



**CITY OF DOVER, DELAWARE
PLANNING COMMISSION
Monday, August 19, 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 August 19, 2024, will be held as an In-Person Meeting at City Hall in City Council Chambers. The public is welcome to attend in person. The Meeting will also be provided as a Virtual Meeting using Webex, an audio video conferencing system as an electronic means of communication. See participation information below to join by phone or computer.

**PUBLIC PARTICIPATION INFORMATION
City of Dover Planning Commission Meeting of August 19, 2024**

Join by Phone: 1-650-479-3208

Access code: 253 630 04846 (Password: 3683772)

Join Online: <https://bit.ly/PCMeeting8192024>

Webinar Number: 2536 300 4846

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 July 15, 2024

COMMUNICATIONS & REPORTS

Meeting Reminder: The next Planning Commission regular meeting date is September 16, 2024 at 7:00PM.

Update on City Council Actions

The following Planning Commission Members were reappointed at the City Council Meeting of July 22, 2024 for Three-Year Terms to Expire June 2027: Andrea B. Maucher - Second District and William L. Witham, Jr. - Second District.

Department of Planning & Inspections Updates

OPENING REMARKS CONCERNING MEETING PROCEDURES FOR APPLICATIONS

OLD BUSINESS

Requests Extension of Planning Commission Approval

NEW APPLICATIONS

2. SB-24-01 Lands of Wyoming, LLC and Functional Properties, LLC (Ekaman Subdivision): Conceptual Subdivision Plan - Public Hearing and Review of a Conceptual Subdivision Plan to create six (6) lots from 2 existing parcels totaling 4.5754 acres to be known as Ekaman Subdivision. The proposed subdivision is to consist of five residential lots with the residual for stormwater management area. The proposal includes the extension and addition of a cul-de-sac to the existing street right-of-way of Jefferson Terrace. The larger parcel is zoned R-10 (One Family Residence Zone), and the additional parcel is zoned R-8 (One Family Residence Zone) with both being located south of but not adjacent to Wyoming Avenue and west of Monroe Terrace. Property Address: unaddressed on Jefferson Terrace extension (part of which is referenced as 3.8904 acres of Wyoming Avenue Rear). Property Owners: Wyoming, LLC and Functional Properties, LLC. Tax Parcels: ED-05-077.17-06-02.01-000 & ED-05-077.17-06-13.00-000. Council District 2. *Note: The renaming of Jefferson Terrace (to Ekaman Way) is subject to a separate review process.*

 - *This property was reviewed in 2013-2015 as SB-13-06 Jefferson Terrace Subdivision; however, the plan was never finalized. Application for Conceptual Subdivision Plan SB-23-01C was conditionally approved by Planning Commission in March 2023; previous waiver requests were unsuccessful and the plan expired.*
3. S-24-11 Warehouse Building at 601 Garrison Oak Drive - Public Hearing and Review of a Site Development Plan for a 100,000+/- SF Warehouse Building with associated site improvements. The site is located at Lot 3 of the Garrison Oak Business & Technology Park. The property is zoned IPM-2 (Industrial Park Manufacturing Zone – Business and Technology Center) and subject to the SWPOZ (Source Water Protection Overlay Zone: Tier 2 – Primary Wellhead Protection Area). The property of 12.813 acres is located on the west side of Garrison Oak Drive on the inside of the loop. The owner of record is Garrison Oaks LLC. Property Address: 601 Garrison Oak Drive. Tax Parcel: LC-05-068.00-02-03.00-000. Council District 3. *Waiver Requests: Partial Elimination in Upright Curbing and Reduction of Parking Requirement. For Consideration: Performance Standards Review Application.*

NEW BUSINESS

4. Annual Meeting of the Planning Commission (Nomination and Election of Officers and Appointments to Subcommittees)

ADJOURN

Posted Agenda: August 9, 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
JULY 15, 2024**

The Meeting of the City of Dover Planning Commission was held on Monday, July 15, 2024 at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system Webex. The Meeting Session was conducted with Chair Mrs. Maucher presiding. Members present were Mr. Cooper, Mr. Witham, Mr. Baldwin, Dr. Jones, Mr. Reaves, Mrs. Welsh, and Mrs. Maucher. Mr. Roach and Mrs. Denney were absent.

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

APPROVAL OF AGENDA

Mrs. Welsh moved to approve the Agenda as submitted, seconded by Dr. Jones and the motion was carried 7-0 with Mr. Roach and Mrs. Denney absent.

APPROVAL OF MEETING MINUTES OF JUNE 17, 2024

Mrs. Welsh moved to approve the Planning Commission Meeting Minutes of June 17, 2024, seconded by Mr. Witham and the motion was carried 6-0 with Mr. Roach and Mrs. Denney absent and Mrs. Maucher abstaining (due to absence from that meeting).

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, August 19, 2024 at 7:00PM in the City Hall Council Chambers.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on June 24 & 25, 2024 and July 8 & 9, 2024.

Mrs. Melson-Williams stated that for the Department of Planning and Inspections updates, she doesn't really have much. It is the summer time, there are a lot of special events that our employees are involved in. As she noted, licensing procedures will be moving forward and we are still deficient in a couple of Staff positions that have not been filled at this point.

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

S-24-10 Stoltzfus LLC Warehouse at 1285 College Park Drive – Public Hearing and Review of a Site Development Plan for a 5,120 SF Warehouse adjacent to an existing 10,000 SF Warehouse and other site improvements. The property is 1.507+/- acres and zoned M (Manufacturing Zone).

The property is located north of College Road in the College Business Park on the north side of College Park Drive adjacent to the railroad tracks. The owner of record is Stoltzfus, LLC. The property address is 1285 College Park Drive. Tax Parcel: ED-05-067.00-02-12.02-000. *Waiver Requests: Reduction of the Parking Requirement, Elimination of Upright Curbing, Opaque Barrier – Elimination of Fence Component, and Partial Elimination of Sidewalk. For Consideration: Performance Standards Review Application.*

Representative: Mr. Dave Heatwole, Siteworks Engineering

Mrs. Melson-Williams stated that this is a Site Plan application, the Stoltzfus Warehouse at 1285 College Park Drive. The existing site is just over 1.5 acres in size and is currently zoned M (Manufacturing Zone). For the present use, there is a warehouse building on the property and with this application, they hope to add a second warehouse building to that location. There are a number of waivers that the applicant has requested in regards to this project. First, is the elimination of upright curbing and that Waiver has been approved by the City Planner as part of the review process. There is a reduction for the parking requirement based on the size of the buildings in total. The required number of parking spaces is twelve (12) and with some slight adjustments to the existing parking lot to make improvements to it, there will be a total of eleven (11) parking spaces. They are seeking a Waiver to reduce the parking from nineteen (19) spaces to eleven (11) spaces which is a reduction of eight (8) parking spaces. Additionally, with this project there are loading areas. The existing warehouse building has a loading dock and the new proposed warehouse building will also have a loading dock area. They are providing bicycle parking and adding that rack near one of the entry doors. The next Waiver Request is the partial elimination of sidewalk. For this project, a portion of the frontage already has existing sidewalk; however, it does not fully continue around the entire cul-de-sac frontage of this parcel. They are seeking relief from the sidewalk provision because of the breaks and the lack of probability that there will be pedestrians traveling really beyond the initial parking lot area which is what you first come to in the sidewalk network. The other Waiver Request is related to the Opaque Barrier and that is the elimination of the fence component. This property has an existing woodland area on the north side of the lot. They are looking to maintain the trees in that area and utilize some of the trees towards the tree planting requirement; however, the Opaque Barrier requirements of our Code have two components. First is the Opaque Barrier which is either a fence, wall or berm and then the second component is the landscape component. In the image on the screen of the Site Plan, you can see the dashed line area is about the extent of the woodland area with the series of existing trees. So, they are looking for relief from having to construct the fence component which would require removal of trees and other vegetation in order to implement it. The property is adjacent to a tract of land that is zoned residentially that is poised for development but not in the immediate adjacent area of our subject site this evening. With this project, because of the M (Manufacturing Zone), there is the requirement that the Planning Commission consider their Performance Standards Review Application. In this case, the applicant has outlined how the project will not have any of the objectionable elements that are to be considered during that process. The DAC Report elaborates on that more specifically. Overall, the Development Advisory Committee Report includes the comments from the Planning Office, noting that they have granted approval for the elimination of upright curbing recognizing the existing condition of the current parking lot and are recommending approval of the other three Waivers for the partial elimination of sidewalk, the reduction in the parking requirement, and that elimination of the fence component of the opaque barrier. The Development Advisory Committee Report also

includes the comments from the other regulatory agencies from their first initial look at this application.

Mr. Heatwole stated that he is here tonight to represent the applicant and what they are proposing to do is essentially add another warehouse building that is half as big as the one that we have. The idea is that they will match the existing features of the building. They met with the City Fire Marshal's Office and there is going to have to be certain building conditions met which he believes is a barrier wall constructed between the two buildings. They will have two buildings on this site and they will look alike. The idea is to extend that look another sixty-four (64) feet towards the railroad track and there will be three (3) feet in between the buildings. Even though there is going to be two buildings here, the applicant intends to utilize the parcel as one unit. Right now, it is Sid Harvey's Distribution Warehouse and he has refrigeration parts that he sells out of it. It is wholesale so the public does not come to this site. It is in College Business Park so there are a lot of other warehouses and similar uses in this business park. They have five (5) employees at the facility now and they do not expect to add any employees because of this addition. They are just out of warehouse space and they need some additional space. They plan to add a second building and they are not planning to put any bathrooms or no additional water and sewer connections because the main office will be back at the first building on the site. There is no manufacturing that is happening. They are ordering parts in and then they are putting them on trucks and taking them to different places on the peninsula. The warehouse is fairly simple. It is going to match that same height at twenty-two (22) feet tall. They are going to have one fourteen (14) foot door and then two (2) pedestrian accesses. One that you can see pictured here and then there is one on the far side of the building. Their stormwater for this site is fairly simple. When they did the original stormwater pond, they anticipated that the site would develop further so there is capacity in that pond. The only thing that they need to do is just extend a swale from the top end near the railroad track side and just pull it near the railroad track side and just pull it down towards the pond and tie into the existing positive drainage there that will get the water to the pond. There is not a lot of disturbance that has to take place to get this building in and functioning. As Mrs. Melson-Williams mentioned, there are quite a few trees on the property, so he had the surveyors locate quite a number that would satisfy the tree planting requirement for the site. They located those trees and have shown them on the Site Plan. There is that back wooded portion of the site towards the back which they would like to leave in its current condition. They feel like it serves as a nice buffer to the adjacent residential property but right now there is nothing back there, it is just vacant woodland at this point. They are proposing up to 36% lot coverage, that might be plus or minus when they get the final design, but they are right in that neighborhood. As Mrs. Melson-Williams mentioned, they are not planning to add any parking. There are twelve (12) spaces now. They have one (1) ADA space but they do not have van accessible ADA space which is three (3) feet bigger than a normal ADA space. So to get the van accessible ADA space per Code, they ended up losing a space unfortunately. Right now, they have five (5) employees and they are not necessarily all there at the same time so there is plenty of parking. Often, there are three or four cars there according to the owner. They are not planning to add more employees and the building is not open to the public. As Mrs. Melson-Williams mentioned, there are several Waivers. There is the parking waiver. The parking is not needed right now; so, to add would just create additional impervious area. Then there is the pedestrian access waiver which would mean extending a sidewalk around the right-of-way there. They have the existing truck dock that is just outside of that right-of-way area where that

sidewalk would generally want to be and they have a couple driveways there. The parcel to the south is also developing. It is his understanding that they are not putting in a sidewalk around their side of the cul-de-sac either.

Mr. Witham asked if they anticipate any additional heavy truck use that will be increased with respect to the additional building on the site. Responding to Mr. Witham, Mr. Heatwole stated that there would be some slight additional volume due to the extra building, but the trucks that they have coming in are more like moving trucks as opposed to the big tractor trailers coming into the site. There is not a lot of space to turn around so these are smaller vehicles like UPS type of trucks.

Mr. Witham asked if they would anticipate that any of the trucks that are given ingress and egress to the site would have to be parking on the site. Responding to Mr. Witham, Mr. Heatwole stated yes, there two spaces in the existing loading dock. That truck shown on the screen is a great example. There are two spaces there and then there is also one on the left side of the building near a door. Then they would have one additional one where they could back up and unload to the fourteen (14) foot door that they are proposing.

Mr. Witham stated that there wouldn't be very much pedestrian traffic in the area at all. There is no new increased pedestrian traffic other than what you've got now. Responding to Mr. Witham, Mr. Heatwole stated right.

Mrs. Maucher opened the public hearing.

Mr. Zach Prebula – Kent Economic Partnership 555 Bay Road Dover, DE 19901

Mr. Prebula stated that they are in support of this project. This project will help a local business, as you hear, expand and continue operations. By approving these Waivers, this will help it be more cost effective and allow the company to put that extra savings back into their business and to continue to grow their business here in Dover. With that being said, they ask that the Planning Commission please approve these Waivers.

Mrs. Maucher closed the public hearing.

Mrs. Welsh moved to approve S-24-10 Stoltzfus LLC Warehouse at 1285 College Park Drive inclusive of all of the Waivers requested, which would be the elimination of upright curbing that has already been approved by the City Planner, the reduction of the parking requirements, partial elimination of the sidewalk, and elimination of the fence component of the Opaque Barrier and to include the Performance Standards Review Application comments, seconded by Mr. Witham and the motion was carried 7-0 by roll call with Mr. Roach and Mrs. Denney absent. Mrs. Welsh voting yes; it is a well needed use of the space and it should definitely improve the economic situation in the City. Mr. Cooper voting yes; for reasons stated. Mr. Witham voting yes; for the reasons set forth on the record and for the excellent application submitted to the Planning Commission. Mr. Baldwin voting yes; it is a good fit and also based on the Staff recommendations. Dr. Jones voting yes; for all of the previously stated reasons. Mr. Reaves voting yes; for the previously stated reasons and the recommendation of the DAC. Mrs. Maucher voting yes; based on DAC comments.

NEW BUSINESS

Annual Meeting of the Planning Commission (Nomination and Election of Officers and Appointments to Subcommittees)

Mrs. Maucher stated that in terms of appointments for the Planning Commission, the terms expire on June 1st with three-year appointments with three members each year. There are several re-appointments that have not been made yet by City Council. So, there is a decision on the floor as to whether or not we want to precede with our meeting since we don't know if the three individuals have been re-appointed. She is asking for a motion to delay the Annual Meeting or if you want to proceed forward.

Mrs. Melson-Williams stated that Mrs. Maucher noted that this is the time of year when the re-appointments or appointment processes occur with the Planning Commission. With you having nine (9) members, they are staggered appointments with three (3) members seats coming up each year. At this point, the appointments or re-appointments have not been completed. That process involves the Mayor putting forth names of individuals and then City Council has to take action to confirm those members of the Planning Commission before they are seated. She will note that it is very specifically listed in the *Dover Code of Ordinances*, Chapter 82 - Planning Section that the incumbent members of the Planning Commission continue to serve beyond the expiration of their term in case you were concerned about that, until such time that a successor is appointed and confirmed. We can continue to function while that process is happening. It is her understanding that the Mayor's Office has been working on that but given that current status, you may wish to delay your Annual Meeting activities until that reappointment process has been completed.

Mrs. Welsh moved to delay the appointments and nominations of the officers until such time as the City Council has established the appointments of the Planning Commission members, seconded by Mr. Reaves and the motion was carried 7-0 by roll call vote with Mr. Roach and Mrs. Denney absent. Mrs. Welsh voting yes, for reasons stated in the motion. Mr. Cooper voting yes. Mr. Witham voting yes. Mr. Baldwin voting yes. Dr. Jones voting yes. Mr. Reaves voting yes. Mrs. Maucher voting yes.

Meeting adjourned at 7:41 PM.

