

**CITY OF DOVER, DELAWARE
PLANNING COMMISSION
Tuesday, January 17, 2023 at 7:00 PM**

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

REVISED AGENDA

**The Agenda for the January 17, 2023 Meeting has been revised in order to accommodate a Request for Extension of Planning Commission Approval for Conditional Use Site Plan Application C-21-01 Cassidy Commons at 101-1001 Cassidy Drive. This has been added as an item of Old Business.*

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 & VIRTUAL MEETING NOTICE

The Planning Commission Meeting for January 17, 2023 will be held as an In-Person Meeting at City Hall. The public is welcome to attend in person. The meeting will also be provided as a Virtual Meeting using WebEx audio/visual conferencing system as an electronic means of communication. See participation information below to join by phone or computer.

**PUBLIC PARTICIPATION INFORMATION
City of Dover Planning Commission Meeting of January 17, 2023**

Dial: 1-650-479-3208

Event number/Access code: 2538 683 5912

Event password: DoverPC

Event Address:

<https://bit.ly/PCMeeting1172023>

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 the Minutes of December 19, 2022

COMMUNICATIONS & REPORTS

Meeting Reminder: The next Planning Commission regular meeting date is Tuesday, February 21, 2023 at 7:00 PM due to the Monday holiday.

Update on City Council Actions

Department of Planning & Inspections Updates

2. Summary of Applications for 2022

Education and Training Opportunities

3. University of Delaware - Institute for Public Administration presents two opportunities for training via Zoom!
 - January 18, 2023 at 10:00 A.M. - Planning 101: Planning Your Community Future
 - February 8, 2023 at 10:00 A.M. - Introduction to Land-Use Law, the Constitution, and Takings

OPENING REMARKS CONCERNING MEETING PROCEDURES FOR APPLICATIONS

OLD BUSINESS

Request Extension of Planning Commission Approval

4. C-21-01 Cassidy Commons at 101-1001 Cassidy Drive – Request for one year extension of Planning Commission Approval granted January 19, 2021 of a Conditional Use Site Plan for the construction of six (6) additional manufacturing/warehousing buildings (in addition to the four (4) already constructed) for a total of ten (10) 9,950 SF manufacturing/warehousing buildings on one parcel of land and other associated site improvements at 101-1001 Cassidy Drive. The property is 10 acres ± and is zoned M (Manufacturing Zone) and is subject to the AEOZ (Airport Environs Overlay Zone) APZ I and Noise Zones A and B. The property is located on the south side of Lafferty Lane west of Horsepond Road along a private drive known as Cassidy Drive. The owner of record was Cassidy Commons, LLC at time of original application; the current owner of record is Delmarva Land Holdings, LLC. Property Address: 101-1001 Cassidy Drive. Tax Parcel: ED05-077.00-01-28.04-000. Council District 2. *This Application received Conditional Approval from the Planning Commission at their January 2021 Meeting and has not achieved Final Plan Approval.*

NEW APPLICATIONS

5. S-23-01 East Carolina Supply Warehouse on Ridgely Street – Public Hearing and Review of a Site Development Plan and Minor Subdivision Plan for a property currently addressed as 631 Ridgely Street. The Plan proposes to subdivide the current parcel of 28.65 +/- acres into two new parcels. The proposed Parcel A is southernmost portion of the site and is to be 4.928 +/- acres (214,643 SF). The Residual Parcel is the northern portion of the site containing an existing warehouse building and would be 23.726 +/- acres (1,033,516 SF). The Plan is to permit construction on Parcel A of a 42,400 SF +/- warehouse and associated

site improvements. The current property is zoned IPM (Industrial Park Manufacturing Zone). The property is located north of the terminus of Ridgely Street and at Clara Street to the west of the railroad. The owner of record is Clara Ridgley Project, LLC. Property Address: 631 Ridgely Street. Tax Parcel: ED-05-076.08-01-01.00-000. Council District 4. *Waiver Requests: Partial Elimination of Curbing, Reduction of Parking Requirement, and a Subdivision Waiver to Create Lot without Frontage on a Public Street. For Consideration: Performance Standards Review.*

NEW BUSINESS

ADJOURN

Posted Agenda: January 6, 2023

Revised Agenda Posted: January 13, 2023

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
DECEMBER 19, 2022**

The Meeting of the City of Dover Planning Commission was held on Monday, December 19, 2022 at 7:00 PM as an In-Person Meeting and also using the phone/videoconferencing system WebEx. The Meeting Session was conducted with Chair Mrs. Maucher presiding. Members present were Mr. Cooper, Mr. Roach (virtual), Mrs. Denney, Mr. Hartman, Mr. Baldwin, Dr. Jones, Mrs. Welsh (virtual), Mrs. Malone (virtual) and Mrs. Maucher.

Staff members present were Mrs. Mary Ellen Gray, Mrs. Dawn Melson-Williams, Mr. Julian Swierczek, Mr. Jason Lyon (virtual) and Mrs. Kristen Mullaney (virtual). Also present were Ms. Pamela Scott, Mr. Doug Motley, Mr. Charlie Barnett, Mr. Chris Mondoro, Mr. Joe Di Giorgio, and Mr. James Taylor, Fred Wittig and Robert Wittig. Speaking from the public was Mr. Mark Slater, Ms. Linda Parkowski, and Ms. Charlene Robertson.

APPROVAL OF AGENDA

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

APPROVAL OF MEETING MINUTES OF NOVEMBER 21, 2022

Mr. Baldwin moved to approve the Planning Commission Meeting Minutes of November 19, 2022, seconded by Mr. and the motion was unanimously carried 9-0.

COMMUNICATIONS & REPORTS

Mrs. Gray provided an update on the regular City Council and various Committee meetings held on November 28 & 29, 2022 and December 12, 2022.

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, December 19, 2022 at 7:00PM in the City Hall Council Chambers.

Mrs. Melson-Williams stated that they are still looking to fill their Planner position. They have made an offer to an individual and they are waiting for that to pan out. Hopefully they will have good news for the Commission in January.

Mrs. Melson-Williams stated that City Offices are closed on Monday, December 26, 2022 and then January 3, 2023 for the holidays.

Mrs. Melson-Williams stated that the schedule of deadlines for 2023 was included in the Planning Commission meeting packet so mark your calendars accordingly. The Planning Commission meetings continue to be the third Monday of the month unless that Monday happens to be a holiday which is what happens in January, February and June. The next Planning Commission regular meeting is scheduled for Tuesday, January 17, 2023 at 7:00PM in the City Hall Council Chambers.

Mrs. Melson-Williams stated that they have two upcoming opportunities with the University of Delaware, the Institute for Public Administration. Both trainings will be presented via Zoom.

You do have to register for that. If there is a Commission member that is interested, please let Staff know and we will get that taken care of for you. The first one is January 18, 2023 and it's at 10:00AM in the morning for Planning 101: Planning Your Community's Future. It is an intro to the aspects of planning. The second one is going to be February 8, 2023 at 10:00AM and it's an Introduction to Land-Use Law, the Constitution and Takings. This is a continuation of the IPA's series of planning education that's offered. If you've taken one before you can certainly take it again. Sometimes they have new presenters and updated information for you and they have found them quite beneficial. If you would like to attend either one of those trainings, again they are virtual via Zoom, so they will have to register you for the classes.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

Requests for Extensions of Planning Commission Approval: None

NEW APPLICATIONS

AX-22-03 Lands of Craig, Keller, and Burkett: Annexation of Three Parcels on West Denneys Road – Public Hearing and Review for Recommendation to City Council of an Annexation Request and Rezoning Request for recommendation to City Council for three parcels of land totaling 40.1157 +/- acres located on the north side of West Denneys Road.

Parcel A: The parcel consists of 27.5834 +/- acres located on the north side of West Denneys Road and west of Carlisle Drive. The owners are George L. Craig Jr. and Deborah J. Craig. Property Address: 57 Rocky Road. Tax Parcel: ED-00-056.00-01-40.00-000. The property is currently zoned AR (Agricultural Residential District) in Kent County. The proposed Zoning is RM-2 (Medium Density Residence Zone) and partially subject to the SWPOZ (Source Water Protection Overlay Zone).

Parcel B: The parcel consists of 10.5661 +/- acres located on the north side of West Denneys Road and west of Carlisle Drive. The owners are Robert G. Keller and Gloria K. Keller. Property Address: 4085 W. Denneys Road. Tax Parcel: ED-00-056.00-01-41.00-000. The property is currently zoned RM (Multifamily Residential District) in Kent County. The proposed Zoning is RM-2 (Medium Density Residence Zone) and partially subject to the SWPOZ (Source Water Protection Overlay Zone).

Parcel C: The parcel consists of 1.9662 +/- acres located on the north side of West Denneys Road and west of Carlisle Drive. The owner is Bruce A. Burkett. Property Address: unaddressed parcel on W. Denneys Road. Tax Parcel: ED-00-056.00-01-42.00-000. The property is currently zoned AR (Agricultural Residential District). The proposed Zoning is RM-2 (Medium Density Residence Zone).

The annexation category for the three parcels according to Dover's 2019 *Comprehensive Plan* is Category 2: Priority Annexation Areas and the land use designation is Residential Medium

Density. Proposed Council District 1. Ordinance #2022-25. *The First Reading of this Annexation Request was held on November 14, 2022. Public Hearing before the Planning Commission is scheduled for December 19, 2022 and City Council on January 9, 2023.*

Representative: Ms. Pamela Scott, Saul Ewing LLP; Mr. Doug Motley, Jack Lingo Asset Management LLC; Mr. Charlie Barnett, Morris & Richie Associates

Mrs. Melson-Williams stated that this request is for a series of three parcels that are located on the north side of West Denneys Road. The area on the south side of West Denneys Road is already within the City of Dover. The three parcels this evening have various ownerships and ultimately total just over 40 acres of land. We have identified them as part of Parcel A which is the lands owned by George Craig Jr and Deborah Craig. Parcel B which is just over 10.5 acres and has an address of 4085 W. Denneys Road and is owned by Robert and Gloria Keller. Parcel C which is just under 2 acres of land and is owned by Bruce Burkett. In total, there are three parcels that we are considering this evening. The property is considered contiguous to the City of Dover as noted that the area on the south side of W. Denneys Road is currently within the City of Dover. The City's *Comprehensive Plan* has identified this area as a Category 2: Priority Annexation Area meaning it is eligible for annexation into the City of Dover upon request of the property owners. Additionally, the *Comprehensive Plan* outlines that this area should have a land use category of Residential Medium Density. Residential Medium Density carries with it a series of zoning classifications that would meet that land use category. The applicant is pursuing a zoning classification of RM-2 (Medium Density Residence Zone) which is a medium density residential zone here in the City of Dover. The RM-2 (Medium Density Residence Zone) allows for a variety of types of residential development including single family houses, duplexes, townhouses and garden apartments. Tonight, you are just considering annexation and the appropriate City of Dover zoning classification for the property. Any future development of the site would be subject to an additional review process once it is part of the City of Dover. Additionally with this property, we find that there is a package area which will be the SWPOZ (Source Water Protection Overlay Zone). The SWPOZ (Source Water Protection Overlay Zone), specifically the Tier 3: Excellent Recharge Area, does impact these properties and that would be applied to both parts of Parcel A and parts of Parcel B. The Planning Staff is recommending approval of the request for Annexation. They find that it is compliant with the *Comprehensive Plan*, the Annexation component of that plan and it would be a logical expansion area of the City of Dover. Likewise, they do recommend approval of its Rezoning to the RM-2 (Medium Density Residence Zone), finding that it allows for a variety of housing types and is consistent with the land use classification of RM-2 (Residential Medium Density Zone). Likewise, we also recommend the implementation of the SWPOZ (Source Water Protection Overlay Zone). The parcels in general would meet the general standards for RM-2 (Residential Medium Density Zone) just as they are and it is noted that there are some existing dwellings on the subject properties. The Planning Commission is charged with considering the Annexation request and has to consider the following factors when looking at the potential zoning of the property. One, to look at the uses that are permitted by the proposed change whether they would be compatible with the existing uses and zones in the general area, whether adequate public services and infrastructure exists or can be created or extended to expand the needs of this area and whether the proposed change is in accordance with the City's *Comprehensive Plan*. The City Utility Committee did consider utility service needs for this area. There is the opportunity for City services; however, right now they are served by a different utility provider when it comes to

electric and they fall within the CPCN (Certificate of Public Convenience and Necessity) of another water service provider. The Department of Water/Wastewater has also noted the sanitary sewer service is available in the general vicinity and it would be the burden of the developer to make those improvements.

