

**CITY OF DOVER, DELAWARE
PLANNING COMMISSION - SESSION 1
Monday, November 18, 2024 at 5:30 PM**

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

AGENDA – SESSION 1

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 - Session 1 for November 18, 2024 will be held at City Hall in City Council Chambers at 5:30 P.M. The public is welcome to attend. The Meeting Session 1 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 - SESSION 1 of November 18, 2024 at 5:30 P.M.

Join by Phone: Dial +1-650-479-3208
Access Code: 253 566 78362
Password from Phones: 36837721

Join Online: <https://bit.ly/PCMeeting11182024>
Webinar Number: 2535 667 8362
Webinar Password: DoverPC1

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 October 21, 2024

COMMUNICATIONS & REPORTS

Meeting Reminder: The next Planning Commission regular meeting date is December 16, 2024 at 7:00 P.M.

Update on City Council Actions

Department of Planning & Inspections Updates

Department of Planning & Inspections Updates

2. 2024 Delaware Planning Conference & Annual Meeting is scheduled for December 4, 2024 in Newark, Delaware presented by the APA Delaware Chapter.

OPENING REMARKS CONCERNING MEETING PROCEDURES FOR APPLICATIONS

OLD BUSINESS

Requests for Extension of Planning Commission Approval

NEW APPLICATIONS

3. C-24-05 JJ's Learning Experience II Child Day Care Center at 261 North DuPont Highway - Public Hearing and Review of a Conditional Use Plan application to convert an existing 12,000 SF tenant space (previous retail establishment) into a Child Day Care Center. The subject site is within a building located on a parcel developed as a shopping center known as the Centre at Dover. The subject site is located east of North DuPont Highway and east of Centre Drive (private drive). The property is zoned SC-2 (Community Shopping Center Zone). The owner of record is Mahavir Realty, LLC c/o HH Property Management Inc. Applicant: JJ's Learning Experience, LLC (Keith and Shawanda Johnson). Property Address: 261 North DuPont Highway, Suite 1. Tax Parcel: ED-05-068.14-01-03.05-000. Council District 3.
4. S-24-19 Legislative Hall Building Addition at 411 Legislative Avenue – Public Hearing and Review of a Site Development Plan Application and associated Architectural Review Certification to permit renovation and expansion of Legislative Hall. The proposal includes a three-story 56,820 SF Building Addition on the east side of the existing Legislative Hall building creating a new main public entrance, a Plaza area with Monument Walk, and other site improvements. The main property of 2.80 acres+/- is zoned IO (Institutional and Office Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone) and the H (Historic District Zone). The other property of 0.43 acres+/- is zoned ROS (Recreational and Open Space Zone) and subject to H (Historic District Zone). The subject properties are located on the east side of Legislative Avenue as the block between Martin Luther King Jr. Boulevard North and Martin Luther King Jr. South. The owner of record is the State of Delaware. Property Addresses: 411 Legislative Avenue and Court Street. Tax Parcels: ED-05-077.09-05-15.00-000 and ED-05-077.09-05-14.00-000. Council District 4. *The project was the subject of HI-24-07 for Historic District Commission Review and Recommendation on the Architectural Review Certification at their October 17, 2024 Meeting.*

NEW BUSINESS

ADJOURN SESSION 1

Posted Agenda: November 8, 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
OCTOBER 21, 2024**

The Meeting of the City of Dover Planning Commission was held on Monday, October 21, 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 Mr. Witham presiding. Members present were Mr. Roach (virtual), Mrs. Denney, Mr. Baldwin, Dr. Jones, Mr. Reaves, Mrs. Welsh (virtual), and Mr. Witham. Mr. Michael Lewis and Mrs. Maucher were absent.

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

APPROVAL OF AGENDA

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

APPROVAL OF MEETING MINUTES OF SEPTEMBER 16, 2024

Mrs. Denney moved to approve the Planning Commission Meeting Minutes of September 16, 2024, seconded by Dr. Jones and the motion was carried 7-0 with Mr. Lewis and Mrs. Maucher absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, November 18, 2024. She wants to advise that Planning Staff is looking at the potential agenda for that evening and they are going to suggest a 5:30PM start time if that is amenable to the Planning Commission members. We have several regular applications and it is also anticipated that City Council will be forwarding to us the Ordinances related to recreational marijuana land uses. In order to manage the meeting, Planning Staff is looking at setting up two sessions: a Session 1 to start at 5:30PM to address the regular applications that would be before the Commission that evening and then a second session to start at 7:00PM to address those Ordinances related to recreational marijuana land uses. They are scheduled for First Reading at City Council on October 28, 2024, at which time it is anticipated that they would be forwarded on to Planning Commission for your public hearing and recommendation. If there are any concerns from the Planning Commission, she would like to note them now because we need to be able to move forward with all of the public notice processes associated with those applications for November.

Mr. Witham asked if it would be a problem for any of the Commissioners to start at 5:30PM. Responding to Mr. Witham, all Commissioners were fine with a 5:30PM start time.

Mrs. Melson-Williams stated that from the consensus, it appears that we can move forward in that direction. Certainly, if something changes, Staff will let you know.

Mrs. Melson-Williams stated that the Proclamation of National Community Planning Month – October 2024 has been adopted and signed by Mayor Christiansen. The Proclamation in sum, basically recognizes the efforts of Community Planning, both Planners as well as those appointed

members of the Planning Commission and the efforts that they have for a commitment to public service. The exact language of the Proclamation was included in your packet and is viewed on the screen; she won't go through and read it this evening.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on September 23 & 23, 2024 and October 14 & 15, 2024.

Mrs. Melson-Williams stated that for the Department of Planning and Inspections updates, there are some new faces in the room. Tracey Harvey is the Community Development Block Grant Manager for our Department but she is helping out with one of the Plan Reviews this evening. Sharon Duca is serving in an administrative capacity of our overall Department of Planning & Inspections. As you know, we have some vacancies in the Planning Department, including the Director, a Planner I, and a Planner II. There are also vacancies in other sections of our Department. One of our Office Assistants moved to the Parks and Recreation Division. The Code Enforcement Staff just brought on a new Code Enforcement Inspector in the last week and she thinks they are still down a position there as well. As she normally states, if you are looking for or know of someone who may be qualified to serve the City in any number of our job positions, certainly visit the City's website and share that information. There are a variety of positions across the City and the Police Department that have vacancies 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

Pending Development Application:

C-24-02 Luther Village IV: Planned Neighborhood Design – Senior Citizen Housing Option on Babb Drive – Update on Waiver Request for Elimination of Rear Emergency Access: The Planning Commission on September 16, 2024 granted conditional approval of the Conditional Use Site Plan/Master Plan for the development of Luther Village Planned Neighborhood Design – Senior Citizen Housing Option consisting of up to 524 age-restricted apartment units in a total of nine phases and including approval of a series of Alternative Design Standards, Waiver Requests, and recommended approval of Subdivision Waiver Requests. Action was deferred on the Waiver Request for the Elimination of Rear Emergency Access. The Master Plan was previously established by Applications C-02-02 and C-13-03 and Luther Village Phases I, II, and III have been constructed. The plan for Phase IV consists of the construction of a three-story apartment building with 72 units (age-restricted) and associated site improvements. The plan also includes a Minor Subdivision to create a 2.79 acre+/- parcel for Phase IV from the overall 33.63 acre +/- tract. The property is zoned RG-2 (General Residence Zone). The property is located east side of John Hunn Brown Road and on the west side of Babb Drive. The owner of record is Martin Luther Foundation of Dover, Inc. Property Address: 101 Babb Drive. Tax Parcels: ED-05-077.06-02-90.00-000, ED-05-077.06-02-90.01-000, ED-05-077.06-02-90.02-

000, and ED-05-077.06-02-90.03-000. Council District 2. *Approved Alternative Design Standards for PND: Building Setback from Property lines, Building Spacing, Building Height, Number of Stories, Average Number of Dwelling Units Per Building, Off-Street Parking Reduction. Approved Waiver Requests: Partial Elimination of Curbing and Reduction of Bicycle Parking. Subdivision Waiver Requests (Recommended for Approval): Waiver of Requirement for Two Connections to a Public Street and Waiver of Requirement for Lot Frontage on a Public Street.*

Representatives: Mr. Richard Murphy, of the Martin Luther Foundation of Dover, Inc. for Luther Village (virtual)

Mrs. Melson-Williams stated that this application for Luther Village IV: Planned Neighborhood Design – Senior Citizen Housing Option was first reviewed at the Planning Commission Meeting last month and the Commission, at that time for this Conditional Use Site Plan Master Plan for the development of Luther Village, took action to grant conditional approval. So, that was conditional approval of the Master Plan along with a number of waivers. Those waivers included approvals for Alternative Design Standards for the Planned Neighborhood Design Project. Those involve building setbacks from property lines, building spacing, building height, the number of stories, the average number of dwelling units per building, and an off-street parking reduction. You also recognized the approval of the partial elimination of curbing which is something that the Planning Staff has the ability to grant and also a reduction in the overall bicycle parking requirement for the project. Planning Commission, back in September, recommended two Subdivision Waiver Requests associated with the project; those being a Waiver of the requirement for two connections to a public street and a Waiver of the requirement for lot frontage on a public street. That is because the Phase IV area of this project is intended to be set on its own individual parcel outside of the balance of the property just like Phases I through III are. Those Subdivision Waiver Requests are scheduled to go to City Council's Safety, Advisory and Transportation Committee on October 29, 2024. So, the action that the Planning Commission took on that previously will be forwarded to City Council for their final action. After all of that, there was still one Waiver Request that garnered much discussion; and that was a Waiver Request for the elimination of rear emergency access. With apartment buildings with a certain number of floors, our *Zoning Ordinance* requires that access be available to the rear of the building. What Planning Commission did in September was to defer action on that Waiver Request, encouraging the applicant to continue to look at that. Included in your packets this evening, they included all of the Development Advisory Committee Report from last month. In addition, the applicant had discussions with the City's Office of the Fire Marshal and as a result, has chosen to withdrawal the Waiver Request for the Elimination of Rear Emergency Access. That is the letter that was included in your packet and is displayed on the screen. What they have decided to do is to actually implement that Rear Emergency Access provision and that is being done with the installation of a subgrade emergency access lane. It is a little difficult to see on the screen. But looking at the backwards "L" shape of the building, there is a hatched area that is at the top of the page and runs towards the interior corner which is where that emergency subgrade lane would be. It is basically where there is a note that is depicted in red. That is what crosses through that area. It will allow for fire apparatus to come off of the loop road which is at the north edge of the page and then make the turn and come down this subgrade access lane in order to reach of the rear of the building. The front of the building is covered by fire lane and this plan

also notes the ability for the firefighter access provisions. She knows that there was a lot of discussion and concern about this requirement. She thinks with additional thinking about the project, they have chosen to be fully compliant with our Code. This evening, there is not a public hearing needed on this withdrawal of the Waiver Request. She does want to give Mr. Murphy the ability to add any details or information about this now “No Request” and then we can have a motion from the Planning Commission to formally accept that request for withdrawal.

Mr. Murphy stated that as they discussed things further with the Fire Marshal and considered the comments of the Planning Commission when we last met, it just behooved us that the Rear Emergency Access made sense and we should just go ahead and install it.

Mrs. Denney moved to approve C-24-02 Luther Village IV: Planned Neighborhood Design – Senior Citizen Housing Option on Babb Drive – Update on Waiver Request for Elimination of Rear Emergency Access to include the Letter of Withdrawal of the Waiver Request because she thinks it is extremely important especially with the age of the people who will be housed there. She thinks it is important for us to fully respect the recommendations of our Fire Marshal. She thinks it is absolutely a safety issue. The motion was seconded by Dr. Jones and the motion as carried 7-0 by voice vote with Mr. Roach and Mrs. Maucher absent.

NEW APPLICATIONS

C-24-04 Prickly Pear Studio LLC Expansion at 872-C Walker Road - Public Hearing and Review of Conditional Use to permit expansion of a makeup/aesthetics studio (Personal Service Establishment) in a tenant space (Unit C) in a 3,623 S.F. office building in Walker Square. The property consists of (0.60 acres) 25,623 S.F. +/- The property is zoned CPO (Commercial and Professional Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the south side of Walker Road and east of Saulsbury Road. The owner of record is Yulissa Shaw-YC Properties LLC. and the Applicant is Prickly Pear Studio LLC. Property Address: 872-C Walker Road, Tax Parcel: ED-05-067.19-02-02.08-000 (also listed as ED-05-067.19-02-02.07-003). Council District 4. *Waiver Request: Elimination of Bicycle Parking.*

Representative: Ms. Yulissa Shaw

Mrs. Harvey stated that the Conditional Use Review is to permit the expansion of a makeup studio in tenant space Unit C, a 3,600 SF office building in Walker Square. The property consists of over 25,000 SF. The property is zoned CPO (Commercial and Professional Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the south side of Walker Road and east of Saulsbury Road. The owner of record is Yulissa Shaw-YC Properties, LLC and the Applicant is Prickly Pear Studio LLC. The most recent Conditional Use Application C-21-06 Prickly Pear Studio was granted conditional approval by the Planning Commission on August 16, 2021. The Application was to permit a makeup studio in a 300 SF tenant space in the lower level of an office suite within a 3,600 SF office building at Walker Square. The applicant has submitted a Waiver Request for the Elimination of Bicycle Parking that was previously approved by the Planning Commission at their August 16, 2021 meeting. All other code requirements have been met for this project.

Ms. Shaw stated that she is here with Prickly Pear Studio. She is requesting the Waiver of the bike rack for the health of our clients due to the risk of infection pre and post-wax and permanent makeup services.

Dr. Jones asked the applicant to repeat her comment. Responding to Dr. Jones, Ms. Shaw stated that she is requesting the Waiver of the bike rack for the health of our clients due to the risk of infection pre and post-wax and permanent makeup services.

Mrs. Denney asked the applicant to help her understand the infection rate from a bicycle rack. Responding to Mrs. Denney, Ms. Shaw stated that by having a bike rack that allows people to obviously use a bike to come to our services. Although that is a way of transportation, if someone comes sweating or leaves sweating, that causes a risk of infection to freshly waxed areas as well as freshly tattooed areas which is permanent makeup. She is trying to eliminate (the risk) for the clients.

Mr. Witham stated that he takes it that this is just an expansion of your current business. Responding to Mr. Witham, Ms. Shaw stated yes, that is correct.

Mr. Witham asked if she was taking additional units at the site. Responding to Mr. Witham, Ms. Shaw stated yes, she has purchased the building (Unit C) and now she plans to expand her business to the first floor as well as the lower half where she is.

Mr. Witham stated that it sounds like her business is growing. Responding to Mr. Witham, Ms. Shaw stated yes, so she is very thankful.

Mr. Witham stated that it is very good for the City of Dover. Have you experienced any issues with respect to the expansion other than the construction cost? Responding to Mr. Witham, Ms. Shaw stated no. Other than that, she is excited and she is really thankful.

Dr. Jones asked if she will occupy the entire facility with your business. Responding to Dr. Jones, Ms. Shaw stated correct. As of right now, that is her plan.

Dr. Jones asked if “as of right now” perhaps means that you will rent space. Responding to Dr. Jones, Ms. Shaw stated that she would love for that but first things first. She would just love to expand the business alone; one thing at a time. But if she were to rent, it would be to similar services such as herself.

Mr. Witham opened a public hearing.

Mrs. Melson-Williams stated that they did receive one written comment that came in shortly after the packet went out to the Commissioners. This is an email that was sent to our main email address from Okemah Strickland who owns a business at 874 Walker Road A. It is one of the other buildings there in Walker Square. She states, “I will be unable to attend the public meeting on October 21st; however, I am in support of an expansion of a makeup aesthetics studio as a tenant in Walker Square.”

Mrs. Melson-Williams stated that she believes Mrs. Strickland has her own beauty salon located across the parking lot in this location. So, she is supporting similar services in that area with her statement.

Mr. Witham closed the public hearing.

Dr. Jones moved to approve C-24-04 Prickly Pear Studio LLC Expansion at 872-C Walker Road to include the Waiver Request for the elimination of the bicycle parking, seconded by Mrs. Welsh and the motion was carried 7-0 by roll call vote with Mr. Roach and Mrs. Maucher absent. Dr. Jones voting yes; it is a welcomed addition to that area and she knows she has a challenging business and she wishes her the very best. Mr. Reaves voting yes; for the elimination of the bicycle parking for the reasons stated previously. Mrs. Welsh voting yes; she knows Okemah Strickland and it says a lot to her that someone who is in the same business and is somewhat a little bit in competition with this establishment of The Prickly Pear Salon, so she thinks that is a good sign. It is a great establishment that is going to be going in there and she knows Mrs. Strickland is a very forthright lady. Mr. Roach voting yes. Mrs. Denney voting yes; she agrees with Mrs. Welsh. If it's good enough for Okemah, it's good enough for Dover as far as she's concerned. She thinks this is a small waiver request and she is excited to see this young lady step forward with this new endeavor and hopefully have a long career and business journey there. Mr. Baldwin voting yes; based on the reasons previously stated. Mr. Witham voting yes; the Conditional Use Application meets all of the requirements and it's complementary to the immediate neighborhood in the area of Walker Road. He also approves the waiver of the bicycle parking as it's been justified why the waiver should be issued.

S-24-17 Capital School District Regional Bus Parking Lot - Public Hearing and Review of a Site Development Plan Application for the construction of a Parking Lot for 76 buses and 76 cars with required site improvements to serve as a Regional Bus Parking Lot for the Capital School District. The facility is to be located on the William Henry Middle School Campus. The property is zoned IO (Institutional and Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property consists of 42.58 +/- acres. The property is located on the north side of Forest Street and east of Carver Road. The owner of record is Dover Special School District. Property Address: 65 Carver Road, Dover, DE. Tax Parcel: ED-05-076.07-01-55.00-000. Council District 4.