Sincerely,

Kristen Mullaney
Secretary

DATA SHEET FOR CONCEPTUAL SUBDIVISION PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF August 7, 2024

PLANNING COMMISSION MEETING OF August 19, 2024

Plan Title: Lands of Wyoming, LLC and Functional Properties, LLC Ekaman Subdivision): Conceptual Subdivision Plan, SB-24-01C

Plan Type: Major Subdivision Plan

Applicant/Owners: Wyoming, LLC (Area of Lots 1-3, 5 and Residual)
Functional Properties, LLC (Lot 4)

Property Locations: South of but not adjacent to Wyoming Avenue and west of Monroe Terrace

Property Address: unaddressed on Jefferson Terrace extension (referenced as 3.8904 acres of Wyoming Avenue Rear)

Tax Parcels: ED-05-077.17-06-02.01-000
ED-05-077.17-06-13.00-000

Total Area of Parcels: 4.5754 acres +/-

Proposed Number of Lots: Six (6)

Lot 1: 0.5234 acres+/- (22,798 SF +/-)

Lot 2: 0.2635 acres+/- (11,477 SF +/-)

Lot 3: 0.2688 acres+/- (11,701 SF +/-)

Lot 4: 0.2927 acres+/- (12,750 SF +/-)

Lot 5: 0.3856 acres+/- (16,797 SF +/-)

Residual: 2.5324 acres +/- (110,310 SF +/-)

Present Zoning: R-10 (One Family Residence Zone)
R-8 (One Family Residence Zone)

Proposed Zoning: R-10 (One Family Residence Zone)
R-8 (One Family Residence Zone)

Current Use: Undeveloped vacant land including woodland areas

Proposed Uses: Residential (one-family detached dwelling units)

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: August 7, 2024

APPLICATION: Lands of Lands of Wyoming, LLC and Functional Properties, LLC (Ekaman Subdivision): Conceptual Subdivision Plan,

FILE #: SB-24-01C REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn Melson-Williams, AICP PHONE #: (302) 736-7196

I. PLAN SUMMARY

This Application is for the Review of a Conceptual Subdivision Plan to create six (6) lots from 2 existing parcels totaling 4.5754 acres to be known as Ekaman Subdivision (SB-24-01). The proposed subdivision is to consist of five residential lots with the residual for stormwater management area. The proposal includes the extension and addition of a cul-de-sac to the existing street right-of-way of Jefferson Terrace. The larger parcel is zoned R-10 (One Family Residence Zone), and the additional parcel is zoned R-8 (One Family Residence Zone) with both being located south of but not adjacent to Wyoming Avenue and west of Monroe Terrace. Property Address: unaddressed on Jefferson Terrace extension (part of which is referenced as 3.8904 acres of Wyoming Avenue Rear). Property Owners: Wyoming, LLC and Functional Properties, LLC. Tax Parcels: ED-05-077.17-06-02.01-000 & ED-05-077.17-06-13.00-000. Council District 2.

The renaming of segment of Jefferson Terrace west of Monroe Terrace to a new street name of Ekaman Way is subject to a separate review process and is not being considered with this Application.

II. PREVIOUS APPLICATIONS

The most recent Application in 2023 involving the property was Conceptual Subdivision Plan SB-23-01C as conditionally approved by Planning Commission in March 2023. Involving only the larger 4.2311-acre tract (ED-05-077-17-06-02.01-000), Plan SB-23-01C proposed subdivision of six (6) lots from an existing parcel totaling 4.2311 acres. The proposed subdivision was to consist of four residential lots, a stormwater management area lot, and a residual lot for residential use along with the extension and addition of a cul-de-sac to the existing street right-of-way of Jefferson Terrace. The project sought waiver requests for alternative lot configuration, reduced lot frontage, increased percentage of lots on a cul-de-sac, and partial elimination of sidewalk. After unsuccessful attempts for the waivers and no preliminary plan submission, the plan expired without being finalized.

In 2013, there was Application SB-13-06 The Meadow Subdivision at Jefferson Terrace that was proposed to subdivide a tract of land totaling 4.23 acres ± into five (5) parcels for single family

detached dwellings with residual land. The Plan, submitted as The Meadow, was renamed to Jefferson Terrace to avoid replication with another residential subdivision. It was reviewed by the Planning Commission at their November 2013 meeting and received conditional approval of the Conceptual Subdivision Plan SB-13-06. The required Preliminary Subdivision Plan was submitted for review by the Planning Commission at their February 2014 meeting. However, the Application SB-13-06P was postponed by the Planning Commission at the request of the Applicant and did not return for review. The Subdivision Plan SB-13-06 was never finalized and has since expired.

Previously, the Planning Staff administratively reviewed a Minor Lot Line Adjustment Plan (Application MI-12-10) and granted its approval on June 5, 2012 (recorded June 12, 2012). The land south of 324 Wyoming Avenue with frontage on Jefferson Terrace and Monroe Terrace (the current larger subject parcel) was divided from the parcel that included the existing dwelling at 324 Wyoming Avenue and aligned its rear property line with adjacent residential parcels.

III. PROJECT DESCRIPTION – Major Subdivision

This Major Subdivision Plan proposes to subdivide the existing large tract (Parcel 2.01) and an adjacent parcel (Parcel 13 (A-17)). The Plan identifies Lots 1-5 as being for residential development. The residual parcel is mostly interior to the overall subject site with some frontage on Monroe Terrace which is to be used for a stormwater management area due to the location of a stream and associated floodplain and woodland areas. This Residual Lot is the southernmost parcel proposed and is to contain a 20-foot cross-access easement for a residential property located to the southwest of the subject site that does not have frontage on any public right of way. This adjacent parcel is therefore accessed only via a driveway (Mallard Drive) across the subject property, connecting from Monroe Terrace. See Chart below for description of proposed Lots:

Site	Zoning	Proposed Lot Size	Proposed Use
Lot 1	R-10	0.5234 acres+/- (22,798 SF +/-)	Residential (One-Family Detached Dwelling Unit)
Lot 2	R-10	0.2635 acres+/- (11,477 SF +/-)	Residential (One-Family Detached Dwelling Unit)
Lot 3	R-10 R-8	0.2688 acres+/- (11,701 SF +/-)	Residential (One-Family Detached Dwelling Unit)
Lot 4	R-8	0.2927 acres+/- (12,750 SF +/-)	Residential (One-Family Detached Dwelling Unit)
Lot 5	R-10	0.3856 acres+/- (16,797 SF +/-)	Residential (One-Family Detached Dwelling Unit)
Residual	R-10	2.5324 acres+/- (110,310 SF +/-)	Stormwater Management Area
Right-of-way dedication	--	0.3092 acres+/- (13,470 SF +/-)	Cul-de-Sac as terminus to Jefferson Street Extension (Ekaman Way)
TOTAL		4.5754 acres +/-	

As shown above, with the exception of the existing legal non-conforming frontage existing for the proposed Residual parcel on Monroe Terrace, the Lots proposed appear to be compliant with the Zoning and Bulk Standards for the R-10 Zone and R-8 Zone. The five (5) residential proposed lots have frontage on the proposed Jefferson Terrace Extension, which will also be the main points of access to the properties. The Residual Lot will be utilizing the existing legal non-conforming frontage of the property along Monroe Terrace and a proposed access easement across Lot 1 for stormwater management purposes. It is noted that there is an alley along the western boundary of the subject property, but this is unimproved and is not utilized for any type of access.

IV. SUBDIVISION REGULATIONS REVIEW

The procedures for subdivision of land are found in the *Land Subdivision Regulations, (Dover Code of Ordinances, Appendix A)*. Planning Staff confirms this application as a Major Subdivision. As such, the Application will require the submission and review of a Conceptual Subdivision Plan by the Planning Commission first, which is this subject Application. For the next step, the Applicant will then be required to submit a Preliminary Layout Subdivision Plan for further Planning Commission review and approval. The last step is submission of a Plat for Final Approval by Planning Staff (and DAC Agencies) and recordation at the Kent County Recorder of Deeds.

To subdivide the properties, the plan review must ensure that the subdivision does not create any new non-conformities with the bulk standards of the *Zoning Ordinance*. These bulk standards include minimum lot size, front yard setbacks, side yard setbacks, rear yard setbacks, lot coverage, etc. See also discussion below under Zoning Review.

V. ZONING REVIEW

R-10 (One-Family Residence Zone) and R-8 (One-Family Residence Zone)

The property is zoned R-10 (One-Family Residence Zone) and R-8 (One Family Residence Zone) and is subject to the regulations of *Zoning Ordinance*, Article 3 §1 and Article 4 §4.1. The use as a one-family detached dwelling-unit (single-family home) is a permitted use in the R-10 Zone and R-8 Zone. The proposed Lots largely comply with the Zoning Bulk Provisions as noted in Article 4 §4.1 of the *Zoning Ordinance*. The following Table highlights some of the lot design standards for the R-10 Zone:

MINIMUM REQUIRED:	R-10 ONE FAMILY RESIDENCE ZONE	R-8 ONE FAMILY RESIDENCE ZONE
Lot Area	10,000 SF	8,000 SF
Lot Width (ft.)	80 ft.	70 ft.
Lot Depth (ft.)	110 ft.	100 ft.
Front yard setback (ft.)	25 ft.	25 ft.
Minimum Side yard setback (ft.)	15 ft.	10 ft.
Total both Side Yards (ft.)	30 ft.	20 ft.
Rear yard setback (ft.)	30 ft.	30 ft.
Off-Street Parking Spaces	2 per dwelling	2 per dwelling
Maximum Permitted: Building Height: Stories Feet	2 ½ stories 35 feet	2 ½ stories 35 feet
Lot Coverage	30%	35%

Since these parcels are zoned R-10 and R-8, they are subject to the provisions of *Zoning Ordinance*, Article 5 §1.7 Uniformity of design in all one-family residence zones. These provisions limit construction of buildings that are like or substantially like a neighboring building to prevent monotony of architectural design.

Percentage of Lots on Cul-de-sac

Per the *Land Subdivision* Regulations, a maximum of 20% of the lots in a development are allowed to front on the turnaround section of a cul-de-sac. This version of the Subdivision consists of a total of six lots and has one lot on the cul-de-sac. The design wraps Lot 1 around the cul-de-sac end with the main buildable area to the north of the cul-de-sac.

VI. STREETS

The Subdivision Plan proposes an extension of Jefferson Terrace (noted on the Plans as “Ekaman Way”) as a public street leading to the west from Monroe Terrace. There is existing right-of-way (approximately 60 feet wide with some variation in width) for a portion of the street. The extension of Jefferson Terrace is proposed to terminate in a cul-de-sac. This length of a dead-end street must comply with the maximum length permitted (400 feet). The right-of-way for the street must be sixty (60) feet of width. The width of the paved street is not provided, but the width should allow for on-street parking on both sides of the street. Parking would be prohibited within the cul-de-sac. It is noted that any renaming of streets (i.e. Jefferson Terrace Extension) to “Ekaman Way” is subject to a separate review process.

The street extension is required to include upright curbing and sidewalk constructed to the City of Dover Standards. The plan proposes sidewalks along the entire periphery of the Jefferson Terrace extension, though none is shown along the Monroe Terrace frontage (Residual Lot). If the developer is seeking not to construct sidewalk on the Monroe Terrace frontage, then a waiver request must be submitted.

The type of curbing is not identified. The applicant will need to work with the City’s Department of Public Works regarding the street width design for this extension of Jefferson Terrace including paved width, where on-street parking may be provided, the curbing, and the sidewalk design.

VII. SITE CONSIDERATIONS

Site Access

The properties are currently undeveloped. The site abuts the Monroe Terrace along the southern end of the east property line. The terminus of Monroe Terrace provides access to the privately maintained Mallard Drive, which crosses the subject site to provide vehicle access to a residential property to the southwest.

Jefferson Terrace is currently only paved from South Governors Avenue to Monroe Terrace. While the right-of-way thereof continues from Monroe Terrace westward to the subject site, it is unimproved. The Applicant is proposing to construct a westward extension to Jefferson Terrace, and extend it into the subject site, and provide a cul-de-sac for vehicle turn-arounds. To achieve this, the Plans note that the Applicant is to allocate 0.3092 acres+/- (13,470 SF +/-) of the subject

site for the purpose of right-of-way dedication to create the cul-de-sac terminus of Jefferson Terrace. The maximum length of the cul-de-sac street is 400 feet. City Staff is determining the method of measurement (start point and end point) for the cul-de-sac length. The Applicant must coordinate with the Public Works Office, as the extension of Jefferson Terrace will have to be done to City of Dover standards. This is necessary to then dedicate the extended road to the City for maintenance.

Infill Standards

The *Zoning Ordinance* Article 5, Section 1.12 *Infill Standards* notes requirements for development for a lot or group of lots in an already developed area. It further specifies:

- (a) *Sidewalks*. Standard City of Dover sidewalk, per chapter 98, shall be required to be installed along public street frontage of every infill property by the property owner or developer
- (b) *Landscaping*. Infill structures shall be designed to minimize the impact on existing, mature trees when practical. All residential lots shall include landscaping to include plants and shrubs along the portions of the house that front a public street. No form of vegetation shall be planted on a property in a way that blocks more than half of the front façade(s) from public view.
- (c) *Primary facade*. All buildings shall include a primary entry along the property's street frontage, and shall also include a porch or other entry feature.

As noted on the Plan, the existing legal non-conforming width of the frontage along Monroe Terrace is 68.65 feet. This is not proposed to change per this Conceptual Subdivision Plan. From Jefferson Terrace south to the terminus of Monroe Terrace, there are eight (8) other parcels with frontage on Monroe Terrace most of which are developed with one-family detached dwelling units (single-family homes). The development of this southern portion of the site noted as “Residual Lot” and containing frontage on Monroe Terrace would therefore be considered an infill lot and should follow the above referenced provisions when developed.

Sidewalks

There is no existing sidewalk along Monroe Terrace frontage of the existing property. As noted, the right-of-way for Jefferson Terrace extension is unimproved. As such, there is no existing sidewalk where the proposed Jefferson Terrace Extension (Ekaman Way) is located. The Plan submitted notes a sidewalk is proposed along both the north and south sides of the Jefferson Terrace Extension, as well as the entirety of the cul-de-sac. No sidewalk is shown as being proposed along the Monroe Terrace frontage of the existing property (proposed Residual parcel); the applicant has stated that they will provide sidewalk in this frontage. A written waiver request would be required to consider elimination of this sidewalk.

Flood Hazard Areas

Special Flood Hazard Areas (1% Chance of Annual Flood/ 100-year flood plain) appear to remain as natural open space. The southern portion of this tract of land includes a Flood Hazard Area. The area is proposed as the Residual Lot is largely subject to the Flood Hazard Area; however, there is a portion of the property near the Monroe Terrace frontage that remains outside

of the Flood Hazard Area and may therefore be still partially buildable. The proposed Lots 1-5 appear to be outside the Flood Hazard Area.

Wetlands

Previous plans indicated that the southern portion of this tract of land included areas as wetlands adjacent to a stream that crosses the property. A wetlands delineation must be provided including its source. If an area is large enough in size (0.25 acres) to require a setback from the wetland area per the *Zoning Ordinance* it is to be provided. The setback of 100 feet can be reduced to fifty (50) feet when a riparian buffer is established. The Applicant will have to provide evidence to show that the existing woodland can be recognized as satisfying the riparian buffer requirement. The wetland areas and required buffer must be shown on the plans to confirm its impacts on the lots proposed for residential development.

Wet Soils and Basements

The *Zoning Ordinance*, Article 5 §11.23 regarding wet soils limits the building construction when seasonally high-water table is within two and one-half feet of the surface and requires construction subject to conditions to address the prevention of water damage. Subdivision Plans must identify the seasonal high watertable on each lot if basements are proposed.

VIII. TREE AND LANDSCAPE PLANTING

The tree preservation, tree planting and landscaping requirements are subject principally to the regulations found in *Zoning Ordinance*, Article 5 Sections 15 and 16 and are also addressed in other various sections of code related to buffering, screening, and open space.

Tree Planting & Preservation Plan

The subject site includes areas of existing woodland. It is not clear if and where woodland areas are proposed for development activities. The details of the Tree Preservation and Planning Plan will be reviewed in the Preliminary Subdivision Plan application. Tree clearing is limited to a maximum of 50% of the woodland per lot. New tree plantings are required at a rate of one tree per 3,000 SF of non-woodland lot area.

There was a recent Permit that authorized some dead tree and debris clean-up activities on this land tract and from within the stream that crosses the property.

Active Recreation Plan

The *Zoning Ordinance* includes requirements for areas of Active Recreation to be provided with the development of residential subdivisions at a land area rate per dwelling unit. There are exceptions to this requirement for residential subdivisions where the property is less than five acres and less than ten dwelling units are proposed. This requirement is reviewed in the Preliminary Subdivision Plan application process.

IX. CITY AND STATE CODE REQUIREMENTS

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:

- 1) The location of the Special Flood Hazard Area (1% Annual Chance Flood/ 100-year flood

plain) must be shown on the plan drawing. There is an unlabeled line on this plan submission.