27:06 Ms. Scott stated that Mr. Jack Lingo is the equitable owner of these property and has them under contract at the moment. As indicated, its three parcels combined, just over 40 acres in size and the properties, as Mrs. Melson-Williams indicated, are currently located in the Priority 2 Area in terms of annexation so the annexation of these properties would be consistent with what is proposed in the *2019 Comprehensive Plan* for the City of Dover. In addition, in terms of the proposed zoning classification for the property, again, Medium Density Residential is what is proposed as part of the *2019 Comprehensive Development Plan* and what they have proposed in terms of RM-2 (Medium Density Residence Zone) is consistent with that Medium Density Residential classification. It is also consistent with the surrounding properties in the area that are already located within the City of Dover that fall into a Medium Residential Density classification.

Mrs. Maucher opened the public hearing.

Mr. Mark Slater – 22 Ardsley Circle Dover, DE 19904

Mr. Slater stated that he has a question about the SWPOZ (Source Water Protection Overlay Zone). Are there restrictions as far as development and if so, what are they? Responding to Mr. Slater, Mrs. Melson-Williams stated that this is the SWPOZ (Source Water Protection Overlay Zone) Tier 3 Area: Excellent Recharge Area. So, there are some limitations on the amount of impervious surface that can be located in those areas. Meaning how much of that land could be covered by things like building, pavement, and the like. Depending on where it's located on the property, will be how much of that is involved in any future development. The SWPOZ (Source Water Protection Overlay Zone) also specifically prohibits a number of types of activity that she would say are probably already prohibited in our residential zone anyway. These tend to be uses that have the potential for some type of hazard that could affect a water supply that's in the ground. Those are things like an automobile repair shop, a gas station, or other things related to chemical processing. If it was to be developed on septic systems, there are some limitations there. But it's really the uses that are outright prohibited would be ones that could potentially have some activity that would harm groundwater. There are limitations on the amount of pavement or impervious surface for a project and those thresholds can be as low as 30% and up to 60% of that area that could be paved but there are certain things that they have to do to try to get the water back into the underground. Those are the limitations just really in general. Our Zoning Ordinance outlines them in more detail.

Mrs. Maucher closed the public hearing.

Dr. Jones moved to recommend approval to City Council for AX-22-03 Lands of Craig, Keller, and Burkett: Annexation of Three Parcels on West Denneys Road based upon Staff recommendations and DAC comments as they are in the Comprehensive Plan and it is consistent with the land use designation Medium Density Residential and to include the change in zoning to RM-2 (Medium Residential Density Zone) and to include the SWPOZ (Source Water Protection Overlay Zone), seconded by Mrs. Denney and the motion was carried 9-0 by roll call vote. Dr.

Jones voting yes; the application is consistent with the provisions in the Comprehensive Plan. Mrs. Welsh voting yes; as Dr. Jones stated, the change in zoning is consistent with the Comprehensive Plan. Mrs. Malone voting yes; for reasons stated. Mr. Cooper voting yes; for reasons stated. Mr. Roach voting yes; for reasons stated. Mrs. Denney voting yes; it is in keeping with the Comprehensive Plan and it is what she believes to be a great use for this parcel. Mr. Hartman voting yes; based upon the designation in the Comprehensive Plan that it is a high priority for annexation and is compatible with existing uses. Mr. Baldwin voting yes; based on Staff recommendation and it meets the Comprehensive Plan. Mrs. Maucher voting yes; it is consistent with the Comprehensive Plan as well as compatible with existing surrounding land use.

Mrs. Melson-Williams stated that she just received an email regarding some public comments regarding this application so she will read it into the record. Noting that the email came at 7:47PM as Planning Commission was voting on the Annexation request. It is an email from Brandon Fansler. It states “My name is Brandon Fansler. I am a property owner of 3074 Kenton Road. This property is attached to Parcel A. I do not have a concern or comment on the Annexation of the property but do oppose the Rezoning. Rezoning these properties to RM-2 (Medium Density Residential Zone) would significantly change the character of the community.

This will be included as part of the information that goes forward to City Council, but it just now came in as the Commission was completing their deliberation.

S-22-14 Commerce Way Dover DE LLC Warehouse on Commerce Way – Public Hearing and Review of a Site Development Plan to permit construction of a 234,000 SF +/- warehouse and associated site improvements on Commerce Way. The property is zoned IPM (Industrial Park Manufacturing Zone). The property is located on the northwest side of Commerce Way, north of W. North Street. The owner of record is H & M Properties, LLC. The Equitable Owner is Commerce Way Dover DE, LLC. Property Address: 22.967-acre unaddressed parcel on Commerce Way. Tax Parcel: ED-05-076.10-02-07.03-000. Council District 1. PLUS #2022-09-05. *This site was subject to MI-19-02: Comprehensive Plan Amendment 2019, and the Rezoning application Z-19-01: Lands of H&M Properties on Commerce Way which was approved in March 2019. Waiver Request: Partial Elimination of the Fence Component of the Opaque Barrier. For Consideration: Performance Standards Review.*

Representative: Mr. Chris Mondoro, Kimley-Horn & Associates; Mr. Joe Di Giorgio; project architect

Mr. Swierczek stated that this is a proposal for a warehouse on Commerce Way. It is a facility that is supposed to be a 234,000 SF +/- . This is a property that has been before the Planning Commission. Recently, the western half had been rezoned for a potential high density residential development that did not happen. The property has sat vacant for several years and in 2019, it did not come back for a Rezoning to IPM (Industrial Park Manufacturing Zone) to allow for the potential of an industrial commercial development. IT is part of a larger business park. There are other such facilities in the area to the south and east that are a variety of commercial uses and offices. To the north and west is largely residential. You can see on the plan, on the screen, that there is some wooded area that kind of buffers this development area on those residential areas, being Woodmill Apartments to the west and an area of some open land and then some single

family homes to the north. In the proposal, it is noted that there are approximately three hundred (300) vehicle parking spaces on the south and west sides. The east side is shown to contain about thirty loading spaces. It was noted that the submission from the applicant had identified that there would also be eighty-one what they call trailed parking spaces which you see to the east of the building on the right of the plan. This, from their understanding is the only part identified as being phased. Being that forty-four are purposed to be implemented in the initial phase of construction of the project and then thirty-seven spaces being designated for later development though the timeline is not specified. In our findings, they had noted that because of the zoning and the scale of the proposed developments, this was subject to the Performance Standards Review Application which the applicant had submitted some material in support of. Planning Staff finds it is largely compliant with provisions of the *Zoning Ordinance*. Similarly, because of the scale of development, the project was also subject to the PLUS Review from the State. The State did issue their findings, largely finding that there was not to be any sort of objectionable materials or development on site. To his knowledge most recently, they do not yet have the applicant's response to that. For Staff recommendations, they did note that they recommend approval of the Performance Standards Review that they had submitted, again, finding that it is largely compliant with the provisions of the *Zoning Ordinance*. The applicant had shown their plans, the implantation of a fence as part of the buffer requirement which is largely along the north and west property lines because that is where it is abutting residential uses. Kind of going counter to the *Zoning Ordinance*, Planning Staff finds that because of the wooded nature of this, that is might actually be detrimental to remove trees in a slightly wooded area to then implement a fence and finding that the trees would make a better buffer for residential areas. In addition to that, they had noted in their recommendations to encourage the possibility of the applicant looking at the installation of facilities for electrical vehicle charging stations. Currently, our *Zoning Ordinance* does not have any such provisions requiring that but always having an eye to the future that is something that they are encouraging where possible. Also, due to the expansive roof there, we encourage the applicant to look at the possibility of solar energy being implemented.

Mr. Mondoro state the Mr. Swierczek did a great job summing up the property and what they have done to date. He just wants to provide a few clarifications to the items that were in there. First being the PLUS Review. It is correct that they have not yet responded to those comments; however, he wants to note that they will be proposing a bus stop and shelter from the comments that would be relocated. Regarding parking, there are two hundred ninety-three parking spaces required and three hundred provided. There was a question about the number of employees on site. They do not anticipate that the desire will exceed the amount are required by the square footage. Regarding the height of the building, he just wants to clarify that it is 51' 2" as shown on the elevations. As part of the Fire Marshal's comments, they will also be providing full accessibility around the building which will require a shift further away from the residential on the west side.

Mr. Hartman stated that he favors allowing the trees to remain certainly in lieu of a fence if necessary but in the event that something happens to those trees, what recourse does the City have to have a barrier installed between the warehouse and the residential area? Responding to Mr. Hartman, Mr. Swierczek stated that wherever a non-residential use is abutting a residential use, there is a requirement for a buffer that includes a landscape component. There are specifications for certain types of trees and landscaping that would meet those requirements. So,

in this situation where we have woodland present and obviously that is fantastic; they love to see woodland remain. If there were to be some type of removal there, there is still a minimum requirement of landscaping that would need to be present to facilitate that. As long as they were meeting that minimum standard for landscape buffer, they would be able to verify that.

Mr. Hartman asked that if by some circumstance the trees were knocked down and they no longer met that landscaping standard, what would initiate the City looking at that? Responding to Mr. Hartman, Mr Swierczek stated that the easiest way to do that is when construction is completed and the Certificate of Occupancy needs to be issued by the city, the Planning Office will go out and do an inspection of the site. So when work is done there and Stagg goes to inspect, they are going to be inspecting to make sure that they are meeting the landscape buffer requirements. If there were to be trees removed to a scale that it is insufficiently addressing that part of the Code, then they would be able to raise it with the applicant at that point.