Representative: Ms. Eileen Thorp, CDA Engineering; Mr. Seth Hammonds, ABHA; Mr. Ade Kuforiji, Capital School District; Mr. Eric Kramer, Traffic Planning and Design Inc.; Mr. Colm DeAscanis, CDA Engineering (virtual); Mr. James Baustert, Capital School District (virtual)

Mrs. Melson-Williams stated that this is a proposal for the Capital School District to create a Regional Bus Parking Lot. This image (on the screen) shows the overall campus location of it which is where we currently find William Henry Middle and Booker T. Washington Elementary School and the Kent Community School. The bottom of the page is where you would find Forest Street. To the left of the page would be Saulsbury Road. The "L" shaped road that kind of creates the corner is Carver Road and on the north side of Carver Road, really on the west side of the campus, is really where this parking lot is proposed. It is proposed as a Regional Bus Parking Lot to consist of 76 bus parking spaces. On the plan, it is kind of a shaded color. That is the area of

new construction. Along with the bus parking spaces, there is also a proposal for 76 vehicle parking spaces. As the bus drivers arrive they park their personal vehicles and then pick up a bus for their daily runs to serve the students of the District. The zoning of the property is IO (Institutional and Office Zone) and the property is also subject to the COZ-1 (Corridor Overlay Zone). The bus parking lot is considered accessory to the school use there from a zoning/land use perspective. In the COZ-1 (Corridor Overlay Zone) while it does not regulate use, it has a number of design requirements related to positioning of parking, parking lot islands, and then a number of landscaping components. With this bus parking location, it will have a new entrance location off of Carver Road to serve just this Bus Parking Lot area. The overall lot is secured by fencing and there would be a gate for both vehicles moving in and out and also a pedestrian gate for access. The Bus Parking Lot is providing bicycle parking with a bike rack in case that is how a bus driver arrives. They are providing curbing throughout the parking lot area at its perimeter and lighting for the project as well. From a landscape perspective, there are a number of things. There is a regular tree planting requirement based on the development area and then also some specialized plantings because of where this property is located. On the left hand side of the page as you view it, there is a darker heavier line in the middle. That is where this property is adjacent to several lots that have a residential use so that means a requirement for an opaque barrier. The opaque barrier consists of two things: a solid fence component and then landscape plantings in the form of evergreens as well. They are compliant with the Code in that provision. The COZ-1 (Corridor Overlay Zone) has some landscaping requirements that are related to plantings along the property boundaries. Along the frontage of this development area with the Carver Road and then along its west side, there are some tree planting requirements and buffering requirements which this project is providing in its design. Just so the Planning Commission is aware, this is a first phase of what may be future changes for this campus at William Henry Middle School and Booker T Washington Elementary School. There have been included in your packet, some commentary related to the overall Master Plan for this that starts with this bus depot and the summary of how it will operate. Overall, the William Henry Campus will see some changes in the long run related to buildings, but those changes would be subject to future Site Development Plan submissions. Always when you are talking about schools, there are questions about traffic. They have been working with DelDOT in this case related to some of the traffic management questions as they plan for how buses will come and go from this property to reach other parts of the district. This evening, you are focusing on a Site Development Plan for this Regional Bus Parking Lot. It is subject to public hearing, but there are no special waivers that the applicant is seeking this evening.

Mr. Roach recused himself because he is an employee of the Capital School District.

Ms. Thorp stated that they are the civil engineers working on this project with Capital School District and ABHA. They attended the DAC Meeting and she thinks it was very productive and they did take a couple of things into consideration. With some of the recommendations, they are going to definitely make a modification to the fence that they suggested because it is a little weird. It looks like it might not be easily maintained in one of the corners so they are going to make an adjustment with how the fencing is going to close off near Carver Road with the existing fence that is out there. It might not be clear but the existing fencing is 8 foot tall. They are going to install another 8 foot tall fence around the Bus Parking Lot for security purposes. She believes that they discussed adding a dumpster to the site; however, at this point in time they

are going to have the bus drivers use the existing dumpsters that are associated with the school campuses to make sure their buses are clean and things of that nature.

Dr. Jones stated that it is really a congested area on Carver Road. With your discussion with DelDOT, has there been discussion about a traffic light? She knows there is already one at Saulsbury Road. Responding to Dr. Jones, Ms. Thorp stated that she believes that she is correct that there is one traffic light at Saulsbury Road. She is going to refer to Mr. Eric Kramer from Transportation and Design to come up and answer that question.

Mr. Kramer stated that they have been in correspondence with DelDOT. Due to the trip decrease from the existing school campus with relocating the fifth and sixth graders over the past two years, there is a net decrease in the trips. So due to the decrease in the trips, there is not going to be signal timing improvements along Forrest Avenue and Saulsbury Road at this time. There is a decrease in all of the traffic for both the daily and the peak hours.

Dr. Jones asked if that was in terms of the school buses. Responding to Dr. Jones, Mr. Kramer stated yes.

Dr. Jones stated that she lives in that area; and for a couple of years, she had to pick up there so she knows what's going on. There is traffic going south; there is traffic going north. Responding to Dr. Jones, Mr. Kramer stated that he appreciates the concern but due to their application, there is a net decrease, so they found no necessary recommendations for improvements at this time. So he guesses that will be tabled to DelDOT for further improvements on their behalf.

Mr. Witham asked if this was an expansion of the current parking lot. Responding to Mr. Witham, Ms. Thorp stated no, this is actually a parking lot to serve as a bus regional place so that Capital School District can pull all of their buses from the majority of other locations and have a central location where all of the drivers can go to access the buses and do their routes. It is going to operate separately from the schools that are currently there; however, it's there to support the school district and their overall operations.

Mr. Witham stated that he expects that there's going to be a further application to the Planning Commission concerning future building construction. Responding to Mr. Witham, Ms. Thorp stated yes, once the school district knows exactly what their future plans are going to be. One of the schools is going to expand to some degree and they will be bringing that back to Planning Commission for future approval. But at this point in time, we are only planning on doing the Bus Regional Parking Lot.

Mr. Witham stated just speaking about the Bus Regional Parking Lot; does it meet all of the lighting requirements? Responding to Mr. Witham, Ms. Thorp stated yes, they did submit a preliminary lighting plan for this particular parking lot and it will meet City Code requirements for safety lighting and things of that nature.

Mr. Witham stated that they said they were going to use existing dumpsters on the site. Are they located nearby? How close are they to the actual site? Responding to Mr. Witham, Ms. Thorp stated that she was going to have Mr. Kuforiji from the Capital School District step forward to

answer that question.

Mr. Kuforiji stated let's assume that the proposed lot is here, we have the William Henry School Building here; there is a dumpster right around the corner. So driving in and out of the complex, they always have access to a dumpster. Booker T. Washington Elementary is on the other end as well so there is plenty of access as they are coming in and out of the complex to get to a dumpster, whether they are coming or going.

Mrs. Denney stated that when she initially looked at this she thinks to herself, sometimes school buses have to be cleaned by the driver at the end of the day because the kids have candy wrappers, pieces of their lunch, apples or whatever. But the bus drivers typically have to clean up the bus at the end of the day and of course there is trash. They need a place to put it. Perhaps it doesn't need to be the same size as a dumpster that you would use for the school building, especially if it was a big school building. But it seems to her as though every bus that is parked there will have a bag at least of refuse and it needs to go somewhere. So, should they have to drive around to find a place? Responding to Mrs. Denney, Mr. Kuforiji stated that it's not that difficult. The plan would, as they come back in at the end of the day on the way to their final parking spot, just to stop at one of those dumpsters and empty out whatever you have in your possession.

Mrs. Denney stated that it just seems to her that there is a tendency that if there is a readily available refuse can, people take the time to go the extra few feet to get to it. But what if they have to put it in their private vehicle because they park the bus before they clean it. Responding to Mrs. Denney, Mr. Kuforiji stated what he was suggesting is as they are driving back into the campus on the bus, stop by the dumpster, unload the trash, and then take the bus to its final destination so it doesn't have to go in their personal vehicles or anything like that. Most of the time, the chances are that they are going to have to go past the other two dumpsters as they come back into the complex.

Mrs. Denney stated that she realizes that a dumpster is an expense. It is not about room to place a dumpster. It's more about that you don't really feel there is a need for one. Responding to Mrs. Denney, Mr. Kuforiji stated that they can certainly reconsider that but again, with the existing two big dumpsters already on campus and the idea that they are probably going to have to drive past them to get to the final location, expense is definitely a consideration, and space is also a consideration.

Mr. Baldwin asked about maintaining the vehicles. Will there be maintenance vehicles in and out of the parking area? Responding to Mr. Baldwin, Mr. Kuforiji stated that when you say maintenance vehicles, what are we referencing?

Mr. Baldwin stated that you have buses that need tire pressures checked and engine fluids checked. Is there a maintenance truck that will come in and out to take care of those buses? You have a lot of buses there. Responding to Mr. Baldwin, Mr. Kuforiji stated that they do have a bus lot at our current District Office as well and there is minimal maintenance that takes place. If they have to do something to those vehicles, we are going to take them to the District Office where we actually have a garage.

Mr. Baldwin stated that on any given morning, you go out there and there are 20 buses and 6 of them won't start. Will there be a maintenance vehicle that could help? Responding to Mr. Baldwin, Mr. Kuforiji stated yes, they do have a guy that does go around just to make sure everything is working.

Mr. Baldwin asked if they would be doing maintenance on the lot. Responding to Mr. Baldwin, Mr. Kuforiji stated that he wouldn't call it maintenance; he would call it start up. They would just make sure that "start up" is good so that they can go about their day. They don't do any repairs of any kind at any facility that they currently own.

Mr. Baldwin stated he is just trying to make sure that there is some additional spacing for maintenance vehicles if you need them. Responding to Mr. Baldwin, Mr. Kuforiji stated that right now, he drives by and makes sure that everybody is good so they can get out for the day. Or if something is wrong with a vehicle, they have to take it elsewhere for repairs. There shouldn't be any major work being done at the facility.

Dr. Jones stated that the parking lot is for 76 buses. How many go in and out now? Is it 76? Responding to Dr. Jones, Mr. Kuforiji stated that in that specific area right now it is not 76 right at this moment.

Dr. Jones stated that her question is about the two dumpsters that you already have. She doesn't have any issues with the drivers depositing their trash and so forth. But will this require additional dumping or emptying of the dumpsters if you are getting this many? Responding to Dr. Jones, Mr. Kuforiji stated that just so you know the size of William Henry Middle School has significantly decreased; so it has actually gone down.

Mrs. Denney stated that essentially there is just two trips a day. They leave in the morning, they go get the children, they come back, they park and then they go back in the afternoon and the same thing. Perhaps maybe there is a sports bus or late bus. Essentially, we have two periods in the day which by nature is always the way, where they all are kind of exiting at once. You will have that congestion and then will relieve and then it will happen at the end of the day again. At the end of the day one isn't necessarily the peak traffic one because it's 3:00PM. The morning one, just like everything else, there will be morning congestion which is not going to be as bad as what they used to endure with the race track for years. So, is that primarily how it will work? Responding to Mrs. Denney, Mr. Kramer stated that including the bus lots and also in the mornings they are planning to leave around 6:00AM to 6:30AM so it is a little bit ahead of the peak hours.

Mrs. Denney stated that actually makes a lot more sense. From her house on State Street, she often in the morning as she is having coffee, she will think to herself they can't be having children on the buses at this hour of the morning. So as you are saying that, she is thinking they are all out and going so that they are in the neighborhoods that they need to be in.

Mr. DeAscanis (virtual) stated that they submitted a summary of operations in the package that you should have received. That lays out the timing and the plans for how traffic operates for the bus and how there has been a reduction on campus with the other uses and how that will continue

throughout this year and next. If you get a chance to look at that, it just provides some more detail on timing and such.

Mrs. Denney stated that she did see that and review it but she tends to be a little obsessed with making sure things are verbally on record so that is the reasoning for her questioning. Obviously, there are things within all of our lives that they understand better than others and she was excited that Mr. Baldwin spoke up about maintenance. She never would have thought of that if he had not mentioned it. She thought those were good questions.

Mr. Reaves stated that he has a concern and a question with regards to the DelDOT situation and when that is going to be resolved because they're making a decision right now without having the complete DelDOT information. The congestion on that road is extremely concerning. He doesn't believe that they have enough information at this point in time. He just wants to know when you are coming to a resolution with DelDOT. Responding to Mr. Reaves, Mr. Kramer stated that they have correspondence that they can provide additionally. They have an email correspondence from DelDOT that says that due to the decrease in the daily and peak hour trips, a TIS or an Area Wide Study is not warranted for this application at this time.

Mr. Witham asked if that is submitted with the documents that they have to date. Responding to Mr. Witham, Mr. Kramer stated that he can check. If not, they can provide the correspondence again as a separate document.

Mrs. Melson-Williams stated that DelDOT is a participant in our Development Advisory Committee and their comments, which are included in the packet, notes that the applicant has held a project coordination meeting with DelDOT to discuss trips. They will have to continue working with DelDOT towards final plan approval. Part of that is kind of the submission of the trip generation and possible trip impacts. The email that he is referring to is likely an ever evolving step in that process to get to a DelDOT Final Plan Approval. In your packet, was also the more detailed two page letter about the traffic generation. What really has happened at this campus is a significant change in the student population which then has implications on just general traffic generation numbers. With the opening of the Middle Schools off of other portions of Walker Road, they have transitioned students who were previously on this campus to that facility. You have a change in the pick-up and drop-off of buses coming and going from those facilities because the student population is very different at this point on this campus than it was 2-3 years ago.

Dr. Jones stated that they don't have all of the information or the plan from DelDOT. From those of us that traverse those areas, we know exactly what's going on on Saulsbury Road and Carver Road. Her question is, what time under normal circumstances, do you anticipate that the last driver is going to report to the lot in the afternoon? Responding to Dr. Jones, Mr. Kuforiji asked if she was asking what time the last bus was going to leave the lot to go out for the afternoon or when are they going to be returning?

Dr. Jones stated that she is asking what time they would be returning. Responding to Dr. Jones, Mr. Kuforiji stated that it would be around 5:00PM or a little after that.

Dr. Jones stated that she does agree with Mr. Reaves. Assuming this is needed and she doesn't have an issue with it but it is impossible to go any place on Saulsbury Road around 4:00PM and trying to turn into Carver Road to access the lot. She is wondering if you are having buses coming from the south, some coming from the north trying to turn onto Carver Road. The information from DelDOT would clarify a lot of things. She realizes that the population has changed and that was a good move; however, that doesn't have anything to do with normal traffic. Responding to Dr. Jones, Ms. Thorp stated that she also wants to point out the fact that you can't really see it on the plan shown on the screen but if we could go back to the cover sheet, there are other access points besides using Saulsbury Road and Carver Road to get to the bus lot. There is also an access point which they can utilize at Weston Drive in order to help facilitate getting the buses off of Saulsbury Road.

Dr. Jones stated that she thought she just read that the access point would be Carver Road. Responding to Dr. Jones, Ms. Thorp stated yes, the actual bus parking facility access point is on Carver Road but it doesn't mean that buses (will only use that one). There are other means and methods to get to Carver Road besides Saulsbury Road. Not all the buses need to utilize Saulsbury Road to get to Carver Road. They can access from the light at Weston Drive.

Dr. Jones stated that then that is going to be a grand mess if they are entering from various points and she doesn't mean that in a condescending manner. We don't need to beat this dead horse to death. It's just a matter of getting some information from DelDOT to clarify. She knows that for her, it would be helpful. Responding to Dr. Jones, Ms. Thorp stated that when DelDOT views the plan, they look at all of the access points. They will look at the access of Carver Road and Saulsbury Road. They will look at Carver Road and Forrest Street. They will also have them look at the access at Walker Road in order to determine all of the trips because the buses will be coming from all different directions in order to get to that bus lot and facility, as well as the drivers. The school district can tell them, if they feel the need to, that they have to use a certain path to get to the bus parking facility. A lot of the times, if you know it's hard to make that left-hand turn off of Saulsbury Road onto Carver Road, you will go a different way in order to get into that bus lot. She understands the concerns and the needs of the City to make sure that traffic is still working properly or even improved to be honest.

Mrs. Welsh stated that she did find in the packet where there is an email from TPD Inc that stresses those comments about DelDOT indicating that there was no TIS required or warranted and the delineation of the routes of travel from Weston Road, Saulsbury Road and Carver Road is also included in there. But it's not information specifically from DelDOT; it's from TPD Inc summarizing what she supposes DelDOT commented to the client. Responding to Mrs. Welsh, Mr. Witham asked if she was referring to the language that was in the letter dated September 3, 2024 from Mr. Eric Ostimchuk where it reads "Overall, the William Henry Campus redevelopment will have minimal traffic operation impact to the external roadway network along Saulsbury Road and Forest Street."

Mrs. Welsh stated yes.

Mr. Kuforiji stated that there is an email here from Sireen Muhtaseb from DelDOT and it reads "After reading the information provided, we concur that both Phase I and Phase II will result in a

decrease in the daily and peak hour traffic. Based on that, a TIS (Traffic Impact Study) and an AWSF (Area Wide Study Fee) are not warranted. Please see the attachment below for some minor edits to incorporate into the TGB.”

Mr. Kramer stated that it had some trip generation diagrams that are attached. Responding to Mr. Kramer, Mr. Witham asked if that was part of the packet.

Mr. Hammonds stated no, it was included with the Record Plan submission to DelDOT for approval. It is for the client that they are going back and forth. They need the Record Plan with the approval of it.

Mr. Witham stated that the point is that he thinks Mr. Reaves is talking about is that we need something in the record to show that DelDOT would support this application. Something that has reviewed the ingress and egress of traffic from the site and it is not going to be an undue burden on traffic patterns in the area. Responding to Mr. Witham, Mr. Kuforiji stated that he would assume that before Final Approval is granted for us to proceed around construction, we would have to have DelDOT’s formal letter.

Mr. DeAscanis (virtual) stated that if it helps everyone, he has access to it on his computer to share it.

Mr. Reaves stated that the Planning Commission is here to vote on this plan for you to move forward but he would like to state for the record that he just doesn’t feel like they have enough information from DelDOT. Due to the email conversation and what DelDOT is appearing to say, he doesn’t believe that DelDOT is doing a complete due diligence with regards to this location with having one entrance in and one exit out. With the increase of 76 buses and one direction in or out, he potentially believes that they would have buses backed up to Walker Road from that area trying to turn in left. Even if they decided to go around to a different location that left turn lane at Forrest Avenue would not be enough to compensate for buses trying to take alternative routes. So this is the reason why DelDOT has to solidify their understating for us to even consider what they would say is part of the DAC. He doesn’t believe that this is going to be a viable solution. We don’t have enough information in his belief to make an informed decision.