- 2) A sidewalk must be provided along the Monroe Terrace frontage of the proposed Residual Lot. A Written Waiver Request from this requirement to provide said sidewalk along the Monroe Terrace frontage of the proposed Residual Lot has not been filed consideration by the Planning Commission. *The applicant has indicated that the sidewalk will be provided.*
- 3) Confirm proposed use of the Lot marked as “Residual” to the south of the subject site. If it too is intended for residential development, label it consistently with other such Lots (Lot 6).
 - a. A portion of the Residual Lot appears to be buildable for residential development in the area adjacent to Monroe Terrace.
 - b. If this Lot is to be limited for Stormwater Management activities only, then a conservation easement to limit its use may be appropriate. Also, the long-term owner/manager of this parcel for its stormwater management areas must be identified.
- 4) Mark the Alley to the west of the subject site as “unimproved.”
- 5) A Wetlands Delineation (and source of delineation) must be shown on the plan along with the required buffers. Label the lines on the drawing for clarity. The inset Wetland Map does not appear to show information.
- 6) Clarify the woodland areas to be preserved (remain) and woodland areas to be removed. Also list these sizes of each woodland area.
- 7) Add measurements of the front, side, and rear setbacks on each property.
- 8) Add width of right-of-way for extended street segment and cul-de-sac and paved widths. Clarify the intent of on-street parking options for this development.
- 9) Clarify the length of the proposed cul-de-sac as per the measurement method (start point and end point) as determined by City Staff. Label and note on the plan.
- 10) Corrections to the Data Column:
 - a. Note the Zoning Classification as R-10 (**One-Family** Residence Zone) and R-8 (**One-Family** Residence Zone).
 - b. For the proposed use, specify that it is to be “Residential (Single-Family Detached Houses).”
 - c. Remove 25 ft. Wetlands Buffer from the Legend as this is not a City of Dover code provision.
- 4) Following Preliminary Subdivision Plan approval, the Record Plan Sheet must document and identify any existing and proposed easements for cross access, utilities, drainage, etc. associated with the subdivision of these lots.
 - a. The Final Record Plat submission must include requirements described in *Dover Code of Ordinances*, Appendix A: Land Subdivision Regulations, Article IV, C. Plat and any additional requirements of the Planning Commission.

- b. The formal Record Plan will need to be recorded upon completion of the approval process with any corrections identified by the reviewing agencies.
- 5) The applicant will need to work with the Department of Public Works regarding the design of the extension of Jefferson Terrace to the City of Dover Standards for the street, curbing, and sidewalks.
- 6) Any proposal for renaming of Jefferson Terrace (extended) is subject to a separate review process for street re-naming. It is not being considered with this application.

X. RECOMMENDED ADDITIONAL CONSIDERATIONS TO MEET CODE OBJECTIVES:

The *Land Subdivision Regulations*, Article I. Purpose, indicates that the regulations are adopted in order to promote and protect the public health, safety, convenience and general welfare; ensure the orderly growth and development of the City, the conservation, protection and proper use of land, and adequate provision for housing, recreation, circulation, utilities and services; and safeguard the City from undue future expenditure for the maintenance of streets and public spaces.

- 1) This Major Subdivision Conceptual Plan creates six (6) lots out of the existing parcels, with five (5) of the proposed residential lots having direct access on the proposed Jefferson Terrace street extension and cul-de-sac, and a lot noted as “Residual Lot” to have access off Monroe Terrace. The Subdivision Plan generally appears to comply with the *Land Subdivision Regulations* and bulk standards of the R-10 Zone and R-8 Zone.
- 2) Lot Configuration: Planning Staff notes the proposed lot configuration with Lot 1 wrapping the cul-de-sac while code compliant is an odd configuration. It also requires that an easement be established across Lot 1 to access the northern portion of the Residual Lot for stormwater management area maintenance. The overall length of the cu-de-sac also appears to be at the maximum length allowed. Planning Staff suggests submission of a Subdivision Waiver Request to permit more than 20% of lots in a development to front on the turnaround section of a cul-de-sac thus allowing an alternative lot configuration such as to allow the Residual Lot to have its own frontage, to shorten the cul-de-sac length, etc. The unique shape of the larger tract of land does not allow for the inter-connection of the proposed street to another existing street to avoid the cul-de-sac.
- 3) Sidewalk along the Monroe Terrace frontage: Staff recommends providing sidewalk along the Monroe Terrace frontage of the Site (frontage of the proposed Residual Lot). As noted, the Lot is considered “Infill” and as such would be required to follow the development standards set out for Infill Lots and found in the *Zoning Ordinance*, Article 5, Section 1.12. It is noted that several recently developed parcels with frontage on Monroe Terrace (south of Jefferson Terrace) do include sidewalks along their Monroe Terrace frontages.

Other agencies may recommend additional conditions and safeguards in accordance with their areas of expertise. The Recommended Additional Considerations to Meet Code Objectives are offered for consideration by the Planning Commission.

XI. ADVISORY COMMENTS TO THE APPLICANT:

- 1) The Conceptual Plan is the first step in the major subdivision process. For this project, the next step is the submission of the Preliminary Subdivision Plan for review. A Pre-Application meeting is required to file the Preliminary Subdivision Plan.
- 2) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.
- 3) In the event, that major changes and revisions to the Conceptual Subdivision Plan occur in the development of the plan contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other commissions making recommendations regarding the plan.
- 4) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections and permits are required.
- 5) The applicant shall be aware that Conceptual Subdivision approval does not represent a Building Permit, Sign Permit and other associated construction activity permits. A separate application process is required for issuance of a 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

Item 2.



DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JULY 31, 2023



APPLICATION: Lands of Wyoming, LLC and Functional Properties, LLC
(Ekaman Subdivision): Conceptual Subdivision Plan

FILE #: SB-24-01

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 / STORMWATER / STREETS / WATER / WASTEWATER / GENERAL

1. Our office has no objection to the conceptual subdivision plan. Further requirements will be provided if additional development plans are submitted, this specifically refers to the sanitary sewer plan.

TYPICAL CITY AND STATE CODE REQUIREMENTS FOR SUBDIVISION

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 Public Works specifications and requirements.
 - c. The site contractor shall contact the City of Dover Public Works Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Public Works 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. All water mains within the proposed subdivision must be looped. No dead end mains are permitted. The utility plan must incorporate the appropriate termination valves on the water system between construction phases.
4. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan. All water mains shall be either cement lined Class 52 cement lined ductile iron pipe or DR 18 PVC pipe. Division valves must be provided every 800 feet.
5. Water service lines shall be shown for each residential lot meeting the following requirements: The water services shall be one-inch (1") diameter Type K copper tubing or SDR9 pipe, and installed five feet (5') to the right of the sewer lateral as viewed from

the center line of the street. Curb stops shall be installed one foot (1') outside of the right-of-way for each lot. A water meter and meter pit must be installed on the domestic water service, in a non-traffic bearing location just downstream of the curb stop.

6. Fire hydrants shall be spaced no greater than 600 feet as measured along the curb. Fire hydrants shall be placed between the curb and sidewalk at intersections or centered on lot lines. Fifteen feet (15') separation must be provided between all hydrants and hydrant valves.

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 Public Works 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. All sanitary sewer mains shall terminate at manholes between construction phases. This may require sewer lines to extend beyond the proposed phase lines to the next manhole.
4. Minimum slope criteria shall meet Ten States Standards. Provide flow calculations to justify sizing of the sewer mains, showing that velocity requirements are met. Waiver requests must be approved by the Department of Public Works.
5. The desired location for sewer mains is under the centerline of the street. One-tenth of a foot (0.1') drop must be provided across all manholes. The minimum slope for eight-inch (8") sanitary sewer pipe is 0.004 feet/foot. Minimum cover is 3.0 feet.
6. Sanitary sewer manholes shall be spaced no more than 400 feet apart.
7. The minimum size of all sanitary sewer laterals shall be six-inch (6").
8. 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.
9. Sanitary sewer laterals shall be shown for each residential lot meeting the following requirements: The sewer laterals shall be six-inch (6") diameter schedule 35 PVC and, where practicable, installed to the center of each lot. Sewer laterals shall be connected directly to the main, not manholes, unless impracticable. Sewer laterals are to be installed one foot (1') beyond the right-of-way line at a typical depth of three feet (3'), preferably not exceeding five feet (5'). Cleanouts shall be installed one foot (1') outside of the right-of-way for each lot.

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 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.
3. Submerged pipe inlets to ponds may only be permitted if they are so designed that the permanent pool elevation of the storm water management area doesn't surcharge back into the City of Dover's storm drain structures and system.
4. The City of Dover Department of Public Works specifications require all culverts to be designed for the 25-year storm frequency and all storm sewers to be designed for the 10-year storm frequency. The Manning's equation shall be utilized in design as applicable. Storm sewers are required to provide a minimum full flow velocity of 2 fps. Provide the calculations for each proposed pipe segment that, at a minimum, include: upstream and downstream inverts, upstream and downstream ground elevations, and ground cover provided; pipe slope, length, material, n value, and diameter; design flow, depth and velocity; and full flow velocity.

5. The City of Dover Department of Public Works specifications require that all inlets (catch basins) be designed for the 10-year storm frequency (25-year storm frequency for sump conditions) and that the spread of water shall not exceed eight feet (8') from the flow line of the curb. The design must also meet the requirement that the hydraulic grade line may be no higher than one foot (1') below the top of the inlet. Provide the calculations for each proposed catch basin utilizing flows determined by each catch basin's contributory drainage area, for the appropriate storm frequency. Spread, depth of flow and hydraulic grade line data for each inlet must also be included. Any carryover should also be noted and included at appropriate downstream catch basins as applicable.
6. Provide all stormwater management calculations and erosion and sedimentation control plan as required by Article 5, Section 11.2 and 11.2 of the City of Dover Zoning Ordinance. Ensure that individual lot grading, house locations with finished floor elevations, and driveway locations and grades are provided on the plans in order to verify the adequacy of the design. The provided information should also show adequate conveyance of runoff from each lot.

STREETS

1. Final site plan approval will not be granted until a copy of the approved entrance plan, signed by DeIDOT 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.
3. It shall be unlawful for any person to alter the curb of any street so as to create a curb depression for the purpose of permitting vehicles to enter onto or exit from the city streets, without a permit issued by the city manager.
4. When determined to be necessary, dead-end streets, designated to be so permanently, shall not be longer than 400 feet and shall be provided at the closed end cul-de-sac with a turnaround having an outside roadway diameter of 80 feet and a street right-of-way diameter of 100 feet. In no instance shall more than 20 percent of the lots in a proposed development front on the turnaround section of a cul-de-sac.
5. Streets shall be laid out so as to intersect as nearly as possible at right angles. The inner right-of-way line of a street intersecting another street at an angle of less than 90 degrees shall be tangent to and follow a curve with a minimum radius of 150 feet centered on the nearest right-of-way line and shall be parallel to said inner right-of-way line.
6. Street right-of-way lines deflecting from each other at any point shall be connected with a curve, the radius of which, for the centerline of the right-of-way, shall not be less than 500 feet on arterial streets, 300 feet on collector streets and 150 feet on minor streets. The outer and inner right-of-way line shall be parallel to said center right-of-way line.
7. Street rights-of-way lines at intersections shall be connected with a curve, the radius of which shall be at least 25 feet. The required radius may be increased by the city engineer if the increased radius is necessary for public safety.
8. Street grades shall not exceed five percent.
9. Street grades shall not be less than one-half percent wherever feasible.

SANITATION

1. Every person occupying a residence or duplex and every owner of an apartment 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.
1. Only trees listed as small to medium shall be planted under power lines; and no trees shall be planted within ten feet of any underground water line, sewer line, transmission line or other utility.
2. It shall be unlawful and a nuisance for any person to plant any vegetation in any public right-of-way. Upon receipt of notice from the city to remove any vegetation located in a public right-of-way, the owner of the abutting property shall remove such vegetation at his own expense within the time limit provided in such notice.
3. It shall be unlawful and a nuisance for any person to plant any tree, shrub or bush within 16 feet of the curblines. Upon receipt of notice from the city to remove any tree, shrub or bush which is located within 16 feet of the curblines, the owner of the property upon which such tree, shrub or bush is located shall remove the same at his own expense within the time limit fixed in such notice.

GENERAL

1. Add the following note to the plans, "A seven and one half feet (7.5') wide easement is retained along all side and rear lot lines, to be unoccupied by building, for utilities, drainage and sanitary sewer purposes. Except where lots are divided for any reason whatsoever, said easements shall fall along the actual side and rear lot lines as conveyed. A fifteen feet (15') wide utility easement is retained along all rear lines of lots abutting the project boundary and other open spaces." A ten feet (10') wide utility easement is required along all front yard lot lines for utility installation. When a water, sewer, or storm sewer main is not located in the right of way, it shall be located within five feet (5') of the center of a twenty feet (20') wide utility easement.
2. The final site plan must be submitted in the following compatible digital formats:
 - a. AutoCAD 2018 (.dwg format).
 - b. Adobe Reader (.pdf format).
3. 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.

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. Water impact fees will be required to be paid prior to any Certificate of Occupancies issued for this project.
3. 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.
4. Any future development shall adhere to the City of Dover Water/Wastewater Handbook.
5. 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.
6. 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.

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 any Certificate of Occupancies issued for this project.
5. Depending on the effluent flow, the downstream pump station may need to be evaluated by the developer / engineer to verify it can handle the additional effluent flow.
6. Any future development shall adhere to the City of Dover Water/Wastewater Handbook.

7. 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.

STORMWATER / STREETS

1. If this property is developed, future approvals may be required from the Kent Conservation District and DelDOT.
2. Any future development shall adhere to the Specifications, Standards & Procedures for Public Works Construction.

GENERAL / SANITATION

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: 07/31/24

APPLICATION: Lands of Wyoming LLC and Functional Properties

FILE #: SB-24-01

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 residential.
2. Street width shall be in accordance with City of Dover Code of Ordinances, Appendix A, Article VII, Section A. 13,

Residential areas

24 feet wide with no parking,
30 feet wide with parking on one side, or
36 feet wide with parking on both sides

Commercial areas

26 feet wide with no parking,
32 feet wide with parking on one side, or
38 feet wide with parking on both sides

Alley

12 feet wide

3. Any dead-end road more than 300 feet in length shall be provided with a turnaround or cul-de-sac as outlined in the 2021 Delaware State Fire Prevention Regulations 705, chapter 5, 2.3.
4. Fire hydrants shall be installed per the requirements of City of Dover Public Utilities Water/Wastewater Handbook, NFPA requirements, and Delaware State Fire Prevention Regulations. City Ordinance Sec 46-9 (f).

5.1.1 Hydrant spacing as shown in the Fire Flow Tables shall be used as a general rule. Hydrants shall be located at the direction of the State Fire Marshal so as to minimize friction in fire hose. All hydrant spacing shall be located along available roads or at the direction of the State Fire Marshal. This measurement shall be calculated by way of accessible thoroughfare(s) from the building to be protected to the hydrant and may not necessarily be a radius. 5.1.3 Additional hydrants shall be provided when the State Fire Marshal deems it necessary based on the configuration of the site, building(s), exposures, construction, occupancy, and/or specific hazard(s).

Fire Flow table 2, hydrant spacing shall be 800 feet on center for one and two family detached dwellings, other residential, rowhouses and townhouses, assembly, health care, business, education, storage, industrial, mercantile, and mini storage. (702, Chapter 6)

NFPA 1

18.5.2 detached one- and two-family dwellings, fire hydrants shall be provided for detached one- and two-family dwellings in accordance with both of the following: 1. the maximum distance to a fire hydrant from the closest point on the building shall not exceed 600 feet 2. the maximum distance between fire hydrants shall not exceed 800 feet.

18.5.3 buildings other than detached one- and two-family dwellings, fire hydrants shall be provided for buildings other than detached one- and two-family dwellings in accordance with both of the following 1. The maximum distance to a fire hydrant from the closet point on the building shall not exceed 400 feet 2. The maximum distance between fire hydrants shall not exceed 500 feet

5. All fire hydrants shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation.

All fire hydrants shall have minimum of four-inch (4") solid yellow demarcation lines to define specific areas, where fire hydrants are located along a curb line with permitted parking, the area between the fire hydrant and the street or fire lane shall be stenciled with four inch (4") demarcation lines and the words "NO PARKING", demarcation lines shall be measured from the center line of the fire hydrant and extend for a distance 15 feet on both sides.

