courthouses, transit centers, schools, colleges, universities, places of public assembly, philanthropic and charitable institutions, parks, playgrounds, public indoor recreation centers, athletic fields.
 - (e) Public utility rights-of-way and structures necessary to serve areas within the city.
 - (f) Child day care centers, provided they are established in accordance with all applicable state regulations pertaining to child care and provided that they are established and maintained in accordance with article 5, section 14 of this ordinance.
 - (g) Emergency shelters and transitional housing.
 - (h) Adult day care facilities provided they are established in accordance with all applicable state regulations pertaining to adult care and provided that they are established and maintained in accordance with article 5, section 22 of this ordinance.
- 10.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10, section 1:
- (a) Firearm ranges, prisons, and correctional facilities.
 - (b) Public incinerators.
 - (c) Hotels and restaurants.
- 10.3 *Accessory uses.* The following uses shall be permitted accessory to other permitted uses on a lot.
- (a) Clinics, cafeterias, and recreational facilities.
 - (b) Motor vehicle storage and repair facilities accessory to a public or institutional use.

- (c) Restaurants that are on a campus and intended to support users of the campus.
- 10.4 *Uses prohibited.* The following uses are prohibited:
 - (a) Landfills, dumps.
- 10.5 *Enclosed buildings.* All permitted uses and all storage accessory thereto, other than offstreet parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants approved by the city planner.
- 10.6 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.
- 10.7 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

COZ-1 (Corridor Overlay Zone)

The provisions of the COZ-1 (Corridor Overlay Zone) are established to “promote superior urban corridor development and the highest quality-built environment.” There are a series architectural, parking, and landscaping guidelines that would be required by the COZ-1 zoning district, if development of the property is proposed. The purpose and requirements of the COZ-1 (Corridor Overlay Zone) are given in Article 3 §27 of the *Zoning Ordinance*. See the following code excerpt.

Article 3 Section 27. – Corridor Overlay Zone 1 (COZ-1)

- 27.1 *Purpose.* The corridor overlay zone (COZ) is established for the following reasons:
 - (a) To promote superior urban corridor development and the highest quality built environment;
 - (b) To foster coordination and linkage among corridor properties and with adjacent lands;
 - (c) To preserve the functionality and efficiency of the roadway for traffic movement; and
 - (d) To achieve a visually balanced streetscape environment which is friendly to the pedestrian and motorist alike.
- 27.2 *Superior urban design.* For the purposes of this ordinance the term "superior urban design" shall meet the following criteria:
 - (a) Superior urban design places a strict and primary importance on the pedestrian. The concept should lend itself to interconnectivity while presenting building structures as aspects of the street, not simply islands existing in the "sea of roads". The design should encourage fewer car-trips, as well as promote automobile trips on an interconnected local street system rather than trips that utilize the arterials. In demonstrating superior urban design, an applicant must show that the plan presented exceeds the requirements of the zoning ordinance in at least two of the following areas:
 - (i) Transportation amenities for bicycles, pedestrians and transit that exceed those required by the zoning ordinance;
 - (ii) Architectural features including, but not limited to: LEED-certified buildings; unique architecture not replicated in other locations; use of architectural elements such as entry porticos, porte-cocheres, colonnades, cornices, porch columns and balusters,

band courses, coins, water tables and other trim that enhances visual quality and function of the structure; and use of the highest-quality construction materials.

(iii) Landscaping that exceeds the requirements of this section, including robust use of trees, shrubbery, and flowering plants to screen parked cars; water gardens and ponds; arboretums; tree preservation measures;

(iv) Public spaces and art including, but not limited to, sculpture, memorials, murals, public court yards and pocket parks, and fountains;

(v) Green technologies for stormwater management, as well as green energy technologies such as geothermal heating and cooling and solar energy supplies.

(b) The city planner shall develop policy guidance on how the concept of superior urban design will be evaluated.

27.3 Zone boundaries. The COZ encompasses the lands adjacent to the following roadways as outlined on the City of Dover Zoning Map as set forth in [article 2](#), section 2 of this ordinance:

(a) Delaware Route 8 (Forrest and Division Streets) from the railroad tracks in a westerly direction to the city limit line.

(b) McKee/Saulsbury Road (County Road 156) from the intersection at Dennys Road (County Road 100) in a southerly direction to the terminal intersection with West North Street (County Road 73).

27.4 Permitted uses. Land use shall be governed by those provisions of this ordinance related to the specific zoning district designations of each property as depicted on the zoning map.

27.5 Site development plan approval. Site development plan approval in accordance with [article 10](#), section 2 shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change in use. When the zoning district regulations specify that a particular use requires conditional use approval in accordance with [article 10](#), section 1, the provisions of that article shall apply. Site development plans and conditional use site plans for properties within the COZ shall reflect compliance with the development guidelines of this article, in addition to all other applicable codes and regulations.

27.6 Development guidelines.

27.61 Setbacks:

a. *Front yards.*

	Residential	Nonresidential
	Min. Max.	Min. Max.
McKee/Saulsbury	60' to 80'	40' to 50' *
Route 8—Artis Drive to Mifflin Road	60' to 80'	None
Route 8—Mifflin Road to Saulsbury Road	40' to 60'	40' to 60' *
Route 8—Saulsbury Road to R.R. line	20' to 30'	20' to 30'
Subdivision streets	(Setback provisions of article 4 shall apply)	

* When the applicant can demonstrate to the satisfaction of the planning commission through the site plan review process that the proposal involves a superior urban design, the maximum setback may be increased to no more than 90 feet from the property line on Route 8 from Mifflin Road to Saulsbury Road and on McKee and Saulsbury Roads.

27.62 Building placement. Buildings shall be situated on the property so as to maximize the use of the frontage along the roadway and shall have the longest side of the building arranged parallel and square to the roadway. When the applicant can demonstrate to the satisfaction of the planning commission that, due to specific constraints related to lot configuration, alternative building placements may be permitted.

27.63 Parking.

(a) *Location.* Parking shall not be permitted to be situated within the front yard, nor between the right-of-way line and the building, except in the following instances:

- (i) Automobile service stations;
- (ii) Properties in a shopping center (SC) zoning district, in which case, parking may be permitted between the building and the roadway, provided that such parking [shall] be limited to five rows of single parking spaces between the road and the storefront;
- (iii) When the applicant can demonstrate to the satisfaction of the planning commission through the site plan review process that the design presented involves a superior urban design, parking may be permitted between the building and the street, provided that such parking within this area shall be adequately landscaped and screened from the roadway.

(b) *Required number of spaces.* See specific district requirements in [article 4](#).

(c) *Layout.*

(i) Parking lots shall be arranged in such a manner so that not more than 20 parking spaces in a row shall be permitted without a landscaped island. No more than six rows of 20 spaces shall be provided without provision for a landscaped median. Parking islands shall be a minimum of ten feet wide and planting medians shall be no less than eight feet wide.

(ii) There shall be a landscaped buffer area of at least 12 feet in width between the building and parking lot and drive areas. The buffer area shall include provisions for a sidewalk of at least six feet and no greater than eight feet in width. The buffer area and sidewalk shall be grade separated from the parking lot by concrete curbing of at least six inches in height.

(d) *Landscaping.* Design shall be simple and easy to maintain and shall consist of a combination of hardy canopy trees, low evergreen shrubs and turf grass, and shall be designed in accordance with landscape guidelines set forth in [article 5](#), section 15 of this ordinance and as follows:

(i) *Interior landscaping.* A minimum of five percent of the interior area of a parking lot shall be reserved for landscape purposes. This provision shall include the landscaping of all required parking islands and medians. Shade trees shall be incorporated within the landscaped islands whenever and wherever practicable.

(ii) *Parking lot screening adjacent to public right-of-way.* Low profile screening shall be required when parking spaces would result in vehicles facing onto the roadway. Screening may consist of a low wall, evergreen hedge with a minimum height of two feet at the time of planting, planted three feet apart on center, and a maximum height of three feet at maturity, or earth berm. Should a low wall be used, such wall shall be

accompanied by evergreen shrub plantings on the roadway side of the wall and spaced ten feet apart on center.

(iii) *Reserved.*

27.64 *Site access.*

(a) *Entrance width and radii.* Site entrances shall have a minimum width of 24 feet. Entrances involving a median divider shall be at least 35 feet in width. Entrance radii shall be a minimum of 15 feet and a maximum of 25 feet.

(b) *Number of entrances and curb cut spacing.* One curb cut shall be permitted for each street which abuts a site. For sites with street frontage in excess of 300 linear feet, one additional curb cut may be permitted. For sites with street frontage in excess of 600 linear feet, two additional curb cuts may be permitted.

Multiple curb cuts on a property shall have a minimum spacing distance in accordance with the following schedule:

Speed Limit	Maximum Spacing (Ft.)
25	105
30	125
35	150
40	185
45	230
50	275

(c) [*Shared access.*] Shared access shall be provided, whenever possible, for entrances to adjoining uses, including residential driveways.

(d) [*Cross access.*] Cross access shall be provided among abutting uses of similar use categories, whenever possible, to provide linkage between properties as an alternative to re-entering the corridor to access both existing and future neighboring properties.

(e) *Entrance locations for adjoining properties.* Commercial site entrances shall be no closer than 25 feet to an adjoining property which is zoned residential and no closer than ten feet to an adjoining property which is in a nonresidential zoning category.

27.65 [*Signs.*] Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

27.66 *Building height.*

(a) Buildings shall be limited in overall height to 35 feet and shall not exceed two stories.

27.67 *Open space and landscaping.*

(a) *Lot coverage.* Each lot shall have a minimum of 25 percent of the lot area dedicated to be landscaped open space. A lesser amount of landscaped open space may be permitted when it can be demonstrated to the satisfaction of the planning commission, through the site plan review process, that, due to lot configuration and existing built conditions, the required minimum is impractical.

(b) *Frontage*. Each lot shall have a landscaped open space of at least 25 feet in width, measured from the back of curb along the entire frontage of the lot, except at points of site access. Trees shall be provided along the frontage perimeter at a minimum rate of one tree for each 50 linear feet of frontage.

(c) *Side and rear yards*. A minimum of 15 feet of landscaped open space shall be provided along all side and rear lot lines when abutting a residential use and a minimum of five feet when abutting a nonresidential use. Tree plantings shall be provided along all nonfrontage perimeters at a minimum rate of one tree for each 75 linear feet.

(d) *Stormwater detention ponds*. Detention ponds may be counted toward the minimum 25 percent open space area, provided that such ponds are designed to emulate natural features by incorporating irregular outline, gradual slopes (no greater than 1:4), and appropriate landscape plantings.

(e) *Landscaping*. Landscaped open spaces shall be designed in accordance with the provisions of this section, as well as the landscaping guidelines as set forth in article 5, section 9 of this ordinance.

(f) *Screening*. The following items shall be located so as to minimize visibility from the roadway, adjacent properties and other public areas, and shall be screened from public view:

- (1) Service bays;
- (2) Loading docks and platforms;
- (3) Rooftop utilities;
- (4) Satellite dishes;
- (5) Dumpsters;
- (6) Storage areas.

(g) *Standard for tree plantings*. Trees shall be of a high canopy variety and shall be limbed to a minimum height of 12 feet above grade at maturity.

(h) *Standards for shrubbery*. Shrubby shall be of a low evergreen variety and shall be limited to use as foundation plantings and for screening purposes.

(i) *Standards for ground cover*. Ground cover shall be limited to turf and ornamental grasses and ornamental evergreen ground cover plantings within required landscape areas.

27.68 *Lot configuration*. All lots within the corridor overlay district created after the enactment of this section shall conform to the following:

- (a) Minimum lot area [shall be] 10,000 square feet. Service stations [shall have a minimum lot area of] 20,000 square feet.
- (b) Minimum lot depth shall be 100 feet. In the C-3 (service commercial) district, the minimum lot depth shall be 150 feet.
- (c) Minimum road frontage shall be at least 100 feet. In the C-3 (service commercial) district, the minimum road frontage shall be 150 feet.

27.69 *Architectural review*. The side of any building which faces the corridor (or corridors) shall be referred to as the "corridor elevation." Buildings in the COZ-1 shall be designed to front on the corridor, and the corridor elevation shall contain architectural elements traditionally associated with the front of a building. Blank walls without functioning windows are prohibited along the corridor. Windows must be incorporated into the overall design concept of the corridor elevation. Providing one or several small windows on a large corridor elevation shall not constitute compliance with this ordinance.

A "functioning window" shall be defined as a window which lets light into the interior of the structure, and is integrated and related to the interior layout of the space. In addition to functioning windows, the corridor elevation shall have the following elements:

- (a) A primary entrance door or doors (except for loading doors).
- (b) A primary entrance feature, such as a porch, portico, awning, entrance walk, or other similar feature.

In addition, the corridor elevation shall have one of the following elements:

- (a) Landscaping integrated into the building design concept.
- (b) Architectural or urban design elements which link adjacent structures together, such as plazas, walkways, colonnades, or similar features.
- (c) Architectural relief, such as vertical and horizontal offsets in exterior wall elevations, band courses, lintels and sill courses, cornices, and the like, to create shadow lines.

The applicant shall submit 12 copies of the corridor elevation at the time of application. The city planner or his/her designee shall determine whether compliance with the provisions of this ordinance has been achieved.

27.7 Properties located on a corner lot with two frontages within the Corridor Overlay Zone. When a property is located on the corner of two corridors within the Corridor Overlay Zone, only one of the two corridors shall be subject to the requirements of Section 27.61 Setbacks and Section 27.63 Parking, Subsection (a) Location. The frontage of the property on which the identifiable front of the building is located shall be the frontage that is subject to the requirements of Section 27.61 And Section 27.63, Subsection (a). In designing the site, in order to qualify for the relief under this subsection, the applicant must demonstrate to the satisfaction of the planning commission that the design incorporates the principles of superior urban design as defined in Section 27.2.

IV. RECOMMENDATION OF THE PLANNING STAFF:

This Request is to rezone lands from C-PO (Commercial and Professional Office Zone) to IO (Institutional and Office Zone). The current CPO zone is mainly commercial in nature with the zoning district permitting offices, banks, and medical laboratories type uses with other commercial uses only allowed through a conditional use review process when the use is accessory to a permitted use on the same lot. The C-PO zone also allows for conditional use review to create residential uses in the form of apartments, multi-family residences, and one-family residences. While both zones are commercial in nature, the IO Zone generally does not allow for residential dwelling units instead focusing on offices, public buildings, places of public assembly, institutional uses, and recreation related facilities. The additional uses in the IO zone beyond office uses are similar to the uses in the surrounding area such as schools and institutional buildings. The IO zone also allows for uses including Child Day Care Centers and Adult Day Care Facilities that would be allowed in any zone per the *Zoning Ordinance*, Article 5 §22. In the IO zone, the allowable residential uses are related to institutional facilities like housing at colleges, emergency shelter facilities, and transitional housing (allowed by definition in a single-family house setting).

As part of the process to change the zoning district of a property outlined in *Zoning Ordinance*, Article 10 Section 5, the City Planner must evaluate the following factors when considering the request:

Article 10 § 5.22 *City planner report*. For each proposed zoning text amendment, the city planner shall issue a report to the planning commission and city council, including comments from other reviewing agencies, that evaluates the following factors:

(A) Whether such change is consistent with the aims and principles embodied in the ordinance as to the particular zones concerned; and

(B) Whether such proposed amendment is consistent with the aims of the comprehensive plan of the city.

Staff recommends that the Rezoning be granted to IO (Institutional and Office Zone). The proposed zoning is consistent with the *Comprehensive Plan* for the Office and Office Parks Land Use Category classification, as it fits the goals of the Comprehensive Plan by grouping similar institutional activities together and will likely provide essential services. Rezoning to IO is one of the possible zoning districts eligible for consideration in this Land Use Category classification.

Staff also recommends that the property remain subject to the COZ-1 (Corridor Overlay Zone) due to its frontage on McKee Road. The purposes of the COZ-1 are to promote superior urban corridor development; to foster coordination and linkage among corridor properties; to preserve functionality and efficiency of the roadway for traffic movement; and to achieve a visually balanced streetscape environment friendly to the pedestrian and motorist. (*Zoning Ordinance*, Article 3 §27). The COZ-1 includes a number of additional buffers/setbacks, landscaping enhancements, and site layout design requirements which will be required as part of any proposed development activities on the parcel.

The Comprehensive Plan attempts to put employment centers adjacent to main transportation routes. There is existing infrastructure for water, sanitary sewer, and electric services in the vicinity of the property (and could be expanded if necessary); and the police, fire, and emergency medical services already service the area.

This Rezoning Request does not grant approval of a specific use for the property but makes its land use subject to a listing of uses permitted and potential conditional uses as allowed in IO (Institutional and Office Zone) zoning district. Were the application for Rezoning to be recommended by the Planning Commission and subsequently approved by the City Council, the applicant would still have to submit plans and/or permits for review for most uses of the site to be established.

This recommendation is being made without the benefit of hearing the comments of surrounding landowners and residents. A public hearing is required on this matter and the Planning Commission should give those comments consideration.

V. PLANNING COMMISSION REVIEW FOR RECOMMENDATION

This Rezoning Application is a request for a zoning map amendment which changes the zoning district of a property. The Planning Commission as part of their public hearing and review process will provide a recommendation on the rezoning request to City Council. As part of the process outlined in *Zoning Ordinance*, Article 10 Section 5, the Planning Commission must evaluate the following factors when considering the request:

Article 10 § 5.36 *Report of the planning commission.* Regarding each application for a zoning map amendment, the planning commission shall provide a report to the city council stating a recommended action with regards to the proposed amendment, along with the commission's evaluation of the following factors:

(A) Whether the uses permitted by the proposed change would be compatible with the existing uses and zones in the area concerned;

(B) Whether adequate public services and infrastructure exist or can be created or expanded to serve the needs of any additional demand as a result of such change; and

(C) Whether the proposed change is in accordance with the city's current comprehensive plan.

A Recommendation Report from the Planning Commission will be forwarded to City Council for their consideration of the Rezoning Application.

VI. ADVISORY COMMENTS TO THE APPLICANT:

- 1) The applicant shall be aware that approval of any Rezoning application does not represent Site Development Plan or Subdivision Plan. Following any decision made by City Council regarding this Rezoning, then an application for a Site Plan, Subdivision Plan, and/or appropriate Building Permits must be submitted to the Planning Department prior to the establishment of a use, development activity, or any construction activity on the site. The applicant should contact the Planning Staff to determine the appropriate review process for any proposed projects.
- 2) The applicant shall be aware that approval of any Rezoning application does not represent a Building Permit, Demolition Permit, Sign Permit, or other construction activity permit approval. A separate application submission is required before issuance of permits by the City of Dover.
- 3) The applicant shall be aware that any future use and/or buildings may be subject to a separate permitting or licensing processes through the City of Dover Licensing and Permitting Division. All businesses operating in the City of Dover are required to obtain a City of Dover Business License. Certain types of uses also require a Public Occupancy Permit or Rental Dwelling Permits.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: NOVEMBER 27, 2024

APPLICATION: Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road:
Rezoning C-PO to IO

FILE #: Z-24-06

REVIEWING AGENCY: City of Dover Department of Public Works and Water & Wastewater

CONTACT PERSON: Jason A. Lyon, P.E., Director of Water & Wastewater

CONTACT PHONE #: 302-736-7025

CONTACT EMAIL #: jlyon@dover.de.us

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

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

CITY AND STATE CODE REQUIREMENTS**SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL**

1. Our office has no objections to the proposed rezoning of tax parcel ED-05-067.00-01-34.00-000. Any redevelopment shall adhere to the City of Dover Water/Wastewater Handbook and the Specifications, Standards & Procedures for Public Works Construction. Impact fees may be applied to this property. Future development shall comply with all aspects of the City of Dover's Cross Connection Control Program.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES**SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL**

1. None

ADVISORY COMMENTS TO THE APPLICANT**SANITATION / STREETS / STORMWATER / WATER / GENERAL**

1. None

WASTEWATER

1. When this site is developed, an evaluation of the downstream wastewater pump station must be conducted by the developer. Upgrades may be required by the developer.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: Nov 27, 2024

APPLICATION: Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road:
Rezoning C-PO to IO

FILE #: Z-24-06

REVIEWING AGENCY: City of Dover Electric Department

CONTACT PERSON: Shawn Burgett, Engineering Services & System Ops Superintendent

CONTACT PHONE #: 302-674-7568

CONTACT EMAIL #: sburgett@dover.de.us

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

Our office has no objection to the rezoning of: ED-05-067.00-01-34.00-000.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. Should this site be redeveloped, which includes modifications to the use, the applicant / developer will be responsible for all costs associated with providing the appropriate meter / service to this site based upon the use including any necessary system upgrades or extensions. The appropriateness and adequacy of electric and meters will be assessed at that time.
2. Any redevelopment shall adhere to the City of Dover's Electric Service Handbook.
<https://evogov.s3.amazonaws.com/media/27/media/13108.pdf>.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 11/27/24

APPLICATION: Lands of PAM Cubed Real Estate LLC at 1216 McKee Rd**FILE #:** Z-24-06REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire Marshal
josika@dover.de.usPHONE #: (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposal is a rezoning application. This office has no objections.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. N/A

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2021 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
 2021 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)
 2019 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)
 2019 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)
 2009 IBC (International Building Code)
 Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
 2021 Delaware State Fire Prevention Regulations
 City of Dover Code of Ordinances

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

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APPLICATION: Lands of PAM Cubed Real Estate, LLC

FILE#: Z-24-06

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Brian Williams

PHONE#: 302-760-2141

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. DelDOT has no objections to the rezoning.



KENT CONSERVATION DISTRICT

Item 7.

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

**CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
DECEMBER 2024**

APPLICATION: Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road

Rezoning C-PO to IO

FILE #: Z-24-06

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Cullen Baker

PHONE: (302) 608 – 5370

EMAIL: stormwater@kentcd.org

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

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

Kent Conservation District has no objection to the proposed rezoning for the above referenced site.

ADVISORY COMMENTS TO THE APPLICANT:

Soil disturbance (e.g. clearing, grading, excavations, tree clearing, or stoning) equal to or greater than 5,000 square feet requires a Sediment and Stormwater Management Plan to be submitted and approved by the Kent Conversation District prior to the commencement of disturbance.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: 12/4/2024

**Dover/Kent
County
Metropolitan
Planning
Organization**

Z-24-06 Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road: Rezoning C-PO to IO

FILE # Z-24-06

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Malcolm Jacob

PHONE #: (302) 387-6030

Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission
Zoning Review

Z-24-06 Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road: Rezoning C-PO to IO

Dover Kent MPO does not have any objections to the proposed rezoning. Further comments will be given when the site is developed.

Note that in terms of transportation connectivity, there is already a shared use path for pedestrian and bicycle access along the property's frontage. This path runs north to south on McKee Road. Because of this, there are no serious connectivity gaps.

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



From: [Hughart, Jared](#)
To: [Melson-Williams, Dawn](#)
Subject: EXTERNAL: DAC Nov 27 meeting notes- Chesapeake
Date: Wednesday, November 27, 2024 9:58:19 AM

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Z-24-06 Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road:

- Any new construction will need to confirm it will not be built over the existing service to the neighboring building.
- Any new service laterals will need to be modeled per PSC prior to construction, please contact Jhughart@chpk.com

S-24-20 Office Building of Ditko Properties, LLC at 1107 S. Bradford Street

- Any new service laterals will need to be modeled per PSC prior to construction, please contact Jhughart@chpk.com

MI-24-10 Request for Alley Abandonment: Part of Alley Between S. Governors Avenue and S. Bradford Street

- Will need to contact Chesapeake Utilities for any service lateral retirements.
- It appears no main is located in the alley way, engineering would be able to confirm Gjones@chpk.com

Thank you and Happy Thanksgiving!

Jared Hughart

Chesapeake Utilities

500 Energy Lane

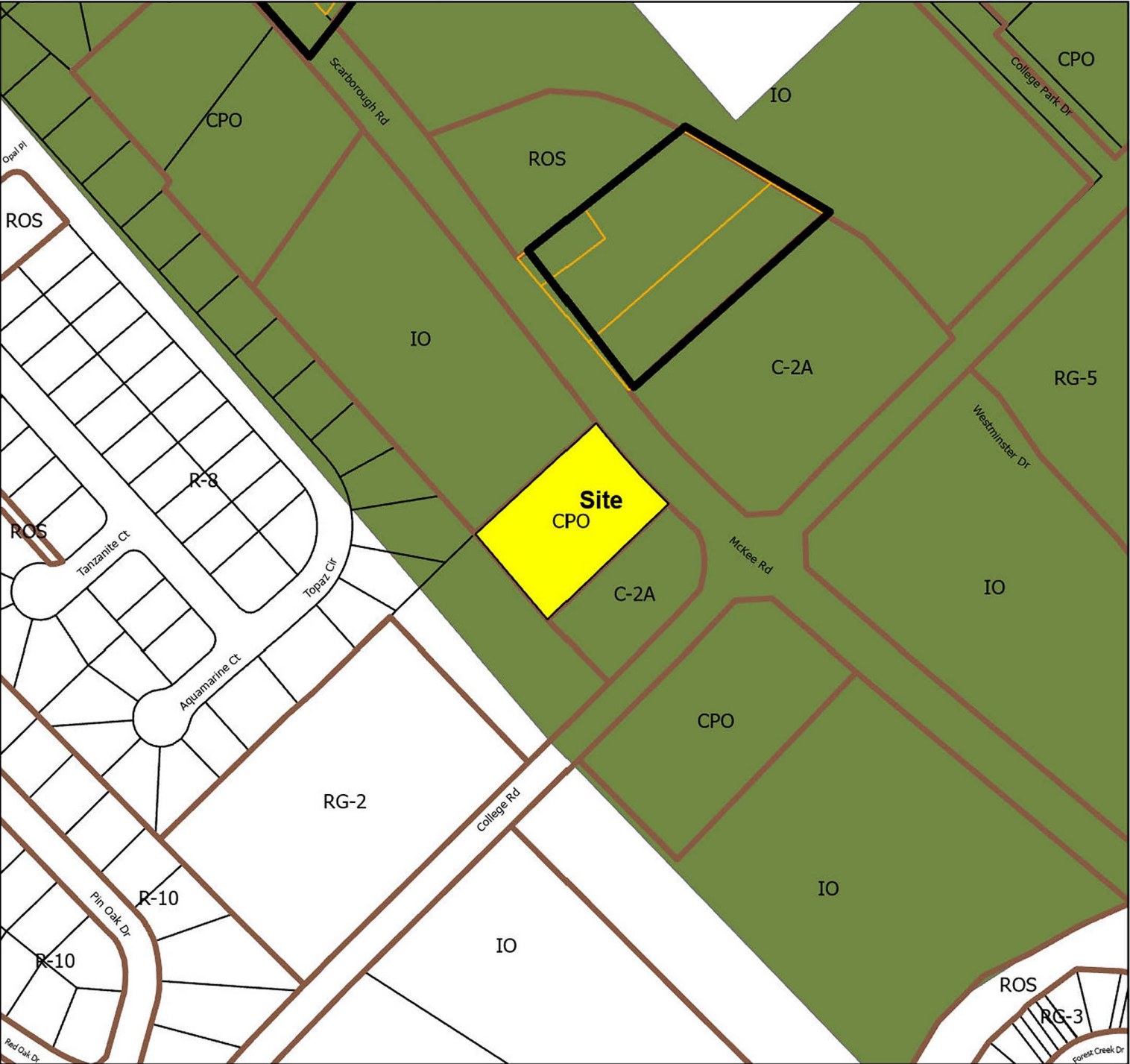
Dover, DE 19901

Cell: 302-943-3468

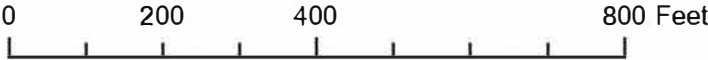
www.chpk.com

NEW METER requests must go through: Install@chpk.com

Chesapeake Utilities Corporation (“Chesapeake Utilities”) is an energy delivery company publicly traded on the New York Stock Exchange under the ticker symbol “CPK” (NYSE: CPK). Chesapeake Utilities is not, nor has it ever been, affiliated with Chesapeake Energy Corporation. This email, together with any attachments, is intended only for the use of the party to which it is addressed and may contain information that is proprietary, privileged, confidential, and/or otherwise protected by law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this email or its contents is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying to the message, and permanently delete this email from your computer and destroy all copies of it.