Mrs. Denney stated that she wholeheartedly agrees with Mr. Reaves. They are missing part of the plan here. She happens to have her grandchildren dropped off at her house in the mornings and she drops them at school and then tries to make mass at Holy Cross every day at 8:00AM. Those school buses are often lined up at that light and they are not zooming around the corners or doing California rolls. They are stopping and turning and sometimes she will get behind 2, 3, or 4 school buses. The light will change and maybe only one gets to go. It is a lucky day if it happens to be where there is a turning lane like there is on State Street and one is going left and one is going straight or vice versa because that makes a difference. She knows that a lot of people say it’s only an hour here or an hour there but she agrees with what Mr. Reaves is saying. She doesn’t think they really have enough of the full picture yet to be making a decision until DelDOT speaks up. She knows from 20 some years of experience of being on boards like this because she has been with Kent County Board of Adjustment that DelDOT only works at a certain speed. She doesn’t know what goes on in their office; and she is sure they are not doing it

on purpose, but it's hard to get information back quickly from DelDOT and she thinks that's because like everybody else, their engineers inundated as well. She agrees with Mr. Reaves, she doesn't think we have enough information here.

Mr. DeAscanis stated that to speak to the DelDOT process, they have been talking to them continuously since the beginning of this year going back to January. Somethings have went back and forth for some changes but they have had a lot of discussions with them trying to get them to look at the numbers and the context of the whole campus development based on the hours of operations submitted, the traffic numbers that they submitted considering that the full increase with the Bus Lot but also the net for the overall campus as it exists while this goes into effect. But it's been a process, and they have had continuous conversations including initial submissions going back to early February. You are right; it is a process with DelDOT. They have tried to get ahead of that. They didn't want to submit the Site Plan until they got as far as they could. The question would be what level of tangible submission would be helpful or required? Responding to Mr. DeAscanis, Mr. Witham stated that as you can tell the Commissioners have some additional questions here that the people here today cannot answer. So the next stage in the process would be to go to a public hearing but you have heard some of the questions here that the Commissioners have and he isn't sure if you want to proceed further or ask for a deferment until we can get this information.

Mr. Kuforiji asked what is needed to satisfy.

Mr. Reaves asked if the engineer or staff that is present here have been informed by DelDOT of the Kenton Road project and how that may impact what's going to happen on Saulsbury Road. Responding to Mr. Reaves, Mr. Kuforiji stated that with all due respect, he believes that when they submit plans to any regulatory agency, they look up the project and at our plans. He doesn't believe that they would attach it or provide us with any inclination of a different project unless that think it has an impact on the plans that they are submitting. That would be the only time that he would expect them to make a comment to us about somebody else's project. He doesn't believe that he understands anything about the Kenton Road project. He believes the rule would have been that they look at what we are asking for. They try to make sure that they do their assessment of what we are asking and how we would impact everything that they work on. He would always assume that if it's going to cause a problem to another project, they should say "hey, it's going to be a problem."

Mr. Reaves stated that he has information that DelDOT in the early part of 2025 is going to close off Kenton Road to continue their development with access coming from Kenton Road south bound to Route 8, which is Forrest Avenue. Once they close off that area going to Kenton Road from College Road, the traffic will be diverted to College Road and the traffic will continue on Saulsbury Road which will back up the traffic further going towards Forrest Avenue for all of your bus traffic that will be traveling in that area. There will be an extreme amount of traffic that's coming off of Kenton Road across College Road and down Saulsbury Road. This is the reason that he is bringing up this point because DelDOT should have in their conversation included awareness to this traffic diversion which is going to affect at your time period, your project for your buses and potentially your buses that may be traveling down Kenton Road and have to join that diversion. Kenton Road is only a two-way road so it's an extreme impact. So,

without DelDOT having a comment on this project and without DelDOT answering to that type of project that's coming forward, he thinks that this is very incomplete and premature for our Planning Commission to make a decision on something which is going to impact the public significantly. Responding to Mr. Reaves, Mr. Kramer stated that due to the requirements of the trips that are decreasing on this site, DelDOT does not require us to do a traffic study on the external roadway network. They understand your concerns about the traffic on Saulsbury Road and the Kenton Road closure, but unless a traffic study is warranted or even a traffic operational analysis is warranted, there is no requirement for a traffic study on the external roadway network at this time with this particular application.

Mr. Kuforiji stated that it sounds like what they would have to provide they would have to get from DelDOT; instead of it showing up on an email it shows upon their letterhead that says they don't believe that this transaction will have any impact on any of their projects. Responding to Mr. Kuforiji, Mr. Kramer stated that they can look for a Letter of No Objection or something.

Ms. Thorp stated that she thinks that is part of the requirements that they asked us for in the DAC comments.

Mr. Reaves stated that he doesn't want to be misunderstood. He is not saying that DelDOT is going to influence his decision as a Planning Commissioner to vote yes or to vote no. They are objectively looking at what the impact is to the area that you are proposing. What is he trying to clearly say to you is that DelDOT is not going to use the Planning Commission as a rubber stamp by delaying the information that you require. What he would significantly ask for you respectfully, is to inquire of DelDOT what their plans are and how that would affect your area. Them refusing or saying you don't need a TIS is very incomplete to what you are trying to do as a project. It does not give you the proper information that you need to present before the Planning Commission. Responding to Mr. Reaves, Mr. DeAscanis stated that they will reach out to them to get more information.

Mrs. Melson-Williams stated that she thinks Planning Staff needs to chime in here. This is a Site Development Plan. In order for a project to get Final Site Plan Approval, all of the regulatory agencies have to grant Final Plan Approval subject to their technical review requirements. The Development Advisory Committee is kind of the first step of that process and the agencies are given an opportunity to provide initial comments as to how their process will work or what is needed from the applicant in order to ultimately get their Final Plan Approval. We do not require that applicants appearing before the Planning Commission have those Final Plan Approvals in place from those regulatory agencies when they walk in the door for the Planning Commission's consideration. That is part of the process that would happen after any kind of conditional approval from the Planning Commission. You are conditioning approval of a project upon getting and achieving these other agency requirements. In their packet, they have certainly outlined operationally, the concept for this bus depot. There is the letter that is dated September 3, 2024 that gives a little more detail of all of the traffic movement patterns and initial kind of concepts about this campus and what is there and how it will function. They do not get a DelDOT approval by just writing that letter. There have been, as they have testified to, a series of meetings and interaction submissions of data back and forth. It is not typical for us, even in the Planning Office to have all of those correspondence back and forth and meetings with all of these

other regulatory agencies because we trust them to utilize their processes and their regulatory requirements to make sure our project meets that. When there are State roads that are impacted, they ultimately have to get a Letter of No Objection to Record or some type of Entrance Plan Approval depending on what the project entails. Those types of things would be forth coming in order to get to a Final Plan Approval process. The Kenton Road project that Mr. Reaves speaks to is a DelDOT street improvement project. It has multiple phases over several years time and does involve road closures that will divert traffic into other areas of the City. That is not unique. There are road projects that happen all over the City at all times and how they impact or do not impact a particular project, we leave to the expertise of that regulatory agency. In this case, we are just talking about traffic but the same would carry along with water utility projects and stormwater planning projects in a broader sense as well. We leave it to the regulatory agency to have that applicant work with them just like they work with us in compliance with our *Zoning Ordinance*. She doesn't want them to think that they didn't submit something here. That have submitted kind of where they are at this point in the process. Nowhere in our *Zoning Ordinance* says that you must file your application with all of the other agency approvals in place. She thinks that since this was advertised as a public hearing that you should conduct the public hearing. You can continue to deliberate and if you feel strongly that there should be additional information provided to you, she thinks you need to be very specific about that because then it will have to result in this application being either action deferred or rescheduled for a future meeting of the Planning Commission.

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

Mr. Witham asked if this was a Preliminary Site Plan Application. Responding to Mr. Witham, Mrs. Melson-Williams stated that Site Plan Applications are a one time in front of the Planning Commission. Then the process to get to Final Plan Approval is an administrative one where they would make corrections to their plans and make resubmissions to both the Planning Staff and all of the other regulatory agencies to get to a Final Plan Approval. Tonight, you are just considering a Site Development Plan. There are no waiver requests. Certainly if you feel there is additional information that you need to make your decision, you can collect that in a motion so that we have an action regarding this application S-24-17.

Mr. Witham stated that he assumes that part of that application process, the Planning Commission can make any requirements in the motion for final approval. Responding to Mr. Witham, Mrs. Melson-Williams stated that the *Zoning Ordinance* outlines a series of objectives when the Planning Commission is reviewing an application. Certainly, she would caution you to make sure that anything that you are requiring is along those lines and is not excessive in its request recognizing that there is more of a plan review process to come.

Mr. Reaves asked if Staff could please explain the process for potentially having a deferment on a decision on S-24-17. Responding to Mr. Reaves, Mr. Witham stated that he would defer to Staff on that. He would also note that in our paperwork we do have a weigh in by DelDOT on the DAC application review commentary. What DelDOT has stated is that they expect that for any permit issued by the department, the applicant has to contact the Delaware Department of Transportation to coordinate that to begin the permit process. That was submitted with our

packet. So that means to him that there is a further discussion ongoing with DelDOT on the final application which he thinks they alluded to in their comments. They are somewhat between a rock and a hard place. DelDOT has not weighed in totally on this. You have heard some of the comments from the Planning Commissioners which are all good comments with some concern about the traffic conditions. We don't have that file information although the letter that was referred to does indicate that there is no Traffic Impact Study required but it doesn't answer other questions that pertain to ingress and egress on the property and how it impacts on traffic.

Dr. Jones stated that she thinks she just heard Mrs. Melson-Williams say that the Final Site Development Plan comes back. It is reviewed by your office and then comes back to the Planning Commission. Responding to Dr. Jones, Mrs. Melson-Williams stated that the Final Site Plan does not come back to the Planning Commission. The *Zoning Ordinance* is set up so that the process after your action this evening becomes administrative in nature meaning that they will work directly with each of the agencies and the Planning Staff acts on behalf of the Planning Commission to ensure that all of those agency approvals are achieved and we have documentation of them and that the plans reflect those approvals.

Mrs. Melson-Williams stated that for the question that Mr. Reaves had on a process for a deferral, you could certainly put forth a motion to defer action on the Site Plan submission but it would need to specifically outline why and what information you are expecting to have resubmitted in order for it to then reappear on a future meeting agenda.

Mrs. Denney stated that in looking at our packet today on this particular application, the City of Dover Development Advisory Committee Meeting and comments and the things that are in that particular section; it's the sixth page under Item 13. It says "Recommendations Suggested and Conditions of Approval to meet Code objectives." When she went through this initially at home, she actually marked it off and it said "In accordance with *Zoning Ordinance*, Article 10 Section 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, welfare, comfort, and convenience of the public in general and the residents of the immediate neighborhood in particular shall be taken into consideration." To her, that's exactly what Mr. Reaves is saying. It goes on to say "safeguards may to the maximum extent possible, further the expressed intent of the *Zoning Ordinance* and the accomplishment of several objectives." She thinks that's important because what they are talking about does impact the people in the community surrounding this area where the buses will be coming and going and the traffic impact. Kenton Road does have a project going on and she looks forward to when it's done. She thinks it's going to be great. She lives on State Street and a City sewer/water rehab project happened and it started in October, we had dates and we were all notified that it's going to go so much and then it's going to be your block and your turn. It went on and it went on and the neighbors were all talking to each other saying "is this ever going to end?" Eventually it did and the improvements are wonderful and it absolutely can happen. They are not magicians. They get started and they don't know what they are going to run into. They can't see under the pavement; they just know what it should be. When you have roads that are old and infrastructure is old, you get down there and other things change the plan. What she is trying to say is that it's really hard. You feel like you are making a decision almost in a vacuum. A lot of this is so unknown. She does think that the school buses need a place to park and be safe. She thinks the State owns the

property and that's probably a good place for them. The other thing that she thinks about when she sees things like this is that yes, they make recommendations like these people going this direction will make a right hand turn here or a left hand turn. They can say that all they want but that doesn't mean that's the way the drivers are going to go. They are going to get a feel for their route and they are going to do what's best for them. Driving even an extra mile a day and the end of each school year is that much more fuel. There is a whole lot that goes into that that we can't even imagine. It is difficult and yet you hate to delay the decision because the school district needs the information. It's like we don't want to be the log jam.

Mr. Witham stated that it seems to him that the Commissioners have several options. Number 1, you could deny the application. Number 2, you can defer it for further information. Number 3, you could approve it subject to additional information to be submitted or subject to final approval of DelDOT on an ingress/egress application. DelDOT had already said that apparently there is no Traffic Impact Study required based upon traffic patterns and the population use of that site but we have nothing in front of us that says that other than what the applicant is telling us that DelDOT is saying. He thinks the Commission would like to see an actual document from DelDOT saying what you are telling the Commission.

Mr. Witham moved to approve S-24-17 Capital School District Regional Bus Parking Lot for seventy-six (76) buses and seventy-six (76) cars with required site plan improvements to serve as a regional bus parking lot for Capital School District, subject to a submission of a final approval and plan issued by DelDOT in conjunction with the applicant demonstrating that there will not be an adverse traffic impact on the community, seconded by Dr. Jones and the motion was carried 5-1 with Mr. Roach abstaining and Mr. M. Lewis and Mrs. Maucher absent. Mr. Witham voting yes; for the reasons that he just set forth in his motion. It seems to him that they are fulfilling a responsibility under Article 10, Section 2.2 to evaluate these plans as to whether there are appropriate conditions for the public safety and welfare, safety and comfort of the community. It's apparent that there is a need for a regional bus depot for the Capital School District. This site appears to be an adequate site for this purpose so long as they meet all Planning requirements and meet the purposes and intent of the Planning Code and the Zoning Ordinance. Mrs. Denney voting yes; she was not prepared to vote yes but in considering what Mr. Witham said with regard to deferring to DelDOT for final approval and all that is in Article 10. Mr. Baldwin voting yes; and he dare not try to repeat all that has been said but he agrees with it. Dr. Jones voting yes; she just wants to indicate that she fully appreciates the applicant baring with them and answering all of the questions. The nuisances and complexities of running a school district are enormous. She is an educator all of her life so she does understand; so thank you. Mr. Reaves voting no; citing that this Site Development Plan will not be revisited by the Planning Commission and also it does provide adequately for the comfort and the convenience of the public in general. He would like to also further have clarity on what they are asking for DelDOT to provide in Mr. Witham's motion statement. Mrs. Welsh voting yes; she appreciates all that the applicant has done to work on the package. She believes that they have a good package and as stated at this point in time it is site approval and therefore they have complied with what they are required to do to process the application. She thinks that asking for it is critical for the safety of the community to have more information. She also believes that there is specific information required as Mrs. Melson-Williams noted, that specifically one of us or all of us need to cite specifically step wise what would expected to be seen. She believes the

motion, as currently stated gives them the opportunity to get more information in accordance with how the application stands as a site approval.

NEW BUSINESS

Meeting adjourned at 9:00 PM.

Sincerely,

**Kristen Mullaney
Secretary**

2024 DELAWARE PLANNING CONFERENCE & ANNUAL MEETING

PLANNING CHALLENGES:

Building Affordable & Safer Communities

DATE:

Wednesday, December 4, 2024

8:30 AM - 4:30 PM | followed by Happy Hour

LOCATION:

Embassy Suites by Hilton Newark

654 S College Ave | Newark, DE 19713



See full conference agenda on next page!

INCLUDES

- Up to 4.5 CM Credits
- Continental Breakfast, Buffet Lunch, Beverages/ Snacks, Happy Hour & Networking

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Non-Members:	\$110.00
Retired Persons, Elected & Appointed Officials:	\$70.00
Students:	\$25.00

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2024 DELAWARE PLANNING CONFERENCE AGENDA

American Planning Association
Delaware Chapter

Creating Great Communities for All

MORNING

8:30 Registration, Continental Breakfast & Networking

9:00 Welcome & Opening Remarks

Sean O'Neill, AICP, DE-APA Chapter President
Mayor Jerry Clifton, City of Newark

9:15 Keynote Address [0.5 CM]

Dr. Eric Anthony Johnson, President/CEO of Aeon



10:00 Session 1: Vision Zero - Safe Streets for All [1.0 CM]

LaTonya Gilliam, Federal Highway Administration (FHWA) - Delaware Division (Panelist)
Scott Neidert, Delaware Department of Transportation (DelDOT) (Panelist)
Tigist Zegeye, Wilmington Area Planning Council (WILMAPCO) (Panelist)

11:15 Session 2: Ethics Jeopardy [1.0 CM-ETHICS]

Karen Wolf, FAICP, President of National AICP Commission

12:15 Buffet Lunch & Networking

12:45 DE-APA 2024 Annual Meeting

DE APA 2024 Chapter Updates, Awards, Recognition of Event Sponsors
Guest Speaker: Russ Huxtable, Delaware State Senator for District 6

AFTERNOON

2:15 Session 3: Delaware Law Review [1.0 CM-LAW]

Max Walton, Attorney/Partner at Connolly Gallagher, LLP

3:30 Session 4: Affordable Housing - Delaware Plans & Solutions [1.0 CM]

Karen Horton, AICP, Delaware State Housing Authority (Panelist)
David Edgell, AICP, Director of the Office of State Planning Coordination (OSPC) (Panelist)
Brandy Nauman, Sussex County Director of Community Development & Housing (Panelist)
Jamie Whitehouse, AICP, MRTPI, Sussex County Director of Planning & Zoning (Panelist)

4:30 Happy Hour & Networking

If you want to have something published in the next APA Delaware Newsletter, please send us your news by:
October 25, 2024.