Where fire hydrants are located in parking lots or other areas susceptible to blockage by parked vehicles they shall be treated as follows: fire hydrants shall be protected in all directions for a distance of seven feet (7') with barriers or curbing, Minimum four-inch (4") diameter steel bollards filled with concrete and marked yellow shall be installed at the outermost corners of the fire hydrant demarcation area. The minimum height of the bollard shall be 36 inches above the finished grade of the adjacent surface, and the steamer connection of all fire hydrants shall be positioned so as to be facing the edge of the street, or traffic lane.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 6, 2)

The owner is responsible if the hydrant is private.

6. Hydrant barrels shall be provided with reflective material, such as paint, durable for highway/roadway markings or a reflective tape of a minimum of 2" in width around the barrel under the top flange, hydrant bonnets shall be color coded based on the following criteria: class AA 1500 GPM - painted light blue, class A 1,000 GPM - 1499 GPM - painted green, class B 500 - 999 GPM - painted orange, class C 250 - 499 GPM - painted red, class D under 250 GPM - painted black.

(2021 Delaware State Fire Prevention Regulations 703, Chapter 3. 4)

The owner is responsible if the hydrant is private.

7. Hydrants are to be Darling Co. B-62-B Breakaway <https://american-usa.com/products/valves-and-hydrants/fire-hydrants/5-1-4-american-darling-b-62-b-5>
8. 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)

9. Project to be completed per approved Site Plan.
10. Full building and fire plan review is required.
11. Construction or renovations cannot be started until building plans are approved.
12. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

13. 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. Please confirm that the cul-de-sac is in compliance with item # 3 listed above
2. Fire hydrant needs to be added in cul-de-sac

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 Wyoming, LLC and Functional Properties: Ekaman
Subdivision

FILE#: SB-24-01

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Brian J. Williams Jr.

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. Need to schedule pre-submittal meeting with the Department.
 - a. 6+ lots is a Major subdivision with the Department



KENT CONSERVATION DISTRICT

Item 2.

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

CITY OF DOVER DEVELOPMENT ADVISORY COMMITTEE APPLICATION REVIEW COMMENTARY JULY 2024

APPLICATION: Land of Wyoming, LLC and Functional Properties, LLC (Ekaman Subdivision)

FILE #: SB-24-01

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. A Stormwater Assessment Study (SAS) and pre-application meeting are required.
2. 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.
3. 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 must be provided on the Record Plan.

ADVISORY COMMENTS TO THE APPLICANT:

1. There are previously approved stormwater plans that have expired due to construction never taking place. A new set of plans adhering to the current stormwater regulations will need to be submitted for approval.
2. This plan is located in an area that is to be undermanaged per the Puncheon Run Flood Study to beat the peak run-off generated in the contributing upland drainage area. This area is also under 10% of the total contributing drainage area and is only required to manage the 1-year (RPv) storm event.
3. The preferred methods of Stormwater management are those practices that maximize the use of the natural features of a site, promote recharge and minimize the reliance on structural components.

4. We request that the portion of Lot 1 on the south side of the cul-de-sac to be incorporated into the residual lot, since this portion of Lot 1 is unbuildable. This would eliminate the need for a stormwater management access easement.
5. Please clarify the ownership of the stormwater management area for maintenance responsibility.
6. 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.
7. 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.
8. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management Plan has been approved.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: 8/7/2024

**Dover/Kent
County
Metropolitan
Planning
Organization**

SB-24-01 Lands of Wyoming, LLC and Functional Properties, LLC (Ekaman Subdivision):
Conceptual Subdivision Plan

FILE # SB-24-01 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

**SB-24-01 Lands of Wyoming, LLC and Functional Properties, LLC (Ekaman Subdivision):
Conceptual Subdivision Plan**

The MPO has no objections to the conceptual subdivision plan. Sidewalks will be required on the frontage of the street, in accordance with City of Dover standards. This is already reflected in the conceptual plan. The connecting streets (Jefferson Terrace and Monroe Terrace) currently have an incomplete sidewalk network, but this may not always be the case, which is why new connections on the new street should still be made.

The specifics of pedestrian safety will be discussed in greater detail during subsequent phases of the process.

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.





**mountain
consulting**
Woman Owned, 8(a) & HUBZone Certified

8 July 2024

City of Dover Planning Commission
P.O. Box 475
Dover, DE 19903

RE: Ekaman Subdivision Application
Parcel ID# ED05-077.17-06-02.01, Owner: Wyoming, LLC (4.23±ACS.), R-10 Zone
Parcel ID #ED05-077.17-06-13.00, Owner: Functional Properties LLC (0.34±ACS) R-8 Zone
Jefferson Terrace Extension

Dear Planning Commission:

On behalf of Emmanuel Ehize, the Applicant and the owner of Wyoming LLC and Functional Properties LLC , Mountain Consulting, Inc. (MCI) is pleased to submit for major subdivision approval of the Ekaman Subdivision. The proposed 6-lot Ekaman Subdivision consists of:

- City right-of-way extension of Jefferson Terrace (see Note below)
- Five (5) residential lots conforming to standard zoning
- One (1) residual lot with existing legal, non-conforming frontage, is to be used for stormwater management.

Note: a separate request will be made to the City Council to approve the Ekaman Way road name west of Monroe Terrace.

Adjacent to the existing dead end stub of Jefferson Terrace, and adjacent to where roadway improvements are proposed, one (1) undeveloped parcel could apply for and construct a new entrance on to the extended roadway. This existing lot is not under ownership or controlling interest of the Applicant, and the location of this existing lot is incidental to the proposed subdivision roadway improvements:

- ED05-077.17-06-10.00 on the south side (A-18 on the subdivision plan)

The proposed roadway improvements will extend asphalt paving, curbing, and sidewalks from the existing paved edge of Monroe Terrace, approximately 399 feet to the center of an 80-foot diameter cul-de-sac bulb. Water (looped to Monroe Terrace), sewer extended from Monroe Terrace, power and communications service lines from Monroe Terrace will be extended with the proposed road improvements.

The adjacent land to the west of the proposed subdivision is a residual strip of land 20± feet wide without a City Parcel ID# that may be a former alley that is not presently maintained or owned by the City. The actual owner of

this strip of land is unknown to the Applicant, Engineer and City. The land to the west of this unnumbered strip is the Woodbrook Subdivision.

The southwest corner of the proposed subdivision has an unnamed blue line stream channel with adjacent wetlands, and a FEMA Floodplain, Zone AE (FIRM 10001C0169J). There is approximately 2.32 acres of existing woodland canopy within the proposed subdivision covering and extending from the floodplain. Approximately 25% of this canopy is to be cut in areas outside of the mapped floodplain for the proposed subdivision.

Stormwater management (SWM) facilities are proposed outside of the floodplain on the residual lot as per guidance from the Kent Conservation District. A 30' wide access strip across an unbuildable portion of Lot 1 is proposed for access to the SWM areas of the Residual Lot connecting the proposed cul-de-sac to the SWM areas adjacent to the floodplain. The floodplain areas within the subdivision are entirely within the residual lot, which could be placed within a stormwater management easement if required by the City, but none is proposed since the whole Residual Lot is not considered a buildable lot.

Some of the overgrowth and tornado-downed trees in this area have been removed by the Applicant under City permit. The Applicant has also removed fallen debris from the stream channel in coordination with Kent Conservation District and under City permit to alleviate upstream property concerns about inadequate flow capacity, the extent that can be done by the project short of a compliant stormwater design, and a City public works project to alter the natural channel or to change the drainage infrastructure upstream of this project.

Drainage systems and conveyances will not affect adjacent properties by adhering to DNREC codes, standards, and regulations. The project will obtain KCD approval for appropriate stormwater management at this location in the watershed and will work with the City of Dover Departments as appropriate to produce an approved stormwater management design.

At the southwest corner of the proposed subdivision is an existing residential dwelling addressed as 312 Mallard Drive, with an existing paved driveway and culvert for the blue line stream flow. The culvert and most of the existing driveway is within the southern boundary of the subdivision. No existing easement or right-of-way has been identified for this driveway. A shared access easement is proposed to be placed over the driveway, so that the Residual Lot will share the existing entrance connection off the end of Monroe Terrace.

No waivers are requested for this subdivision. Accommodations of requirements made known will be implemented without seeking waivers.

Please write or call with any questions. I can be reached directly at 302-922-5575 or by email at kburchard@mountainconsulting.com. Thank you for your consideration.

Sincerely,
MOUNTAIN CONSULTING, INC.



Kyle Burchard, P.E.
Director of Engineering

Application SB-24-01 Lands of Wyoming, LLC and Functional Properties, LLC
(Ekaman Subdivision)

Public Comments: Set 1 – Received through August 9, 2024

1. Email from Steve LeBoon received 8/9/2024 at 2:25pm

From: [LeBoon](#)
To: [Melson-Williams, Dawn](#); [CompPlan](#); [Anderson, David](#); [Hugg, Dave](#); [Hare, William](#); [A cassbaby](#); [LeBoon LeBoon](#)
Subject: EXTERNAL: Revise opposition to new application submitted
Date: Friday, August 9, 2024 2:25:36 PM

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.

August 9, 2024

Good afternoon, I reside at 1020 5 Westview Terrace, and I am formally submitting a renewed opposition to the proposed second application after their failed attempt last year.

In addition to the previous evidence and application materials, there will be an enhanced materials and arguments incorporated into the future publications made by myself and my fellow neighbors.

I will be putting together, along with my fellow neighbors, critical elements of how this application is detrimental to the stability of my home. It also violates state and federal laws, the ecosystem, federal wetlands, and catastrophic flooding in a floodplain that would directly impact my house and my fellow neighbors.

I request that you hold off any participation in discussing this application until the next hearing so it allows me and my fellow neighbors to articulate the concerns that we have. These concerns have been addressed many many times in the past with the previous owner of that land.

I have cc'd David Hugg and the Mayor so they are included as well.

I will be in touch in more detail in the next few days.

Thank you,

Steve LeBoon
484-716-4567



DATA SHEET FOR SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF August 7, 2024

PLANNING COMMISSION MEETING OF August 19, 2024

Plan Title:	S-24-11 Warehouse Building at 601 Garrison Oak Drive
Plan Type:	Site Development Plan
Location:	West side of Garrison Oak Drive, North of White Oak Road
Address:	601 Garrison Oak Drive
Tax Parcel:	LC-05-068.00-02-03.00-000
Owner:	Garrison Oaks, LLC
Site Area:	12.813 acres +/-
Zoning:	IPM-2 (Industrial Park Manufacturing Zone - Business and Technology Center) SWPOZ (Source Water Protection Overlay Zone: Tier 2 - Primary Wellhead Protection Area)
Current Use:	Vacant Lot with existing City of Dover Water Tower
Proposed Use:	Warehouse/Logistics Center
Parking:	Required: 125 Proposed: 87 including 4 handicapped (Waiver Included in Packet)
Water and Sewer:	City of Dover
Waiver Requests:	Partial Elimination of Upright Curbing Partial Reduction in Parking
For Consideration:	Performance Standards Review Application

City of Dover

Development Advisory Committee

Application Review Commentary

D.A.C. Meeting Date: August 7, 2024

City of
Dover
Planning
Office

DRAFT

FILE #:	S-24-11
APPLICATION:	Warehouse Building at 601 Garrison Oak Drive
REVIEWING AGENCY:	City of Dover Planning Office
CONTACT PERSON:	Katherine Oehmke, Planner I
PHONE #:	(302) 736-7196
Email:	koehmke@dover.de.us

I. PLAN SUMMARY:

This application is for Review of a Site Development Plan Application for the construction of one (1) 100,000 square foot warehouse logistics building with other site improvements. The project area of 12.813 +/- acres is zoned IPM-2 (Industrial Park Manufacturing Zone - Business and Technology Center Zone). The property is located on the west side of Garrison Oak and north of White Oak Road in the Garrison Oak Technology Park. The owner of record is Garrison Oaks, LLC. The property is addressed as 601 Garrison Oak Drive. Tax Parcel: LC-05-068.00-02-03.00-000. Council District 3.

Existing Property:

The property is currently a vacant lot containing a City of Dover Water Tower. Administrative Site Plan (S-13-21) elevated water storage tank.

Garrison Oak Business & Technology Center (Garrison Oak Technical Park)

The Subdivision Plan to layout the lots, street network, and other infrastructure was reviewed as the Garrison Oak Technical Park (Application SB-09-06) to establish fifteen (15) individual lots and residual open space from two parcels totaling 381.84 acres +/- on a tract known as Garrison Oak. The Planning Commission reviewed and granted conditional approval of this proposed Subdivision Plan for the Technical Park in January 2010 and September 2010 with the Record Plan recorded in May 2012. Construction of infrastructure and the road network of Garrison Oak Drive then commenced.

Preliminary Land Use Services Review (PLUS)

The Garrison Oak Technical Park Subdivision Plan application was reviewed on November 25, 2009, by the Preliminary Land Use Services as required by the City of Dover's Memorandum of Understanding (MOU). This MOU requires certain types of applications (i.e. non-residential developments of over 75,000 square feet) or specific project locations to complete the PLUS Review process prior to application submission. For this specific development of GOBTC Lot 3, the size of the proposed building would have required PLUS Review per the MOU; however, a PLUS Review Waiver has been granted based on its importance as an economic development project and as per the waiver process established by House Bill 104 (29 Del. C.

§9202 and §9203). See Letter dated July 26, 2024, from the Office of State Planning Coordination granting the waiver.

Surrounding Land Uses

The Garrison Oak Technology Park is on the edge of the City limits. Kent County jurisdiction is to the east of Garrison Oak Technology Park. The whole of the Garrison Oak Technology Park is zoned IPM-2. Across White Oak Road are residential areas zoned RM-2 (Medium Density Residence Zone) and R-20 (One Family Residence Zone). The parcel of land that fronts on the north and west side of the applicant parcel is zoned ROS (Recreational and Open Space Zone) and is owned by the City. The parcel to the south is owned by Bylers Warehouse. Their Site Plan application S-23-09 went before the Planning Commission in April of 2023 and was approved.

II. PROJECT DESCRIPTION:

The Site Development Plan includes a warehouse building of 100,000 square feet with site improvements. The site includes the warehouse building with car parking in the front, including 4 handicapped spaces. The rear contains 24 loading berths. The entrance is off Garrison Oak Drive and the access drive goes to the rear of the building and continues to the front. A storm water pond will be to the west of the existing water tower and north of the development area.

III. IPM-2 (INDUSTRIAL PARK MANUFACTURING ZONE - BUSINESS AND TECHNOLOGY ZONE) ZONING REVIEW:

This application is a Site Development Plan. This property is zoned as IPM-2 (Industrial Park Manufacturing Zone - Business and Technology Zone) which in *Zoning Ordinance* Article 3, Section 20A allows for the following:

- 20A.1 *Uses permitted.* No building or premises shall be used and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following, and in accordance with performance standards procedure as set forth in article 5, section 8, and subject to site development plan approval as set forth in article 10, section 2:
- 20A.11 Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing, industrial, or technological processing of any goods, materials, products, instruments, appliances, biotechnology, and devices, provided that the fuel used shall be oil, gas or electricity; together with incidental clinics, cafeterias and recreational facilities for the exclusive use of employees of the concern engaged in such undertaking.
- 20A.12 Research, design, testing and development laboratories.
- 20A.13 Offices and corporate support operations for business and professional services, data management, financial services, insurance, and health care industries.
- 20A.14 Agricultural or farm uses as defined and permitted in article 3, section 1.11.
- 20A.15 Production of electricity provided that the power source used shall be gas, oil, solar or wind.
- 20A.16 Warehousing, transshipment and distribution, and logistics support and trucking terminals.
- 20A.17 Printing, publishing, binding, and packaging.
- 20A.18 Accessory uses:
 - a) On-site offices, clinics, food service facilities, recreation facilities, and child day care services collocated within the permitted use and limited to exclusive use by employees, and such other accessory uses and structures clearly incidental to, and customary to, and associated with the permitted use.
- 20A.19 Indoor recreation and amusement establishments.

19.2 *Uses prohibited.* The following uses are specifically prohibited:

19.21 Residences.

19.22 Manufacturing uses involving primary production of the following products from raw materials: asphalt, cement, charcoal, and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, plastic materials and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric, and sulphuric acids; coal, coke and tar products, including gas manufacturing; explosives; fertilizers; gelatin, glue and size (animal); linoleum and oil cloth; matches; paint, varnishes and turpentine; rubber (natural and synthetic); soaps, including fat rendering; [and] starch.