Title: Rezoning Lands of PAM Cubed Real Estate, LLC 2024-31
Ordinance #: 1216 McKee Road
Addresses: ED05-067.00-01-34.00-000
Parcel ID: C-PO (Commercial & Professional Office Zone) and COZ-1
Existing Zoning: IO (Institutional & Office Zone) and COZ-1
Proposed Zoning: PAM Cubed Real Estate, LLC.
Owner: 11/14/2024
Date:



Legend

Subject Property

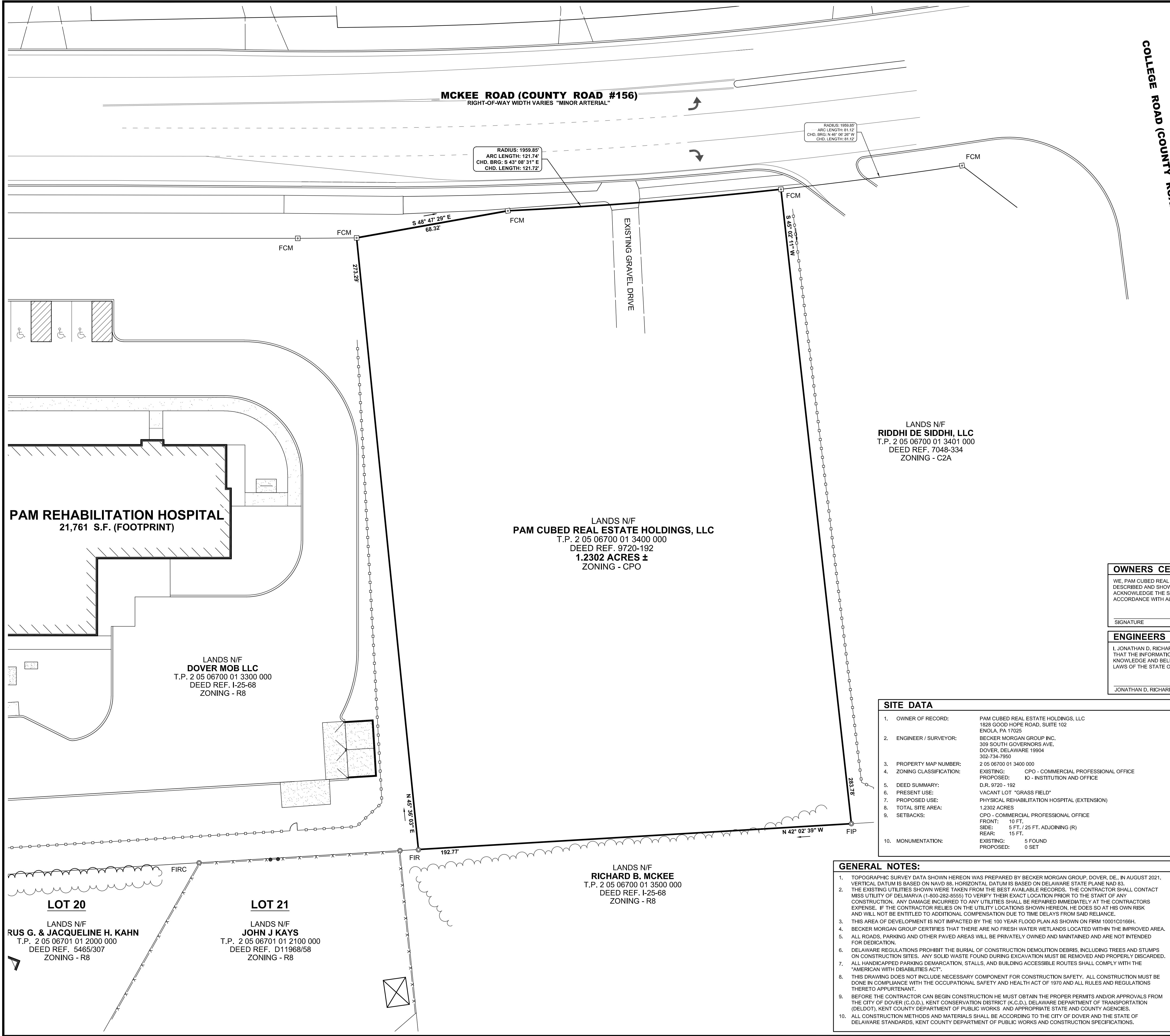
Dover Boundary

Zoning

Dover Parcels

Kent County Parcels

Corridor Overlay Zone





DATA SHEET FOR SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF December 4, 2024

PLANNING COMMISSION MEETING of December 16, 2024

Plan Title: Office Building of Ditko Properties, LLC at 1107 S. Bradford Street
S-24-20

Plan Type: Site Development Plan

Property Owner: Ditko Properties, LLC

Location: East side of S. Bradford Street approximately 135.37 feet south of Wyoming Avenue

Address: 1107 S. Bradford Street, Dover DE

Tax Parcel: ED-05-077.17-07-27.00-000

Site Area: 11,326 SF (0.26 acres+/-)

Zoning: C-2A (Limited Central Commercial Zone)

Present Use: Vacant Lot (previous house demolished)

Proposed Use: Office Building

Sanitary Sewer: City of Dover

Water Supply: City of Dover

Waivers Requested: Partial Elimination of Upright Curbing
Elimination of Sidewalk

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: December 4, 2024

APPLICATION: Office Building of Ditko Properties, LLC at 1107 S. Bradford Street

FILE #: S-24-20

REVIEWING AGENCY: City of Dover Planning Office

CONTACT PERSON: Dawn Melson-Williams, AICP

PHONE #: 302.736.7196

I. PLAN SUMMARY

This is a Review of a Site Development Plan for construction 2,140 SF one story office building on the parcel of land totaling 11,326 SF (0.26 +/- acres). The zoning is C-2A (Limited Central Commercial Zone). The property is located on the east side of South Bradford Street approximately 135.37 feet South of Wyoming Avenue. The owner of record is Ditko Properties, LLC. The property address is 1107 S. Bradford Street. Tax Parcel: ED-05-077.17-07-27.00-000.

II. PROJECT DESCRIPTION

The Site Development Plan proposes construction of a brick, one-story Office Building and associated site improvements for an 8-space parking lot to the rear of the building. The property is located on the east side of South Bradford Street in the final segment of the street to the south of Wyoming Avenue. The property previously included a single-family detached dwelling and two accessory structures (shed/garage and shed) which have now been demolished. The property is served by City Water and Electric and with redevelopment it proposes to connect the City Sanitary Sewer.

Previous Application

In December 2022 with Application AX-22-02, the property was annexed into the City of Dover and rezoned from RM (Multifamily Residential District) in Kent County to C-2A (Limited Central Commercial Zone) in the City. According to Dover's 2019 *Comprehensive Plan*, the property was in an enclave area designated as Category 1: High Priority Annexation Areas and the land use designation is Commercial Low Intensity. (Ordinance #2022-19).

Surrounding Properties

To the north, the subject property is adjacent to a parking lot for a nearby office which both front on Wyoming Avenue and which are zoned C-2A (Limited Central Commercial Zone). To the east is a motor vehicle service facility; this property is under the jurisdiction of Kent County. To the south is a property with a single family dwelling; also under Kent County's jurisdiction. To the west across South Bradford Street is an office building that previously housed the Delaware Solid Waste Authority; it is zoned RGO (General Residence and Office Zone).

III. ZONING REVIEW

C-2A (Limited Central Commercial Zone)

The property has the zoning of C-2A (Limited Central Commercial Zone). The types of permitted uses, conditional use, and other provisions in the C-2A (Limited Central Commercial Zone) are given in Article 3 §14 of the *Zoning Ordinance* and referenced sections. The bulk standards for the C-2A zone are listed in Article 4 Section 4.14 and appear to have been met with the proposed placement of the new building and its format. The proposed use as an office building is a permitted use. See the following Code excerpt:

Article 3 Section 14. – Limited central commercial zone (C-2A).

14.1 *Uses permitted.* In a limited central commercial zone (C-2A), no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

- (a) Retail stores.
- (b) Business, professional or governmental offices.
- (c) Personal service establishments.
- (d) Restaurants.
- (e) Service establishments.
- (f) Hotels.
- (g) Places of public assembly.
- (h) Drive-throughs.
- (i) One family residences, including attached and semi-detached dwellings, complying with the bulk standards of the RG-1 (General Residence) zone.
- (j) Apartments and multi-family dwellings.

14.2 *Conditional uses.* The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in [article 10](#), section 1:

- (a) Parking lots and parking structures as a principal use on suitably landscaped lots.
- (b) Fuel pumps accessory to a permitted use.

14.3 *Enclosed buildings.* All permitted uses and all storage accessory thereto, other than offstreet parking, shall be carried on in buildings fully enclosed on all sides, except for outdoor eating areas associated with restaurants and outdoor sales areas approved by the city planner.

IV. PARKING SUMMARY

The parking requirement in the C-2A zoning district is one space per 300 S.F. floor area or one space per employee of the largest shift. Based on the total floor area of the building at 2,140 SF, the required parking is 8 spaces. It is noted that there are six employees at the facility. The plan shows an existing parking lot of 8 spaces as parking spaces for (passenger) vehicles. The small size of the building does not require a loading space.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one for every twenty parking spaces. A bike rack location accommodating 3 bikes (per the detail) is shown at the rear of the building near the parking lot.

V. BUILDING ARCHITECTURE

The proposed Office Building is one story brick clad building with a hipped roof. The exterior finishes include a brick watertable then brick walls including windows with detailed window headers with keystones. The main entrance door is found on the north elevation of the building. It will be similar in architectural appearance to an existing office building at the corner of Wyoming Avenue and South State Street (in same ownership). The facility complies with the maximum height limitation of 75 feet (six stories) for the C-2A zoning district. The building placement is within the buildable area established by the front yard setback of 15 feet, the side yard setbacks of 5 feet and 25 feet (on the south where adjacent to residential zone), and the rear yard setback of 5 feet.

VI. SITE CONSIDERATIONS

Access

The site's access is from S. Bradford Street to the south side of the building. The entrance drive continues east to the rear parking lot area.

Lighting

The lighting internal to the site is shown as wall units attached to the building.

Dumpster

For non-residential uses, a minimum of two Dumpsters are required for the site. The plan indicates construction of a Dumpster enclosure of brick with gate at the northeast corner of the parking lot; its service provider (City or private) must be clarified to ensure access is appropriate.

Sidewalk

Waiver Request - Partial Elimination of Sidewalk

A sidewalk is required along all street frontages and within the site in accordance with *Zoning Ordinance*, Article 5 §18. They have submitted a Waiver Request to eliminate the sidewalk along the S. Bradford Street frontage; see Letter of November 1, 2024. The Planning Commission should act on this Waiver Request as part of their review of the Site Development Plan; see the following *Zoning Ordinance* citation on waivers of pathways. Sidewalks are a type of pathway.

Article 15 §18.5 *Waiver of pathway locations requirements*. The property owner or developer may request a waiver from the planning commission or city planner, according to the type of plan review required by article 10 of this ordinance, under the following circumstances in order to reduce or eliminate the requirements for pathway installation:

- a) When the property is isolated from the existing pathway network, with no existing pathways within the immediate vicinity of the property.
- b) When the proposed use would not generate or attract additional pedestrian, bicycle, or other non-motorized trips.
- c) When physical characteristics of the property are such that pathway installation is impractical or impossible.

In addition, on the site, sidewalks are shown connecting from the street into the site to the main entrance on the north elevation of the building and continuing east to access the rear parking lot.

Curbing

Waiver Request: Partial Elimination of Curbing

The *Zoning Ordinance*, Article 6 §3.6(b) requires upright curbing for all parking areas and access drives. The plan shows curbing along the southern edge of the entry drive aisle and for the east row of parking spaces. Curbing is not proposed along the south and east side of the building nor at the head of the north row of parking spaces. A written Waiver Request for the elimination of upright curbing in these areas was submitted to the Planning Office for consideration by the City Planner citing the reasons for the request related to the small size of the parking area and its impact.

VII. TREE PLANTING AND LANDSCAPE PLAN

The Landscape Plan shows the proposal for tree plantings and buffering. *Zoning Ordinance*, Article 5 Section 16 lays out the requirements for tree planting and preservation. A new project is required to provide tree planting at a rate of one (1) tree per 3,000 SF of “Development Area.” Based on a Development Area of the entire parcel at 11,326 SF (0.26 acres), the minimum required number of trees is four (4) trees. Three (3) White Flowering Dogwood Trees are proposed between the building and S. Bradford Street and with one additional tree at the rear northeast corner of the lot.

Opaque Barrier

Screening is required wherever a non-residential use abuts a residential use. This screening must consist of an opaque barrier (a fence, wall, or berm) at least six feet in height, accompanied by landscaping (*Zoning Ordinance*, Article 5 §7.2). This Opaque Barrier requirement applies to the southern property line adjacent to a residential property. The Plan shows the planting of evergreen shrubs (two types of Holly) to form a hedge interspersed with Skyrocket Juniper evergreen trees and a solid vinyl fence. It is noted that the opaque barrier does not have to be implemented in the front yard setback (the first 15 feet of this property).

VIII. CITY AND STATE CODE REQUIREMENTS:

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

- 1) Upright curbing must be provided around all parking areas and circulation drives in accordance with the *Zoning Ordinance*. A waiver may be granted by the City Planner, if necessary, for stormwater management.
- 2) Sidewalks must be provided along the full frontage of S. Bradford Street unless the Waiver Request is approved for the partial elimination of the sidewalk. The Planning Commission will consider the Waiver Request for the partial elimination of the street frontage sidewalk.
- 3) Cover Sheet SP-1:
 - a) Data Column: List zoning as C-2A (Limited Central Commercial Zone). Also update on other plan sheets.
 - b) Add notes on any waivers granted as part of the review process.
 - c) Ensure the Dumpster enclosure is accessible/functions for the type of trash/recycling collection.
- 4) Various Plan Sheets (information appears on multiple sheets in set):

- a) Update parcel numbers of adjacent properties to read as ED-00- as the Lands of 1020 South State Street, LLC and Barrister Properties, LLC are still in Kent County.
 - b) Ensure the same base map is utilized throughout the plan set as there are differences in the design for the drive aisle/parking lot curbing, sidewalks, and frontage sidewalk, etc.
 - c) Ensure accessible ramps/markings are provided from handicapped space onto sidewalk system and at points of intersection of sidewalk with parking lot.
 - d) Sheet UP-1: Confirm with Public Works as to how the adjacent parking lot entrance apron/curbing will need to be repaired/replaced following the sewer line installation.
- 5) Sheet L-001 for Landscape Plan:
- a) Ensure base plan matches the proposed Site Plan.
 - b) The proposed sign location conflicts with a tree planting location.
 - c) Ensure tree plantings meet the separation distances from utility lines (i.e. sewer and water) as there appears to be conflicts.
 - d) Opaque Barrier does not have to be implemented in the front yard setback (the first 15 feet of the property). If placed, the fence is limited to 4 feet in height in the front yard setback.
- 6) Stormwater Plan Cover Sheet, KCD-1:
- a) Sediment & Stormwater Construction Note #11: Ensure the NPDES number is for this project is correct.
- 7) A Record Plan sheet may be required if necessary to show items such as right-of-way dedications, any easements, and other items affecting the property lines or if required by another agency's approval process.
- 8) The Site Plan set must reflect any changes recommended by the Planning Commission. Add notes for any waivers or conditions acted upon by the Planning Commission.
- 9) The proposed sign location shown on this plan sheet is for informational purposes only and approval of this plan does not grant approval to this signage. All signage must comply with Sign Regulations of the *Zoning Ordinance* and is subject to a separate Sign Permit Application. Signs are subject to a separate review and approval process in the City of Dover.
- 10) Any Sediment & Stormwater Management Plans granted approval by the Kent Conservation District must reflect the Site Plan layout and design conditionally approved by the Planning Commission and be in compliance with the *Zoning Ordinance* and technical review requirements of other agencies.
- 11) Additional review comments may be provided in the future as more detailed plans are developed.

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

In accordance with the *Zoning Ordinance*, Article 10 §2.2, the Planning Commission in considering and acting upon Site Development Plans may prescribe appropriate conditions and safeguards so that the public health, safety, and welfare, the comfort and convenience of the public in general, and the residents of the immediate neighborhood in particular shall be taken

into consideration. These safeguards may to the maximum extent possible further the expressed intent of the *Zoning Ordinance* and the accomplishment of several objectives in particular listed in subsections 2.21 to 2.28.

1) Recommendation on Waiver Requests:

- a. Waiver Request for Elimination of Upright Curbing: Planning Staff grants approval of the elimination of upright curbing as currently identified for the northern edge of the entrance drive aisle and the along the northern edge of parking row. It appears that removal of the curbing in these areas will allow for drainage related to the slope of the parcel. Parking bumpers must be implemented at the head of parking spaces.
- b. Waiver Request – Partial Elimination of Sidewalk: Planning Staff does not recommend approval of the Waiver Request to eliminate the requirement for the construction of the street frontage sidewalk along S. Bradford Street. This is an opportunity for the construction of a street frontage sidewalk segment and bring the S. Bradford Street section closer to City street standards.

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

ADVISORY COMMENTS TO THE APPLICANT:

- 1) The Planning Commission should act upon the request for waivers as part of any motion regarding this project application, or as a separate motion as necessary. Note: All waivers are at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.
- 2) In the event, that major changes and revisions to the Site Development Plan occur in the finalization of the Plan contact the Planning Office. Examples include reorientation of the building, relocation of site components like stormwater management areas, and increases in floor area count. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regard to the plan.
- 3) Following Planning Commission approval of the Site Development Plan, the Plan must be revised to document all conditions of approval from the Development Advisory Committee or as otherwise noted. This process involves submission of Check Prints in order to achieve Final Plan approval.
- 4) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.
- 5) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections, Pre-Construction meeting and permits/licenses are required.
- 6) Construction may have an effect on the nearby properties and the travel lanes of S.

Bradford Street. Any work requiring the closing or rerouting of visitors to other properties served by this road should be coordinated as to offer the least amount of inconvenience.

- 7) For building new construction, the requirements of the building code and the fire code must be complied with. Consult with the Building Inspections Office and City of Dover Fire Marshal for these requirements. The resolution of these items may impact the site design including such items as building dimensions and height, building openings, and fire protection needs, etc.
- 8) The applicant shall be aware that Site Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign shall require a Sign Permit from the City of Dover prior to placement of any such sign. It is recommended that the applicant discuss the sign regulation requirements with the Planning Staff prior to applying for a Sign Permit.
- 9) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover.

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



CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: NOVEMBER 27, 2024



APPLICATION: Office Building of Ditko Properties, LLC at 1107 S Bradford Street

FILE #: S-24-20

REVIEWING AGENCY: City of Dover Department of Public Works and Water & Wastewater

CONTACT PERSON: Jason A. Lyon, P.E., Director of Water & Wastewater / Engineering Services

CONTACT PHONE #: 302-736-7025

CONTACT EMAIL: jlyon@dover.de.us

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

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

CITY AND STATE CODE REQUIREMENTS

SANITATION

1. Every commercial customer shall provide such premises with a sufficient number of solid waste containers to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers. The City of Dover shall provide commercial customers with a maximum of two (2), 90-gallon trash containers and two (2), 90-gallon recycling containers.
2. Trash collection site shall be oriented for side-loading pick-up if customer is utilizing City of Dover sanitation services.
3. Any commercial customer requiring more containers, or larger containers, than provided above, must utilize private service.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District is submitted to our office.
2. The size, length, slope, type and flow directions must be shown on all existing and proposed storm sewer lines. Rim and invert elevations must be labeled on all stormwater structures.

STREETS

1. Final site plan approval will not be granted until a letter of no objection, signed by DelDOT is submitted to our office.
2. The current City of Dover standard street section provides for a 3' grass strip between the curb and sidewalk. This standard was administratively revised to meet ADA and FHA compliance with cross slope requirements and to prevent cars from scrapping at driveways. The revised standard utilizes a five feet (5') wide public sidewalk with a five feet (5') wide grass strip behind the curb. Sidewalk and curb shall be installed for the width of the project scope.
3. Please add the following notes to the plans:
 - a. Standard City of Dover sidewalk, as per chapter 98, article IV of the Dover Code of Ordinances, shall be required to be installed along the entire public street frontage of a property. Where frontage sidewalk exists but does not meet the standards of chapter 98, article IV, the sidewalk shall be re-laid to meet the standards. Sidewalk shall include barrier-free

access ramping at points of intersection with street crossings and at other locations so as to afford reasonable barrier-free pedestrian movement and site access.

- b. In accordance to Appendix A, Article VI, Section B.3, all sidewalks shall ascend from the curbstone to the building line at the ratio of one-quarter of an inch to the foot. Nothing in this section shall be construed to affect any pavement previously laid by order of the city council, until it is taken up and relaid.

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
 - a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
 - b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Water & Wastewater specifications and requirements.
 - c. The site contractor shall contact the City of Dover Department of Water & Wastewater Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Water & Wastewater must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan. Please be advised that effective May 1, 2022, water mains can now be constructed using DR 18 PVC.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed buildings. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meters must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically, this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.
7. Water services shall be either type K copper or SDR-9. 1. All non-metallic water lines (mains and services) shall be installed with a tracer wire and identification tape. The wire shall be a minimum of twelve (12) gauge blue coated solid copper wire, wrapped around the pipe, and extending up into all valve and curb boxes. The identification tape shall be six-inches (6") wide, laid one foot (1') above the pipe, with the following text: "Caution: Buried Water Line Below". 3M marker balls, model 1423-XR, or approved equal shall be installed at every service line connection to the water main and all bends on the service line.

8. On October 24, 2022, City of Dover Council approved the new Cross Connection Control Program. This program requires certain backflow prevention assemblies on water service connections to the city's distribution system. Please provide a specific description of the activities in this building.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
 - a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Water & Wastewater specifications and requirements.
 - b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "...any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.
3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures.
4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. Sizing (flow) calculations must be submitted for all sanitary sewer mains showing that velocity and all other requirements are met.
6. The minimum size of all sanitary sewer mains shall be eight-inch (8"). The minimum slope for eight-inch (8") sanitary sewer pipe is 0.004 feet/feet. Minimum cover is 3.0 feet.
7. The minimum size of all sanitary sewer laterals shall be six-inch (6").
8. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.
9. Depending on the effluent flow, the downstream pump station must be evaluated by the developer / engineer to verify it can handle the additional effluent flow.

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. No trees may be planted within ten feet (10') of utility infrastructure.
3. No structure may be installed within ten feet (10') of utility infrastructure, please depict all underground utilities and structures on the utility plan sheet to confirm compliance.
4. The final site plan must be submitted in the following compatible digital formats:
 - a. AutoCAD 2018 (.dwg format).
 - b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

SANITATION / STORMWATER / STREETS / WATER / WASTEWATER / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

WATER

1. The City of Dover water system is available to this site. The developer is responsible for all costs associated with extending and providing service to the proposed development.
2. Prior to plan approval, the water system plans must be submitted to the Division of Public Health, Office of Drinking Water for review and approval. The owner/developer will be responsible for providing all completed forms and plan sets to the City of Dover as required for submission to the Office of Drinking Water. Plans will not be submitted to the Office of Drinking Water until review has been completed by our office.
3. Hydrant flow testing is currently only performed during the spring and fall. The applicant must call the Department of Water & Wastewater directly to schedule these tests. This applies to both existing hydrants as well as those proposed for the site.
4. Water impact fees will be required to be paid prior to Certificate of Occupancy for this project.

WASTEWATER

1. The City of Dover sanitary sewer system is available to this site. The developer is responsible for all costs associated with extending and providing service and capacity to the proposed development.
2. Prior to plan approval, it may be required to submit the sanitary sewer system plans to the DNREC, Division of Water Resources, Surface Water Discharges Section for review and approval. The owner/developer is responsible for providing all application fees, completed forms and plan sets directly to DNREC.
3. Profiles of the sanitary sewer main must be provided with the construction plans. All water, sanitary sewer and storm sewer crossings must be shown on the profiles.
4. Wastewater impact fees will be required to be paid prior to Certificate of Occupancy for this project.

GENERAL

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

SANITATION / STORMWATER / STREETS

1. None.

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

CITY OF DOVER ELECTRIC
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: Nov 27, 2024

APPLICATION: Office Building of Ditko Properties, LLC at 1107 S. Bradford Street
FILE #: S-24-20
REVIEWING AGENCY: City of Dover Electric Department
CONTACT PERSON: Shawn Burgett, Engineering Services & System Ops Superintendent
CONTACT PHONE #: 302-674-7568
CONTACT EMAIL #: sburgett@dover.de.us

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

13. Prior to the completion of any/all designs and estimates, the owner is responsible for providing the Electric Engineering Department with a physical address of the property.
14. All Engineering and design for Dover Electric will be engineered upon final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 11/27/24

APPLICATION: Office Building at Ditko Properties LLC at 1107 S Bradford St

FILE #: S-24-20 REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire Marshal
josika@dover.de.usPHONE #: (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed occupancy classification is business (office building)
2. Building Access shall be no further than 50 feet from a primary entrance.

Where buildings are provided with an automatic sprinkler system installed in accordance with NFPA 13, access shall be no further than 100 feet from the primary entrance.
(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3.4)

3. Parking shall be prohibited in front of the primary entrance for a width of not less than 1.5 times the width of the door(s) or for 10 feet, whichever is greater.
(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.2)

4. Perimeter access shall be 30% (15% if sprinklered) and clearly shown on the plans.

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

If a physical barrier (fence, pond, steep slope, etc) prevents access, that portion of the building perimeter shall not be included in the calculation of Percent of Perimeter Access.
(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3.5)

Where parking is located between the building and perimeter access area, parking shall not be located closer than 10 feet to the exterior wall for one-story buildings and 15 feet to the exterior wall for building of two or more stories.

5. All access roadways shall be paved and be a minimum of 20 feet clear width for two-way traffic and 14 feet clear width for one-way traffic. The paved width of access roadway shall be measured from edge of parking spaces, or face of curb for vertical curb and back of curb for mountable curb, or edge of pavement if there is no curbing. (2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 5.2)
6. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.
7. NFPA 72 compliant Fire Alarm System TBD per occupancy code requirements.

Fire alarm in place of assembly. *Fire alarm required.* Any new occupancy or new portion of an occupancy determined to be a place of assembly by the fire marshal and is capable of receiving an occupant load of 75 persons or greater, shall be required to install a fire alarm in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Fire alarm system required. Any existing occupancy or portion of an existing occupancy determined to be a place of assembly by the fire marshal, and is undergoing renovations in excess of 50 percent of the assessed value of the building and is capable of receiving an occupant load 75 persons or greater or is being enlarged to receive an occupant load of 75 persons or greater, shall be required to install a complete fire alarm system in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Public mode audible requirements. To ensure that audible public mode signals are clearly heard by occupants of a structure, they shall have a sound level at least 15 decibels (dB) above the average ambient sound level or five decibels (dB) above the maximum sound level having a duration of at least 60 seconds, whichever is greater, measured five feet (1.5m) above the floor in the area required to be served by the system using the A-weighted scale dBA. In the event the stated requirement cannot be met a shunt trip relay/switches shall be the approved method of meeting the intent of this section of the Code.

(City Code of Ordinances 46-171)

8. The installation of natural gas and LP gas meters, regulators, valves, and LP gas bottles shall be protected from impact damage by impact protection. Natural gas and LP gas meters, regulators, and valves located inside structures shall have impact protection, except when located in separate protected utility rooms.

Dimensions of bollards. Bollards shall be a minimum of six-inch diameter filled with concrete. The bollard shall be set into the ground at a depth of at least 36 inches (three ft.) embedded in concrete at a minimum of 18 inches surrounding the bollard. The bollards must be a least 48 inches (four ft.) in height above the finish grade elevation. Any deviation of the stated requirements must be approved by the fire marshal and/or chief building inspector. The above dimensions shall serve as the requirement for installation; however, the fire marshal and/or chief building inspector shall have the authority to require more stringent dimensions to fit the needs of devices warranting impact protection.

Color of bollards. Bollards should be of the following colors; yellow, amber or orange. All colors shall be of fluorescent or have a reflective coating. Any deviation of the stated requirements must be approved by the fire marshal and/chief building inspector.

(City of Dover Code of Ordinances, 46-4)

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

One-family and two-family residential structures, height, the number shall measure a minimum of four inches in height, *location*, the number shall be placed on the house above or to the left or right of the front entrance, *color*, the number shall be contrasting to the background color, *Arabic numerals*, all numbers shall be Arabic numerals.

Multiple-family dwellings, measurements, the number shall measure a minimum of six inches when identifying individual apartments with exterior doors, and 12 inches when identifying buildings with apartment complexes where there are two or more buildings not assigned street addresses. Individual buildings with street addresses shall have numbers measuring six inches, *location*, numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot, *color*, numbers shall be contrasting to the background color, *Arabic numerals*, all numbers used shall be Arabic numerals.