DATA SHEET FOR CONDITIONAL USE REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF November 6, 2024

PLANNING COMMISSION MEETING OF November 18, 2024

Plan Title:	JJ's Learning Experience II Child Day Care Center C-24-05
Plan Type:	Conditional Use Plan
Property Address:	261 North DuPont Highway
Property Location:	East of North DuPont Highway and east of Centre Drive
Tax Parcel:	ED-05-068.14-01-03.05-000
Owner:	Mahavir Realty, LLC c/o HH Property Management Inc.
Applicant:	Keith and Shawanda Johnson
Parcel Area:	5.44 acres +/-
Proposed Use:	Child Day Care Center
Building Size:	12,000 SF tenant space for Day Care Center 38,495 SF total building
Off Street Parking:	Required – 34 parking spaces 1 space per 10 children + 1 per adult attendant
Sewer & Water:	City of Dover
Zoning Classification:	SC-2 (Community Shopping Center Zone)

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 6, 2024

APPLICATION: JJ's Learning Experience II Child Day Care Center at 261 N. Dupont Highway

FILE #: C-24-05 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Tracey Harvey Community Development Manager

PHONE #: (302) 736-7196

I. PLAN SUMMARY:

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

II. PROJECT DESCRIPTION:

The project proposes using a space in an existing one-story 38,495 SF building. The proposed location for the Child Daycare Center consists of a 12,000 SF tenant space that will serve 150 children and 19 adult staff. The plan identifies an indoor play area that will be located in the southern portion of the tenant space. The plan identifies 20 parking spaces including 2 handicapped parking spaces that are located in a parking lot on the south side of the building that will be utilized as parent parking spaces. A drive aisle on the south side of the building has also been designates as a bus drop off at the site.

A City of Dover Business License and a Public Occupancy Permit are required for the Child Day Care Center. Child Day Care facilities must meet State licensing standards and must be inspected by the City of Dover Fire Marshal's Office.

III. ZONING REVIEW:

The property is zoned SC-2 (Community Shopping Center Zone). With the proposal, the existing building footprint is not changing or enlarging. According to *Zoning Ordinance* Article 5 Section 14.12, a Child Day Care Facility is permitted in all zones provided a need can be demonstrated. The Child Day Care facilities type of land use requires Conditional Use approval by the Planning Commission based on the requirements for a Day Care Center when located in a place other than an unoccupied residence and providing services to more than 13 children. This is noted in Article 5 §14 and Article 10 §1. The requirements for Child Day Care facilities are given below:

Article 5 Section 14. Child Day care facilities.

14.1 *General.* In order to promote the development of quality child care outside of the home (day care facilities), the following two basic assumptions have been made:

14.11 The establishment of child day care services and facilities, wherever there is a need, is a necessary public objective; and

14.12 Day care programs for children shall be treated as community facilities and shall be permitted to locate in any zoning district, provided that need has been demonstrated, state licensing requirements have been met and no physical hazard to children can be reasonably anticipated.

14.2 Definitions.

Child day care facility. For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by a parent or guardian, for periods of less than 24 hours per day shall be defined as follows:

14.21 *Child day care center.*

(a) Any place, other than an occupied residence, which receives children for compensation for day care or large family day care home; and

(b) Any occupied residence which receives 13 or more children for compensation for day care.

Child day care centers shall be required to obtain conditional use approval by the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10 and to any specified requirement set forth in subsection 14.3 below, except in zoning districts where listed as a permitted use.

14.22 *Family day care home-children.* An occupied residence in which a person provides care for children other than his/her own family and the children of close relatives for compensation. Such care in a family day care home is limited to that care given to six or fewer children with a maximum of three children allowed for after school care. Such child care facility shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit and site plan approval.

14.23 *Large family day care home-children.* A facility which provides child care for more than six, but less than 13 children with a maximum of three children allowed for after school care. This care may be offered in a private home or in a property converted to the purpose of providing child day care. This form of day care facility requires the submission of a site plan application in accordance with the procedures and subject to article 10, section 2 of the zoning ordinance. If a large family day care home is not to be located in an occupied residence, then a conditional use site plan application shall be required in

accordance with article 10 section 1 of the zoning ordinance.

14.3 Zoning criteria.

14.31 *Number of children.* Day care centers shall be limited to a maximum of 50 children in all residential zones.

14.32 *Outdoor play area.* Must meet the state requirement for day care centers.

14.33 *Off-street parking/loading.* One space per each adult attendant, plus one space for every ten children.

14.34 *Signage for child day care facilities*

(a) Signs in residential zones.

i. *Family day care homes-children and large family day care homes-children.* One wall-mounted sign limited to two square feet.

ii. *Child day care center.* One sign, wall-mounted or freestanding, limited in area to 12 square feet. The planning commission shall consider the location of such sign as part of the conditional use review and may approve a lesser amount of sign area if deemed necessary by the commission to protect the general health, safety and welfare of the public in general and the residents of the immediate neighborhood in particular.

(b) *Signs in nonresidential zones.* Child day care centers within nonresidential zoning districts shall be governed by the sign regulations in effect for the particular nonresidential zoning district in which the day care center is located.

14.35 *Licensing requirements.* Child day care facilities must meet state licensing standards and must be inspected by the City of Dover Fire Marshal's Office. A City of Dover Business License and a Public Occupancy Permit is required.

(Ord. of 5-14-1990; Ord. of 4-25-1994; Ord. of 4-23-2007(3)) Ord. No. 2017-13, 12-11-2017)

Conditional Use Review

This Conditional Use is subject to the requirements of *Zoning Ordinance*, Article 10 §1 further discussed below. With Conditional Use applications, the Planning Commission reviews the proposed project to determine whether or not the intended use is appropriate in type and scale for the immediate neighborhood. The Commission must also consider whether or not the proposed use will have an adverse impact on the future orderly development of the surrounding area. The Planning Commission may prescribe appropriate conditions and safeguards to the use if determined to be necessary. The following sections of the *Zoning Ordinance* which relate to the role of the Commission in reviewing Conditional Use applications are particularly relevant when reviewing this application:

Article 10 §1:

1.1 *Accessibility for emergency response.* That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;

1.2 *Harmony of location, size and character.* That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

1.3 *Residential zones.* That, in addition to the above, in the case of any use located in, or adjacent to, a residential zone:

1.31 The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and

1.32 The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of landscaping, and other improvements on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

1.4 *Conditional use permits.*

1.41 *Conditional use approval.* Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

- (A) The provision in this article under which such permit was issued is still in effect;
- (B) Such permit was issued in conformity with the provisions of this article; and
- (C) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

1.42 *Periodic renewal of conditional use permit.* The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following public notice and hearing in accordance with subsection 1.53. The commission may withhold approval of the renewal upon a determination by the city planner to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with.

If the Planning Commission approves a Conditional Use, the use is granted as a Conditional Use Permit. Such permits may be permanent, subject to limitations outlined in *Zoning Ordinance* Article 10 §1.41 or be required by the Commission to undergo periodic renewal, using the procedure described in Article 10 §1.42. Any Conditional Use Permit, permanent or not, may be revoked using the procedure described in Article 10 §1.43 if the conditions prescribed by the Commission in conjunction with the issuance of the Conditional Use Permit have not been, or are no longer being complied with.

For a property seeking Conditional Use approval which does not need associated Site Development Plan approval (due to occupying an existing building), *Zoning Ordinance*, Article 10 §1.8 outlines the submission requirements. These requirements include a map of the property showing existing conditions with the appropriate legal data and information on the elements of the proposed use. The applicant has provided a data column narrative and two hand drawn plans of the building with adjacent site areas and a schematic plan of the tenant space interior layout.

IV. PARKING SUMMARY

The number of required parking spaces for a Child Day Care facility is given in Article 5 §14.33, which requires one space per ten (10) children plus one space per adult attendant. Since this facility proposes 150 children and 19 adult attendants, the site would require 34 parking spaces for the Child Day Care Center use. This size building space in the SC-2 zoning district would

require a minimum of 40 parking spaces based on a rate of 1 parking space per 300 SF of gross leasable area.

There is a total of over 800 parking spaces in the area for this shopping center complex (multiple parcels). The total number of parking spaces will need to be identified on the plan. Overall, the 38,495 SF building would require 129 parking spaces. It is estimated that there are 161 parking spaces just on this parcel. The parking requirement has been met.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one (1) for every twenty (20) parking spaces. Based on the parking required for the Child Daycare Center, a minimum of 2 bicycle parking spaces must be provided. The total number of bicycle parking spaces required will need to be identified on the Site Plan. The location of the bike rack(s) needs to be located on the Site Plan.

V. SITE CONSIDERATIONS

Access

There is direct access to the parcel for the building as it is interconnected from Centre Drive (private drive) and between the parking lot area. There are two entrance/exits from White Oak Road and there are three entrances/exits off North DuPont Highway leading to Centre Drive as the main circulation drive for the shopping center.

Dumpsters

Dumpsters for trash and recycling collection are required for the property. A minimum of two Dumpsters are required for the building. The Plan identifies the location for trash in the rear of the building. The pad and enclosure will need to be identified on the Plan.

Sidewalks

There is an existing sidewalk and curbing along one side of Centre Drive. The sidewalk is along the front of the building and a partial sidewalk on the south side of the building at the proposed location for the bus drop off. *Zoning Ordinance* Article 5, Section 18 provides the guidelines for pedestrian, bicycle, and multi-modal access requirement, which states when sidewalks or other pathways shall be installed on a property by the property owner or developer. A pedestrian crosswalk will need to be installed from the frontage parking lot to the main entrance of the Child Daycare Center and from the south side proposed parent parking lot to the main entrance to the Child Daycare Center. There are existing paved and striped parking spaces at the site of the Child Daycare Center and the shopping center. The Planning Commission may prescribe appropriate conditions for the establishment of the use.

VI. BUILDING ARCHITECTURE

The submission does not require Architectural Elevation drawings since the existing building will be utilized. The site has an existing one-story stucco-like clad masonry building with a flat roof. For the Child Day Care Center, there are two (2) separate building entrances that face the front entrance of the parking lot, and the rear entrance of the site for staff only.

VII. TREE PLANTING AND LANDSCAPE PLAN

Based on the development area of 12,000 +/- S.F. for the Day Care Center, four (4) trees would be required to be planted on the site. The plan will need to be updated to show the number of existing trees on the site. It appears that trees were planted at the perimeter of the parking lots and the rear of the building with its initial development.

VIII. 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) Identify the main entrance and the proposed bus drop off to the Child Day Care Center tenant space of the building for the evaluation of pedestrian circulation with the installation of a sidewalk or pavement markings.
- 2) The data columns will need to be updated prior to Final Approval with the following:
 - a) Any updates to the data column resulting from changes to the site layout.
 - b) Any changes recommended, or approvals granted by the Planning Commission.
- 3) The required number of parking spaces will need to be identified on the plan and separated by each parking lot. Please identify where the bicycle parking will be provided and the format of the rack.
- 4) Provide information on the construction of the Dumpster enclosures.
- 5) The total number of parking spaces for the parcel will need to be added to the plan.
- 6) The required number of trees and location will need to be added to the plan.

IX. RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

In accordance with the *Zoning Ordinance*, Article 10 §1, the Planning Commission in considering and acting upon Conditional Use Plans may prescribe appropriate conditions and safeguards so that the public health, safety, and welfare, the comfort and convenience of the public in general, and the residents of the immediate neighborhood in particular shall be taken into consideration. These safeguards may to the maximum extent possible further the expressed intent of the *Zoning Ordinance* and the accomplishment of several objectives in particular listed in subsections 1.1 to 1.3. To meet these code objectives, Planning Staff recommends the Planning Commission prescribe the following conditions and safeguards:

- 1) Pedestrian Connectivity: To further subsection 1.31 related to pedestrian traffic not being hazardous or inconvenient to, or incongruous with the neighboring commercial district, Staff recommends that a delineated pedestrian pathway be marked from the front entrance of the building of the Child Day Care Center and the south side entrance of the

Child Daycare Center at the proposed location for the bus drop off connecting to the parking lot areas. Since the area is paved, this may be achieved by pavement markings.

- 2) Parking Facilities: Staff recommends improvements to parking related items.
 - a. Since the Child Day Care Center is focused on the southern portion of the building, it is recommended that a specific location for staff parking be identified. Full-time staff parking may need to be located in other areas of the site to allow for the parking for child drop-off/pick-up.
 - b. The applicant must identify the location of the bicycle rack on the Plan.

ADVISORY COMMENTS TO THE APPLICANT:

- 1) In the event, that major changes and revisions to the Conditional Use Plan occur in the finalization of the Plan contact the Department of Planning and Inspections. Examples include building additions, relocation of site components, and increases or changes in the number of children. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regard to the plan.
- 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) Following Planning Commission approval of the Conditional Use 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 to each DAC participant providing comments. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.
- 4) The applicant shall be aware that Conditional Use Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign shall require a Sign Permit from the City of Dover prior to placement of any such sign.
- 5) The applicant shall be aware that Conditional Use Plan approval does not represent a Building Permit, Business and Occupancy Licenses, and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover. At a minimum an Administrative Building Permit will be required to establish this Child Daycare Center facility use in the building. A Fence Permit is required to construct the playground area fence if outside play area is proposed.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: OCTOBER 30, 2024



Item 3.

APPLICATION: JJ's Learning Experience II Child Day Care Center at 261 North DuPont Highway

FILE #: C-24-05

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. Our office has no objection to the conditional use proposed for the subject property.
2. Every commercial customer shall provide such premises with a sufficient number of solid waste containers to provide adequate capacity for the solid waste placed out for collection without overloading the capacity of the containers. The City of Dover shall provide commercial customers with a maximum of two (2), 90-gallon trash containers and two (2), 90-gallon recycling containers.
3. Trash collection site shall be oriented for side-loading pick-up if customer is utilizing City of Dover sanitation services.
4. Any commercial customer requiring more containers, or larger containers, than provided above, must utilize private service.

WATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. Due to the fact that this property is changing uses, 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 building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan, if an upgrade is required. 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.
3. It is possible that a new water service line will be required to be installed, depending on the existing size and material.
4. 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. This project may require a testable assembly to prevent backflow prevention, the device will be dictated by your use. Please provide detailed information on the use of this studio.
5. Please provide the existing water service material in the building.

WASTEWATER

1. Our office has no objection to the conditional use proposed for the subject property.

2. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met. All proposed wastewater utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
3. It is possible that a new wastewater lateral line will be required to be installed, depending on the existing size and material.

GENERAL / STORMWATER / STREETS

1. Our office has no objection to the conditional use proposed for the subject property.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

STREETS / SANITATION / STORMWATER / WATER / WASTEWATER / GENERAL

1. None

ADVISORY COMMENTS TO THE APPLICANT

WATER

1. Water impact fees may be associated with this project.
2. One meter shall be utilized for the building, a waiver may be provided if circumstances allow.

WASTEWATER

1. Wastewater impact fees may be associated with this project.

STREETS

1. If any work is proposed to the existing sidewalk, please add the following notes to the plan:
 - a. Standard City of Dover sidewalk, as per chapter 98, article IV of the Dover Code of Ordinances, shall be required to be installed along the entire public street frontage of a property. Where frontage sidewalk exists but does not meet the standards of chapter 98, article IV, the sidewalk shall be re-laid to meet the standards. Sidewalk shall include barrier-free access ramping at points of intersection with street crossings and at other locations so as to afford reasonable barrier-free pedestrian movement and site access.
 - b. In accordance to Appendix A, Article VI, Section B.3, all sidewalks shall ascend from the curbstone to the building line at the ratio of one-quarter of an inch to the foot. Nothing in this section shall be construed to affect any pavement previously laid by order of the city council, until it is taken up and relaid.

SANITATION / STORMWATER / GENERAL

1. None

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

CITY OF DOVER ELECTRIC

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: OCT 30, 2024

APPLICATION: JJ's Learning Experience II Child Day Care Center at 261 North DuPont Highway

FILE #: C-24-05

REVIEWING AGENCY: City of Dover Electric Department

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

CONTACT PHONE #: 302-674-7568

CONTACT EMAIL: sburgett@dover.de.us

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Any relocation or upgrade of existing electrical equipment will be engineered by the City of Dover Electric Department. Developer may be required to perform a quantity of the relocation. Any work performed by the City of Dover will be at the owner's expense.
2. Owner is responsible for locating all existing underground facilities to include electric, water and gas.
3. Owner is responsible for site and/or street lighting.
4. Must maintain 10' clearance around all electrical equipment, unless pre-approved by the City of Dover Electric Engineering Department.
5. Prior to the completion of any/all designs and estimates, the owner is responsible for providing the Electric Engineering Department with a physical address of the property.
6. All Engineering and design for Dover Electric will be engineered upon receipt of final approved plans. All Engineering work will be furnished by the City's Electric Engineering Department.

GENERAL

1. Final site plan must be submitted in a digital format compatible with AutoCAD 2010 (.dwg format) and Adobe Reader (.pdf format), if applicable.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

ADVISORY COMMENTS TO THE APPLICANT

1. Provide load sheets as soon as possible for proper sizing of transformers and creation of primary fee estimates. Current load sheets can be found at the following link:
<https://www.cityofdover.com/media/Electric%20Department/COD%20Electric%20Load%20Sheet.pdf>.
2. Electric service is currently provided by the City.
3. If any upgrade to electric supply needs to be accomplished, customer will be responsible for all costs associated with the project.

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: 10/30/24 Updated 11/6/2024

APPLICATION: JJ's Learning Experience II Child Care Center at 261 N DuPont Hwy

FILE #: C-24-05

REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire Marshal
josika@doover.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 conditional use for a day care center.

NFPA 101, A.16.1.1 Suggested Staff to Client Ration in New and Existing Day-Care Occupancies

Staff to Client Ratio	Age (months)
1:3	0-24
1:4	25-36
1:7	37-60
1:10	61-96
1:12	97 plus
1:3	Clients incapable of self-preservation

If staff to client ratios are below those suggested above, the AHJ shall determine the additional safeguards (this may include restricting the daycare to level of exit discharge only, requiring additional smoke detection, requiring automatic sprinkler protection, requiring better or additional means of egress, requiring similar types of provisions depending on the situation).

NFPA 101, 3.3.198.4 Day Care Occupancy. An occupancy in which four or more clients receive care, maintenance, and supervision, by other than their relatives or legal guardians, for less than 24 hours per day.

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. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.
12. 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)

13. 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)

14. 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)

NFPA 101, 12.3.5.1 The following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1): 1. Dance Halls 2. Discotheques 3. Nightclubs 4. Bars 5. Restaurants 6. Assembly occupancies with festival seating

15. Fire Department Connection is to be a 5-inch stortz 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)

16. 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)

17. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.