Mr. Hartman stated that his concern is like in 5 years from now after the project is completed. Responding to Mr. Hartman, Mr. Swierczek stated that he believes that the Zoning Ordinance does have a requirement stipulated that if plantings do need to be put in place by the developer, they have to be planted meeting a certain specification and then in one year's time there is another stipulation for certain standards. He doesn't think there is anything specifically listed in Code for further down the road like in five years. He believes that is something that the Planning Commissioners might be able to inquire about in their motion.

Mr. Hartman asked if the applicant would be willing to submit a plan for maintaining that area of trees as a buffer area. Responding to Mr. Hartman, Mr. Mondoro stated yes.

Mrs. Maucher stated that she wanted to clarify about the bus stop and the recommendation in the PLUS Report. The applicant did say they were doing that, right? Responding to Mrs. Maucher, Mr. Mondoro stated that was correct. There was a request to provide a shelter out there and that will be provided on their property which will be a slight relocation of that stop.

Mr. Cooper stated that he noticed that the plans show the trees, but they also show a fence. He knows that Mr. Swierczek stated that there were concerns about taking the trees out to put the fence in could also cause issues to the trees. Is the plan to keep the trees or the fence? Responding to Mr. Cooper, Mr. Swierczek stated that he should have clarified that you can see on the plan that there is a sort of one area to the west of the building where the wooded area is thinner. It would make more sense to implement that fence, whereas, on the northern portion it would not. So it is where site conditions would lend themselves to be better to maintain woodland as opposed to the woodland not being thick enough and a fence should be implemented.

Mrs. Maucher opened the public hearing.

Ms. Charlie Robertson – 1242 Farmview Drive Dove, DE 19904

Ms. Robertson stated that her concern is the same thing that they were talking about. That woodland area, not only is it home to an awful lot of wildlife like fox, deer, and groundhogs, but most of them also have fences on the other side of that. When it rains, they get an enormous amount of flooding that comes down to the ditch and goes into some people's garages. So if take

that area away, they will need something that will help buffer some of that rain and/or snow when it melts. That is a serious issue for her along with a lot of her neighbors.

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Ms. Linda Parkowski- Kent Economic Partnership

Ms. Parkowski stated that she would like to speak in support of the project. This will be a job creator. We have inquiries all day every day for this size warehouse and we don't have enough of this type of inventory in order to meet the demand right now. We encourage the Commission to please support this project. She thinks that they have done a really nice job of protecting the neighborhood and supply parking. This is a site that was built as an industrial commercial park. They are really grateful that this project will be on a board along with some of the other projects that are going on in warehouse distribution and logistics.

Mr. Joe Di Giorgio stated that he did not have any statements at this time but is here for questions.

Mr. Jack Melvin, property owner, stated that he has no concerns.

Mrs. Melson-Williams stated that they did receive an email regarding this application. It was provided to the Planning Commission members via email this afternoon and also provided on their desks this evening. It comes from Kate and Ted Drew. "We, Ted and Kate Drew own and live at 1236 S. Farmview Drive. Our property is adjacent to this proposed construction. Per the last updated letter date from Kimmie Horn in lieu of attending the meeting, we are permitted to submit comments about this construction through email at this address. Therefore, we would like to request that the culvert, easement, tree line, and berm between the field and our properties on S. Farmview Drive be left intact. The culvert allows water to settle away from our homes when heavy rains cause the side culverts to overflow into our front street. The tree line is home to many wildlife species included red foxes, deer, ducks, and hawks. They have physically seen the dens in the brush and enjoy the antics of the foxes and their families in the area for years. The berm keeps water from the fields away from our already overtaxed culvert between the properties. The berm also keeps crops and litter debris from the fields from blowing against our fences. Lastly, the tree line and berm are sound buffers which keep the noise from the existing warehouses to a lessened level. In the past when we had attended a similar meeting regarding potential construction, we were told that companies do their best to keep already existing tree lines and boundaries in the plan. We hope this is the case for this plan as well so then we should have no objections. Thank you for allowing for our comments. "

Mrs. Melon-Williams stated that Ms. Robertson who spoke did submit her comments that she made verbally to us in a written copy so that they would also include in the record.

Mrs. Maucher closed the public hearing.

Mr. Hartman asked about the berm and the culvert that was mentioned in the letter from the couple on S. Farmview Drive; that's not going to be impacted with this project, is it? Responding to Mr. Hartman, Mr. Swierczek stated not to his knowledge. There is a provision in the Zoning Ordinance that a berm may be utilized as an option as part of the landscape buffer. As to whether or not the applicant is specifically planning that, he is not sure at this stage.

Mr. Mondoro stated that's correct. The culvert wasn't identified on our survey so that will be to remain; it's not part of the property. There is a portion of the berm located to the north of the site, roughly consistent with the building that will largely be remaining intact. Part of what they are required to do from a stormwater management standpoint is to demonstrate that they are reducing flows to offsite areas, and they will be demonstrating that as part of their application to DAC.

Mrs. Denney stated that with regard to what Ms. Roberson was commenting about, they always have this information before us, the Kent Conservation and all of these statistics in their plans. Although they can view it, some of them aren't even knowledgeable that they should follow up on this. She just wants her to know that within the plans through Kent Conservation, they will not issue Certificates of Occupancy on situations such as this without an approved storm water management plan. She hopes that that in writing gives her comfort as she is concerned that this would add flooding to their properties.

Dr. Jones states that she is very familiar with the flooding in that area. Will the Planning office be keeping an eye on the manipulation of the berm? Responding to Dr. Jones, Mr. Swierczek stated that in terms of looking at the topography of the site, especially with regards to stormwater management that largely the purview of the Kent Conservation District. They have certain standards that they will be looking at when they are looking at plan review, they are going to need to see certain items on the plan. Then similarly when they go out for their inspection just like Planning will do, they will be looking at conditions as well. He can't speak specifically to what their standards are, but they will be looking at that.

Dr. Jones stated that was fine. She just wanted to make sure that we understood Ms. Roberson's concern because it is a real concern if you have ever gone through there.

Mrs. Denney moved to approve S22-14 Commerce Way Dover DE LLC Warehouse on Commerce Way as she believes that this is needed in the community, and it seems to be well thought out and meets the Comprehensive Plan and the desires of how we want things to develop within the city.

Mrs. Maucher asked if the motion included the Waiver Request for the partial elimination of the fence component of the opaque barrier. She asked if that was to leave the trees intact. Responding to Mrs. Maucher, Mr. Swierczek stated that basically where it would be preferable to leave the woodlands intact as the buffer instead of the fence.

Mrs. Denney stated that she wishes they were addressing that separately because her feeling is that you can fence that wooded area to a certain extent. You would have to cut trees down to put a fence around the edge of the property. Although she does realize that that takes away the visibility of the people who enjoy it and walk through it. In keeping with that thought process,

she will include in her motion for approval the request for the waiver of the partial elimination of the fence requirement.

Mrs. Maucher stated that there is also a Performance Standard Review requirement.

Mrs. Denney moved to approve S-322-14 Commerce Way Dover DE LLC Warehouse on Commerce Way as she believes that this is needed in the community and it seems to be well thought out and meets the Comprehensive Plan and the desires of how we want things to develop within the city; and to include the approval request for the waiver of partial elimination of the fence component, and based on the recommendation of the Planning Staff to confirm the proposed development will not violate any of the provisions found in the Zoning Ordinance regarding dangerous objectionable elements, seconded by Mr. Hartman and the motion is carried 9-0 by roll call vote. Mrs. Denney voting yes; in keeping with her motion. Mr. Hartman voting yes; based on the recommendations of the DAC as well as the testimony of the applicant's representative tonight. Mr. Baldwin voting yes; based on the DAC comments and the fact that it fits with the current area. Dr. Jones voting yes; based upon previous comments and she would like to add that based upon the consideration of the concerns of the residents in that area. Mrs. Welsh voting yes; based on previous comments. Mrs. Malone voting yes; for reasons stated. Mr. Cooper voting yes; for reasons stated. Mr. Roach voting yes; for reasons stated. Mrs. Maucher voting yes; based on recommendations for Planning Staff.

S-22-16 Retail Store at 293 South Saulsbury Road – Public Hearing and Review of a Site Development Plan to permit construction of a 9,100 SF, one-story retail building and associated site improvements. The proposed development is to be located on the undeveloped northern portion of the parcel already containing a retail building (convenience store) and associated fuel pumps (Royal Farms). The property is zoned C-2A (Limited Central Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the east side of South Saulsbury Road and north of W. North Street. The owner of record is West Dover Roadway, LLC. Property Address: 293 S. Saulsbury Road. Tax Parcel: ED-05-076.11-01-43.00-000. Council District 4. *For Consideration: COZ-1 Superior Urban Design. This site was subject to Conditional Use Site Plan Application C-11-05 Royal Farms and Bank at 293 Saulsbury Road reviewed by Planning Commission in November 2011 with its Final Plan approval issued in February 2012.*

Representative: James Taylor, PE of Verdantas; Fred Wittig and Robert Wittig representing property ownership.

Mr. Swierczek stated as noted, this is a proposed 9,100 SF retail facility in the proposed northern undeveloped portion of an already developed parcel. This property had most recently been before the Planning Commission in 2011 as a proposed convenience store in the southern portion with fuel pumps which is today the Royal Farms; and the northern portion originally proposed bank. While the southern portion had been implemented, the northern one had not. So again, that's why this development is being proposed in a parcel that technically already has development on it. That previous application had included two approved waiver requests. One for the fencing component of the opaque barrier on the northern property line. That was to allow for an alternate material being a white vinyl and then a second one was for the partial elimination of the 6-inch upright curbing. Both of those had been approved as part of the overall Site Development and as

largely still following those lines. Those are still considered active approvals. The building proposed again is noted as a single story 9,100 SF building and the potential tenant has been identified as Dollar General. The main considerations for the site development in addition to it being zoned C-2A (Limited Central Commercial Zone) is that it is within the COZ-1 (Corridor Overlay Zone). The COZ-1 (Corridor Overlay Zone) has come before you several times recently. This is an added zoning component along portions of Route 8, Saulsbury Road and McKee Road that has added site design standards and building architecture design standards in order to contribute to what the *Zoning Ordinance* for the Superior Urban Design. In order to do that. The applicant has submitted a supplementary letter attesting as to how they feel their design is meeting those Superior Standards which was provided in the packet. Planning Staff does find that the plan largely demonstrates a compliance with the Superior Design provisions and that will be something for the Planning Commissioners to consider in their motion. Specifically, as to whether or not, they find that it does meet those standards. We had asked basically for the applicant to ensure that the north elevation meets the same design standards as the west and south elevations. On the site layout that is shown on the screen, you can see that the north elevation, while it does not face directly towards any road frontage, it is potentially visible from Saulsbury Road. So, we just wanted that to be a consideration for the applicant. Once again for an eye to the future, Planning Staff is recommending that the applicant look at potential of installing the facilities or infrastructure to facilitate electrical vehicle charging stations in the parking lot.