19.23 The following processes: nitrating of cotton or other materials; milling or processing of flour, food, or grain; magnesium foundry; reduction, refining, smelting, and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, [and] lubricating oil; distillation of wood or bones; [and] reduction and processing of wood pulp and fiber, including papermill operations.

19.24 Operations involving stock yards and slaughter houses, grain elevators, and slag piles.

19.25 Storage of explosives and bulk or wholesale storage of gasoline above the ground.

19.26 Dumps, except those owned and operated by the city.

19.27 Quarries, stone crushers, screening plants, and storage of quarry screenings, accessory to such uses.

19.28 Junkyards, automobile dismantling plants or storage of used parts of automobiles or other machines or vehicles or of dismantled or junked automobiles.

20A.2 *Conditional uses:* The following uses may be permitted as conditional uses if approved by the planning commission in accordance with the provisions and procedures set forth in article 10, section 1 and any specified requirements set forth below:

20A.21 Building contractor's yard provided that:

- (a) Outside storage is within a completely enclosed and secure area and appropriately screened from public view and not in any required setback from property lines.

20A.22 Vocational education facility

20A.23 Associated retail uses in conjunction with and accessory to a permitted use, provided that the associated retail use does not occupy more than 30 percent of the gross floor area of the building or group of buildings on a lot. Parking shall be provided at a rate of one parking space per 300 square feet of retail space for the exclusive use of retail customers in addition to the bulk parking requirements of this zoning district for a particular use.

20A.24 Craft distillery and microbrewery provided that:

- (a) All permits and approvals required by the Delaware Alcoholic Beverage Commission are obtained and remain in full force and effect.
- (b) All aspects of the distilling or brewing process are completely confined within a building, including storage of all materials and finished products.
- (c) Such establishment may offer to the public, various activities ancillary to its distilling and/or brewing process, including by way of example: tours of the premises, educational classes,

demonstrations, tasting rooms, and retail sales areas limited to the sale of beer, mead, cider, or spirits brewed or distilled on the premises for consumption off-premises and other retail items.

- (d) On-site consumption or tasting associated with a craft distillery or microbrewery establishment shall be permitted. Any area associated with on-site consumption or tasting shall not operate as a stand-alone bar or tavern, shall be located on the premises of the craft distillery or microbrewery establishment, and shall be ancillary to the primary use. "Ancillary" for purposes of this section means subordinate, auxiliary, smaller and less intensive than the primary use. On-site consumption or tasting of alcohol shall be limited to those products brewed or distilled on the premises, except as otherwise permitted by Delaware Law.
- (e) All food sales shall be limited to prepackaged snack items or those food items prepared by a food establishment licensed by the State of Delaware.
- (f) Outdoor seating and gathering areas shall be permitted subject to the following requirements:
 - i. Permanent and temporary outdoor seating and gathering areas shall be subject to building permit application and approval requirements.
 - ii. Outdoor seating and gathering areas and ancillary improvements shall include physical barriers from public rights-of-way and physical and visual barriers from adjoining properties. Physical barriers along public rights-of-way shall restrict access from the public rights-of-way to the outdoor seating and gathering areas and shall not exceed four feet in height. Barriers along adjoining property lines shall create a physical and visual barrier consisting of fencing six feet in height or vegetation at least six feet in height.
 - iii. Maximum occupancy and points of ingress/egress shall be clearly marked. Occupancy of outdoor seating and gathering areas shall not exceed one person per 15 square feet of the outdoor seating and gathering areas identified in the building plans or any other occupancy limit established by the City of Dover.
 - iv. All structures and uses related to outdoor seating and gathering areas and facilities are subject to the Dover Code of Ordinances, Chapter 22 and Chapter 46.
 - v. The occupancy of outdoor seating and gathering areas shall be included when calculating the building requirements and minimum parking standards required by the City of Dover and State of Delaware.
 - vi. Tables, chairs, umbrellas, equipment, games, and any other items provided in connection with outdoor seating and gathering areas shall be maintained in good repair and shall be secured during non-business hours in a safe and orderly manner.
 - vii. Any licensing required by the Delaware Alcoholic Beverage Control Commissioner for outdoor seating and gathering areas shall be obtained.

20A.3 *Uses prohibited.* The following uses are specifically prohibited:

20A.31 Residences, except those existing at the time of adoption of this amendment.

20A.32 Manufacturing uses involving primary production of the following products from raw materials: Asphalt, cement, charcoal, and fuel briquettes; chemicals: aniline dyes, ammonia, carbide, caustic soda, cellulose, chlorine, and carbon black and bone black, creosote, hydrogen and oxygen, industrial alcohol, nitrates (manufactured and natural) of an explosive nature, potash, and synthetic resins, pyroxylin, rayon yarn, and hydrochloric, nitric, phosphoric, picric, and sulphuric acids; coal, coke, and tar products, including gas manufacturing; explosives, fertilizers, glue, and size (animal); linoleum and oil cloth; matches; paint, varnishes, and turpentine; rubber (natural or synthetic); and soaps, including fat rendering.

20A.33 Storage, except that which is incidental to the primary use on the lot.

- 20A.34 The following processes: nitrating of cotton or other materials; magnesium foundry; reduction, refining, smelting, and alloying of metal or metal ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, and lubricating oil; distillation of wood or bones; and reduction and processing of wood pulp and fiber, including papermill operations.
- 20A.35 Operations involving stock yards, slaughter houses, and slag piles.
- 20A.36 Storage of explosives, and bulk or wholesale storage of gasoline above the ground.
- 20A.37 Dumps.
- 20A.38 Quarries, stone crushers, screening plants, and storage of quarry screenings, accessory to such uses.
- 20A.39 Junkyards, automobile dismantling plants or storage of used parts of automobiles or other machines or vehicles or of dismantled or junked automobiles.
- 20A.4 *Site development plan approval.* Site development plan approval, in accordance with article 10, section 2 hereof, shall be required for either conventional individual lot development or planned industrial park development of land zoned IPM2 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.
- 20A.5 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.

Bulk Standards for the IPM-2 (Industrial Park Manufacturing-Business and Technology Zone) are outlined in *Zoning Ordinance*, Article 4 Section 4.15. The maximum lot coverage for this zone is 65% and building height maximum is equal to the distance to the nearest lot line. Proposed impervious lot coverage for this plan is shown as 45.65%. The nearest lot line is a distance of 106 feet. The actual building height of the building was not provided in their plan.

IV. SWPOZ (SOURCE WATER PROTECTION OVERLAY ZONE) ZONING REVIEW:

The purpose of the Source Water Protection Overlay Zone (*Zoning Ordinance* Article 3 § 29) is to provide a safe drinking water supply and to ensure that groundwater is adequately protected and maintained. Almost the entire site is subject to the Tier 2: Primary Wellhead Protection Area.

The following uses listed below are prohibited throughout the SWPOZ, including in the Tier 2 area. The proposed use as a warehouse would be allowed. *Zoning Ordinance* Article 3, Section 29:

29.51 Uses prohibited:

- a) Automobile body/repair shop, motor vehicle, boat or farm equipment service;
- b) Gas stations and motor vehicle service stations;
- c) Fleet/trucking/bus terminal;
- d) Dry cleaner;
- e) Electrical/electronic manufacturing facility;
- f) Machine shop;
- g) Metal plating/finishing/fabricating facility;
- h) Chemical processing/storage facility;
- i) Wood preserving/treating facility;
- j) Junk yard/scrap yard/salvage yard;
- k) Mines/gravel pit;
- l) Land divisions resulting in high density (> one unit/acre) septic systems;
- m) Equipment maintenance/fueling areas;

- n) Injection wells/dry wells/sumps, except for single-family residences directing gutter downspouts to a drywell;
- o) Underground storage tanks;
- p) All uses not permitted in the underlying zone district.

Tier 2- Primary Wellhead Protection Area Lands are additionally subject to specific rules for protection of potable water supply well fields. Specific requirements are for areas immediately surrounding the actual wellhead location; there is not a wellhead on or within 500 feet of this property. There are provisions related to management of stormwater runoff and its discharge requiring use of sheet flow through grassland areas and certain construction features of stormwater management facilities. This will be reviewed as part of the Stormwater Management Plan by the Kent Conservation District.

V. PARKING SUMMARY:

The parking requirement for the IPM-2 Zone is one space for every 800 square feet. The one building of 100,000 SF requires a total of 125 parking spaces. The plan has outlined 87 parking spaces including 4 handicapped spaces near the front entrance, along with listed 2 EV Ready Car charging spaces.

Loading Berths

Article 6, Section 4.2 of the *Zoning Ordinance* states that for manufacturing, wholesale, or storage uses in the M or IPM zone, and for buildings more than 150,000 square feet in any zone, sufficient off-street loading berths shall be provided. The proposed warehouse building is less than 150,000 SF, so the loading berths are not required at the rate specified. Loading berth minimum size requirement is 12 feet X 60 feet. The applicant has provided 24 loading berths of 14 feet X 75 feet. One additional loading berth space is provided for trash compaction area.

Bicycle Parking

Article 6, Section 3.1 of the *Zoning Ordinance* outlines the required number of bicycle parking spaces as 1 bicycle space for every 20 car parking spaces. Based on the required number of parking spaces, there should be 7 bicycle parking spaces. With the requested parking waiver, if approved, the reduced number of parking spaces would then require 5 bicycle parking spaces. While bicycle parking is shown on the preliminary site plan, the number or type was not described.

Waiver Request: Partial Elimination of Upright Curbing

The upright curbing for parking lots and drive isles is required by the requirements of Article 6, Section 3.6(b) of the *Zoning Ordinance*. The applicant has requested a partial reduction to allow for storm water runoff to the pervious and landscaped areas, rather than pool the water inside upright curbing. According to the plan, the only area that does not have upright curbing is the row of parking facing Garrison Oak Drive and each parking space has a parking bumper.

-The Planning Commission is to consider the Waiver Request of parking requirement.

VI. SITE CONSIDERATIONS:

Access

The access the Garrison Oak Technology Park is off White Oak Road. Garrison Oak Drive is a through road that loops through the Technology Park. This lot is on the inside of the roadway loop created by Garrison Oak Drive. This is a City of Dover maintained street.

Lighting

Staff counted twenty (20) lights along the perimeter of the access drive that travels through the site and along the front parking lot. The front page describes the lights as 1.5-foot candles.

Sidewalks

A sidewalk exists along Garrison Oak Drive and the applicant has added connections from the street frontage sidewalk to the building. Additionally, along the front of the building between the parking lot and structure.

Waiver Request: Partial Elimination of Parking Requirements

The applicant has submitted a Waiver Request to reduce the number of required parking spaces from 125 to 87. The *Zoning Ordinance*, Article 6 Section 3.9 allows the Planning Commission or the City Planner to consider adjustments to parking requirements of up to 50%. The Planning Commission, in granting a parking reduction can require that an area of open space be designated where parking could be constructed. The applicant's written request seeks a 30% reduction outlining a request to reduce the due to expected operational needs of the facility based on function and staffing. See attached Waiver Request.

Dumpsters

The new dumpster regulations for non-residential buildings require two (2) dumpsters for this building. The Site Plan currently indicates one large trash compactor at the south end of the loading berth parking area. The method of trash collection was not listed, staff need to verify if it will be private.

Article 5, Section 6 allows for a trash compactor substitution:

6.18 *Reduction of dumpster requirement.* When a use is required to provide dumpsters as part of site development plan approval, the required number of dumpsters may be reduced under the following circumstances:

- a) *Dumpster pads reserved for future use.* An area of the site reserved for a dumpster may be substituted for an actual dumpster. The provided area must be large enough to accommodate a dumpster and must be accessible to trash collection services. The city planner may require that the owner of record of the property provide a dumpster in the reserved location, together with any enclosure required, upon determining there is need for the additional dumpster.
- b) *Trash compactor substitution.* Trash compactors may be substituted for ordinary dumpsters at a two to one ratio. The city planner may approve a higher substitution ratio if specifications are provided indicating the machine will achieve a correspondingly higher trash compaction ratio. Trash compactors must meet the same location and screening requirements as other dumpsters. Sites providing trash compactors must still provide separate receptacles for recycling.
- c) *Alternative solutions.* Alternative solutions for the storage of and collection methods for trash and recycling receptables may be considered. The city planner or planning commission may authorize alternative solutions.

The plan shows a substantial allowance of one loading berth slot of 14' X 75' for trash compaction. Specifications of the trash compactor planned were not provided, however given the large space, there is potentially enough space for multiple compactors and still have space for recycling containers. Details should be provided with the updated plans for review that *Zoning Ordinance* compliance has been achieved.

VII. BUILDING ARCHITECTURE:

The architectural renderings show the flat roofed warehouse with 7 front sections which appear to be 4 stories in height. The building has vertical column-like features covered with vertical metal siding and a recessed front entrance with a double door. The upper wall space above the front door is shown as an aluminum storefront with a row of Kawall windows above the storefront. The front façade also depicts Kawall windows in 2 rows on 6 sections. There are 2 egress doors on the front face of the building at each end. The south side elevation shows 3 doors to the exterior at the pedestrian level. The color scheme shows the middle front section with the darkest color and each section moving from the middle going out with progressively lighter colors giving the illusion of dimension. The rear rendering shows the same fading color scheme with 24 loading spaces and vertical metal siding. At least 2 of these loading berths have single pedestrian doors with stairs to the ground level in addition to the loading berth garage doors.

VIII. TREE PLANTING AND LANDSCAPE PLAN:

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 the number of acres for this development site, the minimum required number of trees is 121. The Site Plan includes a landscaping plan for tree planting showing 103 additional trees. Using 18 existing trees and removing 3 existing street trees to accommodate their entrance and exit plan, the total submitted is 121. The *Zoning Ordinance*, Article 5, Section 16 outlines what guidelines to use for designing the landscape plan. The architectural renderings also show bushes lining the front of the building.

IX. SPECIAL FLOOD HAZARD AREAS:

The western property line has a section shown in flood hazard areas Zone AE and Zone X. The definition of the flood hazard areas is found in the *Zoning Ordinance*, Article 12 Definitions:

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

Zone AE: Special flood hazard areas subject to inundation by the 1% annual chance flood; base flood elevations are determined; floodways may or may not be determined.

Zone X (shaded): Areas subject to inundation by the 500-year flood (0.2% annual chance); areas subject to the 1% annual chance flood with average depths of less than one foot or with contributing drainage area less than one square mile; and areas protected by levees from the base flood.

Development for this application is not shown to be in the flood hazard areas. All construction activities are focused on the east side of the parcel. Additionally, there is a proposed stormwater management pond north of the development area to the east side of the existing water tower.

X. PERFORMANCE STANDARDS REVIEW

Uses in the IPM-2 (Industrial Park Manufacturing Zone - Business and Technology Center) are subject to the performance standards summarized in *Zoning Ordinance*, Article 5 § 8.1 and as more specifically outlined in Article 5 §8.5.

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

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

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

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

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

- Section 8.51 - Fire and Explosion hazards: The proposed building will be sprinklered in accordance with the Delaware State Fire Prevention Regulations. It will not contain any hazardous or explosive materials.
- Section 8.52 - Radioactivity or Electromagnetic Disturbance: Not Applicable. The proposed warehouse facility will not produce radioactivity or electromagnetic disturbance.
- Section 8.53 - Noise: Not Applicable - The proposed warehouse facility will not generate any noise beyond that which is consistent with an office use.
- Section 8.54 - Vibration: Not Applicable - The proposed warehouse facility will not generate any vibrations.
- Section 8.55 - Smoke: Not Applicable - The proposed warehouse facility will not generate smoke.
- Section 8.56 – Odors: Not Applicable - The proposed warehouse facility will not generate odorous gases or other offensive odorous matter.
- Section 8.57 – Fly Ash, Dust, Fumes, Gases, and other forms of Air Pollution: Not Applicable - The proposed warehouse facility will not generate any of the aforementioned forms of air pollution.
- Section 8.58 - Glare: The proposed warehouse facility and parking lot lighting will meet City of Dover lighting requirements and not produce any additional glare for the area.
- Section 8.59 – Liquid or Solid Wastes: No liquid or solid wastes will be discharged to the public sewer other than normal sanitary sewage from the building.
- Section 8.60 – Traffic Congestion: Not Applicable - The proposed warehouse facility is part of a previously approved Industrial Park Subdivision and approved Traffic Impact Study (TIS). The traffic from all of the lots within the subdivision was accounted for when the subdivision was designed and the TIS approved. This lot accesses city owned internal subdivision streets and has several exit points from the subdivision to the external road network.