18. 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)

19. 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 at 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/or chief building inspector.

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

20. 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)

21. 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

22. 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
23. Project to be completed per approved Site Plan.
24. Full building and fire plan review is required.
25. 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.
26. Construction or renovations cannot be started until building plans are approved.
27. 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.

28. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.
29. 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 change in occupancy classification. Plans from an authorized/licensed design professional are required to be submitted to the Chief Building Inspector showing how code compliance will be achieved with the new occupancy. This submittal needs to be approved by the Chief Building Inspector.
2. The fire alarm system may need to be upgraded for this suite
3. Fire Lane needs to be shown
4. State of DE Daycare Licensing approval required
5. Note, during DAC, we asked if they would be cooking, and they replied yes. We advised that a hood and hood suppression system would be needed as well for grease laden vapors. State of DE Public Health approval would be needed as well.

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: JJ's Learning Experience II Child Day Care Center at 261 North DuPont Highway

FILE#: C-24-05

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Brian Williams

PHONE#: 302-760-2141

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. DelDOT has no objections to the conversion. If the city requires documentation, the applicant can submit their plans to the department for a LONC.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: 11/6/2024

**Dover/Kent
County
Metropolitan
Planning
Organization**

C-24-05 JJ's Learning Experience II Child Day Care Center at 261 North DuPont Highway

FILE # C-24-05

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
Conditional Use Site Plan Review

C-24-05 JJ's Learning Experience II Child Day Care Center at 261 North DuPont Highway

Dover Kent MPO recommends the addition of ADA-compliant crosswalks from the parking lots to the building. This would be very beneficial for pedestrian safety, which is especially important at a location where children and families will be frequently walking. There are several ADA ramps available, as well as a small pathway through the island of one of the parking lots. The crosswalks should be tied in with this infrastructure and lead to the building's entrance. Sidewalks already exist along the building's frontage; safe crossings are the most important gap to fill. Examples of crosswalks in fire lanes can be found at similar properties across Dover.

The applicant should consider an accessible location for bike racks so that it meets the City's requirements regarding bicycle parking. The surrounding neighborhoods are listed as a focus area in DelDOT's Equity Analysis Tool, which suggests many of the residents rely on means of transportation other than a personal vehicle. White Oak Road is also listed in the City of Dover's *2020 Bicycle and Pedestrian Plan* for future improvement (p. 121). This would further encourage bicycling to and from the property. Please see the following link for more information on these improvements: <https://doverkentmpo.delaware.gov/files/2021/04/Dover-Bicycle-and-Pedestrian-Plan-2020-FINAL-1.pdf>

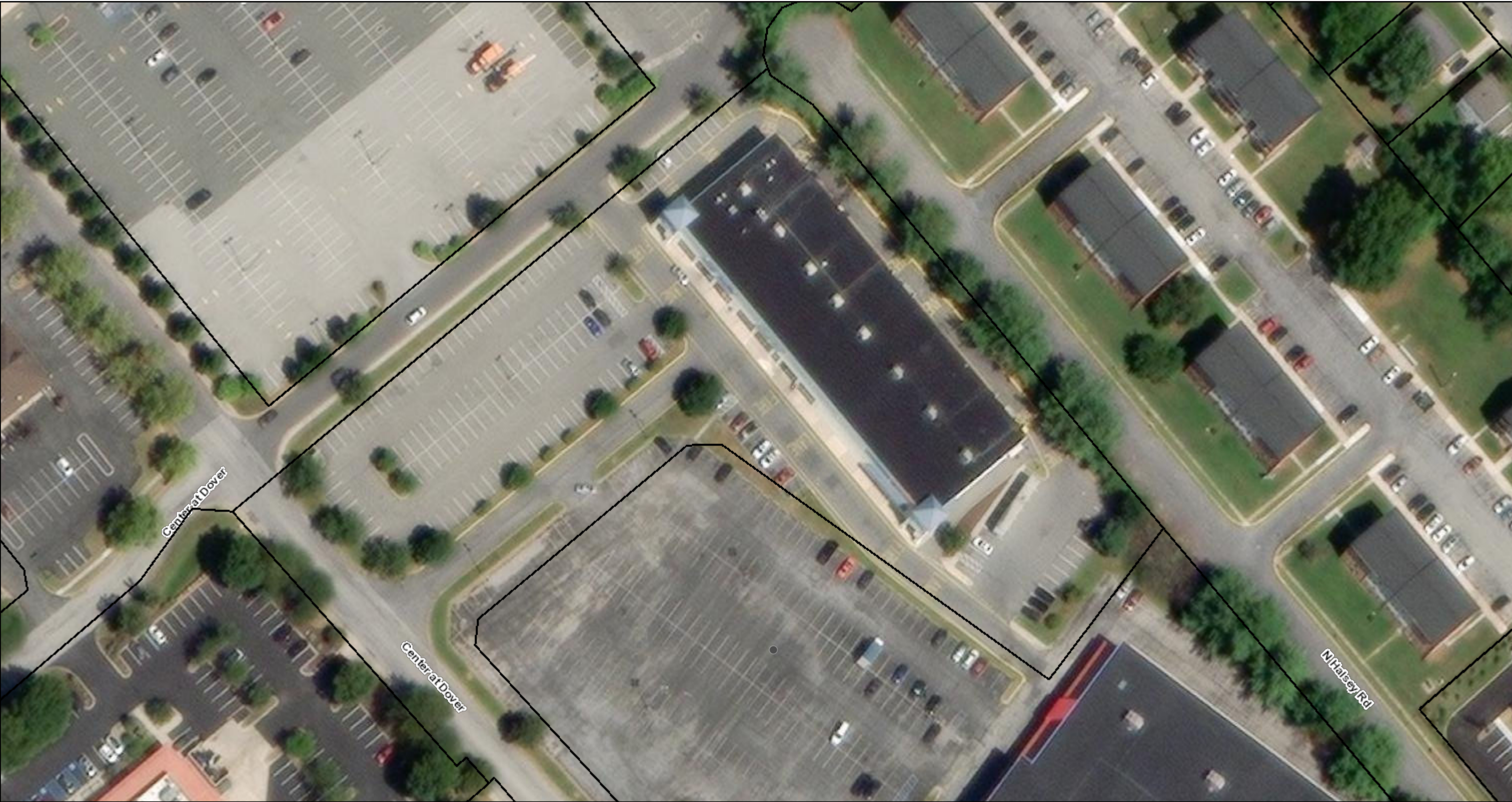
If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.



Item 3.

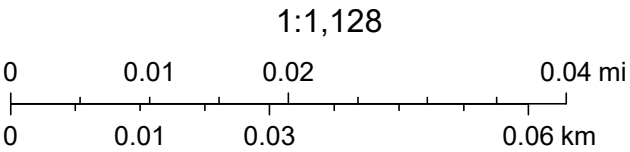


Planning & Inspections View Map



10/29/2024, 5:27:08 PM

-  Dover_Boundary
-  Parcels Outside Dover
-  Dover Parcels



Maxar, Microsoft

DATA SHEET FOR SITE PLAN REVIEW & ARCHITECTURAL REVIEW CERTIFICATION

DEVELOPMENT ADVISORY COMMITTEE MEETING OF November 6, 2024

PLANNING COMMISSION MEETING OF November 18, 2024

<u>Plan Title:</u>	Legislative Hall Building Addition, S-24-19		
<u>Plan Type:</u>	Site Development Plan and Architectural Review Certification		
<u>Location:</u>	East side of Legislative Avenue as the block between martin Luther King Jr. Boulevard North and Martin Luther King Jr. Boulevard South		
<u>Owner:</u>	State of Delaware		
<u>Addresses:</u>	411 Legislative Avenue and Court Street		
<u>Tax Parcels:</u>	ED-05-077.09-05-15.00-000 and ED-05-077.09-05-14.00-000		
<u>Size:</u>	2.80 acres+/- and 0.43 acres +/-		
<u>Present Uses:</u>	Legislative Hall		
<u>Proposed Use:</u>	Legislative Hall with Building Addition to create new main public entrance and Plaza area with Monument Walk		
<u>Zoning:</u>	IO (Institutional and Office Zone) H (Historic District Zone) SWPOZ (Source Water Protection Overlay Zone) ROS (Recreational and Open Space Zone) H (Historic District Zone)		
<u>Building Area:</u>	Existing Building	90,550 SF	
	Proposed Addition	56,820 SF	
	Total	147,370 SF	
<u>Off Street Parking:</u>	On-site, Adjacent designated on-street parking, and proposed Legislative Parking Garage		
<u>Sewer & Water:</u>	City of Dover		
<u>Waiver Request:</u>	None		
<u>For Consideration:</u>	Architectural Review Certification		

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: November 6, 2024

**City of
Dover
Planning
Office**

APPLICATION: Legislative Hall Building Addition at 411 Legislative Avenue

FILE #: S-24-19

REVIEWING AGENCY: City of Dover Planning

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

I. PLAN SUMMARY

This Application is for Review of a Site Development Plan Application and associated Architectural Review Certification to permit renovation and expansion of Legislative Hall. The proposal includes a three-story 56,820 SF Building Addition on the east side of the existing Legislative Hall building creating a new main public entrance, a Plaza area with Monument Walk, and other site improvements. The main property of 2.80 acres+/- is zoned IO (Institutional and Office Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone) and the H (Historic District Zone). The other property of 0.43 acres+/- is zoned ROS (Recreational and Open Space Zone) and subject to H (Historic District Zone). The subject properties are located on the east side of Legislative Avenue as the block between Martin Luther King Jr. Boulevard North and Martin Luther King Jr. South. The owner of record is the State of Delaware. Property Addresses: 411 Legislative Avenue and Court Street. Tax Parcels: ED-05-077.09-05-15.00-000 and ED-05-077.09-05-14.00-000. Council District 4. *The project was the subject of HI-24-07 for Historic District Commission Review and Recommendation on the Architectural Review Certification at their October 17, 2024 Meeting.*

The Project Site is subject to Application HI-24-07 Legislative Hall Building Addition. At the October 17, 2024 meeting of the Historic District Commission, they considered the Application and have provided a Recommendation on the Architectural Review Certification for the project. *See attached Recommendation Report.*

Previous Applications

The Legislative Hall Building at this location was constructed c. 1931-1933 with later building additions in 1965-1970 and in 1994. Prior to that the Delaware General Assembly met in the Old State House building located on The Green. (Previous Application: MI-94-17 Legislative Hall: Proposed Landscape Plan.)

Preliminary Land Use Services Review (PLUS):

The PLUS Review is required by a City of Dover Memorandum of Understanding (MOU) for certain types of projects. Due to its Downtown Dover Redevelopment Target Area, this project was not required to complete PLUS Review process.

II. PROJECT DESCRIPTION

The development area consists of two parcels and a street/drive aisle area. The existing Legislative Hall Building is on the western parcel in the block and then the eastern area (street/drive aisle area and east parcel) are an existing parking lot and landscape open space area. The application proposes renovation and expansion of Legislative Hall involving construction of a Building Addition on the east side of the building to include a new main public entrance and a Plaza area with Monumental Walk with other site improvements and as more fully described below:

1. Building Addition: The Building Addition of 56,820 SF is on the east side of the existing Legislative Hall building enclosing that side of the U-shaped building partially infilling the central court(yard) area. A new main public entrance will be created on this east side as a raised monumental entry with steps and accessibility ramps. The 3-story structure is brick and rises to a hipped roof (a height of 53 feet 6 inches to top of the roof top balustrade). The architecture of the Building Addition is brick with window openings with keystone headers and trimwork surrounds, cornice detailing, a series of dormer windows on the hipped roof in a concrete tile and turned gable roof elements. It continues the Colonial Revival style and detailing of the current Legislative Hall Building and the surrounding Capital Complex buildings.
2. Plaza Area with Monument Walk: The east side of Legislative Hall will be reimagined into a tiered Plaza Area in three levels: main public entrance, the upper plaza, and lower plaza with Monument Walk. The Plaza levels include stair and ramp systems, patterned brick surface materials, landscaping areas, lighting, and benches with connections to the sidewalk systems. Also incorporated is a Monument Walk where a series of monuments will be placed/relocated. This includes the relocation of the “Delaware Continentals” Revolutionary War Monument statue and four other monuments.
 - a. Following discussions regarding fire protection requirements, some design revisions to the Plaza Area have been proposed in order to accommodate the fire lane. See Revised Plan Exhibit dated 11/07/2024.

This project is associated with the Legislative Hall Parking Garage proposed nearby at the southeast corner of Martin Luther King Jr. South and East Avenue/ E. Water Street (HI-24-04 and S-24-14). This Building Addition project proposes a potential tunnel connection between the Legislative Hall Building and the Legislative Hall Parking Garage.

Surrounding Land Uses

This subject property location in the block bounded by Legislative Avenue, Martin Luther Kings Jr. North, and Martin Luther King Jr. Boulevard South is part of the Capital Complex where multiple State buildings and offices are located. Across the street to the north is the Delaware Public Archives and to the south across the street is the Tatnall Building (offices) and the proposed location of the Legislative Hall Parking Garage and the Del-One Credit Union Building. These surrounding properties are zoned IO (Institutional and Office Zone) with other open space areas like the Legislative Mall area zoned ROS (Recreational and Open Space Zone). The surrounding properties are within the H (Historic Zone) like the subject site.

III. ZONING REVIEW

IO (Institutional and Office Zone)

The subject property (west parcel) is zoned IO (Institutional and Office Zone); this zoning designation will remain in place. The description of the IO (Institutional and Office Zone) zoning district is provided in Article 3 §10 of the *Zoning Ordinance* and provisions identify the allowable (permitted) uses and the related bulk standards for the IO zone. The Legislative Hall is a permitted use as public and institutional buildings are allowed. Generally, the setbacks are met with the exception of the front yard setback (see discussion under Section IV. Architectural Review Certification). The buildings' height and number of stories is in compliance with the IO zone.

ROS (Recreational and Open Space Zone)

The east parcel is zoned ROS (Recreational and Open Space Zone) and consists of portions of the existing parking spaces and then open lawn areas. The description of the ROS (Recreational and Open Space Zone) zoning district is provided in Article 3 §30. This will remain as ROS and the proposed use as open space for the Monumental Walk/Plaza area and landscaped areas would be a type of public park.

SWPOZ (Source Water Protection Overlay Zone)

The purpose of the SWPOZ (Source Water Protection Overlay Zone) is to provide a safe drinking water supply and to ensure that groundwater is adequately protected and maintained. The SWPOZ includes a list of prohibited uses where such uses/activities could impact ground water resources; the proposed use as Legislative Hall, a government building is permitted. A portion of the subject site is located within the SWPOZ (Tier 3: Excellent Recharge Area) found in Article 3 §29.7 of the *Zoning Ordinance*. However, this project site is within the Downtown Redevelopment Target Area which is exempted from the SWPOZ requirements and restrictions as per *Zoning Ordinance*, Article 3 §29.79 with regard to bulk standards, ground cover, and floor area ratios.

H (Historic District Zone)

The entire project site is located in the H (Historic District Zone) and subject to the provisions of the *Zoning Ordinance*, Article 3 §21 and referenced sections. The H (Historic District Zone) is described in *Zoning Ordinance*, Article 3 Section 21 with the following purpose statement:

Article 3, Section 21. - Historic district (H).

21.1 *Purpose.* The purpose of this historic district regulation is to preserve and enhance that unique character and value of the old portion of Dover as an area of special charm and interest. It is particularly intended that the regulations prevent, in the historic district, any change of conditions that would be deemed to be a disfigurement or degradation of the present unique visual and architectural qualities of the district.

IV. ARCHITECTURAL REVIEW CERTIFICATION

Zoning Ordinance, Article 10 §3.2 outlines the review process for Architectural Review Certification and related building height, bulk, and setback standards. This process begins with Review by the Historic District Commission which considered this Application at their October 17, 2024 Meeting and provided a recommendation on the Architectural Review Certification.

Review of DESIGN STANDARDS AND GUIDELINES

Location within the H (Historic District Zone) requires proposals for demolition, new construction, additions, and certain renovation or rehabilitation activities to receive an Architectural Review Certificate. As stated in the *Design Standards and Guidelines for the City of Dover Historic District Zone*, an Architectural Review Certificate will be granted “if it is found that the architectural style, general design, height, bulk and setbacks, arrangement location and materials affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district.” *Zoning Ordinance*, Article 10 §3.2 outlines the review process for Architectural Review Certification and related building height, bulk, and setback standards.

This proposal must be reviewed for conformity with the design criteria guidelines found in Chapter 4: New Construction, Additions, Demolition and Relocation. The *Design Standards and Guidelines* for New Construction (Chapter 4: pages 4-1 through 4-8) and Additions to Existing Buildings (Chapter 4: pages 4-1 through 4-8) provide the design criteria and development guidelines. The guidelines specify a series of individual considerations for new construction and additions to existing buildings to be considered in the review by the Historic District Commission (and Planning Commission) of the project for Architectural Review Certification. Additionally, the proposal should be reviewed for conformity with the design criteria and development guidelines found in the *Design Standards and Guidelines* of Chapter 3: Maintenance, Repair, Preservation, and Restoration of Existing Historic Buildings. More specifically the sections on Design Guidelines for Landscaping and Site Amenities, Fencing and Walls, and Paving and Bordering found on pages 3-24 through 3-27.

The proposed project must also be reviewed for compliance with the standards established by the *Zoning Ordinance*. The standards include items such as setbacks from property lines, lot coverage, height, etc. This Proposal for the Legislative Hall Building Addition appears to conform to most of the bulk requirements of the IO Zoning District. The *City of Dover Zoning Ordinance* authorizes the Historic District Commission to waive certain bulk standards when issuing its recommendation to the Planning Commission for an Architectural Review Certificate if necessary.

Alternative Bulk Standards – Consideration of Front Yard Setback

The setbacks of the building addition from the property lines are met except for the front yard setback. The IO zoning district has a front yard setback of 10 feet; the building addition placement encroaches into this setback as the existing parking lot area/drive aisle is mapped as right-of-way; therefore, relief must be granted to allow the encroachment.