Mr. Taylor stated that as Mr. Swierczek mentioned, we are here to seek approval for a 9,100 SF retail building; specifically a Dollar General at the corner of Saulsbury Road and North Street. In 2011, there was a vision to revitalize this corner which was approved in 2012 as a Royal Farms and there was a bank and a drive through that was originally approved for the site. In 2013, the Royal Farms was completed and the rest of the site has sat vacant for the last 10 years while they sought a tenant. At this point in time, a tenant has been found and that's why we are here tonight. As Mr. Swierczek mentioned, the site is within the COZ (Corridor Overlay Zone). They provided some documentation as to how we meet the Superior Urban Design for the site. He also wanted to comment on a couple of other things that were in the Planning Staff's Report regarding the relief to have the longest edge of the building facing the corridor. Obviously with this tight site, to try and fit this building in there with that orientation, it will not be feasible to face Saulsbury Road. There is also a question about the islands and do they have enough islands on this site. Per the COZ (Corridor Overlay Zone), it says that an island is required anytime there is more than twenty parking spaces in a row. In this instance, we are only providing eighteen and six and four. By the Code, there actually does not appear to be a requirement for a landscaping island in that row of parking. Shade trees will be provided in the other island and peninsulas to meet the landscaping requirements for the site and there will be a 5% interior parking that will be landscaped as well. The open space was further clarified to be a 27% for the overall site. That includes the Royal Farms and where they are developing today. Mentioning about the loading space, there was a document provided that had an updated architectural detail that shows a typical fence to help screen the loading area from the public right-of-way. It is not your typical fence; it is a little bit of an upscale architectural feature that was added onto that aspect. If you do not have it, he can share it but it should have been part of the presentation.

Mr. Swierczek stated that he apologizes because he did not include that in the presentation but it should be in the packet.

Mr. Taylor stated that as far as the Superior Urban Design falls, there were four ways to where they are meeting that for this site. The first one is multi-modal transportation. As mentioned in that letter, there are bus stops located within 1,200 feet of the site. With access ways through their site, they will be providing connectivity between two buildings on the site. For architectural Features, you can see that this isn't a typical building; this is an enhanced aspect with the stone architecture and multi-types of façade. Landscaping as required will be provided above the minimum requirements for the site. Then green technologies used for stormwater. The existing stormwater facility will be retrofitting to account for this additional square footage and impervious coverage for the site. They are currently working with DelDOT and with the Kent Conservation District as well as the other members of the DAC to obtain approvals.

Mrs. Maucher stated that she travels Saulsbury Road quite regularly. She knows that they are redesigning the roadway. Is that still going to remain the only entrance onto that property? Responding to Mrs. Maucher, Mr. Taylor stated that will still remain the only entrance onto that site. There are plans for another renovation to Saulsbury Road to kind of help with some of the additional traffic in general, its not related to this project. They are looking at some enhancements taking place. But there won't be another access into the site.

Mrs. Maucher stated that sometimes she sees people get into the turn lane to access the Royal Farms rather than to get to the other street. Responding to Mrs. Maucher, Mr. Taylor stated that his understanding is that they are looking at modifying that whole stretch of roadway again.

Mrs. Maucher opened the public hearing.

Mr. Wittig (virtual) stated that he had no comments regarding this application.

Mrs. Maucher closed the public hearing.

Mrs. Maucher stated that she wanted to verify that the previously approved waivers do not need to be included in tonight's motion. Responding to Mrs. Maucher, Mrs. Melson-Williams stated that is correct. They are already either been implemented on the site or continue in the same vein. There is potential for some elimination of curbing as they continue to design stormwater in this area and Staff would be amenable to do that.

Mr. Cooper moved to approve S-22-16 Retail Store at 293 South Saulsbury Road noting that they have provided sufficient documentation for the Superior Urban Design, seconded by Mrs. Denney and the motion was carried 9-0 by roll call vote. Mr. Cooper voting yes; based on his motion, Mr. Roach voting yes. Mrs. Denney voting yes; she thinks this project fits within the Comprehensive Plan and what the City would like to see developed there. Mr. Hartman voting yes; it is a use that is approved and there has been a lot of work done in the past. Mr. Baldwin voting yes; for reasons previously stated. Dr. Jones voting yes; for reasons already stated. Mrs. Welch voting yes; for reasons previously stated. Mrs. Malone voting yes; for reasons previously stated. She will be glad when that area is cleaned up because it is terrible right now. Mrs. Maucher voting yes; based on Staff recommendations.

MI-22-05 Text Amendment: IPM-2 (Industrial Park and Manufacturing Zone) - Public Hearing and Review for Recommendation to City Council of a Text Amendment to the *Zoning Ordinance*, Article 3 – District Regulations, Section 20A – Industrial Park Manufacturing Zone – Business and Technology Center (IPM-2), Section 20A and Article 12 – Definitions to include *Vocational education facility*. The proposed Ordinance outlines additional permitted land uses within the IPM-2 Zone to include printing, publishing, binding, and packaging, as well as various accessory uses. The Ordinance proposes adding several Conditional Uses to include Building contractor’s yard with restrictions; Vocational education facilities; Associated retail uses in conjunction with and accessory to a permitted use with restrictions; Craft distilleries and microbreweries with restrictions. The proposed Ordinance adds a purpose statement and includes guidelines and performance standards for the regulation of the above. Ordinance #2022-21. *First Reading was held by City Council on November 28, 2022 where the Public Hearing dates were set for Planning Commission on December 19, 2022 and City Council on January 9, 2023.*

Representative: Planning Staff

Mrs. Gray stated that this is a request for a Zoning Text Amendment which revises the text in the *Zoning Ordinance*. The Planning Commission is part of the public hearing and review process and will provide a recommendation on the Text Amendment request to City Council. The Garrison Oak Business and Technology Center formerly known as the Garrison Oak Technology Park was purchased by the City with funding from the State in 1999. It is zoned as IPM-2 (Industrial Park and Manufacturing Zone). This 400-acre site was funded through the State’s FY2000 Bond Bill in the amount of \$2 million to facilitate the site acquisition. The Bond Bill included epilog language specifying that for at least a period of 10 years the site was to be used as a high-end technology industrial park targeted to information and technology, life sciences, semi-conductor fabrication, scientific research and development and high tech manufacturing. It’s location on White Oak Road with potential access to State Route 1 has been identified by Dover and the State as a potential location to promote economic activity. Council adopted the Ordinance creating IMP-2 (Industrial Park and Manufacturing Zone) on August 23, 1999. That put the zoning for this Garrison Oak Business and Technology Center in place. The allowed uses then included manufacturing and processing of biotechnology and related products, research design, testing and development laboratories, offices for corporate support operations for financial services, insurance and healthcare industries, and agricultural farm uses. It should be noted that this Garrison Oak Business and Technology Center is the only tract of land in the City that is currently zoned IPM-2 (Industrial Park and Manufacturing Zone). This zoning district was revised by Council on October 12, 2009. These revisions added electricity generation as a permitted use and modified the Bulk Standards by reducing the minimum lot size from 50 to 10 acres with a minimum width and depth of 100 feet. Then in December of 2018, City Council adopted Resolution 2018-12 that modified the name of Garrison Oak Technology Park Facility to Garrison Oak Business and Technology Center as it is known today. This Resolution also articulated that the City wanted to expand the purpose in nature of the site to reflect the current business conditions and the changing marketplace therefore improving its marketability. This Resolution was part of a new marketing approach to secure occupants and a strategy to link to the research performed by the Kent Economic Partnership that the area is best suited for growth prospects and the logistics warehousing distribution sector. Council adopted these amendments to the zoning district on Dec 9, 2019, which reflected the attempt of this resolution and in

addition to changing the name, it also added warehousing trans-shipment, distribution and logistic support as well as business and professional services in data management as permitted uses. The eastern portion of this site is in a Tier 2 Primary Well Head Protection Area in the SWPOZ (Source Water Protection Overlay Zone) and the purpose of a Tier 2 is to safeguard the potable water resources of Dover and Kent County. Since the nearest well field is over a mile away the enhanced protection requirements merely surrounding the well head likely do not apply; however, there are uses that are prohibited in the SWPOZ (Source Water Protection Overlay Zone) area that are articulated in that Ordinance.

Moving on to the proposed uses, that is why she is here tonight. It always helps to have background history of this park. The commercial Moving Experience Real Estate Company, which is the broker of record marketing this property for the City, had indicated through a letter to the City Manager on September 20, 2022 that the current IPM-2 (Industrial Park and Manufacturing Zone) limits development opportunities due to restricted development. Furthermore, that some of the potential purchases have been denied due to zoning restrictions. A few of these potential users include educational facilities, athletic fields, self-storage, Concord recycling and contractor's yard. In addition, this letter suggested that the City consider some of these uses as potential uses, permitted uses or uses with restriction or conditional uses. Then a follow up letter by our broker was sent which included some potential language and also suggested that some additional uses be added to include printing, publishing, binding and packaging as well as look at some changes to the parking regulations. Regarding Staff recommendation when this part was created and State tax dollars provided funds to facilitate the site acquisition. It was done so with the provision that the site be used as a high technology and industrial park. The 2018 Resolution and associated 2019 Ordinance modified and expanded a purpose to reflect current business conditions and the changing marketplace and added uses of manufacturing and uses of warehousing, trans-shipment, distribution, and logistic support as well as business and professional services in data management as permitted uses. Planning Staff believes that any revisions to the IPM-2 (Industrial Park and Manufacturing Zone) need to stay within these parameters. Regarding the proposed text amendments, there are a number that are being proposed within this to articulate these there is an addition of a purpose and intents section, they are adding truck terminals and clarifying the addition of accessory uses. They are purposing to add indoor recreation and amusement establishments. The addition of conditional uses is to include builders/contractors' yard, vocational educational facility, associated retail uses in conjunction with an accessory to a permitted use as well as a craft distillery and micro-brewery. Also, they are adding a definition for a vocational educational facility. Because this is a Text Amendment proposed to the *Zoning Ordinance*, a public hearing recommendation by the Planning Commission is required. The next step after tonight, it will go before Final Reading and public hearing at the January 9, 2023 Council Meeting.

Regarding the recommendation of Planning Staff. Planning Staff developed a proposed ordinance for text amendments for industrial park manufacturing business and technology center because of consideration and economic development strategies and interaction with developers and property owners. As part of this process as outlined in the *Zoning Ordinance*, the City Planner will need to prepare a proposed zoning text amendment. The City Planner shall issue a Report to the Planning Commission and City Council including comments from other reviewing agencies which evaluates these two factors; whether such a change is consistent with the aims

and principles embodied in the Ordinance as to particular zones and concerns as well as whether the proposed amendment is consistent with the *Comprehensive Plan*. To sum up the Planning Staff's recommendation, the Planning Office is in support of these changes to the permitted uses, the accessory uses and conditional uses in the IPM-2 (Industrial Park and Manufacturing Zone) with the exception of the recommendation for indoor recreation and amusement establishments. This use was added by City Council at the first reading of the Text Amendment on November 28, 2022 and that is underlined 62 which added articulation of 28-19 Indoor Recreation and Amusement Establishments. As indicated in the discussion above, they feel the purpose and intent of this zoning district is a high-technology and business district. Planning Staff believes that any changes to the zoning district shall meet the intent and purpose and the proposed use of indoor recreation and amusement establishment does not meet this threshold. This is also included in the Staff's Decision and Community Action Form dated November 10, 2022 in the packet. Regarding the *Comprehensive Plan*, Chapter 12 Land Development Plan discusses office parks and industrial land-uses as an opportunity for the creation of employment centers. This text amendment to the IPM-2 (Industrial Park and Manufacturing Zone) clarifies and broadens the potential uses while maintaining a focus on industrial activities. They feel that it is in compliance with the *Comprehensive Plan*. Regarding the Planning Commission review, the Article 10, Section 5.23 the two factors that the Planning Commission should be looking at per the Code regarding a review for a text amendment to a *Zoning Ordinance* is whether such a change is consistent with the aims and principles embodied in the ordinance as to the particular zones of concern and whether such proposed amendment is consistent with the aims of the *Comprehensive Plan* of the City. She also wants to call to attention, a comment letter that Councilman Anderson submitted to the Planning Commission this afternoon regarding his support of the addition of the use for indoor recreation.