Commercial, industrial and office buildings, height, the numbers shall measure a minimum of 12 inches in height, *location generally*, numbers shall be placed either in the center of the building or on the street end of the building so as to be visible from either the public or private street or from the parking lot,

property line or driveway, should the building be located far enough from a public or private road so that the numbers are not clearly visible from the street, then the street address shall also be posted on the property at or near the property line or driveway to said building,

color; each building, numbers shall be contrasting to the background color and shall be placed on each building in the complex,

Arabic numerals, all numbers used shall be Arabic numerals,

Shopping centers. Shopping centers consisting of two or more stores shall have a tenant or suite number affixed to the front of the tenant space and on the outside of the rear door which corresponds with that tenant space. Numbers shall measure six inches in height.
(City of Dover Code of Ordinances, 98-344)

10. TBD A lock box (Knox) containing any and all means necessary for fire department access shall be provided at the following occupancies: any occupancy that contains a fire alarm signaling system that is monitored off-site, or any occupancy that contains an automatic sprinkler system. (2021 Delaware State Fire Prevention Regulations 705, Chapter 5, 2.4)

Secured key systems. When required; exemption. A secured key system shall be required for any new or existing building where a fire alarm or sprinkler system is being installed. It shall be the responsibility of the owner or occupant to keep a set of keys in the secured key box that are current to the locks of the protected occupancy. Buildings with 24-hour staffing or guard service shall be exempt from this subsection.

Location. The secured key system shall be located as close to the main entrance as possible. Should the building design not allow the secured key system to be located by the main

entrance, the fire marshal and fire chief shall come to an agreement as to an alternate location for the key box. A secured key system, once installed, shall not be obstructed from view or obstructed by any means that would delay the fire department access to the box.

Required keys. Keys to be secured in the key box shall include keys to all points of ingress or egress, whether on the interior or exterior of the building, and keys to locked mechanical rooms, electrical rooms, elevator rooms, fire alarm and sprinkler controls and any area protected by automatic fire detection. Keys to individual residential apartment units are not required.

Ordering responsibility. It shall be the responsibility of the general contractor to order the key box for new buildings. It shall be the responsibility of the owner or tenant to order the key box for existing buildings.

Installation before testing. No acceptance test for sprinklers or fire alarms shall be conducted before the installation of a key box.
(City Code of Ordinances 46-127)

Knox Box to be mounted 6 feet above ground level

11. Project to be completed per approved Site Plan.
12. Full building and fire plan review is required.
13. Separate building permits/plans submission will be required for each building and/or tenant fit out. If the permit submission is for a "shell" a Certificate of Occupancy will not be issued. Separate plans and permits submissions will be required for each "tenant fit out" at which time a Certificate of Occupancy will be issued upon compliance/completion of each "tenant fit out".

Each "shell" will require a fire permit for sprinkler and fire alarm if applicable. Those systems (for the "shell") must be accepted into service prior to any "tenant fit out" fire permits being issued.
14. Construction or renovations cannot be started until building plans are approved.
15. Fire alarm systems, fire suppression systems, hoods, exhaust ducts, and hood suppression systems require a fire permit from the Fire Marshal's Office. This work cannot be started until the permit is approved.
16. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.
17. The following is City Ordinance, Appendix B-Zoning, Article 8 Enforcement and Penalties:

Section 1. - Building permits.

No building or structure in any district shall be erected or structurally altered without a building permit duly issued upon application to the building inspector. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of this ordinance. Any building permit issued in violation of the provisions of this ordinance shall be null and void and of no effect, without the necessity for any proceedings for revocations or nullification thereof, and any work undertaken or use established pursuant to any such permit shall be unlawful (see section 4 for penalties).

- 1.1 No building permit shall be issued for the construction or alteration of any building upon a lot without frontage upon, or legal permanent access to, a public street improved to the satisfaction of the planning commission, or without access to a public sewer.

1.2 No building permit shall be issued for any building where the site development plan of such building is subject to approval by the planning commission, except upon approval of such plans approved by the said commission.

1.21 No building permit shall be issued for any building in a subdivision unless the subdivision plot has been approved by the planning commission.

1.3 No building permit shall be issued for a building to be used for any conditional use in any zone where such use is allowed only with approval of the planning commission, unless and until such approval has been duly granted by the said commission.

(Ord. of 7-12-1993, § 3)

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. N/A

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2021 NFPA 1 Fire Code (NFPA; National Fire Protection Association)

2021 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)

2019 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)

2019 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)

2009 IBC (International Building Code)

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

2021 Delaware State Fire Prevention Regulations

City of Dover Code of Ordinances

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

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APPLICATION: Office Building of Ditko Properties, LLC

FILE#: S-24-20

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Brian Williams

PHONE#: 302-760-2141

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. DelDOT has no objections.



KENT CONSERVATION DISTRICT

Item 8.

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

CITY OF DOVER ADMINISTRATIVE SITE PLAN REVIEW DECEMBER 2024

APPLICATION: Office Building of Diko Properties, LLC at 1107 S. Bradford Street

FILE #: S-24-20

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Cullen Baker

PHONE: (302) 608 - 5370

EMAIL: stormwater@kentcd.org

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

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. As the disturbance for this site will exceed 5,000 square feet, a detailed sediment and stormwater management plan must be reviewed and approved by the District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place. The review fee and a completed Application for a Detailed Plan are due at the time of plan submittal to the District's office.
2. The following notes must appear on the record plan:
 - a. The Kent Conservation District reserves the right to enter private property for purposes of periodic site inspection.
 - b. The Kent Conservation District reserves the right to add, modify, or delete any erosion or sediment control measure, as it deems necessary.
 - c. A clear statement of defined maintenance responsibility for stormwater management facilities must be provided on the Record Plan.

ADVISORY COMMENTS TO THE APPLICANT:

1. Please note the Kent Conservation District will not review an application more than three times. If after the third review the plan is still not found to be approvable, the application will be denied, and a new application with review fees are to be re-submitted to continue a detailed plan review.
2. As a reminder, the Kent Conservation District is required to verify that a Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity under a NPDES General Permit has been received by DNREC prior to District approval.
3. A letter of no objection to recordation will be provided upon approval of the Sediment and Stormwater Management Plan.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: 12/4/2024

**Dover/Kent
County
Metropolitan
Planning
Organization**

S-24-20 Office Building of Ditko Properties, LLC at 1107 S. Bradford Street

FILE # S-24-20

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Malcolm Jacob

PHONE #: (302) 387-6030

Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission
Site Development Plan Review

S-24-20 Office Building of Ditko Properties, LLC at 1107 S. Bradford Street

There is no sidewalk along the property's frontage. Bradford Street to the south of Wyoming Ave has a Level of Traffic Stress (LTS) of 1, which means it is a low-stress environment for bicyclists and pedestrians. This street also has a low volume of vehicle traffic as it leads to a dead end. However, the addition of office space would likely increase the typical volume, which increases the need for separated pedestrian pathways. It is recommended that a new sidewalk be added during site development to allow for safe north-south movement.

Bike racks will be needed to meet the City of Dover's requirements on bicycle parking. This should be done at a rate of one (1) bicycle parking space for every twenty (20) vehicle parking spaces. Please contact Dover Kent MPO for more information on bike racks.

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



From: [Hughart, Jared](#)
To: [Melson-Williams, Dawn](#)
Subject: EXTERNAL: DAC Nov 27 meeting notes- Chesapeake
Date: Wednesday, November 27, 2024 9:58:19 AM

WARNING: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

Z-24-06 Lands of PAM Cubed Real Estate, LLC at 1216 McKee Road:

- Any new construction will need to confirm it will not be built over the existing service to the neighboring building.
- Any new service laterals will need to be modeled per PSC prior to construction, please contact Jhughart@chpk.com

S-24-20 Office Building of Ditko Properties, LLC at 1107 S. Bradford Street

- Any new service laterals will need to be modeled per PSC prior to construction, please contact Jhughart@chpk.com

MI-24-10 Request for Alley Abandonment: Part of Alley Between S. Governors Avenue and S. Bradford Street

- Will need to contact Chesapeake Utilities for any service lateral retirements.
- It appears no main is located in the alley way, engineering would be able to confirm Gjones@chpk.com

Thank you and Happy Thanksgiving!

Jared Hughart

Chesapeake Utilities

500 Energy Lane
Dover, DE 19901
Cell: 302-943-3468
www.chpk.com

NEW METER requests must go through: Install@chpk.com

Chesapeake Utilities Corporation (“Chesapeake Utilities”) is an energy delivery company publicly traded on the New York Stock Exchange under the ticker symbol “CPK” (NYSE: CPK). Chesapeake Utilities is not, nor has it ever been, affiliated with Chesapeake Energy Corporation. This email, together with any attachments, is intended only for the use of the party to which it is addressed and may contain information that is proprietary, privileged, confidential, and/or otherwise protected by law. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this email or its contents is strictly prohibited. If you have received this message in error, please notify the sender immediately by replying to the message, and permanently delete this email from your computer and destroy all copies of it.



(302) 697-2239 VOICE
(302) 495-7244 VOICE

868 GREENWOOD ROAD
GREENWOOD, DE 19950

November 1, 2024

Dawn Melson-Williams
City of Dover Planning Department
P.O. Box 475
Dover, DE 19903

RE: Lands of Ditko Properties, LLC
Project No. 23-067

Dear Dawn,

The City of Dover Zoning Ordinance under Article 6, Section 3.6 (b) requires parking areas and access drives to be curbed. The owner is hereby requesting a partial waiver from this requirement due to the small amount of paved area and low impact of the parking area. This request would include the relief of curbing along the perimeter of the building and the north side of the parking area. Parking barriers would be provided along the north side of the parking area.

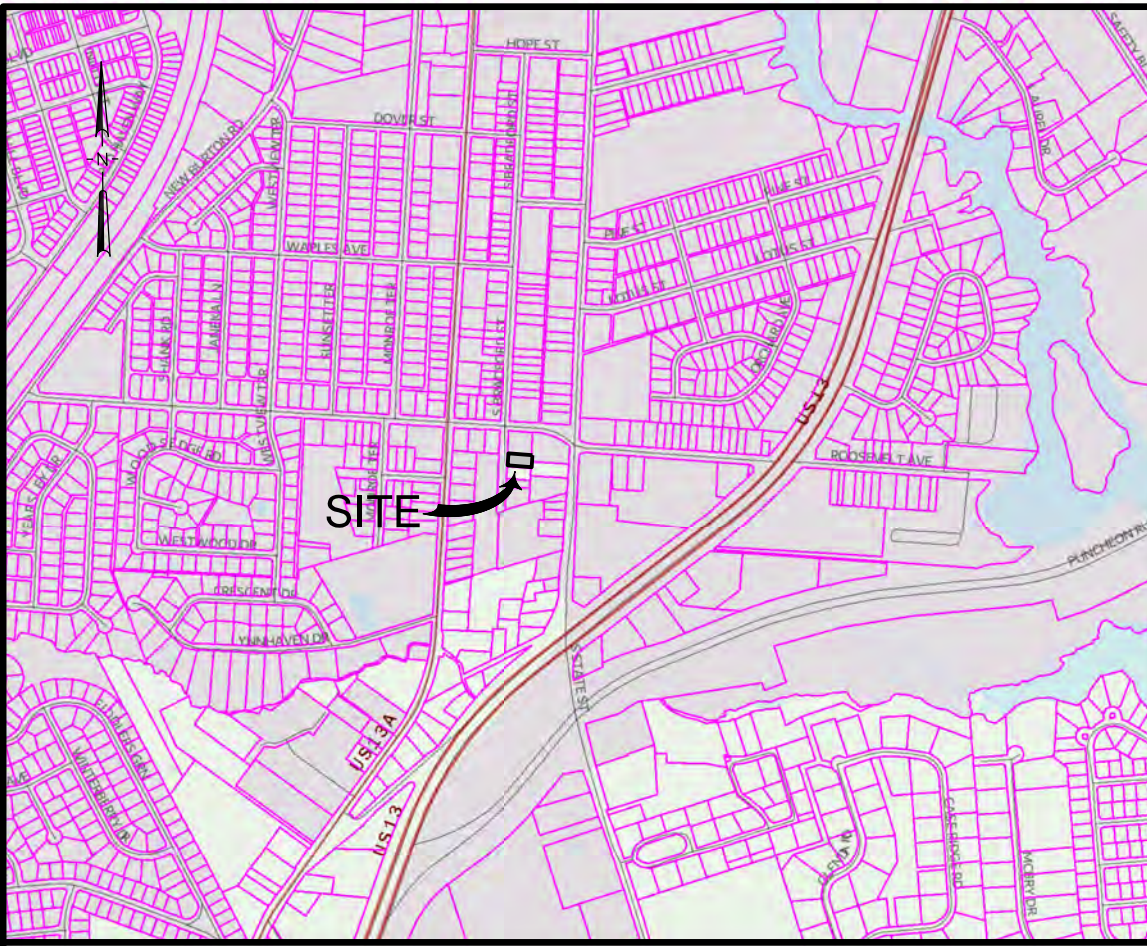
The Dover Land Subdivision Regulations and Zoning Article 5, Section 18 requires the developer to install sidewalk along the public street frontage of a property whenever such property involves a development proposal which is subject to planning commission review and approval.

There is currently no existing sidewalk along South Bradford Street. Due to the size and limited space available for development of the property, the owner is hereby requesting a waiver from the requirement to install the required frontage sidewalk along the South Bradford Street site frontage. A sidewalk connection to South Bradford Street would be provided from the project site.

Thank you for your consideration in this matter.

Sincerely,

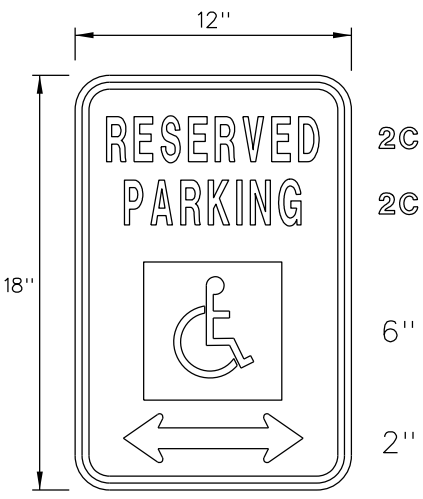
Kevin R. Minnich
Professional Engineer



LOCATION MAP SCALE: 1" = 1200'



LOCATION MAP SCALE: 1" = 400'



HANDICAP SIGN DETAIL (NOT TO SCALE)

GENERAL NOTES

1. THE BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN IS BASED ON THE BOUNDARY SURVEY PLAN AND TOPOGRAPHIC SURVEY PROVIDED BY ALAN O KENT LAND SURVEYING.
2. THIS PROPERTY IS NOT IMPACTED BY WETLANDS REGULATED BY THE STATE OF DELAWARE OR THE U.S. ARMY CORPS OF ENGINEERS.
3. THIS PROPERTY IS NOT IMPACTED BY THE 100 YEAR FLOOD BOUNDARY AS DEPICTED ON THE FEMA MAP COMMUNITY PANEL NUMBER 10001C0169J DATED JULY 7, 2014.
4. EXISTING UTILITIES ARE SHOWN IN ACCORDANCE WITH THE BEST AVAILABLE INFORMATION AND IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY AND ALLOW FOR THEIR LOCATIONS.
5. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT ALL EXISTING UTILITIES AND MAINTAIN UNINTERRUPTED SERVICE. ANY AND ALL DAMAGES DONE TO THEM DUE TO HIS NEGLIGENCE SHALL BE IMMEDIATELY AND COMPLETELY REPAIRED AT HIS EXPENSE.
6. PLAN LOCATIONS AND DIMENSIONS SHALL BE STRICTLY ADHERED TO UNLESS OTHERWISE DIRECTED BY THE ENGINEER.
7. NOTIFY MISS UTILITY 48 HOURS PRIOR TO ANY EXCAVATION AT (800) 282-8555
8. NO EXISTING EASEMENTS PRESENT ON THIS PARCEL.
9. THE PLAN DOES NOT VERIFY THE EXISTENCE OR THE ABSENCE OF EASEMENTS AND OR RIGHT-OF-WAYS.

DATA COLUMN

TAX PARCEL NO:	ED-05-077.17-07-27.00-000	
ACREAGE WITHIN BOUNDARIES:	0.28 ACRES	
EXISTING ZONING:	C-2A (LIMITED COMMERCIAL)	
EXISTING USE:	VACANT/RESIDENTIAL	
PROPOSED USE:	OFFICE	
C-2A BULK STANDARDS:	REQUIRED	PROPOSED
FRONT YARD SETBACK:	15'	19'
SIDE YARD SETBACK:	5'	7'
SIDE YARD (ADJOINING RESIDENTIAL):	25'	28'
REAR YARD SETBACK:	5'	71'
MINIMUM LOT WIDTH:	N/A	75'
MINIMUM LOT DEPTH:	100'	150'
MINIMUM LOT AREA:	N/A	11,326 SF
NUMBER OF STORIES:	6 MAX	1
MAXIMUM BUILDING HEIGHT:	75' MAX	12'
FLOOR AREA RATIO:	4.0 MAX	0.20
NUMBER OF EMPLOYEES:	6	
PROPOSED BUILDING GFA:	2,140 S.F.	
PARKING REQUIRED:	(2,140 SF)/(1 SP/300 SF) = 8 SPACES	
PARKING PROVIDED:	8 SPACES (1 HANDICAP)	
BUILDING CONSTRUCTION TYPE:	TYPE II (000) METAL & MASONRY	
PROPOSED BUILDING HEIGHT:	12 FEET (SINGLE STORY)	
VERTICAL DATUM:	NAVD 88	
HORIZONTAL DATUM:	NAD 83	
PERMANENT MONUMENTS FOUND:	3 (IPF)	
PERMANENT MONUMENTS PLACED:	0	
WATER SERVICE:	CITY OF DOVER	
SEWER SERVICE:	CITY OF DOVER	
INVESTMENT LEVEL:	1	
OWNER OF RECORD:	DITKO PROPERTIES, LLC 1004 S STATE ST STE 1 DOVER, DE 19904	
SITE ADDRESS:	1107 S BRADFORD STREET DOVER, DE 19904	

CONSTRUCTION PLAN SHEET INDEX

SHEET SP-1	FINAL SITE PLAN
SHEET SP-2	FINAL SITE PLAN DETAILS
SHEET L-001	LANDSCAPE PLAN
SHEET KCD-1	SEDIMENT & STORMWATER COVER SHEET
SHEET KCD-2	SEDIMENT & STORMWATER PLAN
SHEET KCD-3	SEDIMENT & STORMWATER DETAILS
SHEET KCD-4	SEDIMENT & STORMWATER DETAILS
SHEET UP-1	UTILITY AND GRADING PLAN
SHEET UP-2	UTILITY PLAN DETAILS

LEGEND

PROPERTY BOUNDARY	---
RIGHT-OF-WAY LINE	---
LOT LINE	---
BUILDING SETBACK LINE	---
EXISTING CONTOUR	---(26)---
PROPOSED CONTOUR	---(26)---
EXISTING STORM DRAIN	=====
PROPOSED STORM DRAIN	=====
EXISTING SANITARY SEWER	---S---
PROPOSED SANITARY SEWER	---S---
EXISTING WATER LINE	---W---
PROPOSED WATER LINE	---W---
EXISTING UTILITY POLE	●
EXISTING ROAD SIGN	⊥
EXISTING SPOT ELEVATION	26x27
PROPOSED SPOT ELEVATION	(26x27)

ENGINEER CERTIFICATION

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

KEVIN R. MINNICH, PE #9027

DATE

OWNER CERTIFICATION

I, DR. DOUGLAS DITTY OF DITKO PROPERTIES, LLC, HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY DESCRIBED AND SHOWN ON THIS PLAN, THAT THE PLAN WAS MADE AT MY DIRECTION, AND THAT I ACKNOWLEDGE THE SAME TO BE MY ACT AND DESIRE THE PLAN TO BE RECORDED AS SHOWN IN ACCORDANCE WITH ALL APPLICABLE LAWS AND REGULATIONS.

DR. DOUGLAS DITTY

DATE



868 Greenwood Road - Greenwood, DE 19950
(302) 697-2239 - (302) 495-7244

REVISIONS:

PROJECT NO: 23-067	DGN FILE: 23-067

FINAL SITE PLAN
LANDS OF
DITKO PROPERTIES

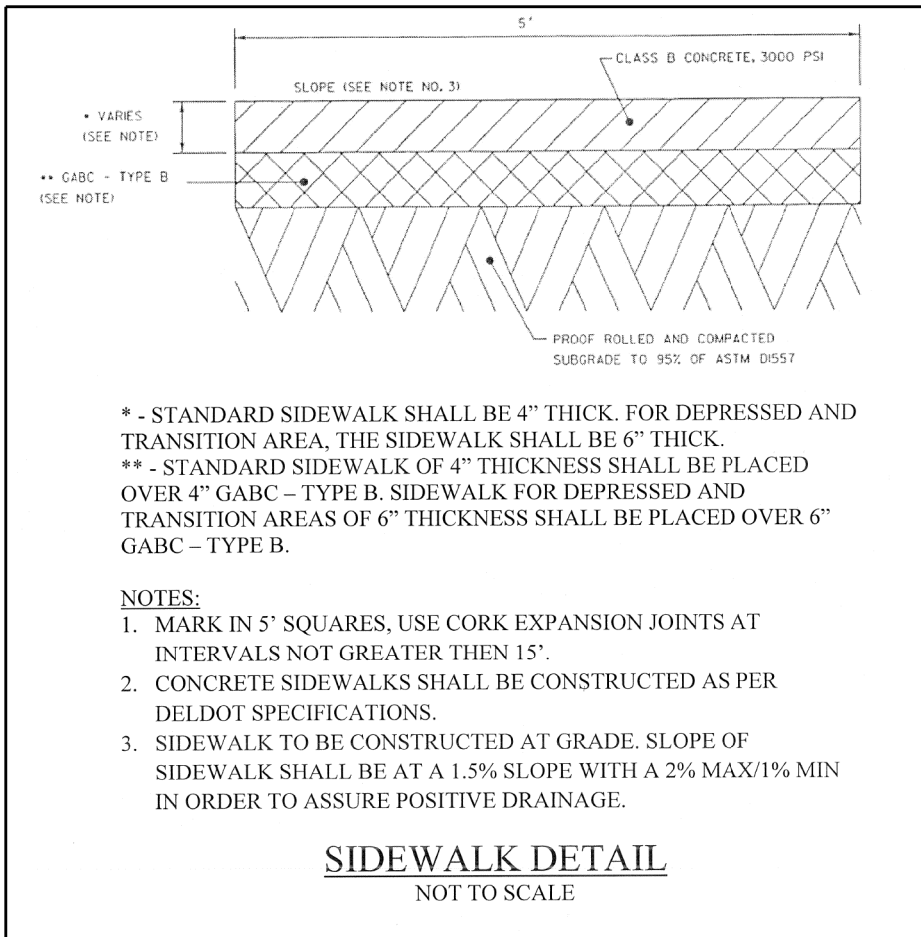
SITUATE IN: CITY OF DOVER - KENT COUNTY, DELAWARE

0 10 20 40

DATE: 11/01/24

SCALE: 1" = 20'

SHT: SP-1



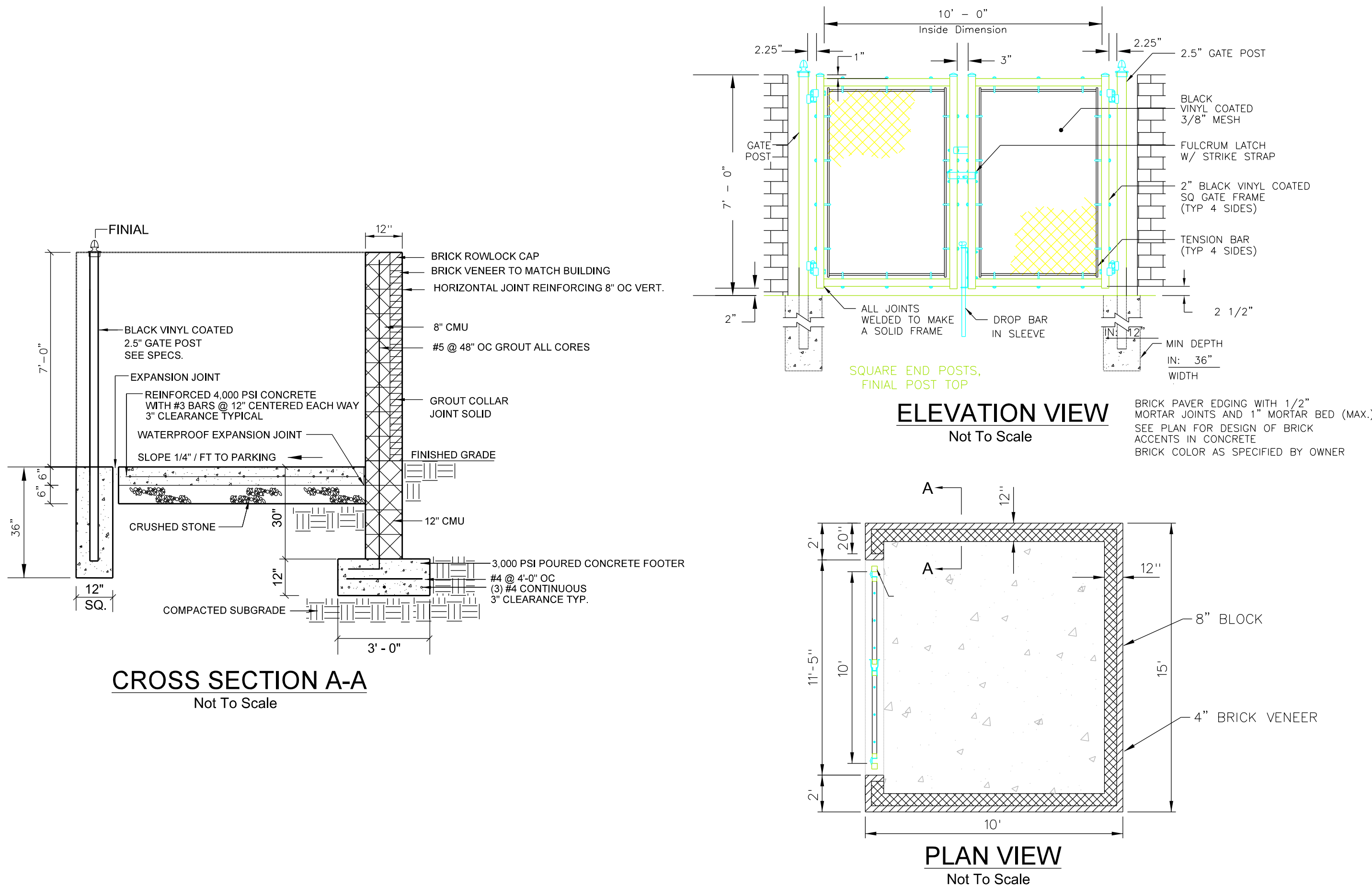
1-Loop Wave Style Bike Rack - 3 Bike Capacity, Black



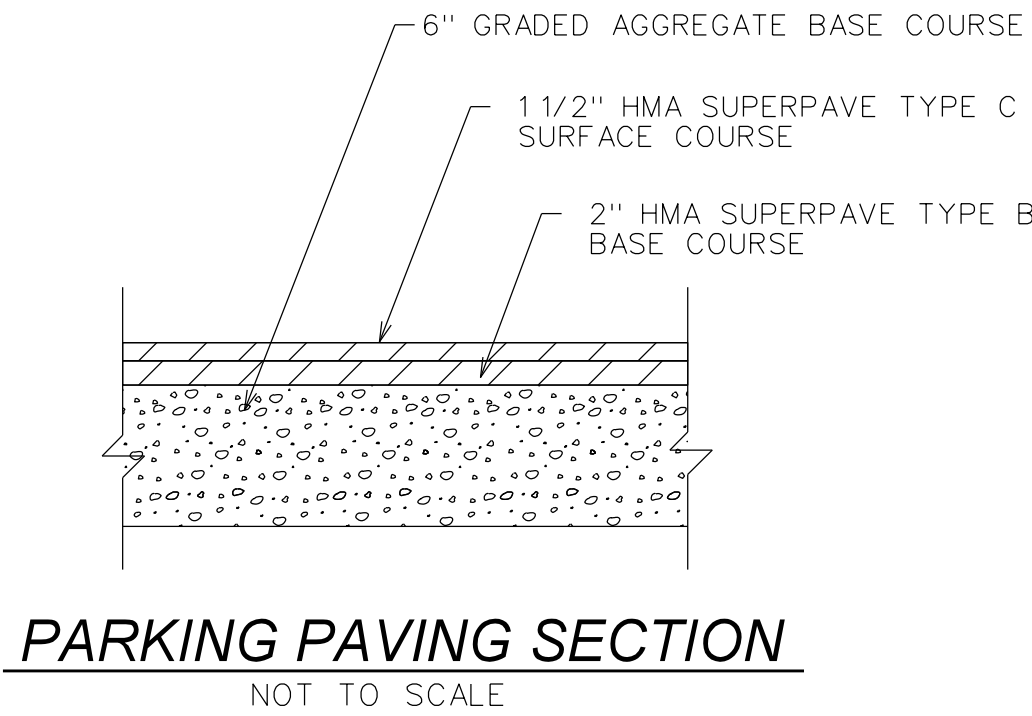
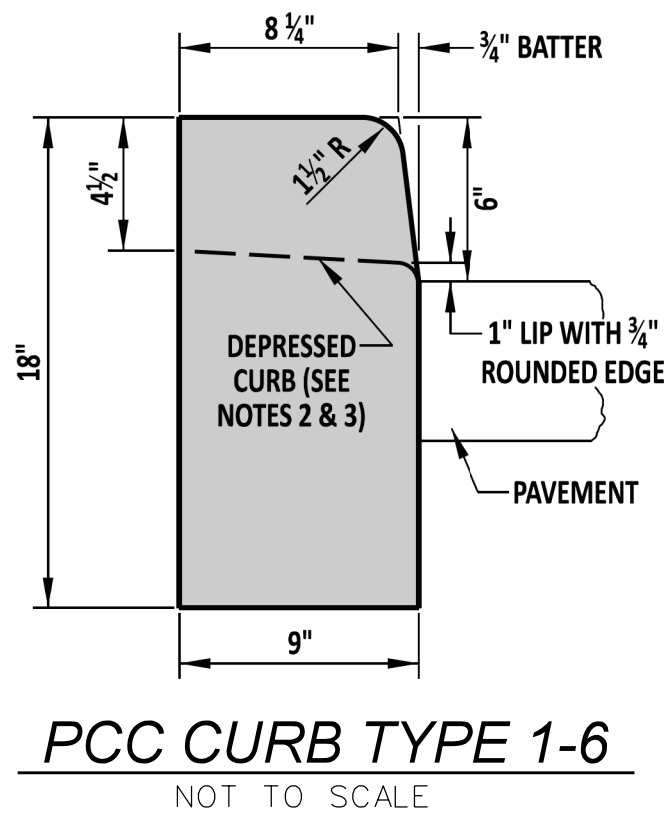
Upscale stylish look for downtown shopping and business districts.