HISTORIC DISTRICT COMMISSION - RECOMMENDATION

For the Legislative Hall Building Addition project, the Historic District Commission considered the application HI-24-07 on October 17, 2024 regarding an Architectural Review Certificate for construction of the and the various other Site Improvements. **The Historic District Commission considered the proposal for construction and has provided a recommendation to the Planning Commission in regard to the Architectural Review Certification for the project. The specific recommendation involved consideration of the Design Standards and Guidelines. See attached Recommendation Report from the Historic District Commission.**

The Planning Commission should act upon the Architectural Review Certification as part of any motion to approve this project, or as a separate motion if necessary. In taking this action, the

Planning Commission is to consider the standards and guidelines found in Chapter 4 of the Design Standards and Guidelines for the City of Dover Historic District Zone and other referenced sections.

V. PARKING SUMMARY

The parking requirement for the IO (Institutional and Office Zone) is based on a rate of one parking space per 300 square feet of floor area. Based on a total floor area of 147,370 SF, the building would require 492 parking spaces. However, the original portion of Legislative Hall predates the City's adoption of the *Zoning Ordinance* and therefore would be considered legal non-conforming as to parking requirements. With this Building Addition to Legislative Hall, the existing on-site parking (approximately 40 spaces to the east of the building) will be displaced leaving no formal parking spaces on the overall parcels. There are adjacent street parking spaces in this part of the Capital Complex that served as designated Legislator/key staff parking. Additionally, the Capital Complex has other shared areas of parking including surface parking lots and other on-street parking spaces that serve the current building.

In anticipation of this project at Legislative Hall, there is a nearby project known as the Legislative Hall Parking Garage Structure designed to provide parking for nearby State buildings including Legislative Hall (HI-24-04 and S-24-14). The Parking Garage Structure located on the northwest corner of Martin Luther King Jr. Boulevard South and East Avenue/E. Water Street is to house approximately 377 parking spaces. Some of this parking will be secured parking for Legislators and other personal. The Parking Garage will also provide public parking. The entries into the Parking Garage Facility are on its west side from East Avenue/E. Water Street.

Bicycle Parking

Bicycle parking shall be provided for parking spaces at a rate of one (1) bicycle parking space for every twenty (20) parking spaces. The site is encouraged to identify the bicycle parking spaces available in the vicinity. Site Plan Sheet C-105 references indoor bicycle storage but the actual bicycle parking location for the site is being considered. There are proposed bicycle parking spaces with the Legislative Hall Parking Garage project.

VI. SITE CONSIDERATIONS

Lighting

The plan indicates the removal of existing light fixture pole for developed but does not identify the locations of re-installation. In general, the broader area of the Capital Complex uses a decorative black pole with lantern type light fixture as street lighting. Appropriate lighting of pedestrian areas must be shown.

Dumpsters

Dumpsters are typically required a rate of two Dumpster per non-residential building. This property would require a total of 2 Dumpster units for the new and existing building. The north side of the building includes a Dumpster area at the loading dock area for the trash/recycling collection. The Dumpster enclosure detail shall be provided on the plan to ensure that the architectural components of the Dumpster enclosures match the construction materials of the proposed building/addition.

Sidewalks

Sidewalk is required along all street frontages of Martin Luther King Jr. Boulevard North and Martin Luther King Jr. Boulevard South. The applicant will be reconstructing the curb and

sidewalks where site improvements and site entrance improvements (loading dock and fire lane access) are proposed. The street frontage sidewalks along the project site will continue to be brick paving to match existing sidewalks in the surrounding area.

With this project more detailed crosswalks at street level will cross the adjacent streets from the Legislative Hall Building towards the Delaware Public Archives Building and also to Legislative Hall Parking Garage. Additional traffic control/identification measures are planned for these crosswalks with landscape planter boxes and alternative surface materials of brick pavers.

Curbing

The parking areas and access drives are required to be curbed with upright curbing (*Zoning Ordinance*, Article 6 §3.6). The properties have curbing along the streets.

VII. BUILDING ARCHITECTURE

The application proposes a Building Addition of 56,820 SF is on the east side of the existing Legislative Hall building enclosing that side of the U-shaped building partially infilling the central court(yard) area. A new main public entrance will be created on this east side as a raised monumental entry with steps and accessibility ramps. The 3-story structure is brick and rises to a hipped roof (a height of 53 feet 6 inches to top of the roof top balustrade). The architecture of the Building Addition is brick with window openings with keystone headers and trimwork surrounds, cornice detailing, a series of dormer windows on the hipped roof in a concrete tile and turned gable roof elements. It continues the Colonial Revival style and detailing of the current Legislative Hall Building and the surrounding Capital Complex buildings.

See the attached Site Plan set and Architecture Set. The attached elevation drawings and site plan drawings for detailed information on building dimensions, locations, and material choices.

VIII. TREE PLANTING AND LANDSCAPE PLAN

Tree Planting Requirements

The *Zoning Ordinance* further requires a tree planting/landscape plan for at a rate of one tree per 3,000 SF of development area. The size of the development area is listed as 90,000 SF encompassing the area to the east of the existing Legislative Hall to the curve of Martin Luther King Jr. Boulevard/Court Street. The Plan notes 31 trees are being provided from retaining two existing trees and with 29 new tree plantings. The project shows trees and shrubs in the lawn areas immediately adjacent to the building and then trees and shrubs in the landscape beds of the Monument Walk/ Plaza area. The trees include a variety of ornamental and deciduous trees including Red Buckeyes, White Fringe Trees, Black Gum, Upright English Oak, and Willow Oak Trees. If as the project design is refined and the proposed tree planting locations need to be revised, a Tree Mitigation Plan may be considered to plant trees on other State-owned property in the City.

IX. CITY AND STATE CODE REQUIREMENTS:

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

- 1) Cover Sheet, C100:
 - a) Data Column:

- i) Item #4: Add H (Historic District Zone) for both parcels. Add ROS (Recreational Open Space Zone) for east parcel. Add SWPOZ (Source Water Protection Overlay Zone) for west parcel.
 - ii) List size of Development Area.
 - iii) Item #11: Check Project Site Area and breakdown.
 - iv) List Building Area (existing, addition, total).
 - b) List any waivers and conditions of approval for the Architectural Review Certification from the Planning Commission. This would include the reduction of the front yard setback requirement.
 - c) Add Map or use a Site Map to show the existing parcels of subject site and zoning.
- 2) Sheet C102:
- a) Project Notes #3: Show what trees are to receive the Tree Protection measures on the Existing Conditions & Demolition Plan Sheet.
 - b) Update name and references for the Miss Utility entity.
- 3) Sheet C104 Existing Conditions & Demolition Plan:
- a) Show status of trees in or near the project area. Ensure trees marked for removal and protection are consistent with those shown on the Landscape Plan sheets.
 - b) Any removal of electric equipment will need to be coordinated with the City of Dover Electric Department.
 - c) Also coordinate the status of the existing fire hydrants that may be in the project area and any needs for continued service during construction project.
 - d) Remove setbacks shown on the ROS parcel.
- 4) Sheet C105 – Site Layout:
- a) Clarify the indoor bike storage note and/or location of bicycle parking opportunities.
 - b) Show actual distance from Building Addition to current property line as these is for consideration as part of the Architectural Review Certification.
 - c) Show location of gate system for loading dock area.
 - d) Update this plan sheet and others as related to redesign for fire lane coverage.
 - e) Ensure construction plans are developed for the relocation of the statues and monuments i.e. Appropriate base/foundation supports.
 - f) Identify locations of site lighting and fixture styles.
 - g) The proposed enhanced crosswalks cannot change the elevation of the drivable surface as compared to the adjacent travel lanes.
 - h) Add location of Knox Box (as obtained from the Office of the City Fire Marshal) and Fire Department Connection(s).
 - i) Update all plan sheets with revisions for the fire lanes.
- 5) Sheet C106: Update Brick Sidewalk detail and notes for construction of a brick sidewalk.
- 6) Sheet C107 Grades & Geometrics and Sheet C-108 Utility Plan:
- a) Check location of stormwater drainage piping and other utilities lines to ensure there are no conflicts with proposed tree plantings (or existing trees to remain).
- 7) L-100 and L-101 - Landscape Plan:

- a) Ensure proposed tree planting locations do not conflict with planned or existing utility lines and are compatible if areas are being used as bioretention/stormwater management areas.
 - b) Add tree planting calculation to the Site Data column on Sheet L-100.
 - c) List line labeled DEVA (Development Area) in the Legend.
 - d) In Zoning also list H (Historic District Zone) and SWPOZ (Source Water Protection Overlay Zone).
 - e) Ensure landscape plantings do not impede the location of the fire department connection (FDC). Ensure tree at front of Building Addition do not impede firefighting activities.
 - f) E. Water Street label should be updated to East Avenue.
 - g) On Sheet L-101, update Note #1 to refer to the City of Dover Planning Office (instead of New Castle County).
- 8) Identify if any bicycle parking racks will be part of the Plaza Area. The bicycle parking rack should be black in finish color and of a decorative style if placed in this area. This location is near the Capital City trail.
 - 9) Provide construction details for the following items but not limited to, dumpster pad/enclosure, traffic control signage, lighting fixtures, handicap signage, etc.
 - 10) The construction of the site entrances and street improvements must comply with the requirements of DelDOT and the City of Dover Public Works Department based on street maintenance responsibilities.
 - 11) The Historic District Commission recommended conditional approval of the Architectural Review Certificate for the construction of the project. See attached Recommendation Report for recommended conditions.
 - 12) Any Erosion & Sediment Control Plans and Stormwater Management Plans granted approval by the DNREC must reflect the Site Plan layout and design conditionally approved by the Planning Commission and be in compliance with the *Zoning Ordinance* and technical review requirements of other agencies.
 - 13) We understand that research continues on the status of the mapped right-of-way area that crosses the eastern portion of the project area creating the two parcels. Future resolution of this matter may result in its abandonment and parcel consideration. A Record Plan sheet will need to be created and reviewed for these activities related to the subject parcels.
 - 14) The Final Plan set must include notes documenting any action taken by the Planning Commission on the Architectural Review Certification and must list any additional conditions of approval.

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

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

of the *Zoning Ordinance* and the accomplishment of several objectives in particular listed in subsections 2.21 to 2.28.

- 1) Architectural Review Certification Staff recommends conditional approval of the Architectural Review Certificate for the construction of the Legislative Hall Building Addition finding that the building to be of a design compatible with the intent of the *Design Standards and Guidelines for the City of Dover Historic District Zone*.
 - a) Staff provided a series of recommendations and comments regarding the Architectural Review Certification and review of the project for compliance the *Design Standards and Guidelines*. These items were previously identified during the review of the project by the Historic District Commission. See HDC Recommendation Report.

XI. ADVISORY COMMENTS TO THE APPLICANT:

- 1) The Planning Commission should act upon the Architectural Review Certification as part of any motion to approve this project, or as a separate motion if necessary.
- 2) The Planning Commission should act upon any request for waivers as part of any motion regarding this project application, or as a separate motion as necessary. Note: All waivers are at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.
- 3) In the event, that major changes and revisions to the Site Plan occur in the finalization of the Plan contact the Department of Planning and Inspections. Examples include relocation of site components like paving and increases in footprint. These changes may require resubmittal for review by the Development Advisory Committee, Historic District Commission, Planning Commission, or other agencies and commissions making recommendations in regard to the Plan.
- 4) Following Planning Commission approval of the Site 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) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.
- 6) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate Site Plan approvals, Pre-Construction meetings, site inspections and permits are required.
- 7) Construction and demolition will have an effect on the adjacent property owners, employees of adjacent buildings, and nearby sidewalks and streets. Any work requiring the closing or rerouting of potential customers, employees, or visitors to the adjacent properties (including those who park in the existing parking lot), and streets or alley should be coordinated as to offer the least amount of inconvenience. Careful consideration will need to be given to the access to other properties which requires the crossing of these properties or travel over the public alley.

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



CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: OCTOBER 30, 2024



APPLICATION: LEGISLATIVE HALL BUILDING ADDITION @ 411 LEGISLATIVE HALL

FILE #: S-24-19

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

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

CONTACT PHONE #: 302-736-7025

CONTACT EMAIL: jlyon@dover.de.us

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

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

CITY AND STATE CODE REQUIREMENTS

SANITATION

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

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District / DNREC 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. The stormwater infrastructure proposed for this project shall be privately maintained.

STREETS

1. Final site plan approval will not be granted until a copy of the approved entrance plan, signed by DelDOT is submitted to our office.
2. Please provide clarity on whether the existing Right-of-Way will be extinguished as part of this plan.
3. Please clarify if the proposed crosswalk crossing will be elevated. The following is prohibited: Any device used as a means of speed reduction on any city street, drive, parking lot, or any other driveable surface, which causes a change in elevation which may result in emergency equipment having to reduce speed during a time of emergency, is prohibited.
4. Please add the following notes to the plans:

- a. Standard City of Dover sidewalk, as per chapter 98, article IV of the Dover Code of Ordinances, shall be required to be installed along the entire public street frontage of a property. Where frontage sidewalk exists but does not meet the standards of chapter 98, article IV, the sidewalk shall be re-laid to meet the standards. Sidewalk shall include barrier-free access ramping at points of intersection with street crossings and at other locations so as to afford reasonable barrier-free pedestrian movement and site access.
- b. In accordance to Appendix A, Article VI, Section B.3, all sidewalks shall ascend from the curbstone to the building line at the ratio of one-quarter of an inch to the foot. Nothing in this section shall be construed to affect any pavement previously laid by order of the city council, until it is taken up and relaid.

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
 - a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
 - b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Water & Wastewater specifications and requirements.
 - c. The site contractor shall contact the City of Dover Department of Water & Wastewater Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Water & Wastewater must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan.
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 all uses that will occur in this building.

9. Please provide a detailed plan on the water crossing with relation to the proposed underground tunnel. We will need a detailed sequence of construction for this aspect of the project as well. Additional comments may be provided after a detailed plan is provided.
10. Please provide the existing water service material that is inside of the building.
11. Please be advised that only one (1) water service is allowed per property, unless there are separate structures on said property.

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 laterals (other than for single-family dwellings) showing that velocity and all other requirements are met.
6. The minimum size of all sanitary sewer laterals shall be six-inch (6").
7. Sanitary sewer laterals shall be connected directly to the main, not manholes, unless impracticable, as determined by the Department of Water & Wastewater.

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

SANITATION / STORMWATER / STREETS / WATER / WASTEWATER / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

WATER

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

GENERAL

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

SANITATION / STORMWATER / STREETS

1. None

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

CITY OF DOVER ELECTRIC
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: OCT 30, 2024

APPLICATION: Legislative Hall Building Addition at 411 Legislative Avenue
FILE #: S-24-19
REVIEWING AGENCY: City of Dover Electric Department
CONTACT PERSON: Shawn Burgett, Engineering Services & System Ops Superintendent
CONTACT PHONE #: 302-674-7568
CONTACT EMAIL #: sburgett@dover.de.us

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 10/30/24

APPLICATION: Legislative Hall Building Addition at 411 Legislative Avenue

FILE #: S-24-19 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 mixed use with assembly.
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 TBD 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 50% 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. 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.

12. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.

13. 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)

14. 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

15. 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.

16. 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.

17. 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>

18. 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)

19. 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)

NFPA 101, 12.3.5.1 The following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1): 1. Dance Halls 2. Discotheques 3. Nightclubs 4. Bars 5. Restaurants 6. Assembly occupancies with festival seating

20. 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)

21. 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)
22. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.
23. 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)

24. 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)

25. 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)

26. 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)

27. 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

28. 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
29. 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 I, 15)
30. 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.
31. Project to be completed per approved Site Plan.
32. Full building and fire plan review is required.
33. 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.
34. Construction or renovations cannot be started until building plans are approved.
35. 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.
36. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.

37. 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 if there are more than 50% renovations taking place
2. A discussion needs to take place regarding the Fire Lane and Perimeter Access (item numbers 4-9 listed above)
3. Landscaping cannot interfere with Fire Lane or Perimeter Access requirements
4. FDC connections need to be discussed
5. Please confirm that the crosswalks are not raised (see item # 12 listed above)
6. Tunnel will need to be in compliance with the building and fire codes
7. Please advise what the two areas (one on each side of the main entrance) will be used for.
10.26' wide

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.**

From: [Osika, Jason A.](#)
To: [Melson-Williams, Dawn](#)
Subject: S-24-19 Legislative Hall Building Addition at 411 Legislative Avenue
Date: Thursday, November 7, 2024 1:04:17 PM

Good afternoon,

On November 4, 2024, I had a meeting with several parties regarding the above listed project. During that meeting we discussed the following:

- Fire Lanes and Perimeter Access (new Fire Lane shown at the rear of the building where the addition is going, this will be the new main entrance)
- Fire Lane markings (we will continue to discuss options; this doesn't need to be decided at this time)
- Bollards (we will continue to discuss options; this doesn't need to be decided at this time)
- FDC Location (will be within 50' of the new main entrance)
- Crosswalks (will not be raised)

Everything discussed was positive and I am comfortable stating that the requirements of this office will be met, especially regarding the Fire Lane which my number one concern. If you have any questions or concerns, please feel free to contact me. Thank you.

Jason Osika

Fire Marshal

IAAI-CFI, NFPA-CFI II, NFPA-CFPE

City of Dover Fire Marshal's Office

15 Loockerman Plaza

Dover, DE 19901

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City Email- josika@dover.de.us



CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

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APPLICATION: Legislative Hall Building Addition at 411 Legislative Avenue

FILE#: S-24-19

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Brian Williams

PHONE#: 302-760-2141

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. DelDOT has no objections to the expansion.