Mr. Hartman asked if they had to consider the suggestions proposed by the applicant. Responding to Mr. Hartman, Mrs. Gray stated that he is welcome to do so should he wish. The proposed ordinance is in front of you, but you can certainly make additional recommendations if you wanted to add or suggest additional uses.

Mr. Hartman stated that he doesn't support most of those recommendations by the applicant. He was just asking as a matter of procedure.

Mrs. Maucher stated that it is her understanding that what they will be voting on is the ordinance as proposed. Responding to Mrs. Maucher, Mrs. Gray stated yes.

Mrs. Maucher opened a public hearing.

Mrs. Linda Parkowski – Kent Economic Partnership

Mrs. Parkowski stated that she is in support of the amendment. They have been trying to market Garrison Oak Industrial Park for a while. As the brokers' letter stated, some of the uses were very restrictive and they were written in 1999 or 2009. We are in support of this. It brings the *Zoning Ordinance* into today's world and they certainly appreciate that.

Mrs. Melson-Williams stated that the only written correspondence is the letter of December 19, 2022 from Councilman Anderson expressing his views regarding the IPM-2 (Industrial Park and

Manufacturing Zone) amendment that is proposed that you found either in your mail or on your desk this evening. She can certainly read it into the record if you would like but she thinks that they have all had the opportunity to take a look at that tonight.

Mrs. Maucher closed the public hearing.

Mr. Cooper stated that he has a question for Mr. Hartman. As he reads through Councilman Anderson's letter, he doesn't find too many moments that make him pause. He has traveled around; he has a good buddy of his that he runs a beer blog for. He has traveled to almost 800 different breweries around the Country and a large number of them are in business parks. He finds that there is a lot of jobs, there are a lot of businesses that happen in business parks that aren't necessarily tractor trailer type jobs. It's not just loading and unloading. There are a lot of entities that happen across the Country, and he has gone as far as Washington State and down to Texas. He has driven home from some of these trips to Texas and Colorado and visited a lot of these places. He is curious to what give Mr. Hartman pause because in many evenings, Mr. Hartman has changed his way of thinking. Not that he wants him to now, but he is curious to know what gives him pause.

Mr. Hartman stated that his question is concerning the letter from the real estate agent where they were purposing the use of concrete recycling facilities, athletic fields. His concern was not with the micro-brewery or distillery.

Mr. Cooper stated that he doesn't believe those are in his letter, not necessarily in the Ordinance. Responding to Mr. Cooper, Mr. Hartman stated yes. His question was whether or not they had to consider those, and he did not want to consider those tonight.

Mr. Hartman moved to recommend approval to City Council for MI-22-05 Text Amendment: IPM-2 (Industrial Park and Manufacturing Zone) to adopt as written, seconded by Mr. Cooper.

Mrs. Melson-Williams asked if they were recommending approval of the version of the Ordinance that was included in the packet that also includes the indoor recreation and amusement establishments as a permitted use. She just wants to make sure that they are all looking at the same Ordinance.

Mrs. Hartman stated yes.

The motion was carried 9-0 by roll call vote. Mr. Hartman voting yes; its consistent with the wishes of the Comprehensive Plan and it is consistent with the principles in the Ordinance to the particular zones concerned. Mr. Baldwin voting yes. Dr. Jones voting yes; for reasons previously stated. Mrs. Welsh voting yes. Mrs. Malone voting yes; based on Mrs. Gray's comments. Mr. Cooper voting yes. Mr. Roach voting yes. Mrs. Denney voting yes; she thinks it's clearly in keeping with the Comprehensive Plan and it has the potential to breathe a little new life into that project. Mrs. Maucher voting yes; she thinks that it is important that the City regularly review its Ordinances and make these kind of changes as conditions change.

NEW BUSINESS

Meeting adjourned at 9:05 PM.

Sincerely,

**Kristen Mullaney
Secretary**

City of Dover, Delaware
Summary of Applications

Application Type	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021					2022				
																Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total
Board of Adjustment	25	38	20	15	15	13	15	17	14	15	16	17	12	9	5	0	1	0	3	4	0	0	0	0	0
Annexations	10	4	3	1	0	0	1	3	0	1	3	0	2	1	3	1	1	1	1	4	1	0	0	2	3
Conditional Use	8	7	14	8	5	7	6	11	6	4	5	6	5	8	5	3	1	2	2	8	2	0	0	1	3
Site Plans	49	66	43	29	33	23	20	21	24	16	24	33	12	25	14	4	3	2	5	14	5	5	1	5	16
Subdivisions	7	7	2	7	5	2	2	6	5	2	0	2	4	1	2	1	1	3	0	5	2	1	1	1	5
Rezoning	13	10	11	5	8	6	2	3	4	4	7	5	3	6	3	3	2	1	1	7	1	0	1	1	3
Miscellaneous	17	23	20	15	20	17	24	22	14	14	18	8	13	8	8	3	6	0	2	11	4	0	0	1	5
Unified Sign	0	1	3	1	0	2	2	3	1	2	4	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Historic District Commission	9	7	4	4	11	5	7	5	6	8	6	4	3	4	2	2	1	2	1	6	2	3	1	1	7
TOTAL	138	163	120	85	97	75	79	91	74	66	83	77	54	62	42	17	16	11	15	59	17	9	4	12	42

**Summary of Applications through year end of 2022 including all 2022 Meetings of the Planning Commission, Board of Adjustment and Historic District Commission and Administrative Plan Reviews.*

Planning 101: Planning Your Community's Future



COURSE INSTRUCTOR

David Edgell, AICP

Director
Office of State Planning Coordination



COURSE INSTRUCTOR

Edward O'Donnell, AICP

Senior Fellow, IPA
University of Delaware



COURSE INSTRUCTOR

Max Walton, Esq.

Partner
Connolly Gallagher, LLP

JANUARY 18, 2023
10:00 a.m. to NOON

VIA ZOOM MEETING

*Registration in advance is required.
After registering, you will receive a
confirmation email with information
about joining the webinar.*

\$20 Registration Fee

● REGISTER ONLINE

**[www.bidenschool.udel.edu/
ipa/events/upcoming](http://www.bidenschool.udel.edu/ipa/events/upcoming)**

Planning 101 provides valuable information for all elected officials who consider and act upon comprehensive plans, land use and zoning matters, and other growth issues. Planning and zoning commissioners, board of adjustment members, and those who take part in community planning and land-development matters will enjoy this course.

Course topics will include:

- Delaware planning and zoning statutory requirements
- The elements of a comprehensive plan
- The basics of land use control
- The role of the planning & zoning commissioner

This session qualifies for credit toward the Certificate in Local Government Leadership and the Certificate for Planning Education.

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



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

The **Institute for Public Administration** presents

Introduction to Land-Use Law, the Constitution, and Takings



COURSE INSTRUCTOR

Max Walton, Esq.

Partner
Connolly Gallagher, LLP



COURSE INSTRUCTOR

Edward O'Donnell, AICP

Senior Fellow, IPA
University of Delaware

FEBRUARY 8, 2023
10:00 a.m. to NOON

VIA ZOOM MEETING

*Registration in advance is required.
After registering, you will receive a
confirmation email with information
about joining the webinar.*

\$20 Registration Fee

● REGISTER ONLINE

**[www.bidenschool.udel.edu/
ipa/events/upcoming](http://www.bidenschool.udel.edu/ipa/events/upcoming)**

This course focuses on Land Use Law in Delaware. It begins a review of the basic principles governing land-use law. Topics include police power, delegation of authority, nuisances, due process, equal protection, just compensation, vagueness, and vested rights. Participants will then learn about Delaware court decisions affecting local land use.

Course topics will include:

- Basic terms and concepts
- A summary of tools
- Zoning, subdivision, and site-plan review
- Other approaches to land-use control

This session qualifies for credit toward the Certificate in Local Government Leadership and the Certificate for Planning Education.

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



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

RECEIVED

JAN 10 2023

CITY OF DOVER
PLANNING & INSPECTIONS

Delmarva Land Holdings, LLC
317 Layton Avenue
Wyoming, Delaware 19934

City of Dover
15 Loockerman Plaza
Dover, Delaware 19901
Attn: Dawn E. Melson-Williams, AICP

January 9, 2023

RE: Request for Approval Extension.
Conditional Use Site Plan Application: Cassidy Commons at 101 -1001 Cassidy Drive,
Dover, Delaware, C-21-01
ED-05-077.00-01-28.04-000

Dear Ms. Melson-Williams,

Delmarva Land Holdings would respectfully request an extension to the Conditional Use Site Plan Approval that is due to expire on January 31, 2023.

Delmarva Land Holdings, LLC purchased the property from Cassidy Commons in 2021 and has intentions of completing the project as proposed. Delmarva Land Holdings, LLC has hired an engineer to make the minor plan revisions according to the individual Department reviews and is preparing to make the final submission accordingly. There are no anticipated changes to the plans as submitted.

Should you have any questions please contact Mark North at 302-530-3620.

Sincerely on behalf of Delmarva Land Holdings, LLC,

Mark E. North

DATA SHEET FOR SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF January 4, 2023

PLANNING COMMISSION MEETING OF January 17, 2023

Plan Title: S-23-01 East Carolina Supply Warehouse on Ridgely Street

Plan Type: Site Development Plan and associated Minor Subdivision Plan

Current Address: 631 Ridgely Street

Location: North of the terminus of Ridgely Street and at Clara Street Extension to the west of the railroad.