XI. CITY AND STATE CODE REQUIREMENTS:

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:

- 1) Review and Approval of the *Performance Standards Review Application* is required for the property development in accordance with *Zoning Ordinance*, Article 5 § 8. Staff note that the Performance Standards Review Application has been received with this development application.
- 2) The Site Data Column on all Plan Sheets need to be updated prior to Final Approval with the following in accordance with Article 10 § 2.5. The following items should be clarified:
 - a. Site Data #4 – Add SWPOZ to the Zoning.
 - b. Site Data #12 - You have drawn 28 loading berths but noted 24. Can you change the drawing lines or update the number?
 - c. Please add the following to the data columns:
 - (a) Bicycle parking required and provided, please note on the cover page along with a detail of the bike rack to be installed.
 - (b) Trash to be private (?).
 - (c) Please list the actual anticipated height of the structure.
 - d. Cover Page Note 17, change the description from “administration” building to warehouse building.
 - e. Please add the FEMA Firm Panel number. I show it should be 10001C0186J and add date

(I show effective on 7/7/2014). Also please list LOMR (I show 17-03-0701 effective 6/4/2018).

- 3) Upright Curbing: Upright curbing shall be provided around all parking and driving areas in accordance with the requirements of the *Zoning Ordinance* unless a waiver is granted by the City Planner. The detail page includes a 3" integrated curb. The curb should be completed as a 6" curb. A Waiver Request was submitted to the Planning Office for the consideration of Partial Elimination of the Curb Requirements.
- 4) Dumpster/Trash Compactor: Please provide details on the trash compactor to be placed in the rear loading berth area for review to meet requirements of *Zoning Ordinance*, Article 5 § 6.
- 5) Erosion and Sediment Control: Any Erosion & Sediment Control Plans and 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 following the *Zoning Ordinance* and technical review requirements of other agencies.

The plan set will need to be updated with any changes recommended or approvals including waiver requests granted by the Planning Commission.

XII. 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 listed in subsections 2.21 to 2.28.

- 1) Recommendation on Waiver Requests:
 - a. Waiver Request for Partial Elimination of Upright Curbing: Planning Staff grants approval of the partial elimination of upright curbing to allow for water run off absorption.
 - b. Waiver Request for a Reduction in the Parking Requirement: Staff recommends approval of the partial parking reduction. Given that the building will be used primarily as storage, the parking outlined in the plan appears to be adequate based on the limited amount of office space and can be enlarged at another date if their anticipated needs are outgrown.
- 2) Consideration of Performance Standards Review Application:
Review and Approval of the *Performance Standards Review Application* is required for the property development in accordance with *Zoning Ordinance*, Article 5 § 8.

XIII. ADVISORY COMMENTS TO THE APPLICANT:

- 1) The Planning Commission should act upon the request for any 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) If major changes and revisions to the Site Development Plan occur in the finalization of the Site Plan, please contact the Department of Planning and Inspections. Examples include relocation of site components like paving and increases in floor area/unit count. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations regarding the Plan.
- 3) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.
- 4) Following Planning Commission approval of the Site Development Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff and the other commenting agencies. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement (Final Plan Approval).
- 5) The applicant/developer shall be aware that prior to any development or ground disturbing activities on the site the appropriate site inspections and permits are required. This includes activities to remove existing trees/vegetation, the import of fill dirt, etc.
- 6) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate Site Plan approvals, site inspections and Permits are required. The City of Dover offers an opportunity for your construction team to meet with the various city departments involved in your project during a Pre-Construction Meeting.
- 7) 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 the issuance of a Building Permit from the City of Dover.
- 8) The applicant shall be aware that Plan approval does not represent a Sign Permit, nor does it convey permission to place any new sign on the premises. Any proposed site or building identification sign may require a Sign Permit from the City of Dover prior to placement of any such sign in accordance with *Zoning Ordinance*, Article 5 § 4.

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

REVISED

CITY OF DOVER



DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: JULY 31, 2024

APPLICATION: Warehouse Building at 601 Garrison Oak Drive

FILE #: S-24-11

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. The proposed plan will require private trash collection services.

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.
3. Submerged pipe inlets to ponds may only be permitted if they are so designed that the permanent pool elevation of the storm water management area doesn't surcharge back into the City of Dover's storm drain structures and system.
4. The City of Dover Department of Public Works specifications require all culverts to be designed for the 25-year storm frequency and all storm sewers to be designed for the 10-year storm frequency. The Manning's equation shall be utilized in design as applicable. Storm sewers are required to provide a minimum full flow velocity of 2 fps. Provide the calculations for each proposed pipe segment that, at a minimum, include: upstream and downstream inverts, upstream and downstream ground elevations, and ground cover provided; pipe slope, length, material, n value, and diameter; design flow, depth and velocity; and full flow and velocity.
5. The City of Dover Department of Public Works specifications require that all inlets (catch basins) be designed for the 10-year storm frequency (25-year storm frequency for sump conditions) and that the spread of water shall not exceed eight feet (8') from the flow line of the curb. The design must also meet the requirement that the hydraulic grade line may be no higher than one foot (1') below the top of the inlet. Provide the calculations for each proposed catch basin utilizing flows determined by each catch basin's contributory drainage area, for the appropriate storm frequency. Spread, depth of flow and hydraulic grade line data for each inlet must also be included. Any carryover should also be noted and included at appropriate downstream catch basins as applicable.
6. Provide all stormwater management calculations and erosion and sedimentation control plan as required by Article 5, Section 11.2 and 11.2 of the City of Dover Zoning Ordinance. Ensure that individual lot grading, house locations with finished floor

elevations, and driveway locations and grades are provided on the plans in order to verify the adequacy of the design. The provided information should also show adequate conveyance of runoff from each lot.

STREETS

1. Final site plan approval will not be granted until a letter of no objection, signed by DelDOT is submitted to our office.

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 building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically, this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of 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.
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.
9. All water infrastructure on the property will be owned and maintained by the property owner.

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 laterals shall be six-inch (6").
7. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.
8. All wastewater infrastructure on the property will be owned and maintained by the property owner.

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 / WATER / WASTEWATER / GENERAL

1. None.

STREETS

1. Please provide a detailed plan of the northern entrance to this property, as it relates to the entrance for the existing water tank. Further comments could be provided, based on the plan.

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.
5. 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. 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

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 07/31/24

APPLICATION: Warehouse Building at 601 Garrison Oak Dr

FILE #: S-24-11 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 warehouse (cold storage)
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 50% 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. Fire lanes shall cover 25% of the proposed building.
Fire lanes are required to be 24 feet wide and run along the front of the building as determined by the primary entrance(s). In cases where there is more than one primary entrance(s), each shall be served by a fire lane even if this exceeds the percentage as required.

The closest edge of fire lanes shall not be located closer than ten (10) feet to the exterior wall and the closest edge of fire lanes shall not be located further than 50 feet from the exterior wall if one or two stories in height; 40 feet if three or four stories in height, or 30 feet if over four stories in height.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5)

6. Where parking is located between the building and the fire lane, parking shall not be located closer than 15 feet to the exterior wall.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.4.1)

Where parking is located between the building and the 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. 2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3.5.2

7. All Fire Lanes shall be marked as follows:

both the inner and outer edges of the fire lane shall be marked, where curbs are present, the top and face of the curb shall be painted yellow, where no curbs are present, a four inch (4") solid yellow demarcation line shall mark the edge(s) of the fire lane.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

8. The specific color yellow shall be the uniformly accepted yellow as utilized by State of Delaware Department of Transportation (DelDOT). Only vivid and durable paint shall be used and shall be suitable for street surfaces

9. Fire lane signs shall be located as follows:

see Figure 5-16 – Approved Sign For Marking Fire Lanes, fire lane signs shall be spaced at 150 foot intervals maximum, all fire lane signs shall be located no less than six feet (6') and no higher than eight feet (8') above the pavement, signs shall be placed at each end of the fire lane, and signs shall face all oncoming traffic.

Where parking is not restricted roadway markings shall utilize the words "FIRE" and "LANE" in lieu of fire lane signs and shall conform to the specifications of 7.6.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

10. Where overhangs, canopies, balconies, or any other building or site features must project over any fire lane, an unobstructed vertical clearance of not less than 13'-6" above the fire lane shall be provided and the portion of the building perimeter which contains overhangs, canopies, balconies, or any other building features shall not apply towards the fire lane accessibility requirements of Section 4.0, Table 5-1 in this chapter.
(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.8)

11. 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)

12. Multiple Access Roads shall be provided when a fire department access road (fire lane) is determined by the Fire Marshal to be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access such as placement of fire hose from fire equipment.
13. Street width shall be in accordance with City of Dover Code of Ordinances, Appendix A, Article VII, Section A. 13,

Residential areas

24 feet wide with no parking,
30 feet wide with parking on one side, or
36 feet wide with parking on both sides

Commercial areas

26 feet wide with no parking,
32 feet wide with parking on one side, or
38 feet wide with parking on both sides

Alley

12 feet wide

14. Any dead-end road more than 300 feet in length shall be provided with a turnaround or cul-de-sac as outlined in the 2021 Delaware State Fire Prevention Regulations 705, chapter 5, 2.3.
15. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.
16. Gated Areas: Fire Department access shall be provided to the property through the use of a system or device approved by the Fire Marshal. The system or device required shall be located in an area accessible to the fire department and approved by the Fire Marshal. All gates shall be either automatic or manual.

An automated system shall consist of one manual and one automated means to open the gate. The owner or their representative shall meet with the Fire Marshal prior to submission to agree on the system. A letter of agreement shall be created and signed by both parties. The letter shall include a detailed description of both the manual and automated means.

A manual gate shall consist of one manual means to open the gate. The owner or their representative shall meet with the Fire Marshal prior to submission to agree on the means to open. A letter of agreement shall be created and signed by both parties. The letter shall include a detailed description of the manual means to open.

To be considered accessible for fire department apparatus the actual clear openings shall be not less than 14 feet, the paved surface through the gate shall be not less than 12 feet, and the gate shall be setback from the perpendicular street by at least 50 feet.

Please contact this office to discuss options available to comply with this requirement.
(2021 Delaware State Fire Prevention Regulations 705, Chapter 5, 2.6)

17. Fire hydrants shall be installed per the requirements of City of Dover Public Utilities Water/Wastewater Handbook, NFPA requirements, and Delaware State Fire Prevention Regulations. City Ordinance Sec 46-9 (f).

5.1.1 Hydrant spacing as shown in the Fire Flow Tables shall be used as a general rule. Hydrants shall be located at the direction of the State Fire Marshal so as to minimize friction in fire hose. All hydrant spacing shall be located along available roads or at the direction of the State Fire Marshal. This measurement shall be calculated by way of accessible thoroughfare(s) from the building to be protected to the hydrant and may not necessarily be a radius. 5.1.3 Additional hydrants shall be provided when the State Fire Marshal deems it necessary based on the configuration of the site, building(s), exposures, construction, occupancy, and/or specific hazard(s).

Fire Flow table 2, hydrant spacing shall be 800 feet on center for one and two family detached dwellings, other residential, rowhouses and townhouses, assembly, health care, business, education, storage, industrial, mercantile, and mini storage. (702, Chapter 6)

NFPA 1

18.5.2 detached one- and two-family dwellings, fire hydrants shall be provided for detached one- and two-family dwellings in accordance with both of the following: 1. the maximum distance to a fire hydrant from the closest point on the building shall not exceed 600 feet 2. the maximum distance between fire hydrants shall not exceed 800 feet.

18.5.3 buildings other than detached one- and two-family dwellings, fire hydrants shall be provided for buildings other than detached one- and two-family dwellings in accordance with both of the following 1. The maximum distance to a fire hydrant from the closet point on the building shall not exceed 400 feet 2. The maximum distance between fire hydrants shall not exceed 500 feet

18. All fire hydrants shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation.

All fire hydrants shall have minimum of four-inch (4") solid yellow demarcation lines to define specific areas, where fire hydrants are located along a curb line with permitted parking, the area between the fire hydrant and the street or fire lane shall be stenciled with four inch (4") demarcation lines and the words "NO PARKING", demarcation lines shall be measured from the center line of the fire hydrant and extend for a distance 15 feet on both sides.

Where fire hydrants are located in parking lots or other areas susceptible to blockage by parked vehicles they shall be treated as follows: fire hydrants shall be protected in all directions for a distance of seven feet (7') with barriers or curbing, Minimum four-inch (4") diameter steel bollards filled with concrete and marked yellow shall be installed at the outermost corners of the fire hydrant demarcation area. The minimum height of the bollard shall be 36 inches above the finished grade of the adjacent surface, and the steamer connection of all fire hydrants shall be positioned so as to be facing the edge of the street, or traffic lane.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 6, 2)

The owner is responsible if the hydrant is private.

19. Hydrant barrels shall be provided with reflective material, such as paint, durable for highway/roadway markings or a reflective tape of a minimum of 2" in width around the barrel under the top flange, hydrant bonnets shall be color coded based on the following criteria: class AA 1500 GPM - painted light blue, class A 1,000 GPM -1499 GPM - painted green, class B 500 - 999 GPM - painted orange, class C 250 - 499 GPM - painted red, class D under 250 GPM - painted black.

(2021 Delaware State Fire Prevention Regulations 703, Chapter 3. 4)

The owner is responsible if the hydrant is private.

20. Hydrants are to be Darling Co. B-62-B Breakaway <https://american-usa.com/products/valves-and-hydrants/fire-hydrants/5-1-4-american-darling-b-62-b-5>

21. NFPA 72 compliant Fire Alarm System required 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)

22. Sprinkler system required. System is to be monitored by an approved Fire Alarm System.

This chapter shall apply to all buildings, structures, marine vessels, premises, and conditions which are modified by more than 50% after the effective date of these Regulations. The 50% figure shall be calculated utilizing the gross square footage of the building, structure, marine vessel, premises and conditions as to arrive at the correct application.

Any proposal that is presented to the Office of the State Fire Marshal for review and approval for a building rehabilitation as defined in the 101 Life Safety Code, for less than 50% of the gross square footage of a non-sprinklered building, may not have another such project for the same building submitted for review and approval any sooner than three (3) years after the date of the final inspection unless sprinkler projection is provided throughout the entire building.

In all buildings exceeding 10,000 square feet of aggregate, gross floor area.

In all buildings in excess of 40 feet in height or more than four (4) stories in height.

In all buildings or areas thereof used for the storage, fabricating, assembling, manufacturing, processing, display or sale of combustible goods, wares, merchandise, products, or materials when more than two (2) stories or 25 feet in height.

In all basement areas exceeding 2,500 square feet floor area.

In residential occupancies when of: Type V (0,0,0) or Type III (2,0,0) construction and exceeding two (2) stories or 25 feet in height. Type V (1,1,1) and Type III (2,1,1) or

Type IV (2,H,H) construction exceeding three (3) stories or 3 In all residential apartment buildings storage areas except individual unit closets that are located within individual residential living units.

In all buildings used as health care occupancies as defined in the Life Safety Code, NFPA 101, as adopted and/or modified by these Regulations. In all buildings or areas classified as "high hazard" under

the Life Safety Code, NFPA 101, or "extra hazard" under the Standard for the Installation of Sprinkler Systems, NFPA 13, as adopted and/or modified by these Regulations.

All buildings used as dormitories, in whole or in part, to house students at a public or private school or public or private institution of higher education. (16 Del.C. Ch. 88) This applies to all such dormitories regardless if new or existing.

(2015 State of Delaware fire Prevention Regulations, 702, Chapter 4)

Places of assembly shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply:

All new indoor places of assembly with an occupant load of 150 persons or greater.

Any interior renovations of 50 percent or more to an existing place of assembly with an occupant load greater than 150 persons.

Any additions or increase in interior size to an existing place of assembly that would create an occupant load of 150 persons or greater.

Places of assembly where alcohol is served for consumption on the premises shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13 when the following apply:

All new indoor places of assembly with an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises.

Any interior renovation of 50 percent or more to an existing place of assembly with an occupant load greater than 100 persons and where alcohol will be served for consumption on the premises.

Any additions or increase in interior size to an existing place of assembly which would create an occupant load of 100 persons or greater and where alcohol will be served for consumption on the premises.

New educational occupancies of 5,000 square feet or greater shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13.

(City of Dover Code of Ordinances 46-162)

23. Fire Department Connection is to be a 5-inch storz connection on a 30-degree elbow located within 50 feet of main entrance. Access to the Fire Department Connection must be clear unobstructed access as defined by the AHJ.