- 10-gauge steel with attractive powder coating.
- 2 3/8" diameter bar.
- Concrete mounting hardware sold separately.

MODEL NO.	DESCRIPTION	SIZE L x W x H	BIKE CAP.	WT. (LBS.)	PRICE EACH	ADD TO CART
H-2892	1-Loop	22 x 2 1/2 x 34"	3	27	\$170	\$160 1 ADD



DUMPSTER ENCLOSURE WITH GATE DETAIL





Minnich
Engineering & Land Planning
Designing Quality Not Quantity

868 Greenwood Road - Greenwood, DE 19950
(302) 697-2239 - (302) 495-7244

REVISIONS:

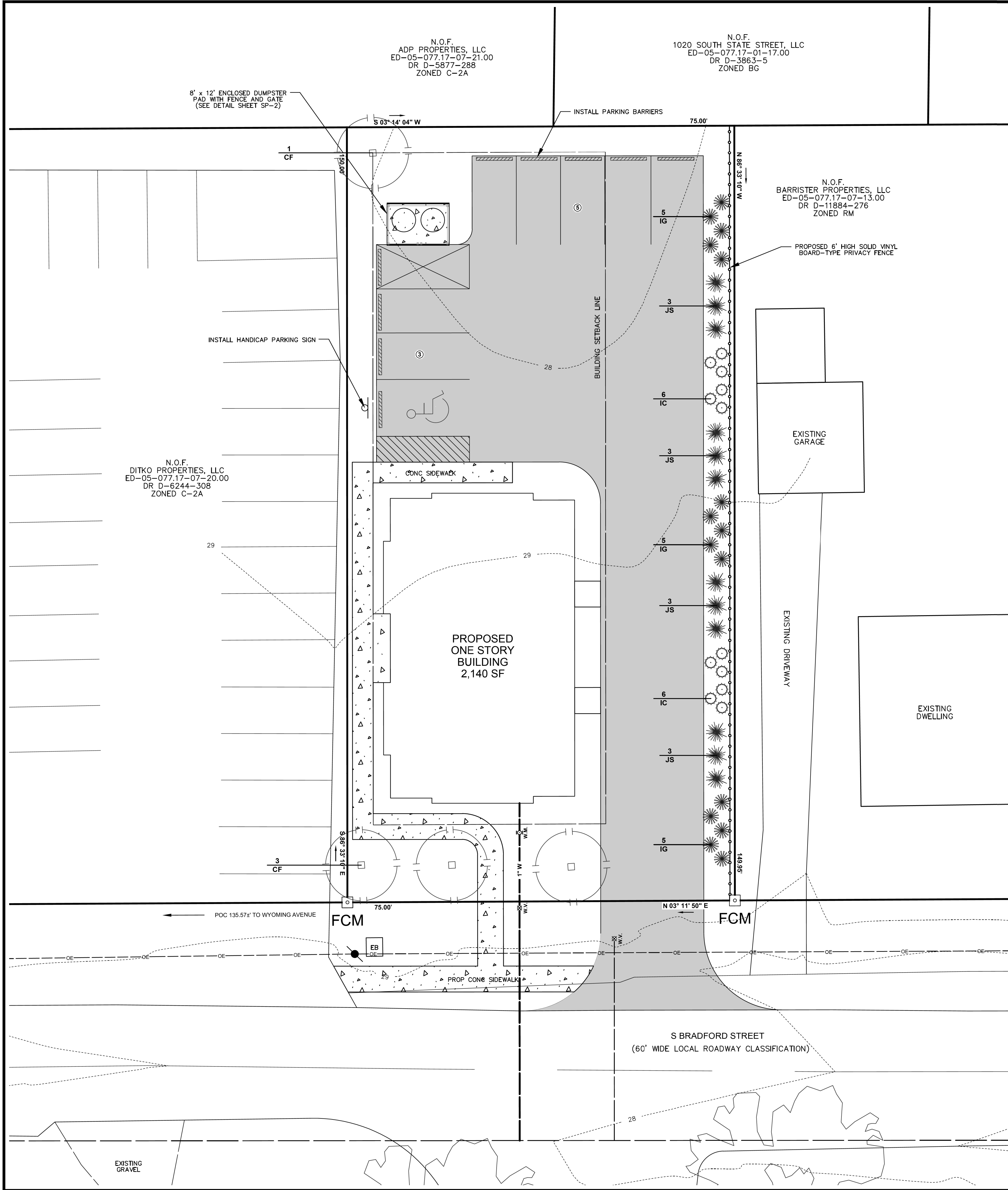
PROJECT NO: 23-067 | DGN FILE: 23-067

FINAL SITE PLAN DETAILS
**LANDS OF
DITKO PROPERTIES**

SITUATE IN: CITY OF DOVER - KENT COUNTY, DELAWARE

0 10 20 40

DATE: 11/01/24 SCALE: 1" = 20' SHT: SP-2



GENERAL LANDSCAPE NOTES :

- QUALITY AND SIZE OF PLANTS, SPREAD OF ROOTS, AND SIZE OF BALLS SHALL BE IN ACCORDANCE WITH THE CURRENT STANDARDS OF THE AMERICAN ASSOCIATION OF NURSERYMEN "AMERICAN STANDARDS FOR NURSERY STOCK."
EVERGREEN TREES SHALL HAVE A FULL, WELL-BRANCHED, CONICAL FORM TYPICAL OF THE SPECIES.
PLANT MATERIALS DELIVERED TO THE SITE IN UNCOVERED TRUCKS WILL BE REJECTED.
UNACCEPTABLE PLANT MATERIALS: MATERIALS WHICH HAVE DAMAGED OR CROOKED LEADERS, DEFORMED GROWTH HABIT, ABRASIONS OF THE BARK, SUN SCALD, WINDBURN, DISFIGURING NOT COMPLETELY CALLED USE WILL BE REJECTED. IN ADDITION, TREES HAVING THEIR CENTRAL LEADERS HEADED BACK WILL ALSO BE REJECTED. PLANTS WITH LOOSE OR CRACKED ROOT BALL OR CONTAINERS WILL BE REJECTED.
- ALL PLANTS SHALL BE PLANTED IN TOPSOIL THAT IS THOROUGHLY WATERED AND TAMPED AS BACKFILLING PROGRESSES NOTHING BUT SUITABLE TOPSOIL, FREE OF DRY SOD, STIFF CLAY, LITTER, STONES IN EXCESS OF ONE (1) INCH DIAMETER, ETC. SHALL BE USED FOR PLANTING.
MULCH FOR PLANTING BEDS SHALL BE SHREDDED HARDWOOD BARK MULCH UNLESS OTHERWISE SPECIFIED ON THE PLANS AND SHALL HAVE NO LEAVES, YOUNG GREEN GROWTH, BRANCHES, TWIGGS, GREATER IN DIAMETER OF 1/2", WEEDS, SHAVINGS OR FOREIGN MATERIAL SUCH AS STONES, ETC. SHALL BE MIXED WITH THE MULCH. ALL SHRUB MASSES SHALL BE PLANTED IN CONTINUOUS MULCHED BEDS WITH A LIGHTLY COMPACTED DEPTH OF THREE (3) INCHES. ALL CONTAINER PLANTS ARE TO HAVE ROOTS CUT ON FOUR SIDES AND/ OR SPREAD OUT IN NEW SOIL MIXTURE.
- ALL AREAS NOT STABILIZED IN PAVING OR PLANT MATERIALS SHOULD BE SEEDED AND MULCHED. (SEE EROSION & SEDIMENT CONTROL PLAN AND NOTES.)
- LANDSCAPE BEDS NOT DEFINED BY CURBS, SIDEWALKS, WALLS OR OTHER STRUCTURES SHALL BE ENCLOSED BY ALUMINUM EDGING UNLESS OTHERWISE INDICATED.
- AREAS DISTURBED BY LANDSCAPE OPERATIONS SHALL BE GRADED TO MATCH EXISTING TOPSOIL AND SEED OR SOD AS REQUIRED.
- CONTRACTOR SHALL BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES AND MAY MAKE MINOR ADJUSTMENTS IN SPACING AND/OR LOCATION OF PLANT MATERIALS. CONTRACTOR TO VERIFY "AS BUILT" LOCATION OF ALL UTILITIES.
- NO PLANT, EXCEPT GROUNDCOVERS, SHALL BE WITHIN THREE (3) FEET FROM SIDEWALKS.
- NO TREE SHALL BE PLANTED CLOSER THAN TEN (10) FEET FROM ANY STRUCTURE OR BUILDING.
- NO TREE SHALL BE PLANTED WITHIN TEN (10) FEET OF UNDERGROUND UTILITIES OR FIRE HYDRANTS.
- ONLY TREES THAT REACH A HEIGHT AND SIZE AT MATURITY OF SMALL TO MEDIUM SHALL BE PLANTED UNDER POWER LINES.
- THE CONTRACTOR SHALL WATER ALL PLANTS THOROUGHLY TWICE DURING THE FIRST 24-HOUR PERIOD AFTER PLANTING, AND THEN WEEKLY OR MORE OFTEN, IF NECESSARY, DURING THE FIRST GROWING SEASON, UNLESS THE OWNER AGREES TO MAINTAIN AND WATER THEM.
- TREES TO REMAIN ON-SITE SHALL BE PROTECTED WITH SNOW FENCE DURING CONSTRUCTION (SEE DETAIL), SNOW FENCING TO BE MAINTAINED DURING CONSTRUCTION BY CONTRACTOR.
- THE PLANTING PLAN SHALL TAKE PRECEDENCE OVER THE PLANT SCHEDULE SHOULD ANY PLANT QUANTITY DISCREPANCIES OCCUR.
- NO SUBSTITUTIONS SHALL BE MADE WITHOUT APPROVAL OF THE OWNER AND/ OR THE LANDSCAPE ARCHITECT.
- ALL NEW TREES SHALL BE GUARANTEED TO SURVIVE FOR ONE FULL YEAR AFTER INSTALLATION (FULL COST). ALL STAKES AND GUYS SHALL BE REMOVED FROM TREES AND SITE AS EARLY AS THREE (3) MONTHS, BUT NO LONGER THAN ONE (1) YEAR AFTER PLANTING.

TREE PRESERVATION & DENSITY REQUIREMENTS

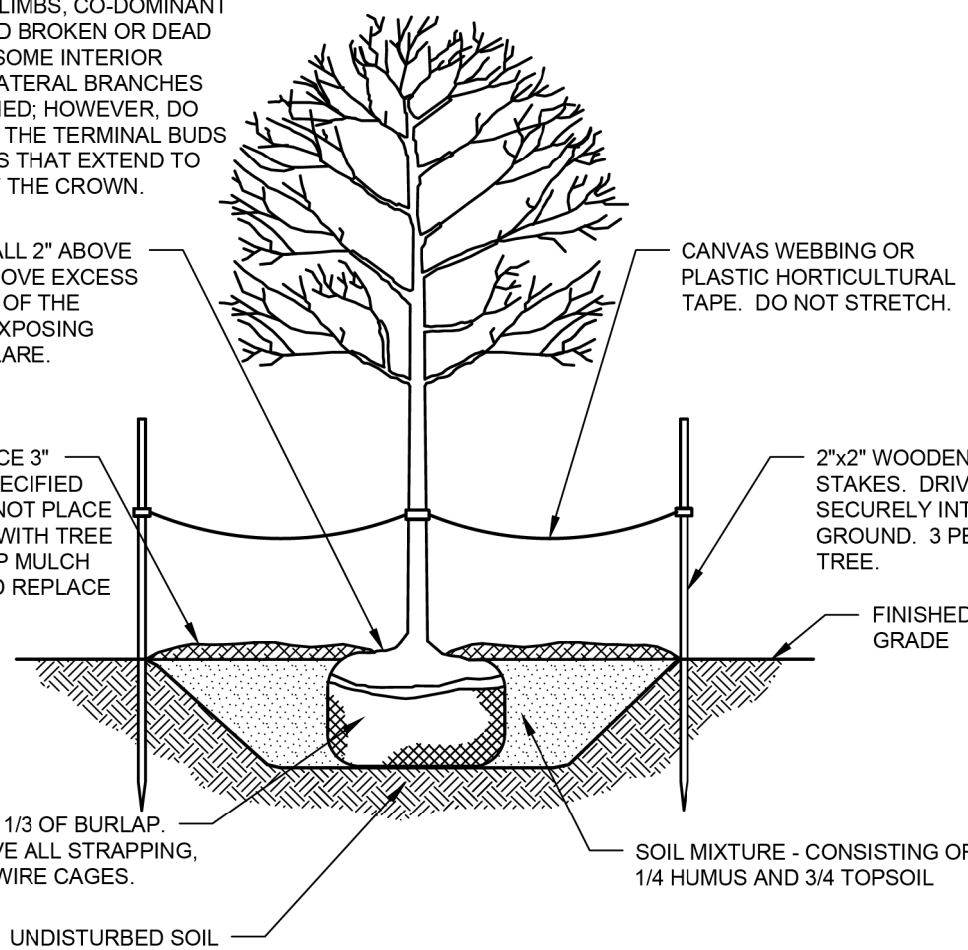
1. TOTAL NON-WOODLAND AREA :	11,248 S.F.
2. DENSITY : 1 TREE PER 3,000 S.F. OF LOT AREA 11,248 / 3,000 S.F. / TREE = 3.75	4 TREES REQUIRED
3. EXISTING TREES TO BE RETAINED :	0
4. PROPOSED TREES :	4
5. NON-RESIDENTIAL - RESIDENTIAL OPAQUE BUFFER :	OPAQUE VINYL FENCE WITH EVERGREEN LANDSCAPE SCREEN
6. BUFFER TREES / SHRUBS PROVIDED :	12 EVERGREEN TREES 27 EVERGREEN SHRUBS

NOTE:
DO NOT HEAVILY PRUNE THE TREE AT PLANTING. PRUNE ONLY CROSSOVER LIMBS, CO-DOMINANT LEADERS, AND BROKEN OR DEAD BRANCHES. SOME INTERIOR TWIGGS AND LATERAL BRANCHES MAY BE PRUNED, HOWEVER, DO NOT REMOVE THE TERMINAL BUDS OF BRANCHES THAT EXTEND TO THE EDGE OF THE CROWN.

SET ROOT BALL 2" ABOVE GRADE. REMOVE EXCESS SOIL ON TOP OF THE BALL, JUST EXPOSING THE ROOT FLARE.

MULCH - PLACE 3" LAYER OF SPECIFIED MULCH. DO NOT PLACE IN CONTACT WITH TREE TRUNK. KEEP MULCH WEEDS AND REPLACE AS NEEDED.

REMOVE TOP 1/3 OF BURLAP. CUT & REMOVE ALL STRAPPING, ROPES, AND WIRE CAGES.



DECIDUOUS TREE PLANTING DETAIL

NO SCALE

BMG NO. - L-01

DELAWARE LANDSCAPE ARCHITECTS CERTIFICATION

I, CHAD D. CARTER, RLA, ASLA, HEREBY CERTIFY THAT I AM A LANDSCAPE ARCHITECT IN THE STATE OF DELAWARE, THAT THE LANDSCAPING INFORMATION SHOWN HEREON HAS BEEN PREPARED UNDER MY SUPERVISION AND TO MY BEST KNOWLEDGE AND BELIEF, REPRESENTS GOOD LANDSCAPING PRACTICES.

CHAD D. CARTER, RLA, ASLA S1-499 DATE

PLANT LIST

KEY	QUANTITY	BOTANICAL NAME	COMMON NAME	SIZE	ROOT	REMARKS
TREES						
CF	4	CORNUS FLORIDA	WHITE FLOWERING DOGWOOD	1 1/2" CAL	B&B	FHV
EVERGREEN TREES						
JS	12	JUNIPERUS SCOPULORUM 'SKYROCKET'	SKYROCKET JUNIPER	5' - 6' HGT	CONT	FHV
EVERGREEN SHRUBS						
IC	12	ILEX CRENATA 'BRASS BUCKLE'	JAPANESE HOLLY	#3	CONT	FHV
IG	15	ILEX GLABRA 'SHAMROCK'	SHAMROCK HOLLY	#3	CONT	FHV
TOTAL: 4 TREES, 12 EVERGREEN TREES, 27 SHRUBS						



ARCHITECTURE
ENGINEERING

Delaware

309 South Governors Avenue
Dover, DE 19904
302.734.7950

The Tower at STAR Campus
100 Discovery Boulevard, Suite 102
Newark, DE 19713
302.369.3700

Maryland

312 West Main Street, Suite 300
Salisbury, MD 21801
410.546.9100

North Carolina

3333 Jacekle Drive, Suite 120
Wilmington, NC 28403
910.341.7600

www.beckermorgan.com

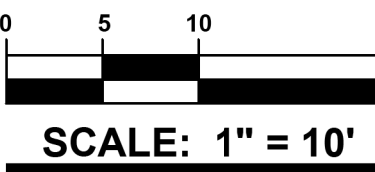
PROJECT TITLE

1107 S.
BRADFORD ST.
OFFICE
BUILDING

1107 S. BRADFORD ST.
DOVER
KENT COUNTY, DE

SHEET TITLE

LANDSCAPE PLAN



ISSUE BLOCK

MARK	DATE	DESCRIPTION
LAYER STATE: L-01		
PROJECT NO.: 2023329.00		
DATE: 10/16/2024		
SCALE: 1" = 10'		
DRAWN BY: A.J.D. / PROJ. MGR.: B.J.C.		
SHEET		
L-001		
COPYRIGHT 2023		

SEQUENCE OF CONSTRUCTION

- OBTAIN ALL REQUIRED PERMITS FROM THE APPROPRIATE AGENCIES.
- NOTIFY THE KENT CONSERVATION DISTRICT FIVE (5) DAYS PRIOR TO THE START OF CONSTRUCTION. FAILURE TO DO SO CONSTITUTES A VIOLATION OF THE APPROVED SEDIMENT AND STORMWATER MANAGEMENT PLAN.
- PRIOR TO ANY CLEARING, INSTALLATION OF SEDIMENT CONTROL MEASURES OR GRADING, A PRE-CONSTRUCTION MEETING MUST BE SCHEDULED AND CONDUCTED WITH THE AGENCY CONSTRUCTION SITE REVIEWER, THE LAND OWNER/DEVELOPER, CONTRACTOR, AND CERTIFIED CONSTRUCTION REVIEWER ARE REQUIRED TO ATTEND THE PRE-CONSTRUCTION MEETING.
- INSTALL SILT FENCING IN LOCATIONS SHOWN ON THE APPROVED PLAN.
- INSTALL INLET PROTECTION ON EXISTING STORM SEWER INLETS IF NECESSARY.
- CONTACT THE KENT CONSERVATION DISTRICT INSPECTOR FOR A PERIMETER INSPECTION PRIOR TO PROCEEDING TO THE NEXT STEP IN THE SEQUENCE OF CONSTRUCTION.
- ALL PERIMETER CONTROLS ARE TO BE REVIEWED BY THE KENT CONSERVATION DISTRICT SITE INSPECTOR AND APPROVED PRIOR TO PROCEEDING WITH FURTHER SITE DISTURBANCE OR CONSTRUCTION.
- NOTIFY THE KENT CONSERVATION DISTRICT SITE INSPECTOR AND CCR A MINIMUM OF THREE (3) DAYS PRIOR TO THE START OF THE STORMWATER SYSTEM CONSTRUCTION. STORMWATER FACILITIES MUST BE REVIEWED THROUGHOUT THEIR CONSTRUCTION.
- REQUIRED CONSTRUCTION REVIEWS PER BMP STANDARDS AND SPECIFICATIONS, SECTION 1.8:
 - PRE-CONSTRUCTION MEETING.
 - INITIAL SITE PREPARATION INCLUDING INSTALLATION OF EROSION AND SEDIMENT CONTROLS AND SENSITIVE AREA PROTECTION SURROUNDING INFILTRATION PRACTICE LOCATIONS.
 - EXCAVATION AND GRADING INCLUDING INTERIM AND FINAL ELEVATIONS.
 - IMPLEMENTATION OF REQUIRED STABILIZATION.
 - FINAL CONSTRUCTION REVIEW INCLUDING DEVELOPMENT OF A PUNCH LIST FOR FACILITY ACCEPTANCE.
- CONSTRUCT TEMPORARY SEDIMENT TRAP BY EXCAVATING INFILTRATION BASIN AREA TO ELEVATION 36.00 FOR PROPOSED BUILDING CONSTRUCTION (ONE (1) FOOT ABOVE THE FINAL BOTTOM ELEVATION). STABILIZE ACCORDANCE WITH TEMPORARY STABILIZATION NOTES. NO HEAVY EQUIPMENT IS TO BE USED ON THE BOTTOM OF THE INFILTRATION BASIN DURING CONSTRUCTION AND WATER.
 - FINAL GRADE AND STABILIZE SLOPES AS EXCAVATION CONTINUES.
 - INSTALL FOREBAYS WITH CHAIN LINK GABIONS.
 - INSTALL INLET PIPES WITH RIPRAP APRONS.
 - FINAL GRADE BOTTOM AND COMPLETE FINAL STABILIZATION.
- STRIP TOPSOIL IN ENTRANCE AND PARKING LOT AREAS AND STOCKPILE IN APPROVED STOCKPILE LOCATIONS SHOWN PER PLANS. TEMPORARY STOCKPILE AREAS TO BE STABILIZED WITH SEED AND MULCH AND SURROUNDED WITH SILT FENCING IN ACCORDANCE WITH THE TEMPORARY STABILIZATION NOTES.
- INSTALL UNDERGROUND UTILITIES INCLUDING ELECTRIC, TELEPHONE, CABLE, WATER, SEWER, AND STORM DRAINAGE. INSTALL INLET PROTECTION AROUND ALL CATCH BASINS.
- INSTALL CURB, FINAL GRADE PARKING AREA, AND INSTALL CRUSHER RUN AS SPECIFIED IN THE CONSTRUCTION DRAWINGS.
- FINE GRADE DISTURBED AREA. STABILIZE WITH SEED AND STRAW MULCH.
- PAVE ENTRANCE AND PARKING AREA TO LIMITS SHOWN.
- FINE GRADE DISTURBED AREA AND PROVIDE FINAL STABILIZATION WITH SEED AND MULCH ON DISTURBED AREAS.
- CONVERT TEMPORARY SEDIMENT TRAP TO PERMANENT STORMWATER MANAGEMENT BASIN FOLLOWING AUTHORIZATION OF A KENT CONSERVATION DISTRICT INSPECTOR.
 - PROPERLY DE-WATER SEDIMENT BASIN IN AN APPROVED MANNER.
 - REMOVE ACCUMULATED SEDIMENT AND RESTORE BASIN TO DESIGN GRADE WITH BOTTOM ELEVATION OF 35.0 AS SHOWN.
 - CONFIRMATORY TESTING OF INFILTRATION FACILITY IS REQUIRED DURING, OR IMMEDIATELY FOLLOWING, FACILITY CONVERSION PER BMP STANDARDS AND SPECIFICATIONS, APPENDIX 1 AND FINDINGS SUBMITTED TO KCD.
- AS-BUILT SURVEY OF ALL PERMANENT STORMWATER MANAGEMENT FACILITIES ARE TO BE PERFORMED AND SUBMITTED FOR REVIEW BY THE KENT CONSERVATION DISTRICT PRIOR TO PROJECT CLOSE OUT.
- EROSION AND SEDIMENT CONTROL DEVICES SHOULD BE REMOVED ONLY AFTER WORK IN AN AREA HAS BEEN COMPLETED AND STABILIZED, WITH THE KENT CONSERVATION DISTRICT SITE INSPECTORS' APPROVAL.
- FOLLOWING AUTHORIZATION FROM THE AGENCY CONSTRUCTION SITE REVIEWER, REMOVE ALL TEMPORARY SEDIMENT AND EROSION CONTROL MEASURES. SEED AND MULCH ALL DISTURBED AREAS.
- THE TERMINATION OF THE CONSTRUCTION GENERAL PERMIT WILL REQUIRE SUBMISSION AND ACCEPTANCE OF THE POST CONSTRUCTION VERIFICATION DOCUMENTS, INCLUDING FINAL STABILIZATION THROUGHOUT THE SITE. ALL ELEMENTS OF THE SEDIMENT AND STORMWATER MANAGEMENT PLAN IMPLEMENTED, AND ACCEPTANCE OF THE FINAL OPERATION AND MAINTENANCE PLAN.
- THE CONTRACTOR SHALL, AT ALL TIMES, PROTECT AGAINST SEDIMENT OR DEBRIS LADEN RUNOFF OR WIND FROM LEAVING THE SITE. PERIMETER CONTROLS SHOULD BE CHECKED DAILY AND ADJUSTED AND/OR REPAIRED TO FULLY CONTAIN AND CONTROL SEDIMENTATION ON THE SITE. ACCUMULATED SEDIMENT SHALL BE REMOVED WHEN IT HAS REACHED HALF OF THE EFFECTIVE CAPACITY OF THE CONTROL. IN ADDITION, THE CONTRACTOR MAY NEED TO ADJUST OR REPAIR MEASURES IN TIMES OF ADVERSE WEATHER CONDITIONS, OR AS DIRECTED BY THE AGENCY CONSTRUCTION SITE REVIEWER.