Tax Parcel: ED-05-076.08-01-01.00-000

Owner: Clara Ridgely Project, LLC

Overall Property Area: 28.65 +/- acres

Proposed Parcel A (south): 4.928 +/- acres (214,643 SF)

Proposed Residual Parcel (north): 23.726 +/- acres (1,033,516 SF) Residual

Present Use: Warehouse (Area of proposed Parcel A is unused lot)

Proposed Parcel A use: Warehouse (proposed)

Proposed Residual Parcel use: Warehouse (existing)

Proposed Building Area (Parcel A): 42,400 SF +/-

Zoning: IPM (Industrial Park Manufacturing Zone)

Off Street Parking: Required – 53
Proposed – 27 spaces

Waiver Requests: Partial Elimination of Upright Curbing
Reduction in Parking Requirement
Subdivision Waiver: To create a Lot without Frontage on a Public Street

For Consideration: Performance Standards Review Application

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: January 4, 2023

APPLICATION: East Carolina Supply Warehouse on Ridgely Street

FILE #: S-23-01 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Julian Swierczek, AICP PHONE #: (302) 736-7196

I. PLAN SUMMARY:

This Site Plan Review of a Site Development Plan and Minor Subdivision Plan for a property currently addressed as 631 Ridgely Street. The Plan proposes to subdivide the current parcel of 28.65 +/- acres into two new parcels. The proposed Parcel A is southernmost portion of the site and is to be 4.928 +/- acres (214,643 SF). The Residual Parcel is the northern portion of the site containing an existing warehouse building and would be 23.726 +/- acres (1,033,516 SF). The Plan is to permit construction on Parcel A of a 42,400 SF +/- warehouse and associated site improvements. The current property is zoned IPM (Industrial Park Manufacturing Zone). The property is located north of the terminus of Ridgely Street and at Clara Street to the west of the railroad. The owner of record is Clara Ridgely Project, LLC. Property Address: 631 Ridgely Street. Tax Parcel: ED-05-076.08-01-01.00-000.

Previous Applications:

Aerial imagery suggests the current warehouse building on site was developed prior to 1961 with the western portion of the existing building having been built as an addition between 1961 and 1968. There is also an existing 125-foot tall wireless communication facility (monopole) that was developed under applications V-15-09 and S-15-16. Variance Application V-15-09 was approved by the Board of Adjustment at their June 2015 Meeting, with the related Administrative Site Plan S-15-16 having received Final Plan approval in a Letter dated April 5, 2016.

II. PROJECT DESCRIPTION

Minor Subdivision

The current property is located at 631 Ridgely Street and is subject to a Minor Subdivision Plan Application and associated Site Development Plan Application. This Minor Subdivision Plan proposes to subdivide the property into two lots. The following Table is a summary of the lots proposed.

Site	Proposed Acreage	Area
Parcel A	4.928 +/- acres (214,643 SF)	Southern area of existing site. Subject area to related Site Development Plan Application
Residual Lot	23.726 +/- acres (1,033,516 SF)	Northern residual portion of overall site. Location of existing warehouse building.
TOTAL	28.65 +/- acres	

The existing warehouse building contains a mix of businesses including warehouses, office, and a Child Day Care Center. The creation of Parcel A requires consideration of a Land Subdivision Waiver to allow the creation of a Lot without direct frontage on a public street (See notes in Section III - *Subdivision Regulations Review* of this Report).

Site Development Plan

This Site Development Plan Application proposes the construction of a new 42,400 SF warehouse building with associated site improvements on the proposed new Lot A. The associated site improvements include drive aisles along the south and west portions of the new building and a total of twenty-seven (27) vehicle parking spaces in two areas. The overall site access is to be via Ridgely Street which is not public right-of-way this far north, but rather a privately maintained access drive. The proposed Lot A also includes an existing wireless communications facility (monopole tower) in the southwest corner. To the east of the existing access drive (easement), the property is left as a grass/ meadow area, after an area of paving adjacent to said access drive.

Surrounding Land Uses:

The railroad right-of-way extends along the entirety of the eastern property line of the site, running north/south. Across the railroad right-of-way to the east from the subject site is predominantly zoned IO (Institutional and Office Zone) containing a warehouse, City offices, and a Charter School. To the south of the subject property lay three (3) parcels also zoned IPM (Industrial Park Manufacturing Zone), two of which are undeveloped and one containing a self-storage facility and another wireless communication facility (monopole) tower. Further to the west is a property also zoned IO which contains William Henry Middle School. To the north is another parcel zoned IPM and the location of another warehouse/manufacturing facility of Energizer.

III. SUBDIVISION REGULATIONS REVIEW

The procedures for subdivision of land are found in the *Land Subdivision Regulations*. Planning Staff confirms this application includes a Minor Subdivision. Therefore, the Planning Commission may find the application is subject to one public hearing and review for action by the Planning Commission followed by the administrative process to complete the Final Plat for recordation. In order to subdivide the property, the plan review must ensure that the subdivision does not create any non-conformities with the bulk standards of the *Zoning Ordinance*. These bulk standards include minimum lot size, front yard setbacks, side yard setbacks, rear yard setbacks, floor area ratio, etc. See also discussion below under Zoning Review.

Subdivision Waiver Requested: Create Lot without Frontage Lot Frontage on a Public Street

Appendix A: *Land Subdivision Regulations*, Article VI Item E requires that all lots in a subdivision shall have frontage on a public street. To that end, pursuant to Article VII regarding Waivers, the Applicant has submitted a Waiver Request from the above referenced requirement to require that newly subdivided lots have direct frontage on a public right-of-way. The Waiver Request notes that an Access Easement from Ridgely Street had previously been recorded in 1996 providing access from the end of the public right-of-way of Ridgely Street, across the properties to the south, providing access to the subject site. The Applicant is proposing that another cross-access easement be established across the proposed Parcel A to ensure vehicle access is still provided to the Residual parcel. It is noted that the Residual parcel has frontage on Clara Street Extension.

The purpose of the requirement for frontage on a public street is to ensure access to lots created. According to the *Land Subdivision Regulations*, Article VI. Subdivision General Requirements and Design Standards, Section E. Lots:

1. Lot width, depth, shape and orientation, and the building setback lines shall be appropriate for the location of the subdivision, for the type of development and for the use contemplated.
2. Lot sizes shall conform to the requirements of the zoning ordinance.
3. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to comply with the off-street parking and loading requirements contained in the zoning ordinance.
5. All lots in a subdivision shall have frontage on a public street.

According to the *Land Subdivision Regulations*, Article VII. Special Provisions, Section A. Variance and Waiver:

1. Upon the findings of the commission that, due to special conditions peculiar to a subdivision or a site, certain requirements of these regulations are inappropriate, or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the commission may recommend to the city council, and the city council may vary or waive said requirements, provided that such variance or waiver shall not be detrimental to the public health, safety, or general welfare, or have the effect of nullifying the intent and purpose of the official map, the zoning ordinance, the development plan or these regulations. In varying or waiving certain requirements, the council may specify such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or waived.

IV. ZONING REVIEW

IPM Zoning District

The property is zoned IPM (Industrial Park Manufacturing Zone) and is subject to the regulations of *Zoning Ordinance*, Article 3 §20 and Article 4 §4.16 as a conventional planned lot development. Broadly speaking, the use as a Warehouse Facility is a permitted use within this

zoning district; however, a more specific description of the intended use should be provided to confirm compliance with the permitted uses of the IPM zone. The following Table highlights some of the lot design standards for the IPM zone. The new Parcel A (and Residual) appear to comply with these requirements. Refer to the following Table (next page).

Minimum Required	IPM (Conventional Planned)
For All Permitted Uses:	
Lot Area	2 1/2 acres
Lot width (ft.)	200
Lot depth (ft.)	300
Front Yard	60
Side yard (ft.)	40
Rear yard (ft.)	40
Side or rear yard which adjoins a residential zone (ft.)	100
Off-street parking space:	
Per 800 sq. ft. of floor area	1
Per employee, per largest working shift (if greater than the requirement under the floor area calculation)	1
Maximum Permitted	
Building Height:	
Stories	Not limit
Feet	Equal to distance to nearest lot line
Floor Area Ratio	0.5
Lot Coverage	75%

V. PARKING SUMMARY

The *Zoning Ordinance*, Article 4 Section 4.16 states that the parking requirement for conventional planned development in the IPM zone is based on a rate of one parking space per 800 SF of floor area or one per employee, per largest working shift (if greater than the requirement under the floor area calculation). The Applicant has noted that only five (5) employees are expected to be at the facility. Parking calculations would therefore be done based on the square footage. With a stated floor area of 42,400 SF, this would require a minimum parking space count of 53 spaces. The Plans submitted show that twenty-seven (27) vehicle parking spaces are to be provided to the east and west of the proposed building.

Waiver Request: Reduction in Parking Requirement

The Applicant has submitted a written Waiver Request for the Parking Requirements. The Request notes that only five (5) employees are expected for this facility, and therefore at most the Applicant has stated they “only need ten (10) parking spaces but are providing (27).” To that end, Article 6 §3.9 of the *Zoning Ordinance* notes that the Planning Commission may reduce the parking requirements, in an amount not to exceed 50 percent. The Applicant cites the number of employees as reason to reduce the number of vehicle parking spaces, as well as noting that the reduced number of vehicle parking spaces would reduce impervious surface areas and “have

environmental benefits of additional groundwater recharge and less stormwater runoff for the site.”

Loading Spaces

Article 6 Section 4.26 of the *Zoning Ordinance* provides the loading berth requirement for a manufacturing, wholesale and storage uses in the IPM Zone. Specifically, it is required to provide “one berth for 5,000 to 10,000 square feet of floor area in such uses, and one additional berth for each additional 10,000 square feet of floor area or fraction thereof so used.” Based on the square footage of 42,400 SF, this would calculate five (5) loading berths. However, Article 6, Section 4.16 notes that for buildings under 150,000 SF, the maximum number of loading spaces required would be three (3) loading spaces.

The Site Plan submitted by the Applicant notes one 3-bay recessed truck dock at the northeast corner of the building. There is however a 24-foot-wide drive aisle shown which appears to run through the north interior of the proposed warehouse building. The Plans note that, within the building, this area is “reserved for loading and unloading trucks.” The details of this interior loading area are uncertain. It is noted as enclosed as it does state that there are 24-foot-wide doors at both the east and west ends of this drive. It is however unknown how many trucks are to be accommodated, which type of truck may be accommodated, if there is to be a dedicated entrance/exit (travel direction), etc.

Bicycle Parking

The site is required to provide bicycle parking. The minimum bicycle parking requirement is one (1) for every twenty (20) vehicle parking spaces. Based on the 27 parking spaces identified for this site, at least two (2) bicycle parking spaces are required for the project. The Plans submitted do not appear to identify the location of any such bicycle parking, nor do they provide any details of any bicycle parking facilities. The applicant has stated that they are planning to add the bicycle parking adjacent to a sidewalk at the front (east side) of the building.

VI. SITE CONSIDERATIONS

Lighting

Article 5 §7.1 stipulates that lighting shall provide no less than 1.5 foot-candles at grade. Light shall also be deflected away from adjacent residential areas and shall not be distracting to traffic on adjacent roads.

The Plans submitted include a Lighting Plan which notes that there is to be exterior wall-mounted lighting on the south, west and north facades of the proposed Warehouse. The east façade is shown to have two (2) light poles adjacent to the vehicle parking area.

Dumpsters

The *Zoning Ordinance*, Article 5 §6.1 stipulates the regulations regarding the required number of dumpsters and the associated placement and screening requirements thereof. Article 5 §6.11 specifically notes the following:

6.11 *Location and screening required.* All dumpsters must be located in approved locations on the lot. Dumpsters must be placed on hard, paved, dust-free surfaces and may not be placed in

designated parking spaces, fire lanes, or access ways. Outside storage of trash, cardboard, or shipping pallets is prohibited. A dumpster enclosure is required to screen the dumpster from view whenever these units are situated so that they will be visible from any public right-of-way or from an adjacent property.