State of Delaware
**DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL**

**SEDIMENT AND
STORMWATER PROGRAM**

DIVISION OF WATERSHED STEWARDSHIP
285 BEISER BOULEVARD, SUITE 102
DOVER, DELAWARE 19904

PHONE (302) 608-5458

MEMORANDUM

TO: Dawn Melson-Williams, City of Dover Planning Office

FROM: Elaine Z. Webb, P.E. *ew*
DNREC Sediment and Stormwater Program

DATE: November 1, 2024

SUBJECT: S-24-19 Legislative Hall Building Addition at 411 Legislative Avenue

CC: Alexander E. Sdhmidt, P.E, Century Engineering
Ashley Barnett, Program Manager II, Sediment and Stormwater Program
Mike Penzone, DNREC Remediation Section

DNREC Sediment and Stormwater Program (SSP) has reviewed the plan provided and offers the following comments:

1. A Sediment and Stormwater Management Plan must be approved by DNREC Sediment and Stormwater Program prior to any land disturbance taking place on site.
2. DNREC SSP has a required three-step plan approval process. The first step is to compile and submit the [Stormwater Assessment Study](#) prior to scheduling a project application meeting, followed by a preliminary and construction level plan submittals. The SSP had a project application meeting with the site designer and owner representatives for this project on August 28, 2024. Potential stormwater management options discussed for the project includes permeable pavement and bioretention in the plaza area.
3. The site is mapped as part of DE-1522 North Street Plume and DNREC Remediation Section was invited to the Sediment and Stormwater project application meeting. During the meeting groundwater contamination at the site was discussed along with possible vapor intrusion impacts to the proposed tunnel. Follow-up with DNREC Remediation Section is ongoing.
4. A Notice of Intent (NOI) for Stormwater Discharges Associated with Construction Activity must be secured prior to plan approval. The NOI application is filed online and the NOI fee of \$195 is paid electronically, and is assessed annually until construction is complete and the project is closed out.

If you should have any questions, please do not hesitate to contact me at (302) 608-5460 or Elaine.Webb@delaware.gov.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: 11/6/2024

**Dover/Kent
County
Metropolitan
Planning
Organization**

S-24-19 Legislative Hall Building Addition at 411 Legislative Avenue

FILE # S-24-19

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-24-19 Legislative Hall Building Addition at 411 Legislative Avenue

The plan calls for a walkable outdoor plaza at the building's eastern entrance, crosswalks that will connect to the north and south, and ADA ramps used for entering the building. Accessibility of the building seems to be addressed thoroughly in the plan. The crosswalks are placed in strategic locations (such as between Legislative Hall and the planned parking facility), and they are designed in a way that should remind motorists to slow down for pedestrians.

Dover Kent MPO recommends including a location for bike racks in the plan, in order to meet the City's requirements for bicycle parking. These should be placed in an easily accessible location, such as in the plaza or near the monument walk. The building is adjacent to the Capital City Trail, which provides off-road bicycle connectivity; this significantly improves the ability of somebody to bike to or from Legislative Hall. The addition of bike racks, in tandem with the existing trail, would make it easier for people to visit this historic building without driving.

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.





ARCHITECTURAL REVIEW REPORT

Recommendation from the Dover Historic District Commission
Meeting of October 17, 2024
And Staff Review Report

Application: Legislative Hall Building Addition, HI-24-08

Owner: State of Delaware

Location: East side of Legislative Avenue as the block between Martin Luther King Jr. Boulevard North and Martin Luther King Jr. South

Address: 411 Legislative Avenue and Court Street

Tax Parcels: ED-05-077.09-05-15.00-000 and ED-05-077.09-05-14.00-000

Size: 2.80 acres +/- and 0.43 acres +/-

Present Uses: Legislative Hall

Proposed Use: Legislative Hall with Building Addition to create new main public entrance and Plaza area with Monument Walk

Present Zoning: IO (Institutional and Office Zone)
H (Historic District Zone)
SWPOZ (Source Water Protection Overlay Zone)

ROS (Recreational and Open Space Zone)
H (Historic District Zone)

For Consideration: Architectural Review Certification including alternative front yard setback

ACTION OF THE HISTORIC DISTRICT COMMISSION:

The application was considered at the October 17, 2024 meeting of the Historic District Commission. The following members were present at the October Meeting: Vice-Chair Mrs. Ellen Richardson (serving as Acting Chair for the Meeting), Mrs. Ann Horsey, and Ms. Mary Mason. The application was represented by Mr. Gabe Cheung, Architect at Studio JAED; and Mr. Drew Boyce, Century Engineering. No public testimony was received during the Public Hearing.

Action Taken by Historic District Commission:

The motion to recommend approval passed 3-0 of the members present for this application at the October 17, 2024 Meeting. **The Historic District Commission recommends approval of the Architectural Review Certificate for Application HI-24-07 based on the applicant's presentation and plans with reference to the Staff Comments (Staff Recommendation Report).**

This also includes a recommendation of approval of the Alternative Bulk Standards to allow a Front Yard Setback of ten (10) feet to be waived.

During the Meeting, the Historic District Commission heard the applicants' presentation on the Legislative Hall Building Addition Project and including their response to the series of Staff Comments and Recommendations. They presented information on the addition's placement and relation to the existing building, other nearby buildings, and street network; the materials and finishes selected; the status of the front setback; sidewalks; and other site items (Plaza Area and Monument Walk), landscaping, etc. *An Excerpt of Meeting Minutes is being prepared.*

The following information was considered by the Historic District Commission in marking their recommendation including the initial recommendations made by Planning Staff in regard to the application.

I. PROJECT DESCRIPTION:

The Historic District Commission will act on a recommendation for an Architectural Review Certificate for a Site Development Plan Application for a Site Development Plan Application for renovation and expansion of Legislative Hall. The proposal includes a three-story Building Addition on the east side of the existing Legislative Hall building creating a new main public entrance, a Plaza area with Monument Walk, and other site improvements. The main property of 2.80 acres+/- is zoned IO (Institutional and Office Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone) and the H (Historic District Zone). The other property of 0.43 acres+/- is zoned ROS (Recreational and Open Space Zone) and subject to H (Historic District Zone). The subject properties are located on the east side of Legislative Avenue as the block between Martin Luther King Jr. Boulevard North and Martin Luther King Jr. South. The owner of record is the State of Delaware. Property Addresses: 411 Legislative Avenue and Court Street. Tax Parcels: ED-05-077.09-05-15.00-000 and ED-05-077.09-05-14.00-000. Council District 4.

Surrounding Land Uses

This subject property location in the block bounded by Legislative Avenue, Martin Luther Kings Jr. North, and Martin Luther King Jr. Boulevard South is part of the Capital Complex where multiple State buildings and offices are located. Across the street to the north is the Delaware Public Archives and to the south across the street is the Tatnall Building (offices) and the proposed location of the Legislative Hall Parking Garage and the Del-One Credit Union Building. Surrounding properties are zoned IO (Institutional and Office Zone) with other open space areas like the Legislative Mall area zoned ROS (Recreational and Open Space Zone). The surrounding properties are within the H (Historic Zone).

Previous Applications

The Legislative Hall Building at this location was constructed c. 1931-1933 with later building additions in 1965-1970 and in 1994. Prior to that the Delaware General Assembly met in the Old State House building located on The Green. (Previous Application: MI-94-17 Legislative Hall: Proposed Landscape Plan.)

II. HISTORIC PROPERTY INFORMATION

Review of Historic Maps

A series of historic maps were reviewed by Planning Staff for preliminary information on the area and found that the area was predominately open space with scattered buildings until the 1930s when the new Legislative Hall was constructed and the street network that we know today begins to be constructed as the Capital Complex area developed with various government buildings.

Property Information

This property is not listed in the National Register of Historic Places. The property is located within H (Historic District Zone) as established by the City of Dover. The development area consists of two parcels and a street/drive aisle area. The existing Legislative Hall Building is on the western parcel in the block and then the eastern area (street/drive aisle area and east parcel) are an existing parking lot and landscape open space area.

III. PROJECT PROPOSAL

PROJECT PROPOSAL (Submission of September 2024):

The application proposes renovation and expansion of Legislative Hall involving construction of a Building Addition on the east side of the building to include a new main public entrance and a Plaza area with Monumental Walk with other site improvements. This is associated with a separate project previously reviewed for the Legislative Hall Parking Garage Project (HI-24-04 and S-24-14). The Applicant submission includes a Design Narrative, series of site plan graphics, building elevations, and 3-D views, and schematic building footprint/site plan and architectural drawings. The elements of the project are as follows:

1. Building Addition: The Building Addition is on the east side of the existing Legislative Hall building enclosing that side of the U-shaped building partially infilling the central court(yard) area. A new main public entrance will be created on this east side as a raised monumental entry with steps and accessibility ramps. The 3-story structure is brick and rises to a hipped roof (a height of 53 feet 6 inches to top of the roof top balustrade). The architecture of the Building Addition is brick with window openings with keystone headers and trimwork surrounds, cornice detailing, a series of dormer windows on the hipped roof in a concrete tile and turned gable roof elements. It continues the Colonial Revival style and detailing of the current Legislative Hall Building and the surrounding Capital complex buildings.
2. Plaza Area with Monument Walk: The east side of Legislative Hall will be reimagined into a tiered Plaza Area in three levels: main public entrance, the upper plaza, and lower plaza with Monument Walk. The Plaza levels include stair and ramp systems, patterned brick surface materials, landscaping areas, lighting, and benches with connections to the sidewalk systems. Also incorporated is a Monument Walk where a series of monuments will be placed/relocated. This includes the relocation of the “Delaware Continentals” Revolutionary War Monument statue and four other monuments.

3. Sidewalks: The street frontage sidewalks along the project site will continue to be brick paving to match existing sidewalks in the surrounding area. Additional traffic control/identification measures are planned for crosswalk striping. More detailed crosswalks at street level will cross Martin Luther King Jr. Boulevard South towards Legislative Hall Parking Garage and cross Martin Luther King Jr. Boulevard North towards the Delaware Public Archives. These crosswalks include landscape planter boxes and alternative surface materials of brick pavers.
4. Tree Planting and Landscaping: The project shows some street tree plantings and grass/landscaping areas as part of the tiered Plaza Area.

See the attached Design Narrative and associated graphics and drawings for detailed information on building dimensions, locations, and material choices.

IV. ZONING REVIEW

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

The subject project area is zoned IO (Institutional and Office Zone) The IO zone allows the use for public and institutional building and makes the development subject to provisions of regulations the IO zone. The IO zoning district has a front yard setback of 10 feet; the building addition placement encroaches into this setback as the existing parking lot area/drive aisle is mapped as right-of-way. The Historic District Commission can consider alternative setbacks as part of their recommendation on the Architectural Review Certification.

Review of DESIGN STANDARDS AND GUIDELINES

The subject property is located in the Dover Historic District Zone within the Capitol Square Historic Context. The Capitol Square Context is described on pages 2-8 and 2-9. Location within the Dover Historic District Zone requires proposals for demolition, new construction, additions, and certain renovation or rehabilitation activities to existing buildings to receive an Architectural Review Certificate.

As stated in the *Design Standards and Guidelines for the City of Dover Historic District Zone*, an Architectural Review Certificate will be granted “if it is found that the architectural style, general design, height, bulk and setbacks, arrangement location and materials affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district.” In accordance with Article 10 §3.2, the Historic District Commission will provide a recommendation to the Planning Commission regarding the project’s compliance with the architectural review standards.

Chapter 3: Maintenance, Repair, Preservation and Restoration of Existing Historic Buildings includes guidance related to various building elements and materials. This proposal must be

reviewed for conformity with the design criteria guidelines found in Chapter 4: New Construction, Additions, Demolition and Relocation. Information on the review considerations is given below.

New Construction

The *Design Standards and Guidelines* for New Construction (Chapter 4: pages 4-1 through 4-8) provide the design criteria and development guidelines. The guidelines specify the following individual considerations for new construction to be considered in the review by the Historic District Commission (and Planning Commission) of the project for Architectural Review Certification:

- Style
- Scale (*building to reflect dominant cornice and roof height of adjacent buildings*)
- Elevation of the First Floor
- Floor-to-Floor heights
- Bays, windows, and doors (*size, relationship, spacing of*)
- Absolute Size (*compare overall size of new building*)
- Massing (*relationship of solid-to-void*)
- Orientation (*location of primary façade*)
- Proportions (*comparison of height to width of building and elements*)
- Materials
- Forms (*shape of building and roof to be complementary*)
- Siting (*location of building on lot and in relation to street*)
- High density/ large-scale construction

Also, in Chapter 4 there is guidance related to “Additions to Existing Buildings” (Chapter 4: pages 4-8 through 4-10) which outlines similar topics of Siting, Scale, Elevation of the First Floor, Floor-to-floor Height, Massing, Orientation, Proportions, Materials, Forms, and other guidance. Reading of this guidance finds that it is primarily focused on additions to residential and smaller scale buildings which have a front façade and rear. For this Legislative Hall Building Addition project, the considerations for New Construction are more appropriate, especially all four elevations of the building front on public streets.

The proposed project must also be reviewed for compliance with the standards established by the *Zoning Ordinance*. The standards include items such as setbacks from property lines, lot coverage, height, etc. This Proposal for the Building Addition appears to conform to most of the bulk requirements of the IO Zoning District except for the front yard setback due to the parcel configuration. The *City of Dover Zoning Ordinance* authorizes the Historic District Commission to recommend waiving certain bulk standards when issuing its recommendation to the Planning Commission for an Architectural Review Certificate if necessary.

STAFF COMMENTS AND RECOMMENDATIONS

The Staff Comments and Recommendations for this application regarding project activities and Architectural Review Certification were provided in the Architectural Review Staff Report issued for the October 17, 2024 Historic District Commission Meeting.

The following are Staff comments and recommendations for this application regarding project activities and Architectural Review Certification.

- 1) Staff recommends conditional approval of the Architectural Review Certificate for the construction of the Building Addition and Plaza Area project finding that the building addition to be of compatible design with the existing building and the other nearby buildings. The proposal complies with the intent of the *Design Standards and Guidelines for the City of Dover Historic District Zone* and with its recommendations for large-scale development in Capital Complex Historic Context. The proposed Building Addition siting continues the placement of the Building Addition and Plaza Area within proximity to street and sidewalk systems creating a scale in proportion to the pedestrian and viewscales as you approach Legislative Hall. Its brick exterior finishes and detailing with building elements and sectioned wall surfaces break up the expanse of the building elevations continuing the architectural styles of the existing Legislative Hall building and the other government buildings in the Capital Complex.
- 2) The following conditions are recommended by Staff to improve the project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. The following are recommended conditions:
 - a. The selected brick choices should be compatible with the brick of the existing buildings.
 - b. Utilize black posts for any signage elements to be attached to posts i.e., traffic control signs.
 - c. Signage identifying the Legislative Hall may be integrated into the building design. However, consideration of any free standing signage may require additional review.
 - d. Any light fixtures/poles utilized on the property for site lighting should utilize a black finish color. Light fixtures/poles continue style of the lighting used in the nearby areas of the Historic District.
 - e. Ensure proposed trees are appropriate to urban planting settings along streets and for Plaza Areas. Clarify where trees and landscaping are to be planted (or preserved) in the future Landscape Plan as the architectural renderings may only be concepts.
 - f. Any revisions or changes in the identified materials may be subject to further review by the Historic District Commission.
- 3) Some of the site improvements/amenities were not specifically described or had limited information within the application information. Please provide information for consideration and discussion.
 - a. Identify if any bicycle parking rack will be part of the Plaza Area. The bicycle parking rack should be black in finish color and of a decorative style if placed in this area. This location is near the Capital City trail.
 - b. The location of the sidewalk along the street frontages must be evaluated with sidewalk construction standards as sidewalk placement typically includes a grass area along the curb line setting the sidewalk back from the curb and accessibility ramps. The minimum width of the sidewalk is five feet but may be greater.

- 4) The following items should be clarified regarding the building designs.
 - a. Identify brick material (size, form, etc.) and patterning.
- 5) Staff notes that the project location (building and site) may be an opportunity for the continued incorporation of public art projects. The Monument Walk area is an opportunity to plan for future placement areas.
- 6) Staff recommends the following pertaining to the site design elements of the project:
 - a. The sidewalk system on the street frontage should continue and include barrier free access, crosswalk striping, etc. at the points of intersection.
 - b. Any proposed landscaping or tree planting locations, and lighting fixture locations should be depicted on the plan and maintain the character and type of these elements as they exist with the Capitol Complex area.
 - c. We understand that research continues on the status of the mapped right-of-way area that crosses the eastern portion of the project area creating the two parcels. Future resolution of this matter may result in its abandonment and parcel consideration.
- 7) For building construction, the requirements of the building code or fire code must be complied with. Consult with the Chief Building Inspector and Fire Marshal for these requirements. The resolution of these items can impact the site design in some cases.
- 8) In the event that major changes and revisions to the design, materials, or site layout occur in the finalization of the plan and/or construction drawings contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Historic District Commission.
- 9) This site development plan for this project is also subject to the application and review process for Site Development Plan (Article 10 §2 of the *Zoning Ordinance*) before the Planning Commission. Note: Additional technical items for compliance with the *Zoning Ordinance* and other regulations may be identified during the Site Plan Process. Review comments pertaining specifically to the Site Plan set will be issued at that time. The Site Development Plan was filed on October 4, 2024 to begin its review process (S-14-19).
- 10) The applicant shall be aware that Building Permits are required to proceed with any construction activities on the project site. The permit applications must comply with the approvals and conditions granted through the Architectural Review Certification and Site Plan Review process.
- 11) The applicant should be aware that a Sign Permit is required to proceed with the placement of signage on the property.

Historic District Commission Action

The Historic District Commission considered the proposal at their Meeting of October 17, 2024 and have provided a recommendation in regard to the Architectural Review Certification for the Legislative Hall Building Addition and associated Site Improvements. The recommendation reflects consideration of the *Design Standards and Guidelines for the City of Dover Historic District Zone*. The specific conditions of the Recommendation are noted in this Report under the heading of “Action of the Historic District Commission.”

Note: An Excerpt of the Historic District Commission Meeting Minutes focused on this Application HI-24-08 is still being prepared.

Documents Considered by the Historic District Commission:

- Design Narrative *Attached
- Legislative Hall Building Plans Site Plans and Floor Plans
- Project Architecture Graphic Presentation Set of architectural renderings and building elevation drawings of Parking Structure and surrounding area. *Select pages attached.