SEDIMENT AND STORMWATER CONSTRUCTION NOTES

- THE KENT CONSERVATION DISTRICT MUST BE NOTIFIED IN WRITING FIVE (5) DAYS PRIOR TO COMMENCING WITH CONSTRUCTION TO SCHEDULE A PRE-CONSTRUCTION MEETING. FAILURE TO DO SO CONSTITUTES A VIOLATION OF THE APPROVED SEDIMENT AND STORMWATER MANAGEMENT PLAN.
- THE KENT CONSERVATION DISTRICT RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR THE PURPOSES OF PERIODIC SITE INSPECTION.
- REVIEW AND APPROVAL OF THE SEDIMENT AND STORMWATER MANAGEMENT PLAN SHALL NOT RELIEVE THE CONTRACTOR FROM HIS OR HER RESPONSIBILITIES FOR COMPLIANCE WITH THE REQUIREMENTS OF THE SEDIMENT AND STORMWATER REGULATIONS, NOR SHALL IT RELIEVE THE CONTRACTOR FROM ERRORS OR OMISSIONS IN THE APPROVED PLAN.
- IF THE APPROVED PLAN NEEDS TO BE MODIFIED, ADDITIONAL SEDIMENT AND STORMWATER CONTROL MEASURES MAY BE REQUIRED AS DEEMED NECESSARY BY THE KENT CONSERVATION DISTRICT.
- FOLLOWING SOIL DISTURBANCE OR REDISTURBANCE, PERMANENT OR TEMPORARY STABILIZATION SHALL BE COMPLETED WITHIN 14 CALENDAR DAYS AS TO THE SURFACE OF ALL PERIMETER SEDIMENT CONTROLS, TOPSOIL STOCKPILES, AND ALL OTHER DISTURBED OR GRADED AREAS ON THE PROPOSED SITE.
- ALL EROSION AND SEDIMENT CONTROL PRACTICES SHALL COMPLY WITH THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.
- WHenever a dewatering operation is used, it shall be previously approved by the agency construction site reviewer for a non-erosive point of discharge, and a dewatering permit shall be approved by the DNREC well permitting branch.
- APPROVED PLANS REMAIN VALID FOR 5 YEARS FROM THE DATE OF APPROVAL.
- POST CONSTRUCTION VERIFICATION DOCUMENTS ARE TO BE SUBMITTED TO THE KENT CONSERVATION DISTRICT WITHIN 60 DAYS OF STORMWATER MANAGEMENT FACILITY COMPLETION.
- APPROVAL OF A SEDIMENT AND STORM WATER PLAN DOES NOT GRANT OR IMPLY A RIGHT TO DISCHARGE STORMWATER RUNOFF. THE OWNER/DEVELOPER IS RESPONSIBLE FOR ACQUIRING ANY AND ALL AGREEMENTS, EASEMENTS, ETC., NECESSARY TO COMPLY WITH STATE DRAINAGE AND OTHER APPLICABLE LAWS.
- THE NOTICE OF INTENT FOR STORM WATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY UNDER NPDES GENERAL PERMIT FOR THIS PROJECT IS 7069. AT ANY TIME, THE OWNERSHIP FOR THIS PROJECT CHANGES, A TRANSFER OF AUTHORIZATION OR A CO-PERMITTEE APPLICATION MUST BE SUBMITTED TO DNREC. THE PERMITTEE OF RECORD SHALL NOT BE RELIEVED OF THEIR RESPONSIBILITIES UNTIL A NOTICE OF TERMINATION HAS BEEN PROCESSED BY DNREC.
- THE OWNER SHALL BE FAMILIAR WITH AND COMPLY WITH ALL ASPECTS OF THE NPDES CONSTRUCTION GENERAL PERMIT.
- BEFORE ANY EARTHWORK OR EXCAVATION TAKES PLACE, THE CONTRACTOR SHALL CALL MISS UTILITY AT 811 OR 1-800-282-8555 AT LEAST 48 HOURS PRIOR TO CONSTRUCTION, TO HAVE ALL EXISTING UTILITIES MARKED ONSITE.
- THE CONTRACTOR SHALL AT ALL TIMES PROTECT AGAINST SEDIMENT OR DEBRIS LADEN RUNOFF OR WIND FROM LEAVING THE SITE. PERIMETER CONTROLS SHALL BE CHECKED DAILY AND ADJUSTED AND/OR REPAIRED TO FULLY CONTAIN AND CONTROL SEDIMENT FROM LEAVING THE SITE. ACCUMULATED SEDIMENT SHALL BE REMOVED WHEN IT HAS REACHED HALF OF THE EFFECTIVE CAPACITY OF THE CONTROL. IN ADDITION, THE CONTRACTOR MAY NEED TO ADJUST OR ALTER MEASURES IN TIMES OF ADVERSE WEATHER CONDITIONS, OR AS DIRECTED BY THE AGENCY CONSTRUCTION SITE REVIEWER.
- BEST AVAILABLE TECHNOLOGY (BAT) SHALL BE EMPLOYED TO MANAGE TURBID DISCHARGES IN ACCORDANCE WITH THE REQUIREMENTS OF 7 DEL.C. CH 60 AND THE CURRENT DELAWARE CONSTRUCTION GENERAL PERMIT (CGP).
- DOCUMENTATION OF SOIL TESTING AND MATERIALS USED FOR TEMPORARY OR PERMANENT STABILIZATION INCLUDING BUT NOT LIMITED TO SOIL TEST RESULTS, SEED TAGS, SOIL AMENDMENT TAGS, ETC. SHALL BE PROVIDED TO THE DEPARTMENT OR DELEGATED AGENCY TO VERIFY THAT THE PERMANENT OR TEMPORARY STABILIZATION HAS BEEN COMPLETED IN ACCORDANCE WITH THE APPROVED PLAN.
- A THIRD PARTY CCR IS REQUIRED FOR THIS PROJECT.
- THE DEPARTMENT OR DELEGATED AGENCY MAY REQUIRE ADDITIONAL SOIL TESTING AND REAPPLICATION OF PERMANENT OR TEMPORARY STABILIZATION IN ACCORDANCE WITH THE SPECIFICATIONS IN THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, OR ALTERNATIVE MEASURES THAT PROVIDE FUNCTIONAL EQUIVALENCY.
- A COPY OF THE APPROVED SEDIMENT AND STORMWATER MANAGEMENT PLAN MUST BE MAINTAINED ON-SITE AT ALL TIMES DURING CONSTRUCTION.
- ALL SITE DEWATERING SHALL BE DONE THROUGH AN APPROVED FILTRATION DEVICE. THE SEDIMENT FILTER MUST BE PLACED SO AS NOT TO CAUSE EROSION OF THE DOWNSTREAM AREA. KCD INSPECTOR MUST APPROVE DEWATERING FILTER PLACEMENT AND USE PRIOR TO COMMENCEMENT OF DEWATERING ACTIVITIES.
- SOIL STOCKPILE AREAS MUST BE DELINEATED. LOCATE STOCKPILES ON AREAS WITH LITTLE OR NO SLOPE. STOCKPILES MUST BE SURROUNDED WITH SILT FENCE OR A STABILIZED EARTHEN BERM. STOCKPILE AREAS MUST BE SEEDDED WITH A TEMPORARY SEEDING MIXTURE AND MULCHED.
- IT SHALL BE THE RESPONSIBILITY OF THE DEVELOPER TO PROVIDE LONG TERM MAINTENANCE OF THE STORMWATER MANAGEMENT FACILITIES AND INFILTRATION BASIN.
- SHOULD DUST CONTROL BECOME A PROBLEM, THE SITE SHALL BE SPRINKLED WITH WATER.
- NORTH AMERICAN GREEN 5758N EROSION CONTROL MATTING IS TO BE SPECIFIED FOR THIS PROJECT OR EQUIVALENT. DNREC NOW REQUIRES ALL MATTING TO BE BIODEGRADABLE.
- ALL STONE, WITH THE EXCEPTION OF ROCK CHECK DAMS, IS TO BE UNDERLAIN WITH A GEOTEXTILE FABRIC (MIRAFI 600X, WINFAB GS1), OR APPROVED EQUIVALENT PRACTICE.

Lands of Ditko Properties

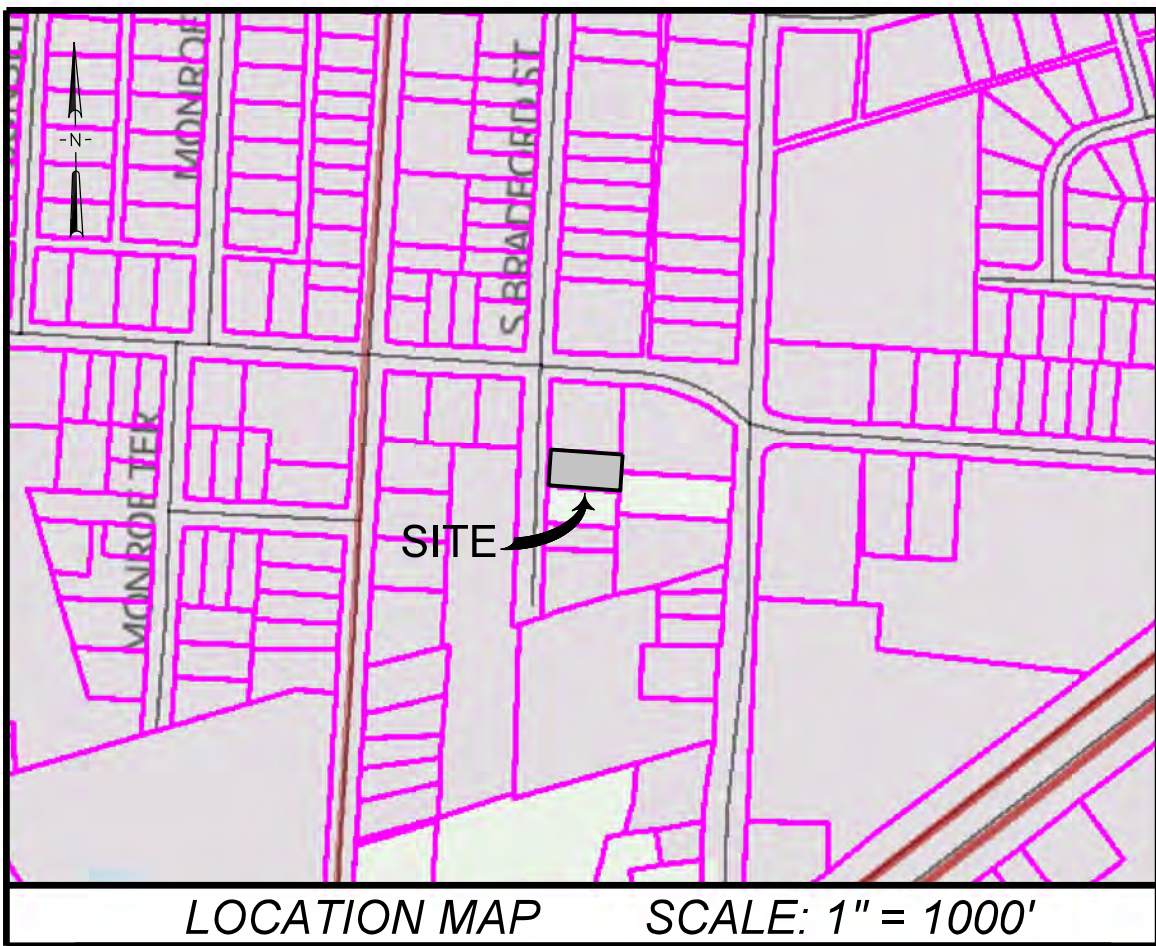
Sediment and Stormwater Management Plan

East Dover Hundred

St Jones River Watershed

Tax Parcel: ED-05-077.17-07-27.00-000

Kent County, Delaware



LEGEND

PROPERTY BOUNDARY	=====
RIGHT-OF-WAY LINE	-----
STREET CENTERLINE	=====
LOT LINE	-----
BUILDING SETBACK LINE	-----
STREAM BUFFER LINE	-----
WETLANDS LINE	-----
WOODS LINE	-----
LOT NUMBER	23
EXISTING CONTOUR	----- 26 -----
PROPOSED CONTOUR	----- (26) -----
EXISTING STORM DRAIN	=====
PROPOSED STORM DRAIN	=====
EXISTING SANITARY SEWER	----- S -----
EXISTING WATER LINE	----- W -----
PROPOSED SANITARY SEWER	----- S -----
PROPOSED WATER LINE	----- W -----
EXISTING UTILITY POLE	----- ● -----
EXISTING ROAD SIGN	-----
EXISTING SPOT ELEVATION	26x27
PROPOSED SPOT ELEVATION	(26x27)
SILT FENCE	----- SF -----
SUPER SILT FENCE	----- SSF -----
SOIL DELINEATION LINE	-----
LIMIT OF DISTURBANCE LINE	----- LOD -----
INLET PROTECTION TYPE 2	----- IP-2 -----
COMPOST FILTER LOG	----- CFL -----

DATA COLUMN

TAX PARCEL NO:	ED-05-077.17-07-27.00-000
ACREAGE WITHIN BOUNDARIES:	0.26 ACRES
EXISTING ZONING:	C-2A (LIMITED COMMERCIAL)
EXISTING USE:	VACANT/RESIDENTIAL
PROPOSED USE:	OFFICE
C-2A BULK STANDARDS:	REQUIRED PROPOSED
FRONT YARD SETBACK:	15' 19'
SIDE YARD SETBACK:	5' 7'
SIDE YARD (ADJACINING RESIDENTIAL):	25' 28'
REAR YARD SETBACK:	5' 71'
MINIMUM LOT WIDTH:	N/A 75'
MINIMUM LOT DEPTH:	100' 150'
MINIMUM LOT AREA:	N/A 11,326 SF
NUMBER OF STORIES:	9 MAX 1
MAXIMUM BUILDING HEIGHT:	75' MAX 12'
FLOOR AREA RATIO:	4.0 MAX 0.20
NUMBER OF EMPLOYEES:	6
PROPOSED BUILDING GFA:	2,140 S.F.
PARKING REQUIRED:	(2,140 SF)(1 SP/300 SF) = 8 SPACES
PARKING PROVIDED:	8 SPACES (1 HANDICAP)
BUILDING CONSTRUCTION TYPE:	TYPE II (000) METAL & MASONRY
PROPOSED BUILDING HEIGHT:	12 FEET (SINGLE STORY)
PROPOSED IMPERVIOUS COVERAGE:	0.18 ACRE (69%)
VERTICAL DATUM:	NAVD 88
HORIZONTAL DATUM:	NAD 83
PERMANENT MONUMENTS FOUND:	3 (IPF)
PERMANENT MONUMENTS PLACED:	0
WATER SERVICE:	CITY OF DOVER
SEWER SERVICE:	CITY OF DOVER
INVESTMENT LEVEL:	1
POSTED SPEED LIMIT:	25 MPH
STORMWATER MANAGEMENT AREA:	0.10 ACRES
SITE BENCHMARK:	IRON PIPE FOUND IPE ELEV=28.17
SITE AREA LIMIT OF DISTURBANCE:	0.28 ACRES
SITE LATITUDE & LONGITUDE:	39.108292, -75.543242
PROPOSED DISCHARGE LOCATION:	POROUS PAVEMENT FACILITY
LIMIT OF DISTURBANCE AT DISCHARGE LOCATION:	0.20 ACRES
OWNER OF RECORD:	DITKO PROPERTIES, LLC 1004 S STATE ST, STE 1 DOVER, DE 19904
SITE ADDRESS:	1107 S BRADFORD STREET DOVER, DE 19904

SHEET INDEX

SHEET KCD-1	SEDIMENT & STORMWATER COVER SHEET
SHEET KCD-2	SEDIMENT & STORMWATER MANAGEMENT PLAN
SHEET KCD-3	SEDIMENT AND STORMWATER DETAILS
SHEET KCD-4	SEDIMENT AND STORMWATER DETAILS

ENGINEER'S CERTIFICATION:

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE COMPLIES WITH THE APPLICABLE STATE AND LOCAL REGULATIONS AND ORDINANCES.

KEVIN R. MINNICH, PROFESSIONAL ENGINEER
MINNICH ENGINEERING & LAND PLANNING INC.
868 GREENWOOD ROAD
GREENWOOD, DE 19950
(302) 697-2239 VOICE
krminnich@comcast.net

DATE

OWNER'S CERTIFICATION:

I, THE UNDERSIGNED, CERTIFY THAT ALL LAND CLEARING, CONSTRUCTION AND DEVELOPMENT SHALL BE DONE PURSUANT TO THE APPROVED PLAN AND THAT RESPONSIBLE PERSONNEL (I.E., BLUE CARD HOLDER) INVOLVED IN THE LAND DISTURBANCE WILL HAVE A CERTIFICATION OF TRAINING PRIOR TO INITIATION OF THE PROJECT, AT A DNREC SPONSORED OR APPROVED TRAINING COURSE FOR THE CONTROL OF EROSION AND SEDIMENT DURING CONSTRUCTION. IN ADDITION, I GRANT THE DNREC SEDIMENT AND STORMWATER PROGRAM AND/OR THE RELEVANT DELEGATED AGENCY THE RIGHT TO CONDUCT ON-SITE REVIEWS, AND I UNDERSTAND MY RESPONSIBILITIES UNDER THE NPDES CONSTRUCTION GENERAL PERMIT, AS REFERENCED ON THIS COVER SHEET.

DITKO PROPERTIES, LLC
DR. DOUGLAS DITTY
1007 S STATE STREET, STE 1
DOVER, DE 19904
DOUGLSDITTY@HOTMAIL.COM

KENT CONSERVATION DISTRICT APPROVAL



868 Greenwood Road - Greenwood, DE 19950
(302) 697-2239 - (302) 495-7244

REVISIONS:

PROJECT NO: 23-067	DGN FILE: 23-067

COVER SHEET

LANDS OF

DITKO PROPERTIES

SITUATE IN: CITY OF DOVER - KENT COUNTY, DELAWARE

0 10 20 40

DATE: 11/01/24 SCALE: 1" = 20' SHT: KCD-1

SOILS DESCRIPTION

HkB—Hambrook-Urban land complex, 0 to 5 percent slopes

Map Unit Setting

National map unit symbol: 1qx74
Elevation: 0 to 260 feet
Mean annual precipitation: 40 to 48 inches
Mean annual air temperature: 52 to 58 degrees F
Frost-free period: 180 to 250 days
Farmland classification: Not prime farmland

Map Unit Composition

Hambrook and similar soils: 45 percent
Urban land: 35 percent
Minor components: 20 percent

Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Hambrook

Setting

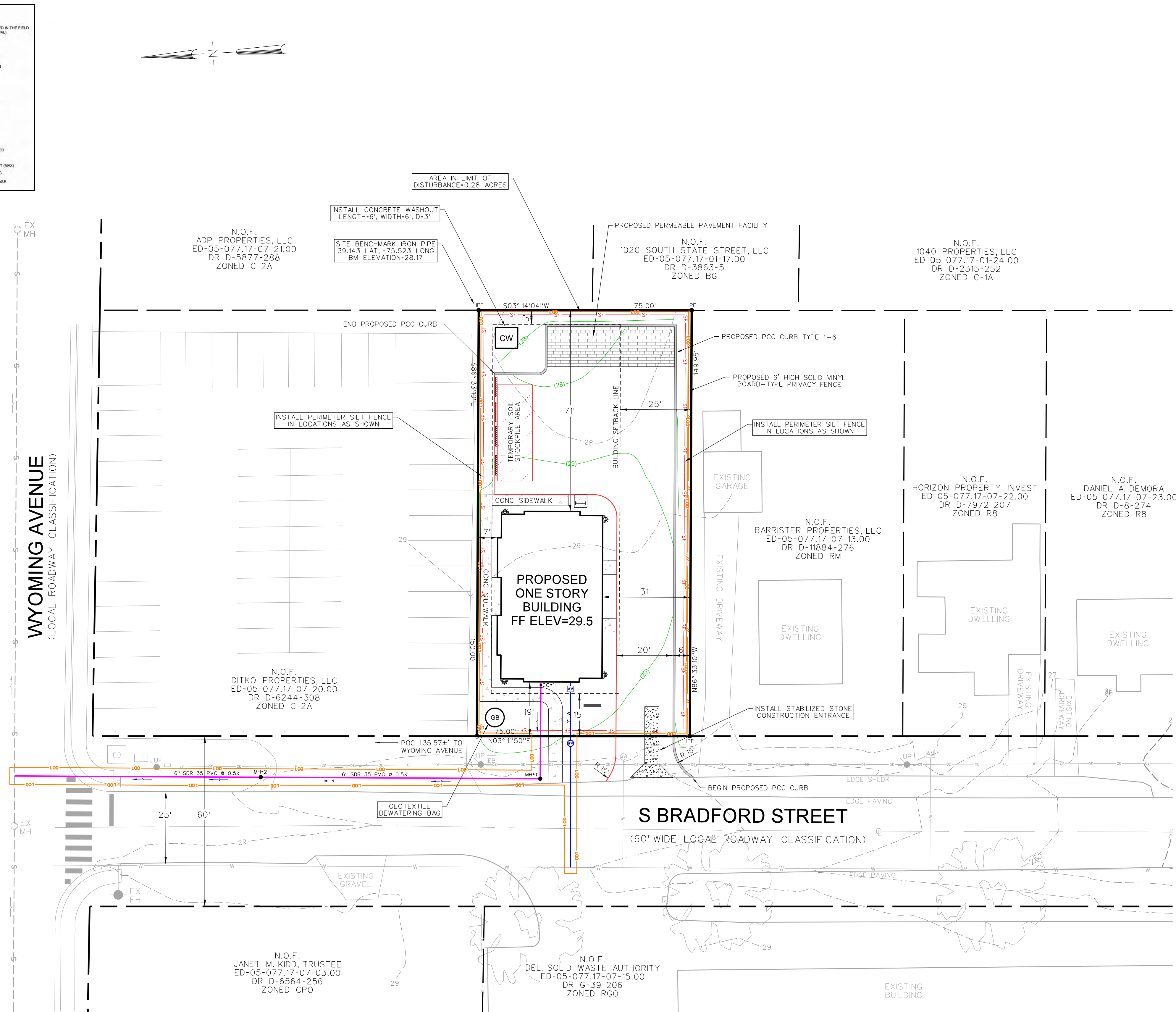
Landform: Depressions, knolls, fluvio-marine terraces, flats
Landform position (three-dimensional): Rise
Down-slope shape: Concave, convex, linear
Across-slope shape: Concave, convex, linear

Typical profile

Ap - 0 to 10 inches: sandy loam
BE - 10 to 14 inches: loam
Bt - 14 to 28 inches: sandy clay loam
BC - 28 to 65 inches: loamy sand
2Cg - 65 to 80 inches: silt loam

Properties and qualities

Slope: 0 to 5 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Very low
Capacity of the most limiting layer to transmit water (Ksat): Moderately high to high (0.20 to 1.98 in/hr)
Depth to water table: About 40 to 72 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Moderate (about 7 inches)



LEGEND

PROPERTY BOUNDARY

RIGHT-OF-WAY LINE

LOT LINE

BUILDING SETBACK LINE

TREE LINE

LOT NUMBER

EXISTING CONTOUR

TEST PIT LOCATION

APPROVED SOILS LINE

EXISTING UTILITY POLE

OVERHEAD ELECTRIC LINE

WETLAND DELINEATION LINE

WETLAND BUFFER LINE

BLUE LINE STREAM BUFFER

100 YEAR FLOOD PLAIN

TAX DITCH ROW LINE

CONCRETE MONUMENT FOUND

CAPPED PIN SET

CMF ☐

CPS ☒



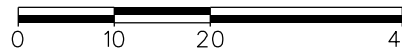
868 Greenwood Road - Greenwood, DE 19950
(302) 697-2239 - (302) 495-7244

REVISIONS:

PROJECT NO: 23-067		DGN FILE: 23-067	
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SEDIMENT & EROSION
CONTROL PLAN
*LANDS OF
DITKO PROPERTIES*

SITUATE IN: CITY OF DOVER - KENT COUNTY, DELAWARE



DATE: 11/01/24

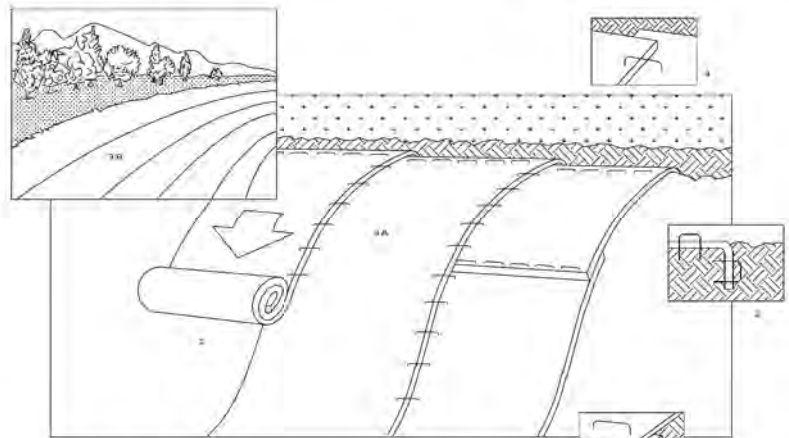
SCALE: 1" = 20'

SHT: KCD-2

PROJECT NO: 23-067

DGN FILE: 23-067

Standard Detail & Specifications Stabilization Matting - Slope



Note: Use manufacturer's recommendations for staping patterns for slope installations.

Perspective

Construction Notes:

1. Prepare soil before installing matting, including application of lime, fertilizer, and seed.
2. Begin at the top of the slope by anchoring the mat in a 6" deep X 6" wide trench. Backfill and compact trench after staping.
3. Roll the mats (A) down or (B) horizontally across the slope.
4. The edges of parallel mats must be stapled with approx. 2" overlap.
5. When mats must be spliced down the slope, place mats end over end (shingle style) with approx. 4" overlap. Staple through overlapped area, approx. 12" apart.

Source:	Symbol:	Detail No.
Adapted from North American Green, Inc.	SM-S	DE-ESC-3.4.6.1 Sheet 1 of 2 Effective July 2023

Standard Detail & Specifications Stabilization Matting - Slope



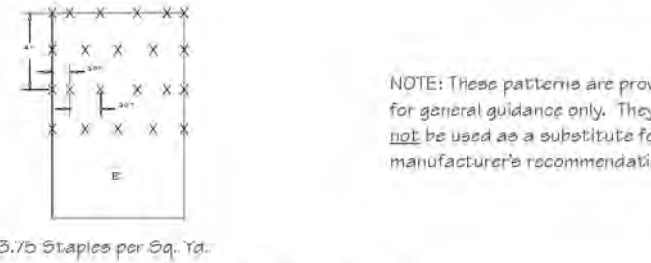
0.7 Staples per Sq. Yd.

1/2 Staples per Sq. Yd.



1.75 Staples per Sq. Yd.

3.5 Staples per Sq. Yd.



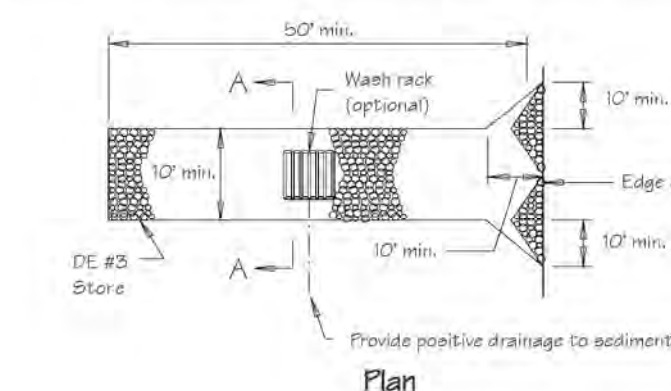
3.75 Staples per Sq. Yd.

NOTE: These patterns are provided for general guidance only. They shall not be used as a substitute for manufacturer's recommendations.

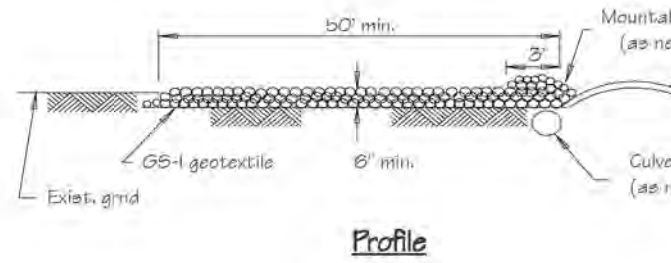
Stapling Patterns

Source:	Symbol:	Detail No.
Adapted from North American Green, Inc.	SM-S	DE-ESC-3.4.6.1 Sheet 2 of 2 Effective July 2023

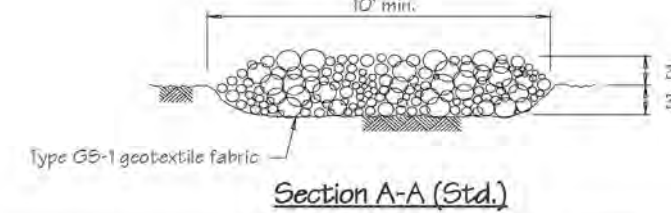
Standard Detail & Specifications Stabilized Construction Entrance



Plan



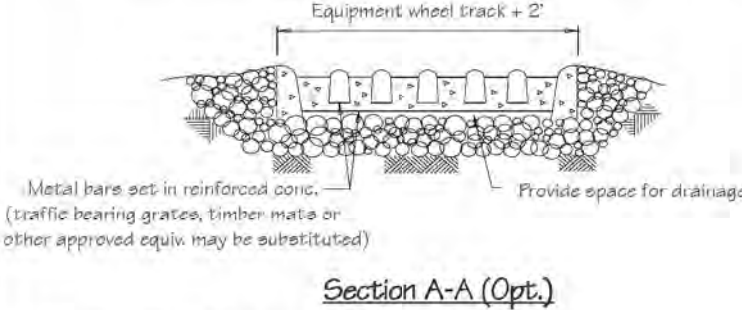
Profile



Section A-A (Std.)