The *Zoning Ordinance*, goes on in Article 5 §6.12 to note that industrial, warehouse & institutional uses provide a minimum of two (2) dumpster for the first 80,000 square feet of gross building area, and one (1) required for each additional 40,000 square feet of gross building area or fraction thereof. This would require the proposed Warehouse on Parcel A to provide a minimum of two (2) dumpsters.

The Plans submitted note one (1) “roll off” dumpster to be provided atop a concrete pad on the west side of the warehouse building proposed on Parcel A. It is further noted to include a fence and landscape screening. Details as to the fencing and any possible gate for an enclosure are not provided.

Curbing

Waiver Request: Partial Elimination of 6-inch Upright Curbing

The use of 6-inch upright curbing for parking lots and drive aisles is a requirement stipulated in Article 6 Section 3.6(b) of the *Zoning Ordinance*. The Applicant has submitted a Written Waiver Request in the Cover Letter of the initial Plan submission, noting that no curbing is proposed to the rear (west) of the Warehouse in order to facilitate sheet flow. There also does not appear to be curbing provided along the private access drive (extension of Ridgely Street), the vehicle parking spaces to the west of the proposed building, nor the drive aisle to the south of the Warehouse.

The Site Plans submitted appear to show curbing being provided around the vehicle parking spaces to the east of the new Warehouse Building. The Plan does not appear to be curbing shown to the rear (west) or south of the Warehouse Building. To that end, the Applicant has verbally indicated that the curbing will not be implemented to the south of the building either, as this area will also need to be kept at grade for the purpose of stormwater management.

Vehicle Access

Vehicle access to the site is provided via a private access drive (easement) which is an extension of the public right-of-way of Ridgely Street to the south. The on-site circulation connects from this private access drive to a drive aisle that runs along the south side of the proposed Warehouse on Parcel A, then runs along the west side. This drive aisle in turn provides access to a drive that runs through the northern interior of the building. This drive is enclosed at the east and west ends by 24-foot-wide doors and is listed as a loading and unloading area internal to the building. There is vehicle parking currently shown along both the east and west sides of the building.

Pedestrian Access

There is currently no pedestrian access to the site via sidewalk directly from the public right-of-way. The subject site currently has vehicle access off of Clara Street Extension to the west and via a privately maintained access drive (easement) from the south. Neither of these vehicle access points have sidewalk along their frontages in the vicinity of the subject site. The Plans submitted do not show sidewalks being constructed along the private access drive (easement).

There are currently sidewalks in place on the Residual Lot, facilitating internal pedestrian traffic around portions of the perimeter of the existing warehouse building, primarily to the south. There are however sidewalks shown in the vicinity of the proposed Warehouse Building for on-site circulation. The proposed Warehouse Building on Parcel A is showing a sidewalk in place to the east of the main building connecting vehicle parking spaces to what appears to be the main entrance to the building. There is currently no sidewalk system shown on the rear (west side) of the Warehouse Building.

VII. BUILDING ARCHITECTURE

The submission includes an architectural rendering, appearing to show the proposed Warehouse from the southeast. The rendering shows the building to be clad in a white vertical metal panels. The base of the two facades visible in the Rendering show a watertable of a black metal, but matched what appears to be a black, gabled, metallic roof. There is a protruding wing which corresponds to the Site Plan's depiction of what is noted as offices. This has another black, gabled, metallic roof which extends over a covered walkway, fronted by white beams. The east façade of this office area appears to be the main entrance and is the only one shown to contain windows. This east façade of this office area (where the covered walkway is shown), shows stone watertable.

Some of the details are somewhat difficult to determine on the Renderings submitted; however, there was a supplemental linework drawing submitted showing the four elevations of the building. This drawing confirms that the watertable is to be of gray stone but appears to show that this is only planned for the east façade, and portions of the north and south facades at the office section of the building. The west (rear) façade of the building shows no watertable feature.

VIII. TREE PLANTING AND LANDSCAPE PLAN

Article 5 Section 16.62 of the *Zoning Ordinance* specifies that new tree plantings should be provided at a rate of density no less than one (1) tree per 3,000 SF. Section Article 5 Section 16.2 provides the following definition of "Development Area:"

Development area. The area containing all new site features (buildings, parking and drive areas, pedestrian walks, stormwater management areas, buffer areas etc. but not underground utilities) proposed by a plan. The development area shall be delineated using property lines and lines run straight across the property from one property line to another without bending or curving.

Based on the above definition, the Plans submitted by the Applicant note a Development Area of 119,752 SF. This area would require a minimum of forty (40) trees to be planted. These are listed as a variety of shade and evergreen trees, provided along the south, west, and north property boundaries of the proposed Parcel A, as well as between the proposed Warehouse Building and vehicle parking lot to the east of the building. The area to the east of the access drive (easement) is not part of the Development Area and is shown to remain as a grass/meadow area with no improvements.

IX. PERFORMANCE STANDARDS REVIEW

Uses in the IPM Zone are subject to the Performance Standards Procedure set forth in the *Zoning Ordinance*, Article 5, Section 8.1 and 8.2 and referenced sections.

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

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

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

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

As part of this procedure, a separate *Performance Standard Review Application* has been submitted by the application for consideration alongside the Site Plan review. The Performance Standard Review Application letter appears to indicate that the proposed development will comply with these provisions by restricting the emission of dangerous and objectionable elements detailed in Article 5, Section 8.5. The Planning Commission may refer the Application to expert consultants for review if deemed necessary. The Planning Commission is charged with determining if the proposed of the facility conforms to the applicable performance standards.

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

X. CITY AND STATE CODE REQUIREMENTS:

- 1) The Applicants have submitted a *Performance Standards Review Application* as required for the property development in accordance with *Zoning Ordinance*, Article 5 §8.6. The letter addresses each aspect of these provisions and identifies how the proposed warehouse facility will be in compliance with each section.
- 2) According to the *Land Subdivision Regulations*, Article VI. Subdivision General Requirements and Design Standards, Section E; all Lots are required to have frontage on a public right-of-way. A Waiver Request was submitted to allow creation of Parcel A recognizing the available that the public right-of-way for Ridgely Street terminates south of the subject site, and the property may therefore only be accessed from the south via a private access drive. As such a cross-access easement will be required to facilitate access to both the proposed Parcel A and Residual Lot from Ridgely Street to the south. Such Easements will also provide access to the proposed Parcel A from the Clara Street Extension to the west.

The Planning Commission shall make a recommendation to City Council. This recommendation will be forwarded to the Safety Advisory and Transportation Committee, who will in turn make a recommendation to City Council.

- a) In order to grant a waiver of the requirement that all lots have frontage on a public street, the Planning Commission and City Council shall determine that compliance with the requirements of the ordinance would cause extraordinary and unnecessary hardship and that "such variance or waiver shall not be detrimental to the public health, safety, or general welfare, or have the effect of nullifying the intent and purpose of the official map, the zoning ordinance, the development plan or these regulations."
 - b) All necessary easements to provide access to and between the Lots, including any known access required for utility installation and drainage needs, shall be secured and incorporated into the Record Plan prior to approval of the Minor Subdivision for recordation.
- 3) Waiver Request: Partial Elimination of Upright Curbing
Planning Staff notes the request of the Applicant to be granted a Waiver from the requirements to provide 6-inch Upright Curbing to the rear (west) of the proposed Warehouse Building on Parcel A. However, the Plans do not show curbing elsewhere on the Site where required (particularly the drive aisle to the south of the Warehouse). The Applicant has noted that likewise these areas will not have curbing as part the stormwater management activities.
- 4) Waiver Request: Reduction in Parking Requirement
Vehicle Parking is required to be provided at a rate of one (1) parking space per every 800 SF of building area, or one (1) vehicle parking space per worker per largest shift. At 42,400 SF, the Warehouse would require a minimum of fifty-three (53) vehicle parking spaces. The

Applicant must provide this number of vehicle parking spaces, unless the submitted Waiver Request for the reduction of the minimum parking requirement from (53) to (27) is granted.

- 5) The Record Plan Sheet must document and identify any existing and proposed easements for cross access, utilities, drainage, etc. associated with the subdivision of this lot. However, any associated recorded documents may need to be updated to clarify rights are for both Parcel A and the Residual Lot.
- 6) Provide any information on any agreements established regarding responsibilities for existing access drive aisle and utilities. Add notes to the Record Plan sheet as necessary for reference.
- 7) Note that any future signage must comply with the provisions of the *Zoning Ordinance* Article 5, Section 4, and are subject to a separate Sign Permit submission and review.
- 8) A minimum number of two (2) bicycle parking spaces is required. Show the location of the bicycle parking facilities and provide details of said facilities.
- 9) Cover Sheet (RP-1):
 - a) Note that Site Development Plans do not need to be Recorded. It is the Minor Subdivision and any related items such as Easements which require Recordation.
 - b) Under Project Team, change the note from “Dover Public Works Department,” to instead be the City of Dover Department of Water/ Wastewater.
- 10) Subdivision Plan (Sheet RP-2)
 - a) In the General Notes Column, Item #3 references “surrounding residential properties.” Note that there are no neighboring residential properties in the vicinity.
 - b) Note the Property Owners of the Subject Site(s).
 - c) Note relevant deed references/ easements.
- 11) Site Plan (Sheet RP-3)
 - a) Provide the full Setbacks/ Bulk Standards as Required, Existing, and Proposed.
 - b) Clarify the Lot Coverage Chart figures.
 - c) Clarify the location of 6-inch Upright Curbing as required per *Code*. Ensure that the Site Design is reflected in the submitted Waiver Request for the Partial Elimination of 6-inch Upright Curbing.
 - d) Provide the distances between Site features, including:
 - i) Distance from sidewalk on the east side of building to the building itself.
 - ii) Distance between all drive aisles and the proposed Warehouse
 - iii) Distance between the vehicle parking spaces and the proposed Warehouse.
 - e) Correct any notation referencing “doores” to instead read “doors.”
 - f) Note the distance from the northwest property line to the feature shown on the Residual Lot to the west.
 - g) Identify the feature shown on the Residual Lot which appears to be accessed via the drive aisle from the proposed Lot A.
- 12) Landscape and Lighting Plan (Sheet LP-1)
 - a) Provide the Landscape Architect Certification and Signature.

- 13) Any Erosion & Sediment Control Plans and Stormwater Management Plans granted approval by Kent Conservation District (KCD) 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.
- 14) The Final Plan set must include notes documenting any action taken by the Planning Commission and must list any additional conditions of approval.