From: Gabriel Cheung, NCARB, LEED-AP, ALEP
2500 Wrangle Hill Road, Suite 110
Bear, DE 19701
cheungg@StudioJAED.com

To: Department of Planning & Inspections
City of Dover
PO BOX 475
Dover, DE 19903

Date: September 13, 2024

Re: **Legislative Hall Addition – Design Narrative**

The project involves the renovation and expansion of the existing State of Delaware Legislative Hall building. Originally constructed in 1932, the existing building is three (3) stories in height above grade and serves as the capitol building for the State of Delaware. Housing the chambers of the Delaware General Assembly, the project includes three (3) stories of new building area for approximately 16,000 square feet per story for a total building area of approximately 133,400 square feet of building area. The project includes an additional 12,000 square feet of existing building renovation area.

The expansion area features assembly committee, hearing and meeting rooms at the Ground and 1st Floor levels serving the existing Senate and House Chambers, including the creation of an open court area and secure entry Lobby. The 2nd Floor is limited to office use activity with open workspaces and clerical support areas as an extension of the existing building office use activity. The addition also contains an atrium spanning three (3) stories, connecting the Ground through 2nd Floor levels. There is an interior courtyard that is accessible from the 1st Floor.

Site

A new plaza is proposed in front of the Legislative Hall Addition, completing the semi-circular loop of Martin Luther King Jr. Blvd. The plaza is designed with three distinct levels: the main public entrance, the upper plaza, and the lower plaza/monument walk.

The main public entrance, located at the center of the half-circle, serves as the focal point of the plaza. Monumental stairs lead to the entrance, with ramps on either side and brick planters filled with shrubs and trees in front. The entrance features three doors, with the central door being the most prominent, adorned with decorative elements, and acting as the primary access to the building's 1st Floor.

At the base of the monumental stairs lies the upper plaza, a versatile open space designed to accommodate a variety of gatherings and events, such as inaugurations and press conferences, with the main entrance serving as a podium or stage.

The lower plaza connects directly to the sidewalk along Martin Luther King Jr. Blvd. This space will feature the relocated Revolutionary War Monument, "Delaware Continentals" Statue, at its center, while the other four monuments will be placed within surrounding green spaces. The walkway affectionally named "monument walk" provides a walking path connecting the monuments. The area will be enhanced with landscaping, shaded walkways, and benches, creating a welcoming environment for visitors to relax and enjoy the monuments.

The sidewalk and plaza will be paved with brick to match the existing sidewalks in the Legislative Mall area. Red pavers will dominate, with accents of white to visually break up larger areas.

Two new crosswalks are proposed between Legislative Hall and the parking garage and Delaware Archives Building. The crosswalk will be level with the street and marked with brick pavers, adhering to DelDOT standards for materials and signage. For additional safety, Rectangular Rapid Flashing Beacons (RRFB) will be installed at these crosswalks. Brick planter boxes with matching coping will line both sides of Martin Luther King Jr. Blvd., containing trees, shrubs, and low-growing plants. Special care will be taken in selecting plants to ensure they do not obstruct visibility for drivers or pedestrians.

Monuments

There are five (5) memorials and monuments that will be carefully removed, stored, and reinstalled as part of the new plaza.

1. Revolutionary War Monument “Delaware Continentals” Statue
2. Dover Light Infantry Monument
3. Middle East & Afghanistan Conflicts Monument
4. Medal of Honor Monument
5. World War II Monument

Façade

The proposed addition is conceived as a seamless extension of the existing building, thoughtfully designed to blend with the original structure in terms of materials, style, and architectural detailing. The intention is to maintain visual coherence while enhancing the building's overall functionality and capacity.

The architectural style of the addition mirrors that of the original structure, maintaining the same proportions, rhythm, and aesthetics. The addition will carry forward the existing building's use of symmetrical windows, gable roofs, and brick chimneys preserving its historical integrity or stylistic intent. Key features such as window shapes, mullion patterns, and keystones will be replicated to sustain uniformity across the façade.

The addition will adhere to the same dimensional standards as the existing building, ensuring that it integrates seamlessly into the existing form. The overall height, depth, and width will be proportionally scaled to maintain balance and avoid overshadowing the original structure. Rooflines will align precisely, continuing the established roof pitch and eave heights to preserve the cohesive silhouette.

Cornices, moldings, and other decorative trims will be meticulously replicated in the addition, ensuring continuity in detailing. The new cornices will match the profile, depth, and articulation of the existing ones, providing a unified aesthetic. Where appropriate, any distinctive architectural moldings will be carried through to the new structure, preserving the integrity of the building's design language.

Roof

The addition will continue the hipped roof design around the entire perimeter of the building. The roofing material will be lightweight concrete tile, matching the material used in the recent roof replacement. An internal gutter system runs along the roof's perimeter, directing water to a rain collector box and downspout. The dormers will be finished with concrete tile siding, a flat seam copper roof, and matching trim. Rooftop balustrades will adorn the sloped roof, blending seamlessly with the existing structure. The

flat section at the top of the hipped roof will be covered with a single-ply membrane. A sunken flat roof houses the chiller, which will remain hidden from street view and surrounding buildings.

Sincerely,



Gabriel Cheung, NCARB, LEED-AP, ALEP

Applicant: Legislative Hall Building Addition

Variance Request #1: Variance from City of Dover Zoning Ordinance, Article 4, Section 4.15

Variance Requested: Variance from the required 10-foot front yard setback for the Institutional and Office (IO) zoning district.

Project Background Information: The proposed project is located within the Historic District, City of Dover along Martin Luther King Jr Boulevard S/ Martin Luther King Jr Boulevard N.

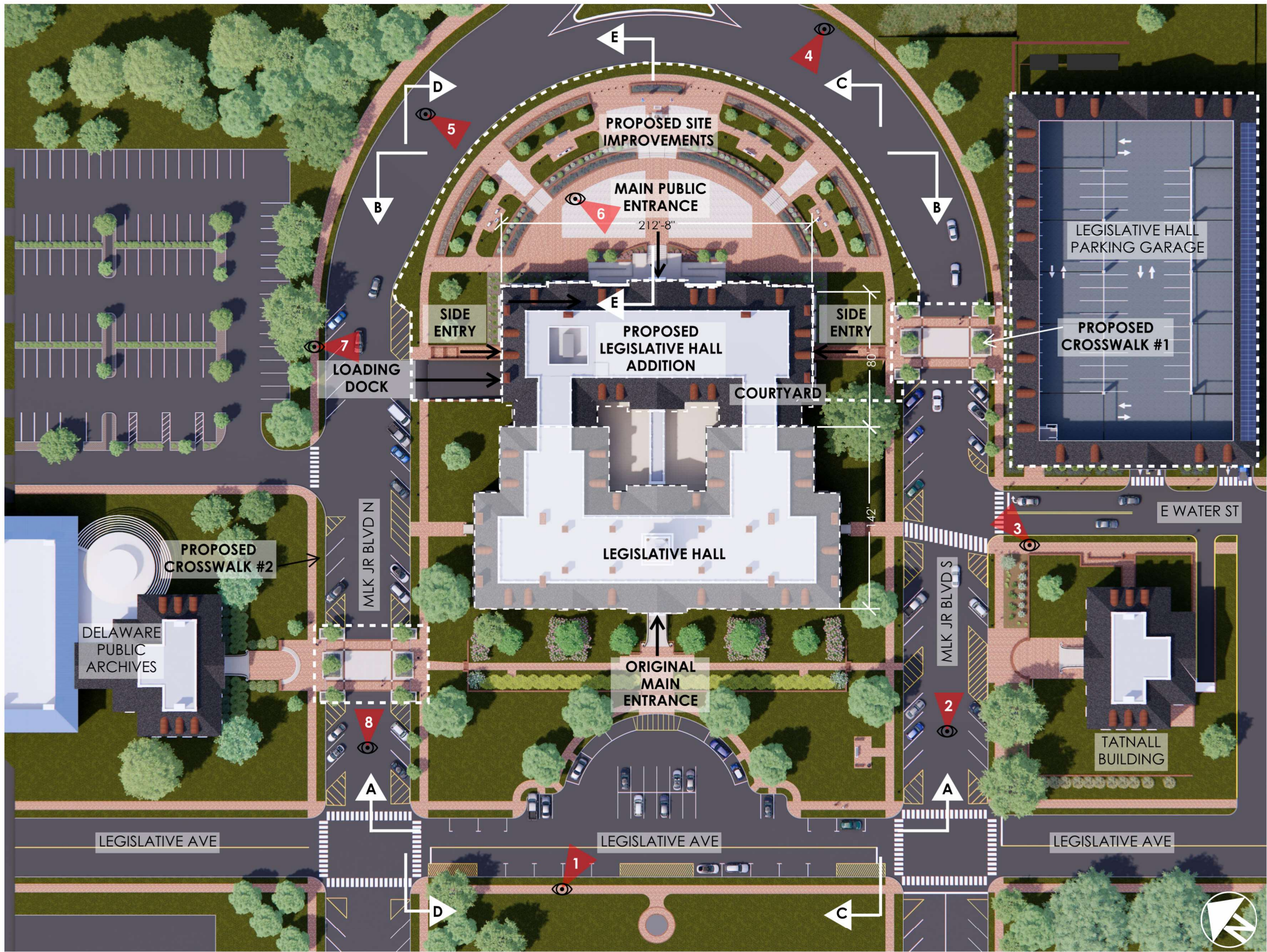
A variance is being requested to allow the building addition to encroach into the required 10-foot front yard setback. The addition is designed to enhance the operational capacity of the Legislative Hall while maintaining architectural continuity with the existing structure.

The variance is for an encroachment of 6.7 ft into the required 10 ft setback to accommodate the addition's layout and functional needs. The encroachment is necessary due to existing site constraints, including the limited available space and the need to accommodate the functional requirements of the addition. This variance will enable the building to fulfill its intended function effectively, with the encroachment being minimal and having no significant impact on adjacent properties or the overall character of the area.



LEGISLATIVE HALL ADDITION

STATE OF DELAWARE
411 LEGISLATIVE AVE, DOVER, DE 19901



SYMBOL LEGEND

-  VIEW #
-  ELEVATION
-  NORTH ARROW

SITE PLAN

LEGISLATIVE HALL ADDITION

STATE OF DELAWARE
411 LEGISLATIVE AVE, DOVER, DE 19901

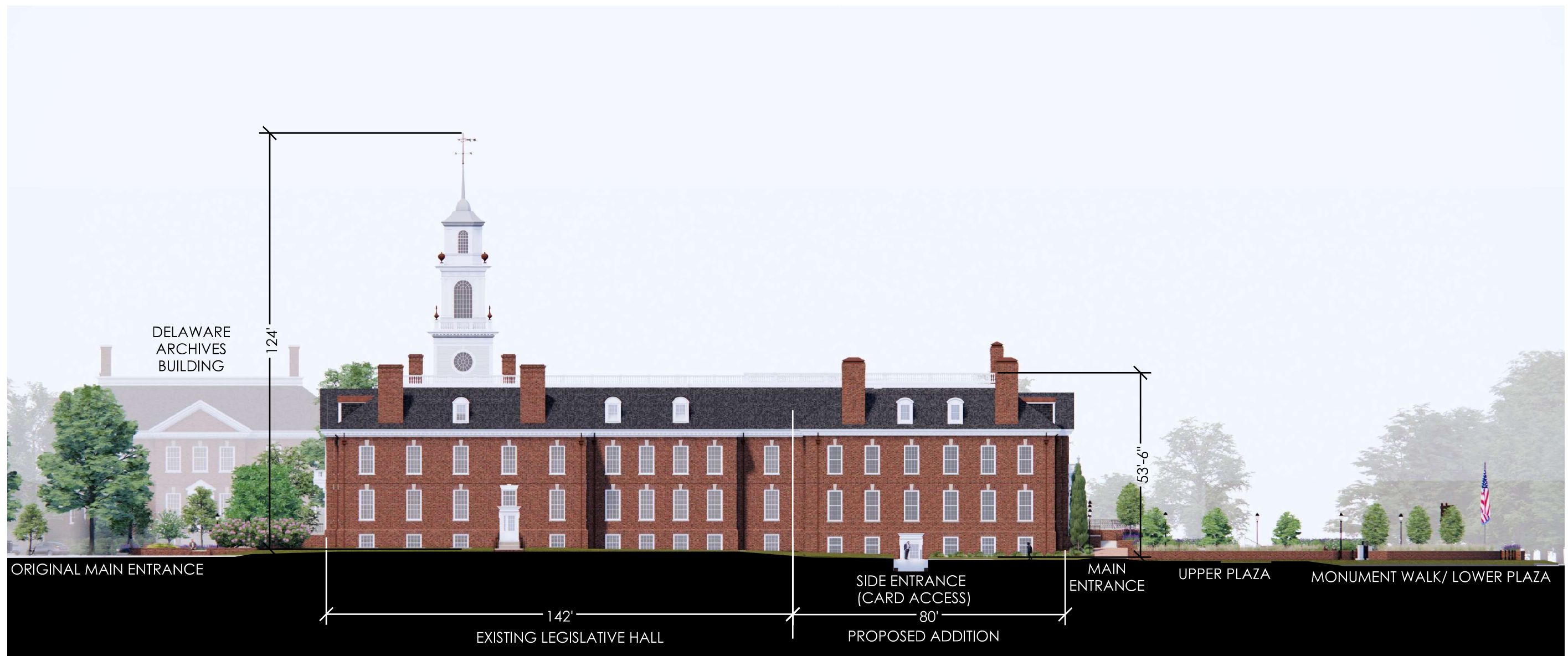


STUDIO JAED
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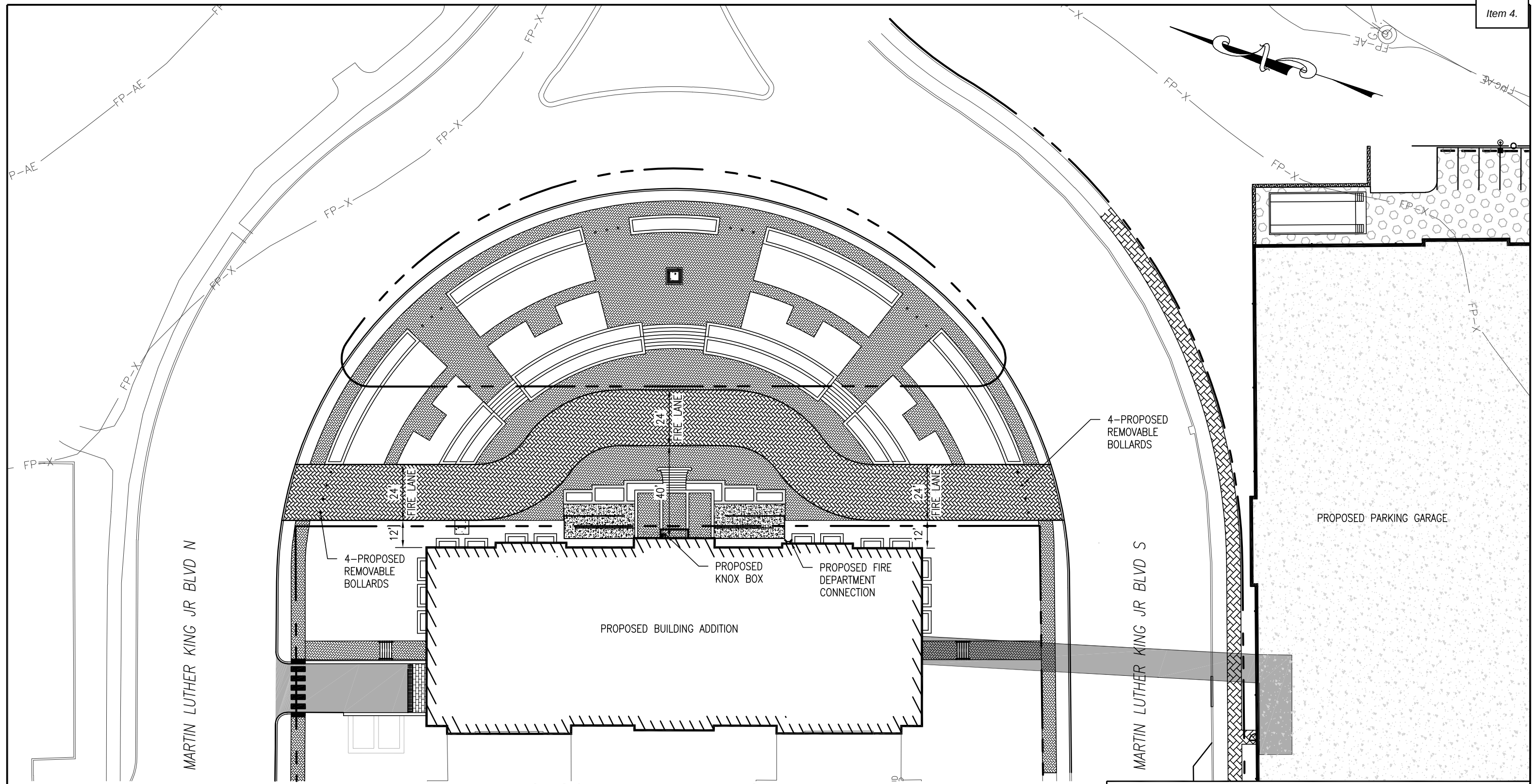
MARYLAND OFFICE
213 FRONT STREET, P.O. BOX 254
CRUMPTON, MARYLAND 216285



C-C - ELEVATION ALONG MLK JR BLVD S

LEGISLATIVE HALL ADDITION

STATE OF DELAWARE
411 LEGISLATIVE AVE, DOVER, DE 19901



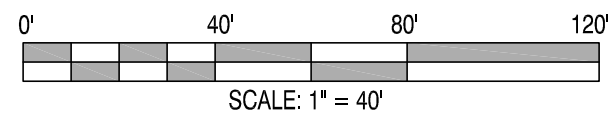
PROPOSED FIRE LANE DISPLAY

FOR

LEGISLATIVE HALL BUILDING ADDITION

2-05-077.09-05-15.00-000 & 2-05-077.09-05-14.00-000

CITY OF DOVER, KENT COUNTY, DELAWARE



550 BAY ROAD
DOVER, DELAWARE 19901
(302) 734-9188
FAX: (302) 734-4589

DESIGNED BY: DLD	DRAWN BY: DLD	DATE: 11/07/2024	SCALE: 1" = 40'
DRAWING NAME:			