Source:	Symbol:	Detail No.
Adapted from VA ESC Handbook	SCE	DE-ESC-3.4.7 Sheet 1 of 2 Effective July 2023

Standard Detail & Specifications Stabilized Construction Entrance



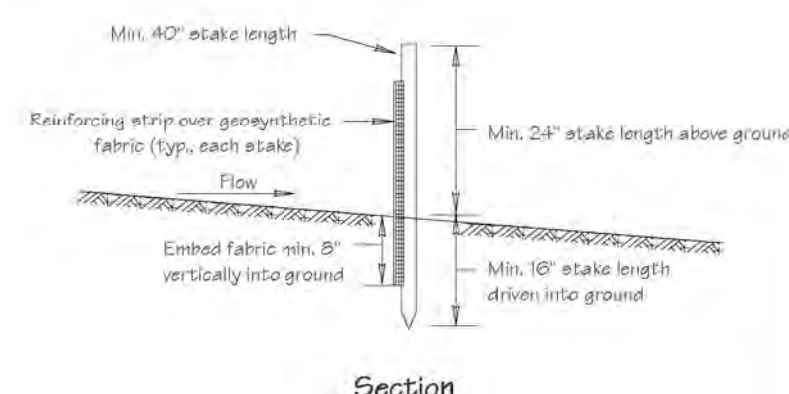
Section A-A (Opt.)

Construction Notes:

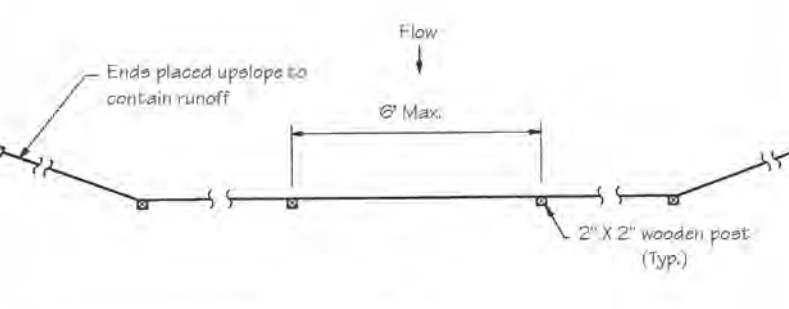
1. **Stone size** - Use DE #3 stone.
2. **Length** - As required, but not less than 50 feet (except on a single residential lot where a 30 foot minimum length would apply).
3. **Thickness** - Not less than size (6) inches.
4. **Width** - Ten (10) foot minimum, but not less than the full width at points where ingress or egress occurs.
5. **Geotextile** - Type GS-1, placed over the entire area prior to placing of stone.
6. **Surface Water** - All surface water flowing or diverted toward construction entrances shall be piped across the entrance. If piping is impractical, a mountable berm with 5:1 slopes will be permitted.
7. **Maintenance** - The entrance shall be maintained in a condition which will prevent tracking or flowing of sediment onto public rights-of-way. This may require periodic top dressing with additional stone as conditions demand and repair and/or cleanup of any measures used to trap sediment. All sediment spilled, dropped, washed or tracked onto public rights-of-way must be removed immediately.
8. **Washing** - Vehicle wheels shall be cleaned to remove sediment prior to entrance onto public rights-of-way. When washing is required, it shall be done on an area stabilized with stone and which drains into an approved sediment trapping device.
9. **Inspection** - Periodic inspection and needed maintenance shall be provided after each rain.

Source:	Symbol:	Detail No.
Adapted from VA ESC Handbook	SCE	DE-ESC-3.4.7 Sheet 2 of 2 Effective July 2023

Standard Detail & Specifications Silt Fence



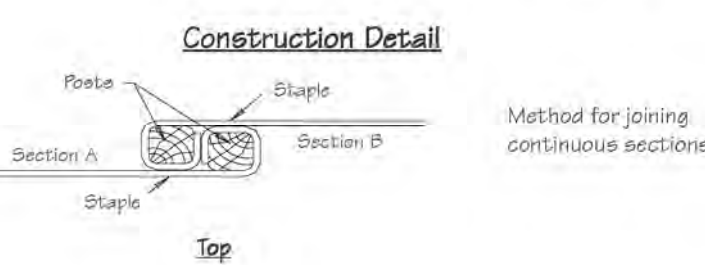
Section



Plan

Source:	Symbol:	Detail No.
Adapted from MD Stds. & Specs. for ESC	SF	DE-ESC-3.1.2.1 Sheet 1 of 2 Effective July 2023

Standard Detail & Specifications Silt Fence



Top

Construction Notes:

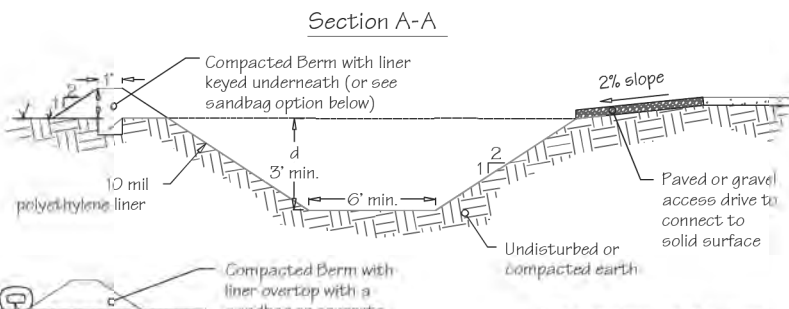
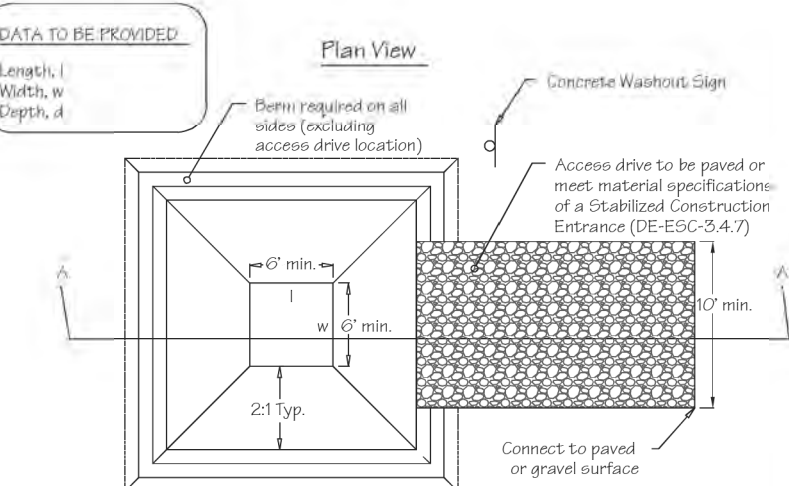
1. Geosynthetic fabric to be fastened securely to fence posts with wire ties or staples.
2. When two sections of filter cloth adjoin each other they shall be overlapped by six inches and folded.
3. Maintenance shall be performed as needed and material removed when "bulges" develop in the silt fence.

Materials:

1. **Stakes**: Steel (either T or U) or 2" x 2" hardwood
2. **Geosynthetic Fabric**: Type GD-1
3. **Reinforcing strip**: Wooden lath or plastic strip

Source:	Symbol:	Detail No.
Adapted from MD Stds. & Specs. for ESC	SF	DE-ESC-3.1.2.1 Sheet 2 of 2 Effective July 2023

Standard Detail & Specifications Concrete Washout



Section A-A

Source:	Symbol:	Detail No.
Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	CW	DE-ESC-3.6.2 Sheet 1 of 2 Effective July 2023

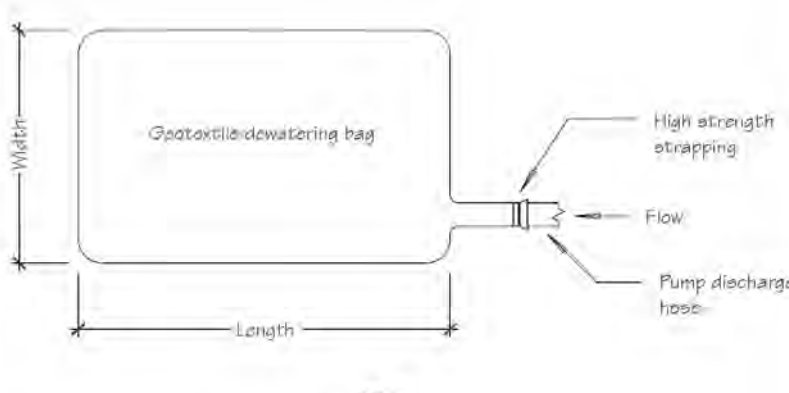
Standard Detail & Specifications Concrete Washout

Construction Notes:

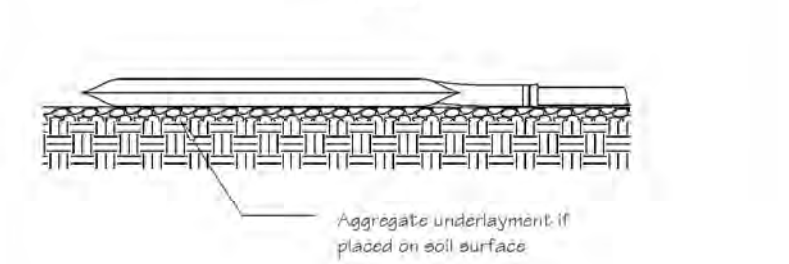
1. Locate washout area a minimum of 50 feet from open channels, stormdrain inlets, wetlands or waterbodies.
2. Locate washout area so that it is accessible to concrete equipment (service with a minimum 10 foot wide gravel accessibility), but so it is not in a highly active construction area causing accidental damage.
3. Minimum dimensions for prefabricated units are 4 feet by 4 feet by 1 foot deep with a minimum 4mil polyethylene plastic liner. Minimum dimensions for constructed concrete washout areas are 8 feet by 6 feet by 3 feet deep, with a minimum 10mil polyethylene liner, 2:1 side slopes, and a 1 foot high by 1 foot wide compacted fill berm.
4. The liner must be free of tears or holes and placed over smooth surfaces to prevent puncturing. For excavated washouts, anchor the liner underneath the berm or overlap with sandbags or concrete blocks to hold in place.
5. Provide a sign designating the washout area, and for large construction sites, provide signs throughout directing traffic to its location.
6. Allow washed out concrete mixture to harden through evaporation of the wastewater. Once the facility has reached 75 percent of its capacity, remove the hardened concrete by reusing the broken aggregate onsite, recycling, or disposing of offsite. The hardened material can be buried on site with minimum of 1 foot of clean, compacted fill.
7. Apply a new liner before reusing the station for additional washouts after maintenance has occurred.

Source:	Symbol:	Detail No.
Adapted from Colorado Urban Storm Drainage Criteria Manual, Vol 3	CW	DE-ESC-3.6.2 Sheet 2 of 2 Effective July 2023

Standard Detail & Specifications Geotextile Dewatering Bag



Plan



Profile

NOTE: Pre-manufactured products installed in accordance with manufacturer's recommendations may be used as an equivalent substitute with Departmental approval.

Source:	Symbol:	Detail No.
Adapted from ACF Products, Inc.	GB	DE-ESC-3.2.1.2 Sheet 1 of 2 Effective July 2023

Standard Detail & Specifications Geotextile Dewatering Bag

Construction Notes:

1. The dewatering bag should be placed so the incoming water flows into and through the bag, and then flow off the site without creating more erosion. The neck should be tied off tightly to stop the water from flowing out of the bag without going through the walls. The dewatering bag should be placed on a gravel bed to allow water to flow in all directions.
2. The dewatering bag is considered full and should be disposed when it is impractical for the bag to filter the sediment out at a reasonable flow rate. At this point, it should be replaced with a new bag.
3. Disposal may be accomplished as directed by the construction reviewer. If the site allows, the bag may be buried on site and seeded, visible fabric removed and seeded or removed from site to a proper disposal area.

Materials:

1. The geotextile fabric shall be a Type GD-IV.
2. The dewatering bag shall be sewn with a double needle machine using high strength thread. All structural seams will be sewn with high strength, double stitched "J" type. Seam strength test will have the following minimum average roll values:

Type	TEST METHOD	TEST RESULT
Heavy duty	ASTM D-4884	100 lb / in

3. The dewatering bag shall have an opening large enough to accommodate a four (4) inch discharge hose with attached strap to tie off the hose to prevent the pumped water from escaping from the bag without being filtered.

Source:	Symbol:	Detail No.
Adapted from ACF Products, Inc.	GB	DE-ESC-3.2.1.2 Sheet 2 of 2 Effective July 2023

TABLE TS.1 TEMPORARY SEEDINGS BY RATES, DEPTHS AND DATES											
Seeding Rate		Planting Depth 2"		Seeding Dates 6"							
Species 3/4	Per Acre	Lbs/1000 (inches)	Sq. Ft.	COASTAL PLAN				PIEDMONT			
				2/1-4/30	5/1-8/14	8/15-10/31	3/1-4/30	5/1-8/14	8/15-11/15	By 10/15	By 11/1
Choose one:	2 1/2bu.	2.8	1-2	5/1	..	By 10/15	5/1	..	By 10/15	..	By 10/15
Barley	2bu.	2.2	2-2	x	..	..	x	..	x	..	..
Rye	2 1/2bu.	3.2	1-2	x	..	x	x	..	x	..	x
Notes:											
1. Use only on areas where seed stalks and volunteer growth are acceptable.											
2. Use varieties currently recommended for deergrass. Use certified seed when available.											
3. Use common subspecies currently recommended only for use in hybrids.											
4. Twenty pounds per acre of annual ryegrass may be added to 1/2 the seeding rate of any species used for seeding.											
5. Between fall and spring seeding dates, use mulching only or sodding practices.											
6. Apply during entire period.											
7. Not applicable in period.											

PERMANENT SEEDING AND SEEDING DATES											
SEEDING MIXTURES		SEEDING RATES		OPTIMUM SEEDING DATES (40)							
Mix. No.	Use certified seed (if available)	Lbs/1000 Acres	Sq. Ft.	COASTAL PLAN							
				2/1-4/30	5/1-8/14	8/15-10/31	3/1-4/30	5/1-8/14	8/15-11/15	By 10/15	By 11/1
1	Kentucky 31 Tall Fescue	60	1.38	x	..	x	x	..	x	..	x
2	Kentucky 31 Tall Fescue	60	1.38	..	x	..	..	..	x	..	..
3	Kentucky 31 Tall Fescue	60	1.38	..	x	..	..	..	x	..	..
4	Kentucky 31 Tall Fescue	60	1.38	..	x	..	..	..	x	..	..
5	Kentucky 31 Tall Fescue	60	1.38	..	x	..	..	..	x	..	..
6	Kentucky 31 Tall Fescue	60	1.38	..	x	..	..	..	x	..	..
7	Kentucky 31 Tall Fescue	60	1.38	..	x	..	..	..	x	..	..
8	Kentucky 31 Tall Fescue	60	1.38	..	x	..	..	..	x	..	..
9	Kentucky 31 Tall Fescue	60	1.38	..	x	..	..	..	x	..	..
10	Kentucky 31 Tall Fescue	60	1.38	..	x	..	..	..	x	..	..
11	Kentucky 31 Tall Fescue	60	1.38	..	x	..	..	..	x	..	..
12	Kentucky 31 Tall Fescue	60	1.38	..	x	..	..	..	x	..	..
13	Kentucky 31 Tall Fescue	60	1.38	..	x	..	..	..	x	..	..
14	Kentucky 31 Tall Fescue	60	1.38	..	x	..	..	..	x	..	..
15	Kentucky 31 Tall Fescue	60	1.38	..	x	..	..	..	x	..	..
16	Kentucky 31 Tall Fescue	60	1.38	..	x	..	..	..	x	..	..

VEGETATIVE STABILIZATION WITH TEMPORARY SEEDING

1. ALL TEMPORARY SEEDING PRACTICES TO BE IN ACCORDANCE WITH THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.
2. LIME - APPLY DOLOMITIC LIMESTONE AT A RATE OF 2 TONS PER ACRE.
3. PREFERRED TEMPORARY SEEDING MIXTURE:
 - A. RYEGRASS - APPLY AT 40 POUNDS PER ACRE
 - B. WEEPING LOVEGRASS - APPLY AT 3 POUNDS PER ACRE
4. FERTILIZER - APPLY 10-10-10 AT A RATE OF 600 POUNDS PER ACRE
5. MULCHING MATERIALS AND AMOUNTS:
 - A. STRAW - APPLY AT A RATE OF 2 BALES PER 1,000 SQUARE FEET
 - B. WOOD CHIPS - APPLY AT A RATE OF 275 POUNDS PER 1,000 S.F.
 - C. WOOD CELLULOSE FIBER - APPLY AT A RATE OF 35 POUNDS/1,000 SQUARE FEET BY HYDROSEEDING
6. MULCH ANCHORING TOOL - TRACKING AND/OR LIQUID MULCH BINDERS.

VEGETATIVE STABILIZATION WITH PERMANENT SEEDING

1. ALL PERMANENT SEEDING PRACTICES TO BE IN ACCORDANCE WITH THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, LATEST EDITION.
2. LIME - APPLY DOLOMITIC LIMESTONE AT 2 TONS PER ACRE.
3. PREFERRED PERMANENT SEEDING MIXTURES:
 - A. KENTUCKY 31 TALL FESCUE APPLIED AT 60 POUNDS PER ACRE
 - B. KENTUCKY BLUEGRASS APPLIED AT 90 POUNDS PER ACRE
4. FERTILIZER - APPLY 10-10-10 AT A RATE OF 1,000 POUNDS PER ACRE WORKED INTO THE TOP 4-6 INCHES OF SOIL
5. MULCHING MATERIALS AND AMOUNTS:
 - A. STRAW - APPLY AT A RATE OF 2 BALES PER 1,000 SQUARE FEET
 - B. WOOD CHIPS - APPLY AT A RATE OF 275 POUNDS PER 1,000 S.F.
 - C. WOOD CELLULOSE FIBER - APPLY AT A RATE OF 35 POUNDS/1,000 SQUARE FEET BY HYDROSEEDING
6. MULCH ANCHORING TOOL - TRACKING AND/OR LIQUID MULCH BINDERS.
7. IRRIGATION - APPLY ADEQUATE MOISTURE FOR SEED GERMINATION AND PLANT GROWTH
8. MAINTENANCE - RE-ESTABLISH FAILED AREAS AS SOON AS POSSIBLE. INSPECT, IRRIGATE, AND RE-FERTILIZE FOR ONE YEAR



868 Greenwood Road - Greenwood, DE 19950
(302) 697-2239 - (302) 495-7244

REVISIONS:

PROJECT NO: 23-067	DGN FILE: 23-067
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SEDIMENT & EROSION CONTROL DETAILS

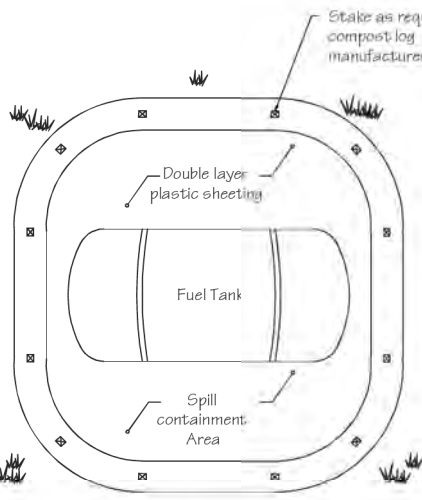
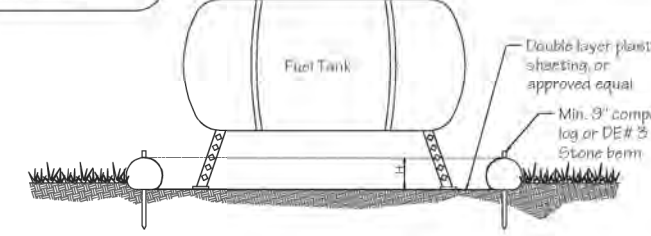
LANDS OF DITKO PROPERTIES

SITUATE IN: CITY OF DOVER - KENT COUNTY, DELAWARE

DATE: 11/01/24 NOT TO SCALE SHT: KCD-3

Standard Detail & Specifications Fueling & Spill Control

DATA TO BE PROVIDED:
Volume of Potential Pollution
Height of containment
Area of containment
Volume of containment



NOTE: Double-walled tanks with proper labeling meet EPA requirements for secondary containment.

Source: Delaware ESC Handbook
Symbol: 
Detail No. **DE-ESC-3.6.4**
Sheet 1 of 2
Effective July 2023

Standard Detail & Specifications Fueling & Spill Control

Pollution Prevention – Fueling & Spill Control

- Fueling should only take place in signed designated areas, away from downstream drainage facilities and watercourses.
- Fueling must be with nozzles equipped with automatic shut-off to control drips. Do not top off.
- Protect the areas where equipment or vehicles are being repaired, maintained, fueled or parked from storm water run-on and runoff.
- Use barriers such as berms to prevent storm water run-on and runoff, and to contain spills.
- Place a "Fueling Area" sign next to each fueling area.
- Store hazardous materials such as fuel, solvents, oil and chemicals in secondary containment.
- Inspect vehicles and equipment for leaks on each day of use. Repair fluid and oil leaks immediately.
- Absorbent spill clean-up materials and spill kits must be available in fueling areas and on fuel trucks.
- If fueling is to take place at night, make sure the fueling area is sufficiently illuminated.
- Properly dispose of used oil, fluids, lubricants and spill clean-up materials.

CLEAN UP SPILLS

- If it is safe to do so, immediately contain and clean up any chemical and/or hazardous material spills.
 - Properly dispose of used oil, fluids, lubricants and spill clean-up materials.
 - Do not bury spills or wash them down with water.
- LEAKS AND DRIPS**
- Use drip pans or absorbent pads at all times. Place under and around leaky equipment.
 - Do not allow oil, grease, fuel or chemicals to drip onto the ground.
 - Have spill kits and clean up material on-site.
 - Repair leaky equipment promptly or remove problem vehicles and equipment from the site. Clean up contaminated soil immediately.
 - Store contaminated waste in sealed containers constructed of suitable material. Label these containers properly.
 - Clean up all spills and leaks. Promptly dispose of waste and spent clean up materials.

Source: Delaware ESC Handbook
Symbol: 
Detail No. **DE-ESC-3.6.4**
Sheet 2 of 2
Effective July 2023

Standard Detail & Specifications Construction Site Pollution Prevention

Delaware NPDES Discharge Permit General Permit for Discharge of Stormwater from Construction Activities

((Project Name))
((NOI Permit Number))
((Agency Plan Approval ID))
((Contact Name & Number for Additional Site Information))
((Contact Name & Number to Obtain Copy of Approved Plan))

If you observe indicators of stormwater pollutants in the discharge or in the receiving waterbody, call the DNREC Spill Notification 24 HR Hotline at

1-800-662-8802

Example Construction General Permit (CGP) Signage

NOTES:

- Minimum sign size 2' x 2'
- Minimum text size 1"
- Sign must be posted at a safe, publicly accessible location close to construction site
- Sign must be visible from the public road nearest the active construction site
- Signs posted within a DelDOT or other public road right-of-way (ROW) must be in accordance with all local and/or State requirements in regards to safety, location, orientation, etc.

Source: Delaware ESC Handbook
Symbol: 
Detail No. **DE-ESC-3.6.1**
Sheet 1 of 4
Effective July 2023

Standard Detail & Specifications Construction Site Pollution Prevention

Notes:

The Construction Site Pollution Prevention Plan includes the following elements:

1. Material Inventory

Document the storage and use of the following materials:

- Concrete
 - Detergents
 - Paints (enamel and latex)
 - Cleaning solvents
 - Pesticides
 - Wood scraps
 - Fertilizers
 - Petroleum based products
2. Good housekeeping practices
- Store only enough product required to do the job.
 - Store all materials in a neat, orderly manner in their original labeled containers and covered.
 - Do not mix different substances.
 - When possible, use all of a product prior to disposal of the container.
 - Manufacturers' instructions for disposal should be strictly adhered to.
 - Designate someone to inspect all BMPs daily.
3. Waste management practices
- Collect and store all waste materials in securely lidded dumpsters in a location that does not drain to a waterbody.
 - Salvage and/or recycle waste materials whenever possible.
 - The dumpsters shall be emptied a minimum of twice per week, or more if necessary. The licensed trash hauler is responsible for cleaning out dumpsters.

Source: Adapted from USEPA Pub. 840-B-92-002
Symbol: 
Detail No. **DE-ESC-3.6.1**
Sheet 2 of 4
Effective July 2023

Standard Detail & Specifications Construction Site Pollution Prevention

Notes (cont.)

- Dispose of all trash in accordance with all applicable Delaware laws.
 - Littering is strictly prohibited. Trash cans should be placed at all lunch spots and recycle bins should be placed near the construction trailer.
 - If fertilizer bags can not be stored in a weather-proof location, they should be kept on a pallet and covered with plastic sheeting which is overlapped and anchored.
4. Equipment maintenance practices
- If possible, equipment should be taken to off-site commercial facilities for washing and maintenance.
 - If performed on-site, wash vehicles with high-pressure water spray without detergents in an area contained by an impervious berm.
 - Use drip pans for all equipment maintenance.
 - Inspect equipment for leaks on a daily basis.
 - Direct washout from concrete trucks into a temporary pit for hardening and proper disposal.
 - Equip fuel nozzles with automatic shut-off valves.
 - Dispose of all used products such as oil, antifreeze, solvents and tires in accordance with manufacturers' recommendations and local, state and federal laws and regulations.
5. Spill prevention practices
- Identify potential spill areas and contain them in covered areas with no connection to the storm drain system.
 - Post warning signs in hazardous material storage areas.
 - Perform preventive maintenance on all tanks, valves, pumps, pipes and other equipment as necessary.
 - Prioritize low or non-toxic substances for use.

Source: Adapted from USEPA Pub. 840-B-92-002
Symbol: 
Detail No. **DE-ESC-3.6.1**
Sheet 3 of 4
Effective July 2023

Standard Detail & Specifications Construction Site Pollution Prevention

Notes (cont.)

- Prominently post contact information for reporting spills through the DNREC 24-Hour Toll Free Number.
6. Education
- Include Best Management Practices (BMPs) for construction site pollution control as part of regular progress meetings.
 - Information regarding waste management, equipment maintenance and spill prevention should be prominently posted in the construction trailer.

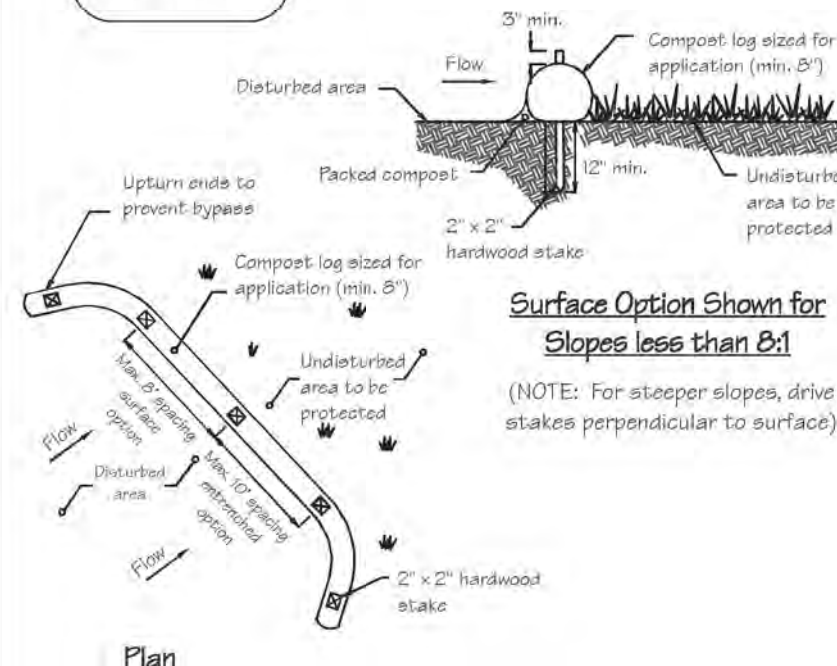
CONTACT INFORMATION

DNREC 24-Hour Toll Free Number **800-662-8802**
DNREC Solid & Hazardous Waste Management Section **302-739-9403**

Source: Adapted from USEPA Pub. 840-B-92-002
Symbol: 
Detail No. **DE-ESC-3.6.1**
Sheet 4 of 4
Effective July 2023

Standard Detail & Specifications Compost Filter Log

DATA
Log diameter (D)
Sack Material



NOTE: Manufacturer's recommendations supersede any installation details shown for this practice

Source: Adapted from MD Stats & Specs for ESC & FilrexxTM International
Symbol: 
Detail No. **DE-ESC-3.1.7**
Sheet 1 of 2
Effective July 2023

Standard Detail & Specifications Compost Filter Log

Construction Notes:

- Prior to installation, clear bedding area of obstructions including rocks or debris larger than 1 inch and fill in any sharp depression areas.
- If socks are prepared on-site, fill the sock fabric using a pneumatic blower so that the logs are rigid and do not deform. Terminate at the desired length.
- For trenched applications, excavate 2 to 4 inches below grade along the width and length of the compost filter log.
- Install the compost filter logs perpendicular to the flow direction and parallel to the slope with the beginning and end of the installation pointing up the slope a minimum of 1 foot elevation difference. On sites where this is not possible, upturn at a minimum length of 10' at a 30 degree angle to prevent runoff bypass.
- For untrenched applications, blow or hand pack soil, mulch, or compost on the upslope side of the log, filling the bottom void area.
- Stake the filled log every 10 feet maximum through the center of the sock for trenched applications, or every 5 feet for untrenched. The stake shall be a 2" by 2" hardwood. It should extend 12" below grade and protrude at least 3" above the top of the sock. If located on a slope greater than 8:1, the stake shall be angled downslope at a 45 degree angle to prevent the force of the water from dislodging to log.
- When the length of the compost filter log needed exceeds the available compost filter sock length, the next sock shall be overlapped a minimum of 12" before being filled, and a stake placed through both socks at the overlap.
- Remove accumulated sediment when it has reached half of the effective height of the log.
- Inspect weekly and after rain event. If sock is degrading or the sock is failing, vegetation to secure the compost, replace the log, or reinforce with an additional log. If the log has been crushed due to construction equipment, it can be "fluffed" back to its effective height. If the effective height can no longer be restored, the log shall be replaced or reinforced with an additional compost filter log.