Fire department connections. Unless otherwise approved by the fire marshal, fire department connections shall be on the street side of the building and shall be located and arranged so that hose lines can be readily and conveniently attached to without interference from any nearby obstructions as defined by the fire marshal's office. Fire department connections shall be a five-inch Storz. Fire department connections shall be within 300 feet of an approved City of Dover Fire Hydrant and within 50 feet of the main entrance of the structure it serves. All fire department connections shall be not less than three feet nor more than five feet in height above finished grade. The fire marshal shall have the authority to require more stringent requirements when deemed necessary. (City of Dover Code of Ordinances 46-162)

24. Parking and/or obstructions shall be prohibited in front of fire department connections for a distance measuring from the center line and extending four feet on both sides.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.4)

25. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.
26. If there is any type of rack storage, the following will be required: 1) a diagram showing the layout and type of rack system 2) a list and quantity of items being stored 3) a letter from an authorized/licensed fire suppression contractor stating that in rack sprinklers are or are not needed. If in rack sprinklers are not needed, a letter may be requested from an authorized/licensed fire suppression contractor to ensure that the sprinkler system is adequate for the storage presented.
27. All standpipe and sprinkler connections shall be marked as prescribed within the appropriate section of this regulation and as illustrated by the appropriate figures of this regulation. All standpipe and sprinkler connections shall have minimum of four inch (4") solid yellow demarcation lines to define specific areas, Solid yellow demarcation lines shall be measured from the center line of the connection and extend for a distance of four feet (4') on both sides, and where parking is allow between the building and the street or fire lane the solid yellow demarcation lines shall extend from the end of the sidewalk surface to the street or fire lane (Markings shall not be required on the sidewalk surface). All fire department connections (standpipe and sprinkler) shall have a minimum 12" x 18" sign that reads FIRE DEPT. CONNECTION, sign lettering shall be a minimum of 3 inches (3") in height with red scotchlite letters on white scotchlite background. The sign shall be clearly visible from the fire lane or roadway, and signs using NFPA international symbols shall be an acceptable alternative. (2021 Delaware State Fire Prevention Regulations, 705, Chapter 6, 3)
28. Standpipes shall be provided in all areas and buildings as required in the codes and standards listed in Regulation 701 as well as the following areas or buildings:

In all Class A and Class B places of assembly and institutional occupancies two (2) stories or 25 feet in height or over,

In any building over three (3) stories, In any building over 35 feet in height,

In any building that has a floor above the first floor over 10,000 square feet gross floor area,

In all buildings where the 1st floor exceeds 60,000 gross square feet,

a Class I horizontal standpipe system installed in accordance with the applicable codes and standards listed in Regulation 701 of these Regulations shall be provided. All standpipe systems shall be installed in accordance with the applicable codes and standards listed in Regulation 701.

The standpipe system shall be carried up with each floor and shall be installed and ready for use as each floor progresses.

Standpipes shall not be more than one floor below the highest forms of staging,

The 2½-inch of hose connections on Class I systems shall be provided in the following locations, At the highest intermediate landing between floor levels in every required exit stairway,

Where intermediate landing is not provided, hose connections shall be permitted to be located at the main floor landings in exit stairways when approved by the authority having jurisdiction, Where the local fire department has the capability of providing the required pressure, hydraulically designed standpipe systems in fully sprinklered, non-high-rise buildings shall be designed to provide the required waterflow rate.

A sign shall be provided at each landing, in all interior stairways, designating the floor level.
(2021 Delaware State Fire Prevention Regulations 702, Chapter 4, 2)

29. 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)

30. 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)

31. 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

32. All required means of egress shall have an exit discharge consisting of a non-slip surface and leading to and terminating at a public way. NFPA 101
33. All new passenger elevators in a building shall be provided with a car sized to accommodate an ambulance cot 24 inches (609 mm) by 84 inches (2133 mm) in its horizontal open position. Where two or more new passenger elevators are located in a single hoist way and serve all or the same portion of the building, only one elevator car that provides a car sized to accommodate an

ambulance cot 24 inches by 84 inches in its horizontal position for each hoist way shall be required. Elevator cars required to comply with 15.1 or 15.2 shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoist way door frame. Firefighter recall keys shall be provided in a manner acceptable to the local fire department. (2021 Delaware State Fire Prevention Regulations 705, Chapter 1, 15)

34. Buildings over 25,000 Sq. Ft are to have radio performance testing done prior to Final CO. This must be scheduled in advance with an authorized vendor.
35. Project to be completed per approved Site Plan.
36. Full building and fire plan review is required.
37. 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.
38. Construction or renovations cannot be started until building plans are approved.
39. 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.
40. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.
41. 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. This is a large area building, please see additional requirements listed below
2. Please confirm that the front fire lane is 24' wide
3. Please confirm that item # 6 listed above is in compliance (15' between the building and parking)
4. Please confirm that there is at least 10' from the building to the edge of the fire lane as listed in item# 5 listed above
5. Please confirm that item #25 listed above is in compliance (300' from fire hydrant to the FDC)
6. A discussion needs to take place regarding fire hydrant placement (at least one at every corner of the building. (hydrants cannot be on the same system as the fire suppression)
7. Smoke management system will be required

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.**

“Large Area Building” Any building that exceeds one-hundred thousand (100,000) square feet gross floor area on any one floor.

Chapter 5 Mid Rise, High Rise and Large Area Buildings

1.0 Application

1.1 This chapter shall apply to all new buildings and this chapter shall apply to all existing buildings that undergo a change in occupancy.

1.2 This chapter shall apply to all buildings, structures, marine vessels, premises, and conditions which are modified by more than 50% after the effective date of these Regulations. The 50% figure shall be calculated utilizing the gross square footage of the building, structure, marine vessel, premises and conditions as to arrive at the correct application.

1.3 Any proposal that is presented to the Office of the State Fire Marshall for review and approval for a building rehabilitation as defined in the 101 Life Safety Code, for less than 50% of the gross square footage of a non-sprinklered building, may not have another such project for the same building submitted for review and approval any sooner than three (3) years after the date of the final inspection unless sprinkler projection is provided throughout the entire building.

Note: It is the intent of this subsection to prevent a submission for review and approval of a project in such stages that would have the effect of being less than the 50% of the square footage, in order to avoid having to have the building, etc., meet current standards.

19 DE Reg. 843 (03/01/16)

4.0 Large Area Buildings.

4.1 Application. The application of this Chapter pertains to any building exceeding one-hundred thousand (100,000) square feet gross floor area on any one floor. This Chapter does not apply to Strip Shopping/Office Center with no individual tenant exceeding 100,000 sq. ft.

4.1.1 If any one individual tenant in a Strip Shopping/Office Center exceeds 100,000 sq. ft. per floor, these requirements shall apply only to those tenants.

4.2 Horizontal Standpipes.

4.2.1 Horizontal Standpipes shall be required in accordance with Regulation 702, Chapter 4 of these Regulations

4.3 Emergency Voice/Alarm Communications and Detection System.

4.3.1 Large area buildings shall be equipped with a voice alarm, communication and detection system which shall be installed in accordance with the applicable codes and standards listed in Regulation 701 of these Regulations; and approved by the Office of the State Fire Marshal

4.4 Fire Command Station.

4.4.1 Large area buildings containing Health Care Occupancies, Ambulatory Health Care and Detention and Correction Occupancies shall contain a fire command center for fire department operations in a location reviewed by the responsible Fire Chief and approved by the Office of the State Fire Marshal. The Office of the State Fire Marshal may require a Fire Command Center for other Large Area Buildings.

4.4.2 The fire command center shall contain the following:

4.4.2.1 Voice alarm and public address panels

4.4.2.2 Fire department communications panel

4.4.2.3 Fire detection and alarm system annunciator panels and smoke management panels

4.4.2.4 Status indicator for elevator and annunciator indicating which elevators are operational

4.4.2.5 Status indicators and controls for air handling systems

4.4.2.6 Controls for unlocking all fire exit stairway doors simultaneously

4.4.2.7 Emergency power, light and system controls; and status indicators

4.4.2.8 Telephone and internet access for fire department use

4.4.2.9 Emergency and standby power status indicators

4.4.2.10 Generator supervision devices and manual start and transfer features

4.4.2.11 Public address system, where specifically required by other sections of this Code

4.4.2.12 Controls required for smoke control

4.4.2.13 Important keys to include

4.4.2.13.1 Elevator machine room

4.4.2.13.2 Elevator hoistway door access key

4.4.2.13.3 Side access door elevator car key

4.4.2.13.4 Electric room keys

4.4.2.13.5 Fire pump room keys

4.4.2.13.6 Mechanical room keys

4.4.2.13.7 Any master key

4.4.2.14 As built drawings. Specific types and format of drawings to be determined by the Office of the State Fire Marshal at time of plan review.

4.4.3 The fire command center shall be separated from the remainder of the building by one-hour construction and equipped with a heating, ventilating and air conditioning system that will prevent smoke laden air from entering the space.

4.4.4 It is not the intent of this section to require a room dedicated for this purpose, but the area provided must be available for immediate use in case of emergency.

4.4.5 The room shall be a minimum of 96 square feet with a minimum dimension of 8 feet.

4.4.6 The fire command room door shall be clearly identified for use by the fire department.

4.5 Smoke Management Systems

4.5.1 Large area buildings shall be equipped with a smoke management system approved by the Office of the State Fire Marshal, designed in accordance with §4.5.2 or §4.5.3, and shall be capable of being operated by the fire department.

4.5.2 This smoke control system shall, at a minimum, consist of manually operated smoke vents installed in accordance with the Standard for Smoke and Heat Venting, NFPA 204 with the following criteria:

4.5.2.1 One, 100 sq. ft. vent per 25,000 sq. ft. of floor area.

4.5.2.2 Each vent shall be centrally located within the 25,000 sq. ft. protected area.

4.5.3 Large Area buildings using mechanical means of smoke management shall be installed in accordance with NFPA 92A, NFPA 92B and approved by the Office of the State Fire Marshal. Such system shall provide the following:

4.5.3.1 Egress Stair Tower Pressurization if stairs are more than three (3) communicating floor levels

4.5.3.2 Area of Refuge Pressurization

4.5.3.3 Horizontal Exit Passageway Pressurization

4.5.3.4 Fire Floor or Fire Area Smoke Exhaust

4.5.3.5 Other Criteria as deemed necessary by the Office of the State Fire Marshal for Unusual Spaces

4.5.4 Smoke management system operation/actuation shall be approved by the Office of the State Fire Marshal.

Note: As per NFPA 92A and NFPA 92B, the smoke management system shall be provided with a graphic annunciator and manual override panel to be located in the fire command center. The design and operation of the graphic annunciator shall be approved by the Office of the State Fire Marshal.

4.6 Standby Power, Light, and Emergency Systems.

4.6.1 Large area buildings shall be equipped with standby power, light, smoke management system and emergency systems which shall comply with the provisions of the Standard for Emergency and Standby Power Systems, NFPA 110, as adopted and/or modified by these Regulations.

Exception: If the occupancy is such that "standard" battery operated emergency systems (emergency lighting, exit signs, fire alarm signaling system backup power, etc.), are deemed to be adequate by the State Fire Marshal.

13 DE Reg. 629 (11/01/09)

19 DE Reg. 843 (03/01/16)

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

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APPLICATION: Warehouse Building at 601 Garrison Oak Drive

FILE#: S-24-11

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Brian J. Williams Jr.

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. Need to schedule pre-submittal meeting with the Department.
 - a. Traffic study may be required



KENT CONSERVATION DISTRICT

Item 3.

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

APPLICATION: Lot 3 Garrison Oaks Drive

FILE #: S-24-11

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. Stormwater management for lot 3 is provided for the 10 year and 100 year storm events under the previously approved business park. The proposed stormwater management area for Lot 3 will need to account for the RPV storm event only.
2. 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.
3. 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.
4. 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: 8/7/2024

**Dover/Kent
County
Metropolitan
Planning
Organization**

S-24-11 Warehouse Building at 601 Garrison Oak Drive

FILE # S-24-11

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-24-11 Warehouse Building at 601 Garrison Oak Drive

The site development plan does not appear to include truck parking spaces separate from the loading docks. Parking and staging availability has been an ongoing challenge for the City of Dover, and it is common for trucks and trailers to be left in “undesignated” parking areas. Given the volume of trucks that will be visiting the property, there may be times when there are not enough loading docks available. Drivers may also need to leave their vehicles at a safe, designated location overnight. With this in mind, several truck parking and staging spaces, in addition to the loading docks, should be considered and designated for the site plan if they have not already.

Sidewalks are already present on the frontage of Garrison Oak Drive. The plan includes bicycle parking and handicap parking, as well as connectivity improvements such as sidewalks and crosswalks. This new network will significantly improve the safety and accessibility of the property.

Note that Dover Kent MPO has previously completed two studies that relate to the Garrison Oak properties (provided below). The first of these is the *Garrison Oak Traffic Study* (2017), which examines the daily vehicle traffic of White Oak Road and nearby roads in order to inform future improvements.



- <https://doverkentmpo.delaware.gov/files/2019/05/Garrison-Oak-Study-FY17.pdf>

The second is the *Dover Air Cargo Freight Access Study* (2021), which provides several alternatives in the form of new roads and enhancements to existing roads. These changes would improve freight connectivity between Dover Air Force Base, Garrison Oak Drive, and other locations in the area, and they would likely reduce truck traffic on residential roads.

- https://doverkentmpo.delaware.gov/files/2021/09/Dover-Air-Cargo-Freight-Study-PEL_final.pdf

The MPO supports the development of Garrison Oak properties, in addition to other efforts to enhance truck parking and promote freight-related economic development in the area.

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.



STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
OFFICE OF STATE PLANNING COORDINATION

July 26, 2024

Dawn Melson-Williams, AICP
Principal Planner
Inspections, and Community Development
City of Dover
15 Loockerman Plaza
Dover, DE 19901

RE: PLUS Waiver Request – Garrison Oak Lot 3 – Proposed Warehouse
Tax Parcel: 4-05-06800-02-0300-00001

Dear Ms. Melson-Williams:

Our office received your request for a PLUS waiver for the proposed 100,000 square feet warehouse on Lot #3 of the Garrison Oak Technology Park on July 22, 2024. Upon review of the submitted plans and the description of the project, our office agrees that the proposed warehouse is an important economic development project for Garrison Oak and is aligned with long-range plans for development of the individual lots.

Industrial and commercial uses at the scale of this project are anticipated and needed in Garrison Oak. The proposed warehouse meets the waiver criteria outlined in 29 Del. C. §9205 (b), such as, “projects which will provide an extraordinary benefit to the State and the local jurisdiction through economic development, job creation, educational opportunities, public services or facilities, agricultural preservation or protection and enhancement of the natural environment.” It is also an important component of multiple freight and economic development studies in the area, such as the Dover Air Cargo Freight Access Study. Therefore, our office approves the waiver request. No PLUS review is required for the project as submitted on July 22, 2024, at the above referenced parcel.

https://doverkentmpo.delaware.gov/files/2021/09/Dover-Air-Cargo-Freight-Study-PEL_final.pdf

This does not waive the applicant from contacting state agencies to determine code and permitting requirements. Any development on the site will still be required to follow all

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Phone (302)739-3090 · Fax (302) 739-5661 · www.stateplanning.delaware.gov

relevant codes and permitting procedures set forth by the State of Delaware. In addition, this does not waive the local City of Dover review and approval process.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Edgell", with a stylized, cursive script.

David L. Edgell, AICP
Director, Office of State Planning Coordination

enc: PLUS waiver request, dated July 22, 2024

cc: David Hugg, City Manager, City of Dover
Dawn Melson-Williams, AICP, Principal Planner, City of Dover
Jonathan Street, Associate, Becker Morgan Group
Joshua Thomas, AICP, Principal Planner, OSPC



July 22, 2024

David Edgell, AICP
Director, Office of State Planning Coordination
Haslet Armory
122 Martin Luther King, Jr Blvd, South
Dover, DE 19901
Via Email: David.Edgell@delaware.gov and joshua.thomas@delaware.gov

RE: Request for Waiver of PLUS Review
Project at Garrison Oak Business & Technology Park: Lot 3, 601 Garrison Oak Drive. Tax
Parcel: LC-05-068.00-02-03.00-000

Dear David:

We are requesting that the PLUS (Preliminary Land Use Services) process for the proposed development on Lot 3 at the Garrison Oak Business and Technology Center (GOTBC) be waived. The City of Dover has sold several of lots to outside entities to develop in Garrison Oak Business and Technology Center. The purpose of GOTBC is to provide development and employment opportunities for light to moderate industrial manufacturing, warehousing, distribution, logistics, research and technology establishments as well as offices and professional services.

The owner of Lot 3 (Garrison Oaks, LLC) proposes to develop the property with a 100,000 SF Warehouse Building, associated parking, and stormwater improvements. This is an allowed use in the IPM-2 (Industrial Park Manufacturing Zone - Business & Technology Center). This proposed development is in the warehouse logistics and distribution sector of the economy.

The City of Dover's Memorandum of Understanding indicates that development within Garrison Oak Business and Technology Center is exempt from PLUS review unless the buildings equal or exceed 75,000 square feet. The project has filed a Site Development Plan application for review by the City's Planning Commission. Development within the GOTBC continues to be a high priority economic development project area for the City of Dover. We are requesting that the PLUS review be waived in the interest of the importance of this project to Dover, Kent County and to the State. Please find enclosed the Site Plan sheet for this proposed development for your reference along with the applicant's request to waive the PLUS process.

If you should have any questions, please don't hesitate to contact me at (302) 736-7196 or by email dmelson@doover.de.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Dawn Melson-Williams".

Dawn Melson-Williams, AICP, Principal Planner

Attachments: Proposed Development on Site Plan Sheet C-001 and Letter of July 8, 2024 Requesting PLUS waiver from Becker Morgan Group

Cc: Sharon Ducs, P.E. Assistant City Manager and David S. Hugg III, City Manager



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100 DISCOVERY BOULEVARD, SUITE 102
NEWARK, DELAWARE 19713
302.369.3700

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

3333 JAECKLE DRIVE, SUITE 120
WILMINGTON, NORTH CAROLINA 28403
910.341.7600

615 SOUTH COLLEGE STREET, SUITE 8-158
CHARLOTTE, NORTH CAROLINA 28202
980.270.9100

www.beckermorgan.com

Item 3.

July 8, 2024

City of Dover
Department of Inspections & Planning
15 Loockerman Plaza
Dover, DE 19901

RE: **P.L.U.S. Waiver**
GARRISON OAK LOT 3
Dover, Delaware
2009076.11

To Whom It May Concern:

We are requesting that the PLUS process for the above-referenced project be waived.

As you are aware, the legislature recently adopted HB 104, which makes PLUS optional within levels 1 and 2 throughout the state. This project is located within the Garrison Oak Business and Technology Park, which is located within Investment level 2 per the state strategies map. As a result, we respectfully request that the City of Dover request the Office of State Planning and Coordination waive the PLUS process for this project.

If you have any questions, do not hesitate to contact me.

Sincerely,

BECKER MORGAN GROUP, INC.

Jonathan N. Street
Associate

JNS/rjh

2009076011ad-COD-PLUS-Waiver-ltr.docx



VERTICAL
METAL SIDING





METAL CANOPY

**ALUMINUM
STOREFRONT**



**HORIZONTAL
METAL SIDING**

**VERTICAL
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Item 3.

July 8, 2024

City of Dover
Department of Inspections & Planning
15 Loockerman Plaza
Dover, DE 19901

RE: **P.L.U.S. Waiver**
GARRISON OAK LOT 3
Dover, Delaware
2009076.11

To Whom It May Concern:

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If you have any questions, do not hesitate to contact me.

Sincerely,

BECKER MORGAN GROUP, INC.

Jonathan N. Street
Associate

JNS/rjh

2009076011ad-COD-PLUS-Waiver-ltr.docx

WAIVER REQUEST

LOT 3, GARRISON OAK BUSINESS AND TECHNOLOGY CENTER

PARKING REQUIREMENTS

REQUEST: On behalf of the Owner/developer, we are requesting a 30% parking reduction for the required parking provided for the project be granted by the Planning Commission.

EXTENT OF THE REQUEST: By code, the parking requirements for IPM-2 zone are 1 space per 800 square feet (sf) of building area. With the bulk area of the building being 100,000 sf, by code 125 spaces would be required. As the vast majority of the building space is warehousing, the parking needs to support the facility and its workers does not align with the code. The general office space to support facilities such as these are a small fraction of the overall space. Reducing the overall parking by 30% of the required continues to allow for 87 parking spaces for office and general workers for the facility. These facilities are typically laid out to accommodate heavy vehicles rather than passenger vehicles. At 41% impervious, the site has additional space to meet the end user's needs. With this application we are requesting that vehicular parking be reduced by up to 30% of what is required by code, for a total of 87 spaces.

BASIS FOR REQUEST: Article 6, section 3.9 (a) and (b) of the City of Dover zoning standards states that "The planning commission or city planner, according to the type of plan review required by appendix B, zoning, [article 10](#), planning commission, may reduce, in an amount not to exceed 50 percent, the number of *parking* spaces required..."

200907611ae-parking-waiver

WAIVER REQUEST

**LOT 3, GARRISON OAK
BUSINESS AND TECHNOLOGY CENTER**

CURBING REQUIREMENTS

REQUEST: We request that portions of the required upright concrete curbing along the outer edges of the parking area be waived by the Planning Commission.

EXTENT OF THE REQUEST: By code, all permanent parking areas shall be enclosed with upright concrete curbing at least six (6) inches in height. We are requesting a waiver to eliminate portions of upright curbing to allow for the runoff to sheet flow from existing paved areas and continue its current drainage pattern into pervious grassed and landscaped area. Portions of the parking lot currently do not contain curbing. These areas discharge into grassed and landscaped areas within and adjacent to the existing site. Providing the required curbing in these areas would only concentrate the runoff directly to closed drainage systems without providing the benefit of pervious surfaces for runoff reduction. We recommend not altering existing drainage patterns as to upset the current balance of the existing drainage system within the projects natural areas.

BASIS FOR REQUEST:

1. Article 6, section 3.6 (b) of the City of Dover zoning standards states that the Planning Commission may relax this requirement for a portion of a parking area when there is a demonstrated need to convey stormwater to a proposed or approved stormwater management area. We are proposing that portions of the parking and some drive isle areas be allowed to sheet flow stormwater run-off as needed to provide the benefit of natural uptake of the runoff, and not impede the runoffs' ability to sheet flow into the existing pervious and landscaped areas.



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FAX 410.546.5824

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910.341.7600
FAX 910.341.7506

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July 8, 2024

Mrs. Dawn Melson-Williams, AICP
City of Dover
Department of Planning and Inspections
P.O. Box 475
Dover, DE 19903-0475

RE: **Performance Standard Review Application**
GARRISON OAK BUSINESS AND TECHNICAL CENTER, LOT 3
Dover, Delaware
2009076.09

Dear Mrs. Melson-Williams:

On behalf of our client, Garrison Oaks LLC, we are hereby submitting a Performance Standard Review Application as a supplement to the Application for Site Development Plan Approval for the above-referenced project. This is submitted for consideration at the August 19, 2024 Planning Commission hearing. This project proposes the construction of a 100,000 sqft general warehousing and distribution facility. Responses to the Performance Standards for the structure and use is provided below.

WAREHOUSING DISTRIBUTION FACILITY

Section 8.51 - Fire and Explosion hazards: The proposed building will be sprinklered in accordance with the Delaware State Fire Prevention Regulations. It will not contain any hazardous or explosive materials.

Section 8.52 - Radioactivity or Electromagnetic Disturbance: Not Applicable. The proposed warehouse facility will not produce radioactivity or electromagnetic disturbance.

Section 8.53 - Noise: Not Applicable - The proposed warehouse facility will not generate any noise beyond that which is consistent with an office use.

Section 8.54 - Vibration: Not Applicable - The proposed warehouse facility will not generate any vibrations.

Section 8.55 - Smoke: Not Applicable - The proposed warehouse facility will not generate smoke.

Section 8.56 – Odors: Not Applicable - The proposed warehouse facility will not generate odorous gases or other offensive odorous matter.

Section 8.57 – Fly Ash, Dust, Fumes, Gases, and other forms of Air Pollution: Not Applicable - The proposed warehouse facility will not generate any of the aforementioned forms of air pollution.

Section 8.58 - Glare: The proposed warehouse facility and parking lot lighting will meet City of Dover lighting requirements and not produce any additional glare for the area.

Section 8.59 – Liquid or Solid Wastes: No liquid or solid wastes will be discharged to the public sewer other than normal sanitary sewage from the building.

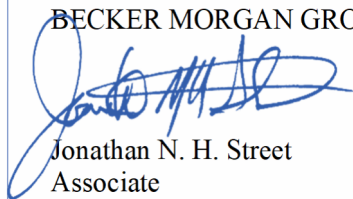
Section 8.60 – Traffic Congestion: Not Applicable - The proposed warehouse facility is part of a

previously approved Industrial Park Subdivision and approved Traffic Impact Study (TIS). The traffic from all of the lots within the subdivision was accounted for when the subdivision was designed and the TIS approved. This lot accesses city owned internal subdivision streets and has several exit points from the subdivision to the external road network.

We believe this addresses the requirements for the Performance Standard Review Application. Please attach this application to our Application for Site Development Plan Approval scheduled for review by the Planning Commission and contact me with any questions.

Sincerely,

BECKER MORGAN GROUP, INC.



Jonathan N. H. Street
Associate

JNS/

Cc: Jeff Garrison, Garrison Oaks LLC.

2009076.11aj-Perf-Rev-ltr

By-Laws of the Planning Commission of the City of Dover

Objectives

Section 1 The objectives and purposes of the Planning Commission of the City of Dover, Delaware, are those set forth in Chapter 7, Title 22 of the Delaware Code annotated, and amendments, supplements, thereto, and those powers and duties delegated to the Planning Commission by the City Council of the City of Dover pursuant to state statute.

Powers, Duties and Procedures

Section 2 The duties, powers and procedures of the Planning Commission be as set forth in the following documents:

- (a) The resolution of the City Council establishing such Planning Commission;
- (b) The Building Zone Ordinance as to matters relating to amendments to site plan approval;
- (c) The Subdivision Regulations as to the review and approval of subdivision plats;
- (d) As to the regulations set forth herein for all other matters for which the Commission has the responsibility.

Officers

Section 3.1 The officers of the Planning Commission shall consist of a Chairman and Vice-Chairman.

Section 3.2 The Chairman shall preside at the meetings and hearings of the Planning Commission and shall have the duties usually conferred upon a presiding officer. He shall continue to exercise the prerogatives of an individual member of the Commission while performing the duties of presiding officer.

Section 3.3 The Vice Chairman shall be the presiding officer in the absence of the Chairman.

Recording and Corresponding Secretary

Section 4 The Commission shall appoint a Secretary who shall not be a member of the Commission or an officer, and shall have the following duties and responsibilities:

- (a) Prepare agenda for all meetings with the Chairman and provide notice of meetings to Commission members.
- (b) Keep minutes of all meetings, and record of the Commission.
- (c) Act as agent for the Commission in receiving submissions, applications, correspondence, etc.
- (d) Act as agent for the Commission in arranging for notice of public hearings and notifying interested parties of Commission actions as authorized by the Commission.

Official Records

Section 5 The City Clerk shall be the official custodian of the records of the Commission and shall make them available to the public as provided by law. He may designate the office of the Secretary of the Commission or the Planning Office as the place where such records shall be kept.

Elections of Officers

Section 6.1 The officers shall be elected by the Commission at the annual organization meeting which shall be the regular scheduled meeting in July of each year. Election of officers shall be held by secret ballot.

Section 6.2 A candidate receiving a majority vote of the entire membership of the Planning Commission shall be declared elected and shall serve for one year or until his or her successor shall take office.

Section 6.3 Vacancies in offices shall be filled by the Commission at any scheduled or special meeting.

Section 6.4 The Chairman and Vice Chairman shall be limited to **four** consecutive one-year terms. A former Chairman or Vice Chairman who has held **four** consecutive terms in such position may be elected to that position after vacating the position for a period of one year.

Meetings

Section 7.1 The Commission shall hold one public meeting during each calendar month.

Section 7.2 The monthly meeting date for the coming year shall be established by a majority of the Commission at its organization meeting of the year. The date of the public meeting can be changed during the year by a majority of the Commission

Section 7.3 The Commission will receive all applications concerning matters within its jurisdiction only at its public meetings. All times to be submitted for consideration at any public meeting shall be submitted in complete and final form for Commission consideration not less than thirty days prior to said meeting. No items submitted subsequent to this time shall be placed upon the Agenda except by a majority vote of the Commission members present at such meeting. The official date of receipt of any matter presented to the Commission shall be the date of the first public meeting at which such matter is received for consideration. Any maximum time periods established by the Zoning Ordinance or other local laws limiting the time for consideration of any matter by the Planning Commission shall commence on such date of the receipt.

Section 7.4 A majority of the membership of the Commission shall constitute a quorum. The Commission may act on any matter by a majority vote of such quorum.

Section 7.5 All formal votes to record the decision of the Commission on any matter referred to it shall be taken only by a quorum at a public meeting. By a majority vote of those members present the Commission may convene in executive session. However, all formal votes to record the Commission's decision shall only be taken during periods in which such meetings are open to the public.

Section 7.6 Special meeting may be called by the Chairman or by a majority of the Commission, providing that not less than 24 hours notice by writing or telephone is given to each member of the Commission. Such meetings shall be executive sessions at which no formal votes shall be taken.

Section 7.7 All public and special meetings shall be held in City Hall or other public facility with proper public notification.

Agenda

Section 8 The Secretary shall prepare the proposed Agenda for each public meeting, with the Chairman not less than ten days prior to the date of such meeting, and shall transmit a copy of the Agenda to each Commission member on such date of preparation. No items will appear on such proposed Agenda except those for which applications or written requests have been received not less than thirty days prior to the date of the public monthly meeting as set forth in Section 7 above. The Commission may amend the proposed Agenda by a majority vote of those members present.

Section 9.1 The order of business at public meetings shall be as follows:

- (a) Roll Call.
- (b) Adoption of Minutes of previous meetings.
- (c) Approval of Agenda
- (d) Communications
- (e) Report of Officers and Committees
- (f) Old Business
- (g) New Business
- (h) Referrals, Administrative Reviews, Petitions, Applications and Other Matters presented by the public.

Section 9.2 The order of business at special meetings shall be as determined by the Commission.

Section 9.3 At all meetings and hearings attended by the public, the Chairman shall make a brief statement indicating the nature of each item on the Agenda, except that in the case of petitions, applications and other matters presented by the public, such statement shall be made by the person introducing the matter.

Section 9.4 Minutes of all public and special meetings of the Commission shall form part of the records of the Commission and shall be available to the public when duly adopted by the Commission.

Committees

Section 10.1 There may be a Subdivision Committee appointed by the Chairman with the approval of the Commission at the annual organization meeting. It shall consist of three members who shall serve until the next annual meeting. The Chairman may make appointments to bring the committee to full strength in the event of temporary absence of committee members.

Section 10.2 Other Committees may be appointed by the Chairman from time to time with the approval of the Commission.

Public Hearings

Section 11.1 The Commission shall hold public hearings as required by statute and applicable ordinances of the City. In addition to those required by law, the Commission may at its discretion hold public hearing when it considers that such hearings will be in the public interest.

Amendments

Section 12 These By-Laws may be amended at any time by a majority vote of the entire membership of the Commission.

Adopted September 15, 1959
Amended November 17, 1975
Amended March 16, 1981
Amended March 19, 1981
Amended June 17, 1991
Amended January 25, 1995
Amended April 26, 1995
Amended August 16, 2010
Amended August 20, 2018

Appointment of the Architectural Review Oversight Subcommittee of Planning Commission

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

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

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

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

At the July 17, 2023 Meeting of the Planning Commission, the following individuals were appointed to the Architectural Review Oversight Subcommittee of Planning Commission.

- Kathleen Welsh, Planning Commission member
- Kenneth Roach, Planning Commission member
- Mayor or Mayor's designee

The Planning Commission at their July 17, 2023 Meeting also considered the appointment two of Design Professional members to the Subcommittee pending confirmation of their availability. Planning Staff reported back to the Planning Commission confirming their availability. At the September 9, 2023 Meeting, the Planning Commission confirmed the following Design Professionals to serve on the Subcommittee. No other Design Professionals as Alternates were offered.

- Dr. R.J. Chandler, Faculty member of Architecture program at DelTech Community College, Design Professional
- Ms. Sarah Keifer, Director of Planning Services for Kent County, Design Professional

The Planning Commission as part of their Annual Meeting must act to appoint the membership of the Architectural Review Oversight Subcommittee.