Source: Adapted from MD Stats & Specs for ESC & FilrexxTM International
Symbol: 
Detail No. **DE-ESC-3.1.7**
Sheet 2 of 2
Effective July 2023

Standard Detail & Specifications Topsoiling

Construction Notes:

- Site Preparation** (Where Topsoil is to be added)

Note: When topsoiling, maintain needed erosion and sediment control practices such as diversions, grade stabilization structures, berms, dikes, waterways and sediment basins.

- Grading - Grades on the areas to be topsoiled which have been previously established shall be maintained.
- Liming - Where the topsoil is either highly acid or composed of heavy clays, ground limestone shall be spread at the rate of 4-8 tons/acre (200-400 pounds per 1,000 square feet). Lime shall be distributed uniformly over designated areas and worked into the soil in conjunction with tillage operations as described in the following procedures.
- Tilling - After the areas to be topsoiled have been brought to grade, and immediately prior to dumping and spreading the topsoil, the subgrade shall be loosened by discing or by scarifying to a depth of at least 3 inches to permit bonding of the topsoil to the subsoil. Pack by passing a bulldozer up and down over the entire surface area of the slope to create horizontal erosion check slots to prevent topsoil from sliding down the slope.

2. Topsoil Material and Application

Note: Topsoil salvaged from the existing site may often be used but it should meet the same standards as set forth in these specifications. The depth of topsoil to be salvaged shall be no more than the depth described as a representative profile for that particular soil type as described in the soil survey published by USDA-SCS in cooperation with Delaware Agricultural Experiment Station.

Source: USDA - NRCS
Symbol: 
Detail No. **DE-ESC-3.4.1**
Sheet 1 of 2
Effective July 2023

Standard Detail & Specifications Topsoiling

Construction Notes (cont.)

- Materials - Topsoil shall be a loam, sandy loam, clay loam, silt loam, sandy clay loam, loamy sand or other soil as approved by an agronomist or soil scientist. It shall not have a mixture of contrasting textured subsoil and contain no more than 5 percent by volume of cinders, stones, slag, coarse fragment, gravel, sticks, rocks, trash or other extraneous materials larger than 1/2 inches in diameter. Topsoil must be free of plants or plant parts of bermudagrass, quackgrass, Johnsongrass, nutsedge, poison ivy, thistles, or others as specified. All topsoil shall be tested by a reputable laboratory for organic matter content, pH and soluble salts. A pH of 5.0 to 7.5 and an organic content of not less than 1.5 percent by weight is required. If pH value is less than 6.0 lime shall be applied and incorporated with the topsoil to adjust the pH to 6.5 or higher. Topsoil containing soluble salts greater than 500 parts per million shall not be used.

Note: No sod or seed shall be placed on soil which has been treated with soil sterilant or chemicals used for weed control until sufficient time has elapsed to permit dissipation of toxic materials.

- Grading - The topsoil shall be uniformly distributed and compacted to a minimum of four (4) inches. Spreading shall be performed in such a manner that sodding or seeding can proceed with a minimum of additional soil preparation and tillage. Any irregularities in the surface resulting from topsoiling or other operations shall be corrected in order to prevent the formation of depressions or water pockets. Topsoil shall not be placed while in a frozen or muddy condition, when the subgrade is excessively wet, or in a condition that may otherwise be detrimental to proper grading and seedbed preparation.

Note: Topsoil substitutes or amendments as approved by a qualified agronomist or soil scientist, may be used in lieu of natural topsoil. Compost material used to improve the percentage of organic matter shall be provided by a certified supplier.

Compost amendments that are intended to meet specific post-construction stormwater management goals shall further meet the requirements of Appendix 3.06.2 Post Construction Stormwater Management BMP Standards and Specifications, Section 14.0 Soil Amendments.

Source: USDA - NRCS
Symbol: 
Detail No. **DE-ESC-3.4.1**
Sheet 2 of 2
Effective July 2023



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REVISIONS:

PROJECT NO: 23-067 | DGN FILE: 23-067

SEDIMENT & EROSION CONTROL DETAILS

LANDS OF DITKO PROPERTIES

SITUATE IN: CITY OF DOVER - KENT COUNTY, DELAWARE

DATE: 11/01/24 | NOT TO SCALE | SHT: KCD-4

STREETS NOTES

1. STANDARD CITY OF DOVER SIDEWALK, AS PER CHAPTER 98, ARTICLE IV OF THE DOVER CODE OF ORDINANCES, SHALL BE REQUIRED TO BE INSTALLED ALONG THE ENTIRE PUBLIC STREET FRONTAGE OF A PROPERTY. WHERE FRONTAGE SIDEWALK EXISTS BUT DOES NOT MEET THE STANDARDS OF CHAPTER 98, ARTICLE IV, THE SIDEWALK SHALL BE RE-LAID TO MEET THE STANDARDS. SIDEWALK SHALL INCLUDE BARRIER-FREE ACCESS RAMPING AT POINTS OF INTERSECTION WITH STREET CROSSINGS AND AT OTHER LOCATIONS SO AS TO AFFORD REASONABLE BARRIER-FREE PEDESTRIAN MOVEMENT AND SITE ACCESS.
2. IN ACCORDANCE TO APPENDIX A, ARTICLE VI, SECTION B.3, ALL SIDEWALKS SHALL ASCEND FROM THE CURBSTONE TO THE BUILDING LINE AT THE RATIO OF ONE-QUARTER OF AN INCH TO THE FOOT. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY PAVEMENT PREVIOUSLY LAID BY ORDER OF THE CITY COUNCIL, UNTIL IT IS TAKEN UP AND RELAID.

WATER NOTES

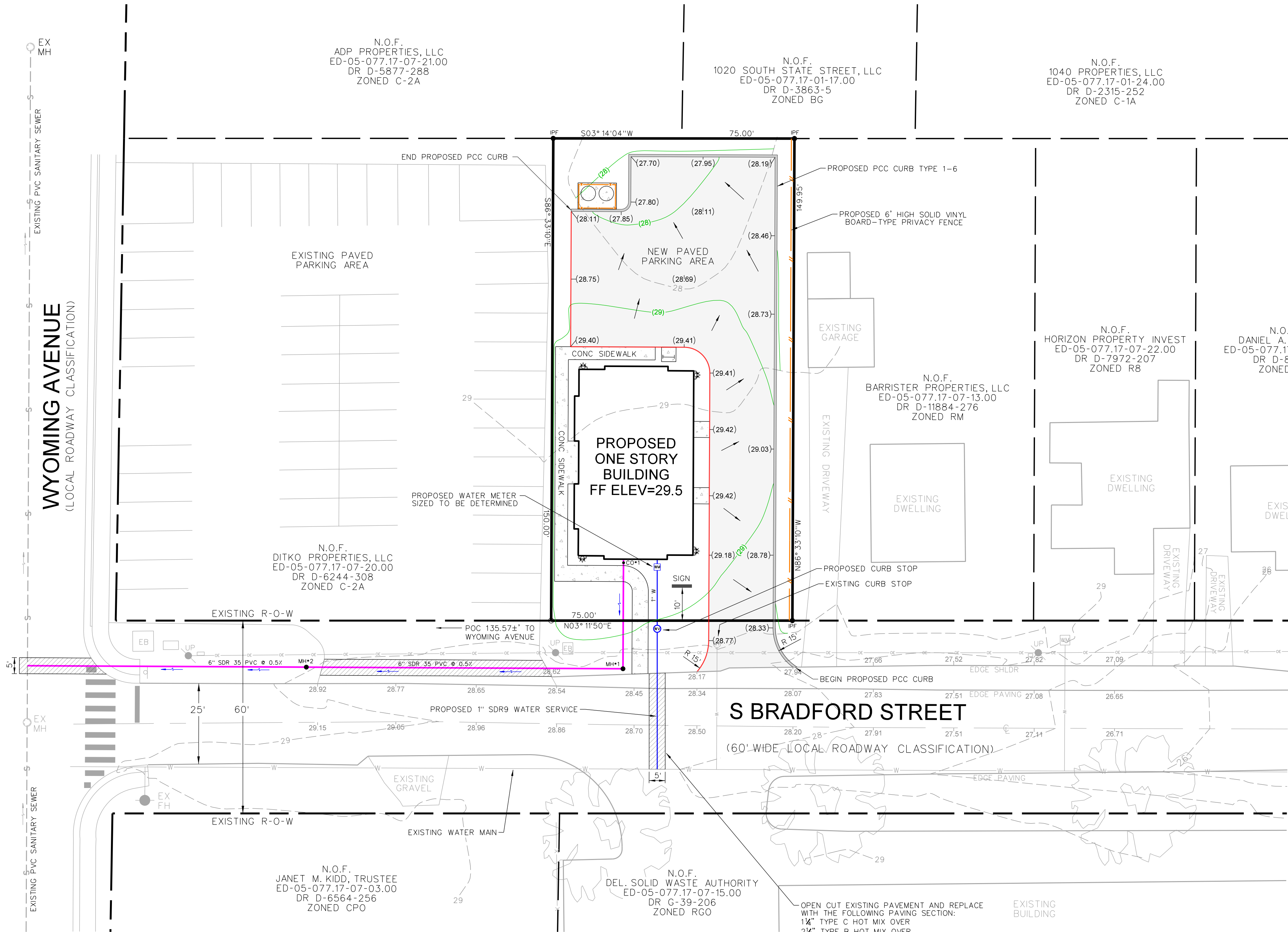
1. ALL EXISTING UTILITIES SHALL BE ADJUSTED TO FINAL GRADE IN ACCORDANCE WITH THE CURRENT CITY OF DOVER REQUIREMENTS AND PRACTICES.
2. ALL WATER UTILITY COMPONENTS MUST MEET THE REQUIREMENTS OF THE WATER WASTEWATER HANDBOOK, EFFECTIVE MARCH 22, 2010.
3. HYDRANT CONNECTIONS BY THE CONTRACTOR ARE PROHIBITED. THIS METHOD MAY NOT BE UTILIZED DURING ANY PHASE OF THE PROJECT.
4. ANY EXISTING WATER LINES NOT TO BE UTILIZED BY THE PROPOSED FACILITY MUST BE PROPERLY ABANDONED AT THE MAINS IN ACCORDANCE WITH THE CITY OF DOVER DEPARTMENT OF WATER & WASTEWATER SPECIFICATIONS AND REQUIREMENTS.
5. THE SITE CONTRACTOR SHALL CONTACT THE CITY OF DOVER DEPARTMENT OF WATER & WASTEWATER CONSTRUCTION MANAGER AT (302) 736-7025 PRIOR TO THE START OF CONSTRUCTION. A REPRESENTATIVE FROM THE CITY OF DOVER DEPARTMENT OF WATER & WASTEWATER MUST OBSERVE AND APPROVE ALL CITY OWNED WATER AND SANITARY SEWER INTERCONNECTIONS AND TESTING. ALL WATER TAPS MUST BE PERFORMED BY A CITY OF DOVER APPROVED CONTRACTOR. THE PROPOSED LOCATION FOR THE WATER CONNECTION MAY NEED TO BE ADJUSTED IN THE FIELD DUE TO CONDITIONS OF THE EXISTING MAIN. POSSIBLE CONDITIONS THAT WOULD REQUIRE TAPPING RELOCATION INCLUDE PROXIMITY TO PIPE JOINTS, OTHER TAPS, CONCRETE ENCASEMENTS, CONFLICT WITH OTHER UTILITIES, AND THE LIKE. TEST HOLES MUST BE PERFORMED BY THE CONTRACTOR TO DETERMINE THE BEST TAPPING LOCATION. THE CITY OF DOVER WILL NOT BE HELD RESPONSIBLE FOR FIELD CONDITIONS REQUIRING ADJUSTMENT OF THE TAPPING LOCATION OR FOR ANY WORK REQUIRED BY THE CONTRACTOR TO MAKE AN APPROPRIATE AND LAWFUL CONNECTION.
6. A NEW 5/8" x 3/4" MUELLER 420 SERIES WATER METER SHALL BE INSTALLED FOR THIS BUILDING. THE METER MUST BE PURCHASED THROUGH THE CITY OF DOVER. PLEASE CONTACT OUR OFFICE A MINIMUM OF SIX (6) WEEKS PRIOR TO REQUIRING THE METER. A DUAL CHECK VALVE MUST BE INSTALLED DOWNSTREAM OF THE METER. A WATER METER BYPASS LINE IS NOT PERMITTED FOR THIS TYPE OF BUILDING APPLICATION.
7. ONCE THE TENANT IS DETERMINED, THE BACKFLOW PREVENTION ASSEMBLY THAT WILL BE REQUIRED WILL BE DETERMINED.

WASTEWATER NOTES

1. ALL WASTEWATER UTILITY COMPONENTS MUST MEET THE REQUIREMENTS OF THE WATER WASTEWATER HANDBOOK, EFFECTIVE MARCH 22, 2010.
2. ANY EXISTING SANITARY SEWER LINES NOT TO BE UTILIZED BY THE PROPOSED FACILITY MUST BE PROPERLY ABANDONED AT THE MAINS IN ACCORDANCE WITH THE CITY OF DOVER DEPARTMENT OF WATER AND WASTEWATER SPECIFICATIONS AND REQUIREMENTS.
3. PART II, CHAPTER 180, ARTICLE III, SECTION 180-10 OF THE CODE OF KENT COUNTY REQUIRES THAT "NO PERSON SHALL DISCHARGE OR CAUSE TO BE DISCHARGED ANY STORMWATER, SURFACE WATER, UNCONTAMINATED GROUNDWATER, ROOF RUNOFF, SUBSURFACE DRAINAGE, UNCONTAMINATED NONCONTACT COOLING WATER, OR UNPOLLUTED INDUSTRIAL PROCESS WATERS TO ANY SANITARY SEWER." THIS SHALL INCLUDE CONDENSATE, SEC. 110-231 OF THE CITY OF DOVER CODE DEFINES STORM SEWER AS ". ANY SYSTEM USED FOR CONVEYING RAIN WATER, SURFACE WATER, CONDENSATE, COOLING WATER OR SIMILAR LIQUID WASTES, EXCLUSIVE OF SEWAGE." THE CONTRACTOR, DEVELOPER, OWNER AND DESIGNERS SHALL ENSURE DURING CONSTRUCTION THAT NO ILLEGAL DISCHARGES TO THE SANITARY SEWER SYSTEM ARE CREATED WITH THE SITE IMPROVEMENTS.

LEGEND

PROPERTY BOUNDARY	---
RIGHT-OF-WAY LINE	---
LOT LINE	---
BUILDING SETBACK LINE	-----
EXISTING CONTOUR	---26---
PROPOSED CONTOUR	---(26)---
EXISTING STORM DRAIN	=====
PROPOSED STORM DRAIN	=====
EXISTING SANITARY SEWER	-----S-----
PROPOSED SANITARY SEWER	-----S-----
EXISTING WATER LINE	-----W-----
PROPOSED WATER LINE	-----W-----
EXISTING UTILITY POLE	●
EXISTING ROAD SIGN	⊕
EXISTING SPOT ELEVATION	26x27
PROPOSED SPOT ELEVATION	(26x27)



LOCATION MAP SCALE: 1" = 400'

DATA COLUMN

TAX PARCEL NO:	ED-05-077 17-07-27 00-000
ACREAGE WITHIN BOUNDARIES:	0.28 ACRES
EXISTING ZONING:	C-2A (LIMITED COMMERCIAL)
EXISTING USE:	VACANT/RESIDENTIAL
PROPOSED USE:	OFFICE
C-1A BULK STANDARDS:	
	REQUIRED PROPOSED
FRONT YARD SETBACK:	15' 19'
SIDE YARD SETBACK:	5' 7'
SIDE YARD (ADJOINING RESIDENTIAL):	25' 28'
REAR YARD SETBACK:	5' 71'
MINIMUM LOT WIDTH:	N/A 75'
MINIMUM LOT DEPTH:	100' 150'
MINIMUM LOT AREA:	N/A 11,326 SF
NUMBER OF STORIES:	6 MAX 1
MAXIMUM BUILDING HEIGHT:	75' MAX 12'
FLOOR AREA RATIO:	4.0 MAX 0.20
NUMBER OF EMPLOYEES:	6
PROPOSED BUILDING GFA:	2,140 S.F.
PARKING REQUIRED:	(2,140 SF)/(1 SP/300 SF) = 8 SPACES
PARKING PROVIDED:	8 SPACES (1 HANDICAP)
BUILDING CONSTRUCTION TYPE:	TYPE II (000) METAL & MASONRY
PROPOSED BUILDING HEIGHT:	12 FEET (SINGLE STORY)
VERTICAL DATUM:	NAVD 88
HORIZONTAL DATUM:	NAD 83
PERMANENT MONUMENTS FOUND:	3 (IPF)
PERMANENT MONUMENTS PLACED:	0
WATER SERVICE:	CITY OF DOVER
SEWER SERVICE:	CITY OF DOVER
INVESTMENT LEVEL:	1
OWNER OF RECORD:	DITKO PROPERTIES, LLC 1004 S STATE ST STE 1 DOVER, DE 19904
SITE ADDRESS:	1107 S BRADFORD STREET DOVER, DE 19904



868 Greenwood Road - Greenwood, DE 19950
(302) 697-2239 - (302) 495-7244

REVISIONS:

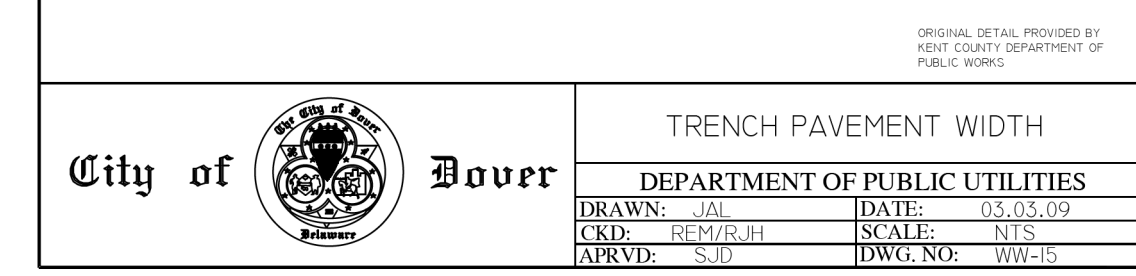
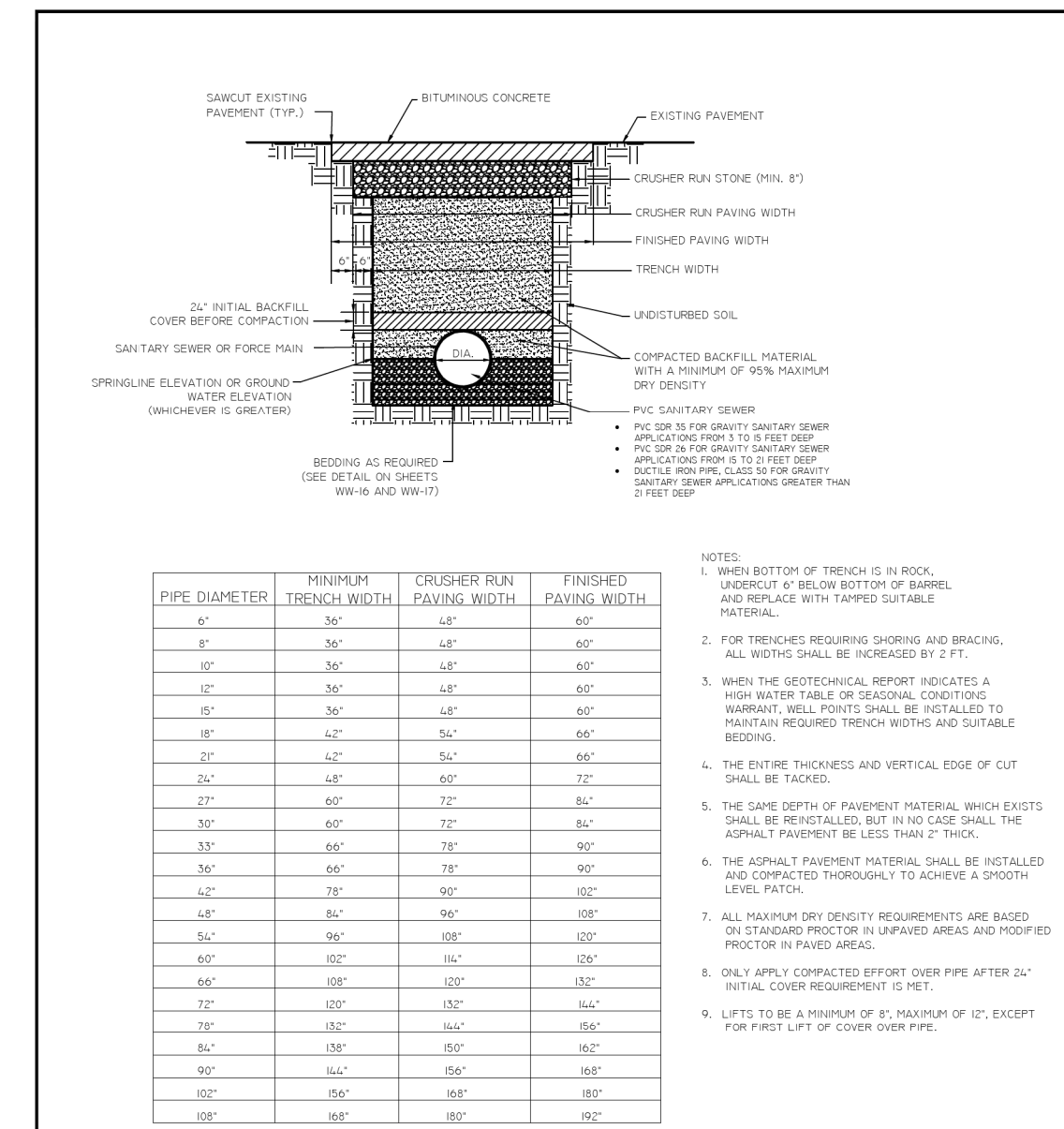
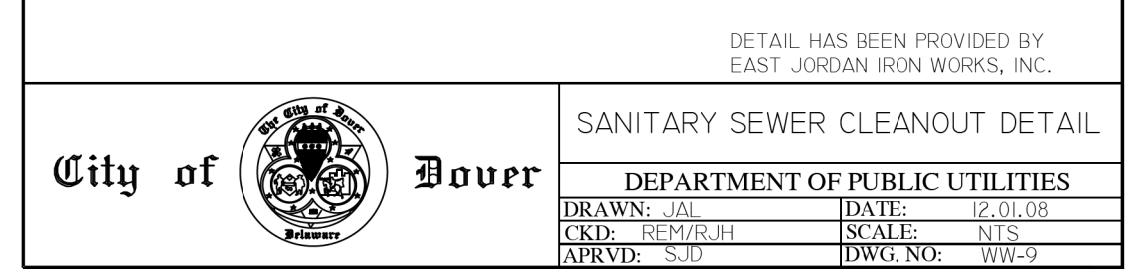
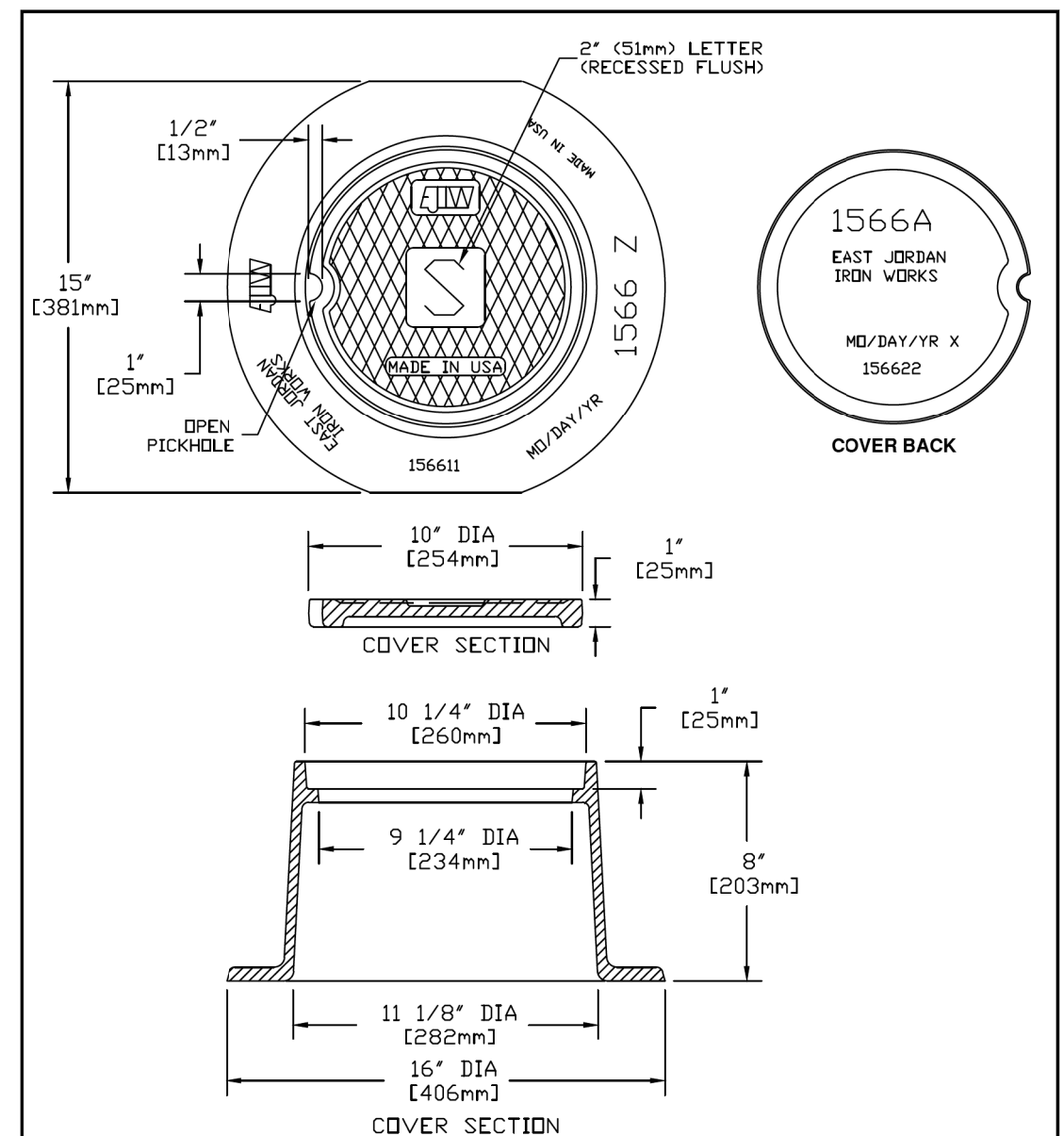
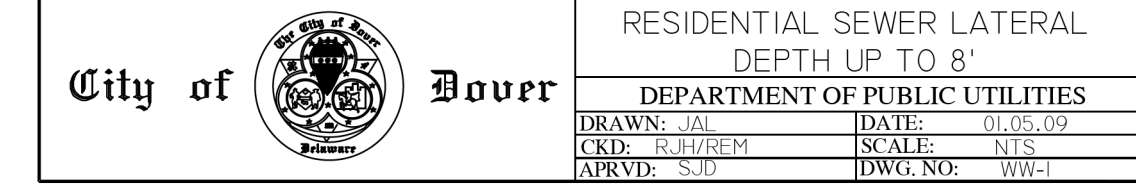
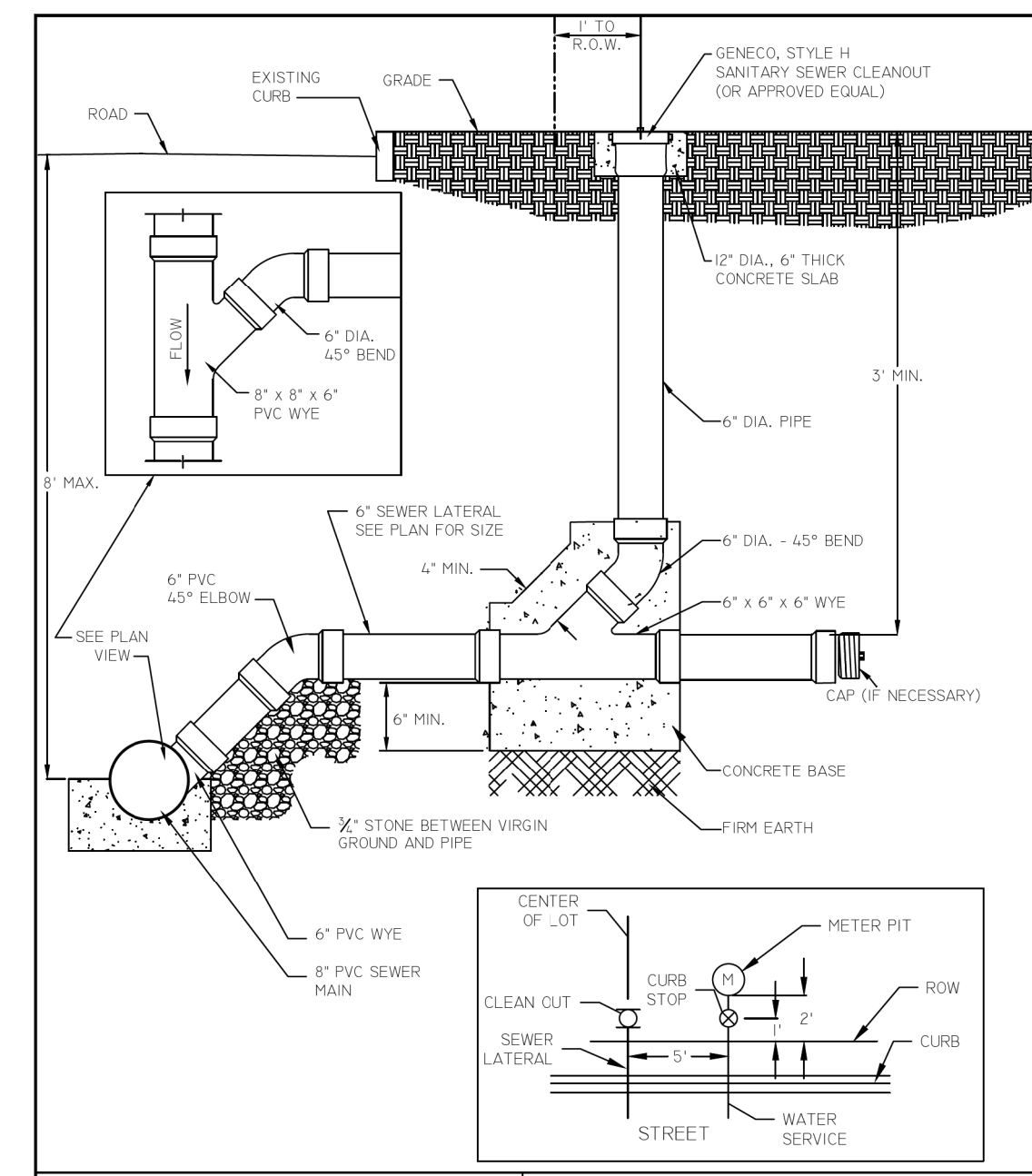
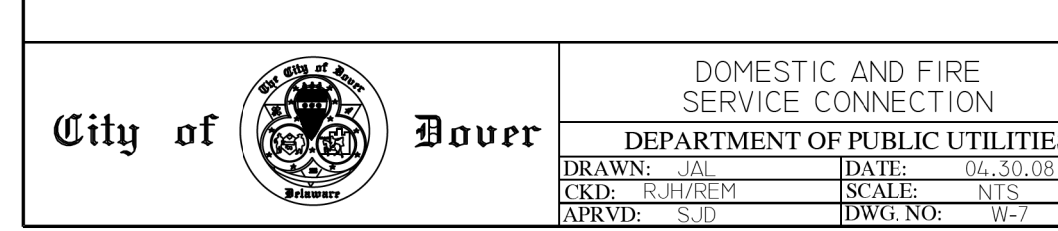
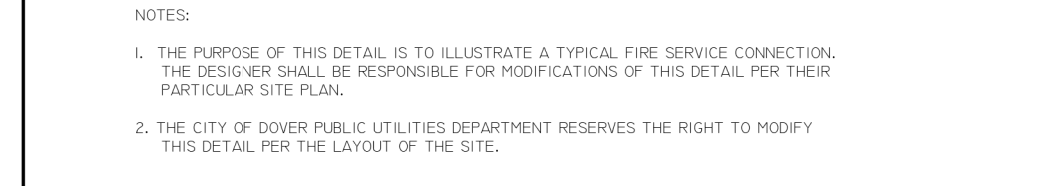
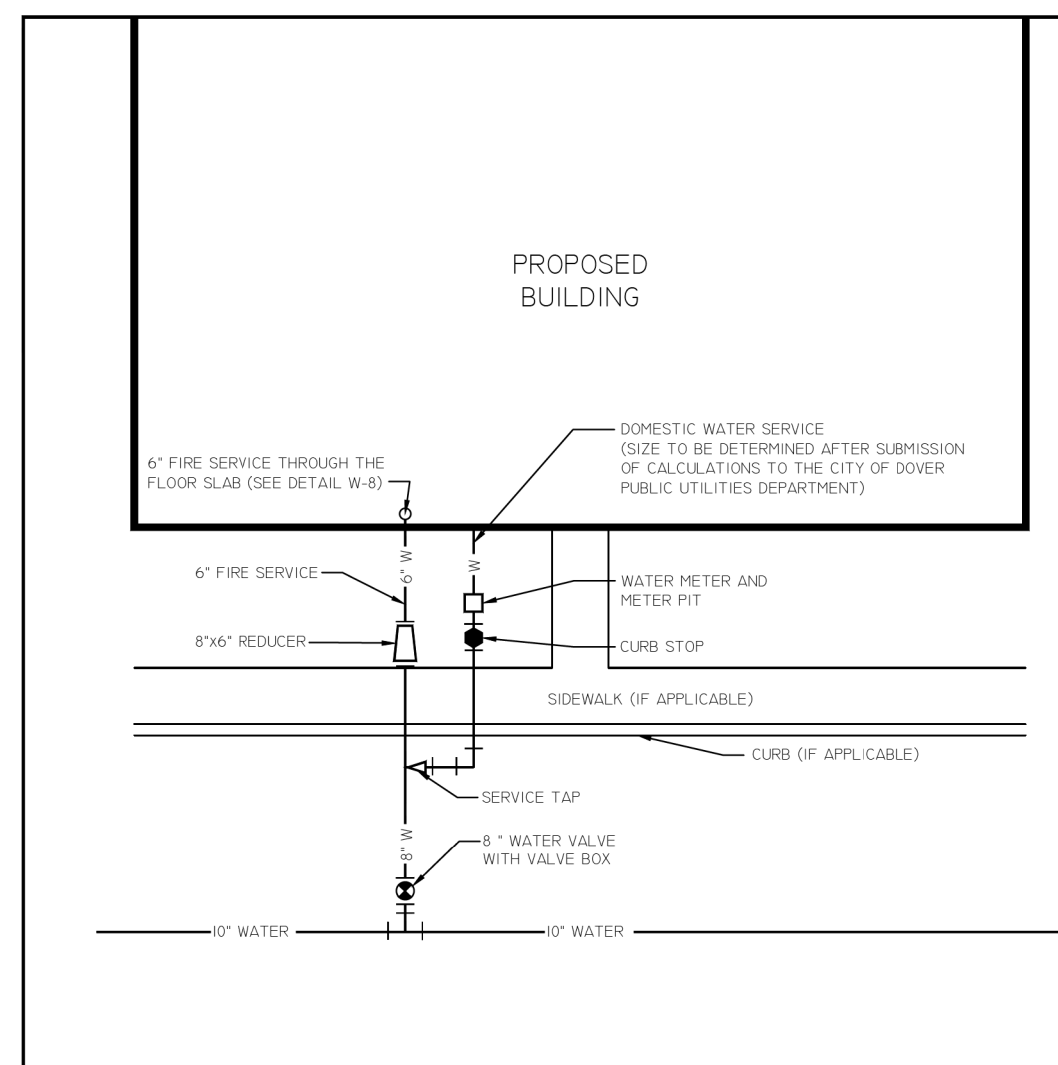
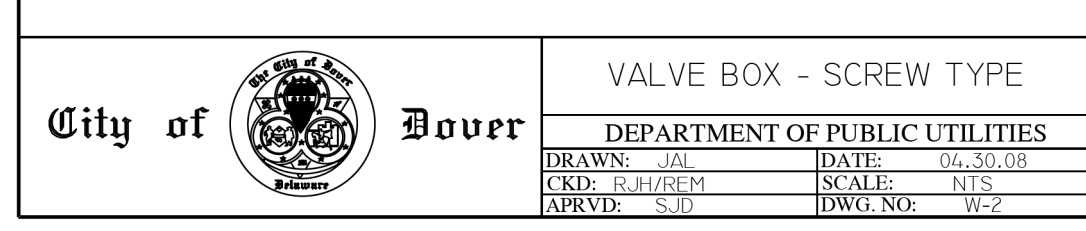
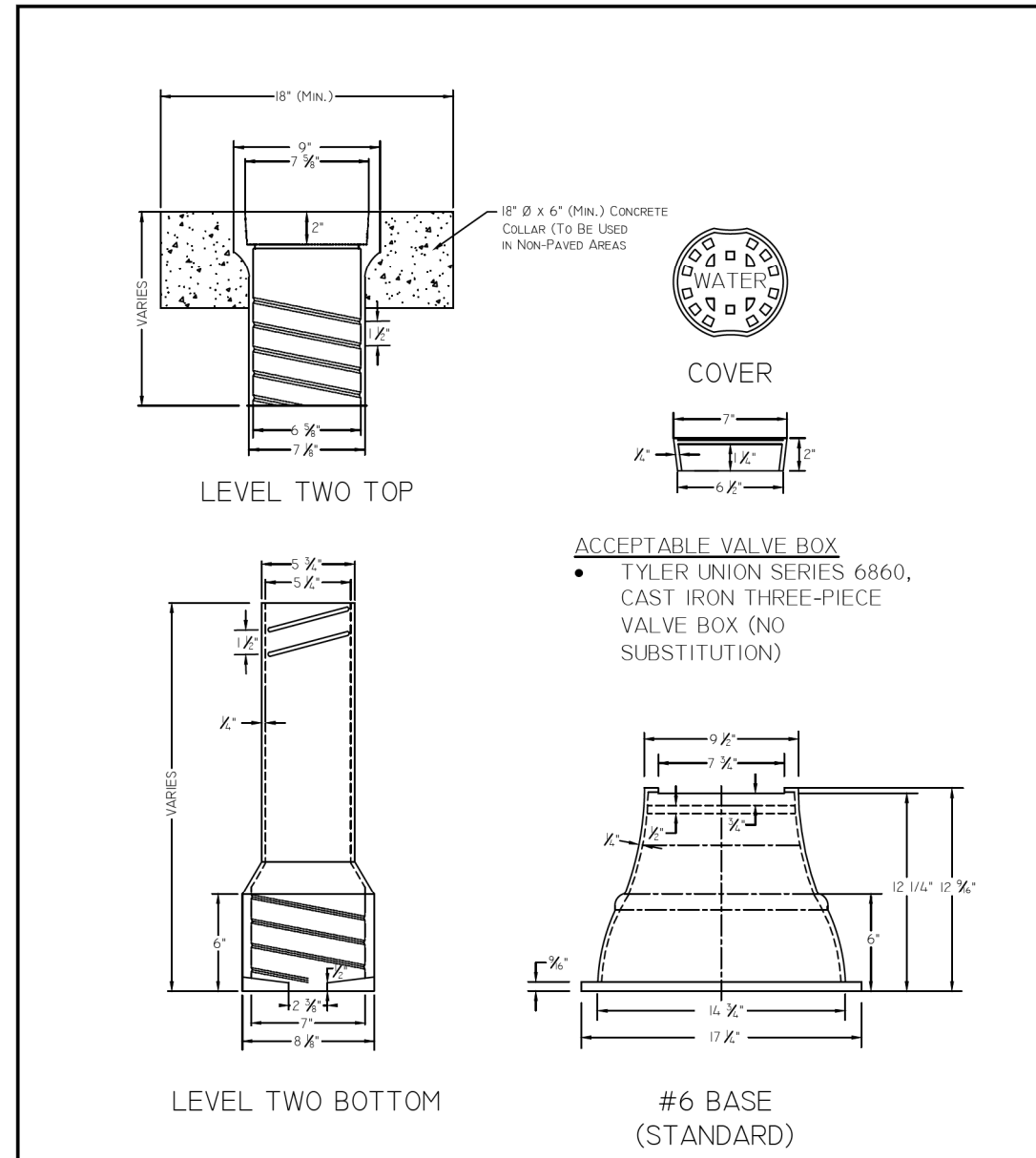
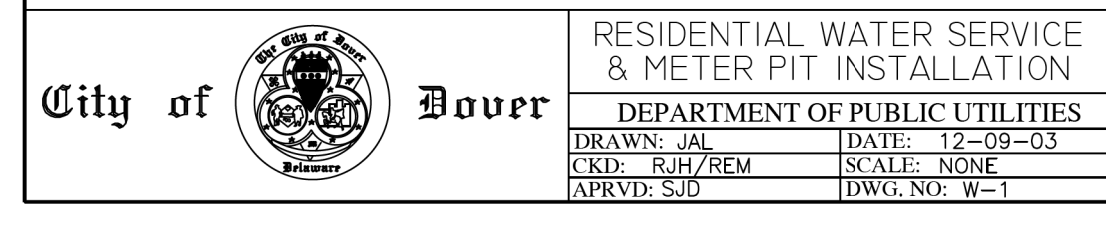
PROJECT NO: 23-067 DGN FILE: 23-067

UTILITY AND GRADING PLAN
LANDS OF
DITKO PROPERTIES

SITUATE IN: CITY OF DOVER - KENT COUNTY, DELAWARE

0 10 20 40

DATE: 11/01/24 SCALE: 1" = 20' SHT: UP-1





REQUEST FOR ALLEY ABANDONMENT
Public Hearing before the Dover Planning Commission
December 16, 2024

Applicants: Downtown Dover Partnership

Properties and Property Owners Adjacent to Alley Segment:

133 S. Governors Avenue	Downtown Dover Development Corporation (Downtown Dover Partnership)
139 S. Governors Avenue	The Downtown Dover Development Corp. - Dover Parking Authority (Downtown Dover Partnership)
145 S. Governors Avenue	City of Dover
136. S Bradford Street	City of Dover
148 S. Bradford Street	Capital City Transformation Alliance Inc.
150 S. Bradford Street	CEI Properties, LLC

Location: Portion of the Improved Alley located between South Governors Avenue and South Bradford Street and extending approximately 132 feet north of the Minor Street Alley
See Plan Diagram for Detailed Location

Abandonment Area: ~1,550 square feet

Tax Parcel ID #: No Tax Parcel Numbers – All public right-of-way or alley is part of adjacent parcel

Present Use: Public Alley

Proposed Use: Integration into Adjacent Parcels

Reason for Request: To abandon and integrate the Alley area into the six parcels of land proposed to be consolidated for a redevelopment project for the Dover Mobility Center (Parking) Garage

File Number: MI-24-10

I. REQUEST SUMMARY
Alley Abandonment Request:

The Downtown Dover Partnership has requested that the City abandon portions of the Alley between S. Governors Avenue and S. Bradford Street, Dover DE. This request is being made as part of the project proposal for the redevelopment of a series of six parcels to the north of the

Minor Street Alley for the Dover Mobility Center Garage (Parking Garage). This Request focuses on the process for Alley Abandonment only as the redevelopment project will be subject to separate Site Development Plan applications and reviews.

Existing Area:

The subject area consists of a public alley, owned and maintained by the City of Dover. Recent property surveys have shown this Alley to be located within right-of-way and also traversing portions of several of the adjacent parcels. The Alley requested for abandonment is adjacent on both sides to properties held in the ownership of multiple properties. See Table below and attached Plan submission diagrams:

Address	Tax Parcel Number	Current Property Owner
133 S. Governors Avenue	ED-05-077.09-02-10.00-000	Downtown Dover Development Corporation (Downtown Dover Partnership)
139 S. Governors Avenue	ED-05-077.09-02-09.00-000	The Downtown Dover Development Corp. - Dover Parking Authority (Downtown Dover Partnership)
145 S. Governors Avenue	ED-05-077.09-02-08.00-000	City of Dover
136 S. Bradford Street	ED-05-077.00-02-24.00-000	City of Dover
148 S, Bradford Street	ED-05-077.00-02-25.00-000	Capital City Transformation Alliance Inc
150 S. Bradford Street	ED-05-077.00-02-27.00-000	CEI Properties, LLC

It is noted that under separate proceedings the City Manager's Office has presented to Dover City Council a proposal for the transfer of City owned property to the Downtown Dover Partnership entity for this redevelopment project. The redevelopment project known as the Dover Mobility Center (Parking) Garage is identified as a priority project in the *Transforming Downtown Dover: Capital City 2030 Plan*.

II. RECOMMENDATION OF THE PLANNING STAFF:

The Planning Staff notes the redevelopment efforts associated with the *Transforming Downtown Dover: Capital City 2030 Plan* which focuses on efforts to revitalize and redevelop Downtown Dover. To the extent that long-term abandonment of the subject Alley area will help accomplish this objective, staff supports the conceptual request. Staff believes that the requested Alley Abandonment should be conditioned on abandonment coinciding with appropriate planning for the relocation of any utility infrastructure in the Alley as associated with future site development plans.

III. PLANNING COMMISSION REVIEW FOR RECOMMENDATION

The Request for Alley Abandonment is to be considered by the Planning Commission. The Planning Commission as part of their public hearing and review process will provide a

recommendation on the Alley Abandonment to the Utility Committee (a City Council Committee of the Whole Subcommittee).

IV. ADVISORY COMMENTS TO THE APPLICANT:

1. The Planning Commission's role is to make a recommendation to the City Council on the matter. City Council has ultimate authority on the request for abandonment.
2. Staff notes that abandonment of the public alley will require relocations or easements for existing utilities in the area. If the request for abandonment is successful additional coordination with various City Departments will be necessary to address utility infrastructure access, the need to maintain emergency access, and the development (and approval) of a Record Plan documenting a transfer of ownership and any associated infrastructure easements.
3. Abandonment of public alleys does not constitute approval for physical alteration of such alleys. Any modification or ground-disturbing activity must be reviewed through the appropriate site plan process and receive all requisite approvals by regulatory agencies.



CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: NOVEMBER 27, 2024



Item 9.

APPLICATION: Request for Alley Abandonment: Part of Alley Between S Governors Avenue and S Bradford Street

FILE #: MI-24-10

REVIEWING AGENCY: City of Dover Department of Public Works and Water & Wastewater

CONTACT PERSON: Jason A. Lyon, P.E., Director of Water & Wastewater / Engineering Services

CONTACT PHONE #: 302-736-7025

CONTACT EMAIL: jlyon@dover.de.us

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

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

CITY AND STATE CODE REQUIREMENTS

SANITATION / STREETS / STORMWATER / WASTEWATER / GENERAL

1. Our office has no objections to the proposed alley abandonment.

WATER

1. The alley proposed for abandonment contains a water main. Our office requires that a public utility easement be provided in order to maintain proper service to our customers. The easement may not contain any structures or signage as per the Water / Wastewater Handbook. It is our understanding that adjacent parcels are to be redeveloped and lot lines will be re-recorded. As utility locations are to be redesigned at that time the public utilities easement is to be re-evaluated by the Department of Water & Wastewater with revisions made as appropriate at that time as well.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

SANITATION / STREETS / STORMWATER / WATER / WASTEWATER / GENERAL

1. None

ADVISORY COMMENTS TO THE APPLICANT

SANITATION / STREETS / STORMWATER / WASTEWATER / GENERAL

1. None

WATER

1. If the future development proposes to build on top of the aforementioned water main location, the developer shall relocate the water main to the satisfaction of the Department of Water & Wastewater. The cost of this relocation shall be the sole expense of the developer.

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

CITY OF DOVER ELECTRIC
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
STAFF D.A.C. MEETING DATE: Nov 27, 2024

APPLICATION: Request for Alley Abandonment, Part of Alley between S. Governors Avenue and S. Bradford Street

FILE #: MI-24-10

REVIEWING AGENCY: City of Dover Electric Department

CONTACT PERSON: Shawn Burgett, Engineering Services & System Ops Superintendent

CONTACT PHONE #: 302-674-7568

CONTACT EMAIL #: sburgett@dover.de.us

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. The Electric Department has no objections to the abandonment of a portion of the improved alley, located between South Governors Avenue and South Bradford Street.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

1. None

ADVISORY COMMENTS TO THE APPLICANT

1. None

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 11/27/24

APPLICATION: Request for Alley Abandonment Part of Alley between S Governors Ave and S. Bradford St

FILE #: MI-24-10

REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Fire Marshal
josika@dover.de.us

PHONE #: (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposal is a request for abandonment of a portion of the improved alley. This office has no objections

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. N/A

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2021 NFPA 1 Fire Code (NFPA; National Fire Protection Association)
 2021 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)
 2019 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)
 2019 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)
 2009 IBC (International Building Code)
 Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations
 2021 Delaware State Fire Prevention Regulations
 City of Dover Code of Ordinances

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

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APPLICATION: Request for Alley Abandonment

FILE#: MI-24-10

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Brian Williams

PHONE#: 302-760-2141

=====

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. DelDOT has no objections.



KENT CONSERVATION DISTRICT

Item 9.

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

**CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
DECEMBER 2024**

APPLICATION: Request for Alley Abandonment: Part of Alley Between S. Governors Avenue and S. Bradford Street

FILE #: MI-24-10

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Cullen Baker

PHONE: (302) 608 – 5370

EMAIL: stormwater@kentcd.org

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

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

Kent Conservation District has no objection to the Alley Abandonment.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: 12/4/2024

**Dover/Kent
County
Metropolitan
Planning
Organization**

MI-24-10 Request for Alley Abandonment: Part of Alley Between S. Governors Avenue and S. Bradford Street

FILE # MI-24-10

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Malcolm Jacob

PHONE #: (302) 387-6030

Issues of concern to the MPO are effective transit, reducing the amount of vehicle emissions by shortening or eliminating trips, and facilities for alternative modes of transportation, including bicycle and pedestrian access. The MPO considers the bicycle facilities required by the City of Dover to be the standard for all applications, not to be waived.

City of Dover Planning Commission
Alley Abandonment Review

MI-24-10 Request for Alley Abandonment: Part of Alley Between S. Governors Avenue and S. Bradford Street

Dover Kent MPO does not have any objections to the alley abandonment. Further comments will be given when the site is developed.

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





ARCHITECTURE
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PLANNING OUR
CLIENTS' SUCCESS

BECKER MORGAN GROUP, INC.

THE TOWER AT STAR CAMPUS
100 DISCOVERY BOULEVARD, SUITE 102
NEWARK, DELAWARE 19713
302.369.3700

309 SOUTH GOVERNORS AVENUE
DOVER, DELAWARE 19904
302.734.7950

PORT EXCHANGE
312 WEST MAIN STREET, SUITE 300
SALISBURY, MARYLAND 21801
410.546.9100

3333 JAECKLE DRIVE, SUITE 120
WILMINGTON, NORTH CAROLINA 28403
919.243.7600

615 SOUTH COLLEGE STREET, SUITE 9-112
CHARLOTTE, NORTH CAROLINA 28202
980.270.9100

314 EAST MAIN STREET
CLAYTON, NORTH CAROLINA 27520
919.243.1332

www.beckermorgan.com

November 13, 2024

Ms. Andria L. Bennett
City Clerk
City of Dover
15 East Loockerman Street, City Hall
Dover, Delaware 19901

RE: **Alley Abandonment Request**
DOVER MOBILITY CENTER GARAGE
Dover, Delaware
2024314.00

Dear Ms. Bennett:

On behalf of our client, Downtown Dover Partnership, please accept this letter as a formal request for the City of Dover to begin the process to abandon the alley within the existing City of Dover parking lot located between Governors Ave and Bradford Street. The alley runs to the north from Minor Street through the parking lot to the southern boundary of Robbins Hose Company No. 1 of Dover's property. We are seeking to vacate the portion of the alley that runs through the project's boundaries. The areas included in this request are depicted on the following enclosures to this application:

1. An aerial map, entitled "Alley Abandonment – Aerial Exhibit, Dover Mobility Center Garage". This map identifies the section of the alley being requested to be vacated and the adjacent property owners, and roads over the current aerial photography.
2. A smaller scaled drawing exhibit entitled "Alley Abandonment Exhibit, Dover Mobility Center Garage". This exhibit identifies the section of the portion of the alley requested to be vacated as well as the tax parcels involved, parcel owners and topography.
3. A legal description of the portion of the alley included in this request.

This request is being made to allow for the consolidation of the six (6) parcels involved in the project into one parcel, as well as the construction of the garage facility, as the garage will span from Governors Ave. to Bradford Street. Additionally, a parcel consolidation plan showing the consolidation of all six (6) parcels and the alley into one parcel will be prepared and submitted to the City's Planning Department with the site development plans.

The portion of the alley included in this request is exclusively within the project's property boundaries and several of the properties extend to the centerline of the alley currently. Under Section 27 of the Dover Charter, it allows the City Council to authorize the solicitation of bids for the sale of the land or street being vacated or abandoned. The portion of the alley proposed for abandonment is located entirely within the project's outer property boundaries and given that The Downtown Dover Development Corp. is the owner of the six (6) parcels that make up the project boundary, we request that Council not offer them for public or private sale and that it be allowed to be consolidated in the overall parcel for the project.

Based on previous discussions, it is our understanding that the abandonment procedure begins with a formal request to your office. From there the request is added to the Development

ARCHITECTURE
ENGINEERING

Advisory Committee and Planning Commission agendas. After being discussed at the Planning Commission, their recommendation will be forwarded to the Utility Committee and then Council for discussion. If the Council feels the abandonment request is appropriate, it can then be scheduled for a public hearing for the next Council meeting. The Council will then make a decision on the abandonment after the public hearing.

Please include this request on the Development Advisory Committee agenda and Planning Commission agenda for December 16, 2024 and feel free to contact us with any questions or concerns with this request.

Sincerely,

BECKER MORGAN GROUP, INC.

A handwritten signature in blue ink, appearing to read "Michael J. Henry".

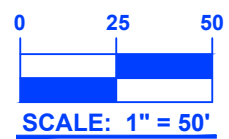
Michael J. Henry, LEED AP
Senior Associate

MJH/

Enclosures

Cc: Dawn Melson-Williams, City of Dover Planning Department

202431400ac-ltr-Alley.docx



ALLEY ABANDONMENT - AERIAL EXHIBIT
DOVER MOBILITY CENTER
GARAGE
CITY OF DOVER
KENT COUNTY, DELAWARE

LAYER STATE: AERIAL EXHIBIT

BECKER
MORGAN
GROUP

ARCHITECTURE
ENGINEERING
Dover, DE
309 S. Governors Ave.
Dover, DE 19904
Ph. 302.734.7950
Fax 302.734.7965

BMG: 2024314.00
SCALE: AS SHOWN
DATE: 11-13-24
DRAWN BY: M.J.H.



1. BOUNDARY SURVEY DATA SHOWN HEREON WAS TAKEN FROM A PLAT ENTITLED "BOUNDARY SURVEY PLAN - DOVER MOBILITY HUB, DOVER, DE 19904" AS PREPARED BY MOUNTAIN CONSULTING, 103 S. BRADFORD STREET, DOVER, DE., DATED 7-16-2024. TOPOGRAPHIC SURVEY DATA SHOWN HEREON WAS TAKEN FROM A PLAN ENTITLED "DOVER MOBILITY HUB - TOPOGRAPHIC SURVEY" AS PREPARED BY MOUNTAIN CONSULTING, 103 S. BRADFORD STREET, DOVER, DE., DATED 9-23-2024.

**CITY OF DOVER
KENT COUNTY, DELAWARE**

LAYER STATE: ALLEY EXHIBIT

**BECKER
MORGAN**
GROUP

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