XI. 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) Performance Standards Review Application: Planning Staff finds the Performance Standards Review Application to confirm that the proposed development will not violate any of the provisions as found in the Zoning Ordinance Article 5 §8.6 regarding dangerous or objectionable elements. As such, Staff recommends that the Planning Commission approve the Performance Standard Review in conjunction with the Site Development Plan Application.
- 2) The proposed Minor Subdivision Plan for the property was evaluated. The subdivision of this property into two (2) individual lots and does not impede the plan to develop the proposed Parcel A. The Subdivision Plan therefore generally complies with the *Land Subdivision Regulations* with the exception of the lot frontage provisions.
- 3) Subdivision Waiver Request - Requirement for Required Lot Frontage on a Public Street: In order for City Council to grant a waiver from the requirements of the *Land Subdivision Regulations*, the applicant must demonstrate that compliance with the requirements of the Regulations would cause extraordinary and unnecessary hardship, and that the variance or waiver “shall not be detrimental to the public health, safety, or general welfare, or have the effect of nullifying the intent and purpose of the official map, the zoning ordinance, the development plan or these regulations.”
 - a) Planning Staff notes that access to the current parcel from the south is already established via an Access Easement. The Applicant has indicated that they will maintain this Easement and further extend it to provide a Cross-Access Easement to accommodate the Residual Lot to the north once the property is subdivided.
 - b) Planning Staff notes that the Public Right-of-Way of Ridgely Street ends further south of the property, and therefore would be ineligible for extension.
 - c) There is an additional access to the existing Site from the Clara Street Extension. This

access will remain unchanged to the Residual parcel after the subdivision, and any Cross-Access Easement between the two properties would similarly allow access from Clara Street Extension to be maintained to the Proposed Parcel A to the south.

- 4) Waiver Request - Reduction in Parking Requirement: Planning Staff recommends approval of the submitted Waiver Request to reduce the number of Vehicle Parking Spaces from fifty-three (53) to twenty-seven (27). Having noted the maximum number of employees at five (5), Planning Staff finds the reduction in the minimum number of vehicle parking spaces to be provided to twenty-seven as reasonable. As the Applicant notes, this would still be well beyond what is required to accommodate the proposed number of five (5) employees at the facility. The property includes area where parking could be developed in the future should be parking needs change for the building.
- 5) Waiver Request – Partial Elimination of the Upright Curbing
Planning Staff notes the request of the Applicant (as submitted in the Cover Letter with the original Plan submission) for the Partial Elimination of the 6-inch Upright Curbing Requirement for the drive aisle to the rear (west) of the Warehouse Building proposed on Lot A. Their request notes that this is to allow for stormwater management (sheet flow).

The Plans submitted however only show curbing being provided around the vehicle parking spaces to the east of the proposed Warehouse. Additional clarification by the applicant of where the 6-inch Upright Curbing is to be implemented versus not, indicates that no curbing is planned for areas on the south and west sides of the building where grading necessitates no curbing to allow for sheet flow across pavement into grass areas associated with stormwater management. Planning Staff grants approval to eliminate curing in these areas.

- 6) Additional features should be provided to break up the building façade, particularly the east façade which faces the private access drive extension of Ridgely Street. It should also be ensured that such features are utilized throughout the exterior of the building so that no façade contains large expanses of featureless wall-space.

XII. ADVISORY COMMENTS TO THE APPLICANT:

- 1) In the event that major changes and revisions to the Site Plan or Minor Subdivision Plan occur in the finalization of either such Plan, contact the Department of Planning and Inspections. Examples include reorientation of building, relocation of site components like stormwater management areas, and increases in floor area. 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 Minor Subdivision 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. Upon

determination that the Plan is complete and all agency approvals have been received, copies of the Plan must be submitted for final endorsement prior to recordation at the Kent County Recorder of Deeds Office.

- 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. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.
- 5) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections and permits are required.
- 6) The applicant shall be aware that Site Plan approval does not represent a Sign Permit, nor does it convey permission to place or revise any sign on the premises. Any proposed or revised site or building identification sign shall require a Sign Permit from the City of Dover prior to placement of any such sign.
- 7) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover.
- 8) All businesses operating in the City of Dover are required to obtain a City of Dover Business Licenses from the Licensing and Permitting Division.
- 9) Construction may have an effect on the adjacent property owners. Any work requiring the closing or rerouting of residents or visitors should be coordinated as to offer the least amount of inconvenience. Any activity on site must also be compliant with any applicable noise restrictions.

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.

January 6, 2023

City of Dover
Department of Planning and Inspections
P.O. Box 475
Dover, DE 19903-0475

Attn: Dawn Melson-Williams, AICP

**RE: Performance Standard Review Application
East Carolina Supply Warehouse
Tax Map No: ED-05-07608-01-0100
631 Ridgely Street**

Dear Ms. Melson-Williams:

On behalf of our client, East Carolina Supply, LLC; we submit this Performance Standard Review as a supplement to the Application for Site Development Plan Approval for the East Carolina Supply Warehouse, S-23-01, on Ridgely Street. The project involves the construction of a 42,400 SF warehouse with associated parking and site amenities.

Section 8.51 – Fire and Explosion Hazards: A sprinkler system is proposed in the warehouse in accordance with the Delaware State Fire Prevention Regulations. Neither explosive nor hazardous materials are proposed in the warehouse.

Section 8.52 – Radioactivity or Electromagnetic Disturbance: Not applicable, the proposed warehouse will not contain or produce radioactive material or electromagnetic disturbances.

Section 8.53 – Noise: Not applicable, the proposed warehouse will not generate any noise beyond what is consistent with a warehousing or distribution use.

Section 8.54 – Vibration: Not applicable, the proposed warehouse will not generate vibrational beyond what is consistent with a warehousing or distribution use.

Section 8.55 – Smoke: Not applicable, the proposed warehouse is not intended for manufacturing and will not generate smoke resulting from manufacturing processes.

Section 8.56 – Odors: Not applicable, the proposed warehouse will not generate odoriferous gases or other offensive smells.

Section 8.57 – Fly Ash, Dust, Fumes, Gases, and other forms of Air Pollution: Manufacturing is not proposed in the warehouse. Consequently, the project will not generate these forms of air pollution beyond what is consistent with a warehousing or distribution use.

Ms. Dawn Melson-Williams, AICP
Performance Standard Review Application
East Carolina Supply Warehouse
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Section 8.58 – Glare: All lighting will be downward screened to eliminate glare on adjacent properties, and it will be in accordance with the City of Dover lighting requirements.

Section 8.59 – Liquid or Solid Wastes: The warehouse will not generate manufacturing or industrial waste that will need to be hauled off-site or discharged into the City's wastewater system. A standard sewer connection for the restrooms in the warehouse is proposed and will be constructed in accordance with the City's standards.

Section 8.60 – Traffic Congestion: Not applicable. The proposed warehouse parcel is to be subdivided off from an existing parcel that contains about one million square feet of warehouse space. The proposed increase in warehouse space is about five percent. The proposed cross-access easements will ensure that the flow off traffic to parent and proposed parcel remains the same. Both parcels will have access to Ridgely Street via a private easement and Clare Street Extension. The parent parcel and existing building were previously used by Playtex for manufacturing. The proposed warehouse use will generate substantially less traffic than the previous manufacturing use.

Please call me if you have any questions or concerns at (302) 841-7901.



Dave Heatwole, PE | Principal
SITEWORKS ENGINEERING

December 1, 2022

City of Dover
Planning Department
P.O. Box 475
Dover, DE 19903-0475

Attn: Dawn Melson-Williams, AICP

**RE: East Carolina Supply Warehouse
Preliminary Site Plan – Cover Letter
Tax Map No: ED-05-07608-01-0100
631 Ridgely Street**

Dear Ms. Melson-Williams:

On behalf of our client, East Carolina Supply, LLC, we submit this Site Plan Application package to you for review and consideration at the January 17th, 2023, Planning Commission meeting. I write to provide background for the site design.

Pre-Application Meeting

A pre-application meeting was done via a Microsoft Teams meeting on 10/28/22. Henry Mast, Dawn Melson-Williams, and Dave Heatwole attended the meeting; where it was determined that two waivers were needed to develop the site as planned. We included waiver requests for reduced parking and creating a lot that does not front a public street in the site plan submittal package.

Existing Site Area

Most of the 2.8-acre development area is paved and used to store miscellaneous items. The development area is west of the existing access drive from Ridgely Street before the existing warehouse's perimeter access drive. We propose removing the existing pavement in the new warehouse's development area, resulting in a 23% imperviousness reduction.

Kent Conservation District

The City recommended a Stormwater Assessment Meeting (SAS) with Kent Conservation District (KCD) before the Preliminary Site Plan submittal. We had the SAS meeting with KCD on 11/22/22 and have attached the meeting minutes to this cover letter. At the meeting, it was determined that stormwater management facilities are unnecessary because we will reduce imperviousness and maintain existing drainage patterns. DNREC classifies the project as a redevelopment project.

Parking Lot and Drive Aisle Curbing

From the plan view, the existing paved area generally sheet flows from left to right toward the adjacent properties owned by Fountainview, LLC. The highest area of the site is at the bottom left of the page on the backside of the warehouse. No curb is proposed on the backside of the warehouse so that we can manage the stormwater runoff

Ms. Dawn Melson-Williams, AICP
Cover Letter
East Carolina Supply Warehouse
Page 2 of 2

to match the existing conditions. If curbing is introduced on the backside of the warehouse, it will create a point discharge for the stormwater runoff; and we won't be able to replicate the existing drainage patterns.

We have proposed curbing in the parking area on the front side of the building.

Site Access and Traffic

Per our Pre-Application meeting, most traffic and truck traffic for the existing and proposed warehouse generally accesses the site from Clara Street Extension. The access from Ridgely Street functions typically like a drive aisle, and we sited 16 parking spaces off the entrance to Ridgely Street. All of the parking spaces are kept entirely outside of the easement area.

Minimal site traffic is expected. East Coast Supply, Inc. anticipates three to four trucks per day and up to five employees working at the warehouse. The average daily traffic is 20 trips per day.

Loading Spaces

The truck dock contains three spaces. Additionally, the site is configured for trucks to drive into the building through the 24-foot doors on the warehouse's north side. East Coast Supply will load and unload trucks in the protected space. We don't show an outside material storage area on the plan, as it is to be contained inside the facility.

Dumpster and Buffering

Due to the nature of the anticipated waste, we have proposed a 22-foot roll-off dumpster. It is sited on the backside of the warehouse adjacent to a 14-foot door to provide access for forklifts. The dumpster will be partially enclosed with a fence and buffered from adjacent properties by tree planting shown on the landscape plan. The warehouse shields it from the Ridgely Street access.

We believe that the dumpster will not negatively impact adjacent properties because of buffering noted above and because of the character of the surrounding properties.

Please call me if you have any questions or concerns at (302) 841-7901.



Dave Heatwole, PE | Principal
SITEWORKS ENGINEERING

East Carolina Supply Warehouse – SAS Meeting Minutes

Meeting Date: November 22, 2022

Meeting Summary: November 23, 2022

Siteworks Engineering Project #: 22-243

In Attendance via WebEx or Conference Call

Name	Company	Email
Jared Atkins	DNREC	Jared.Adkins@delaware.gov
Katherine Owens	DNREC	Katherine.Owens@delaware.gov
David Heatwole	Siteworks Engineering	David.Heatwole@siteworkseng.com
Alec Witt	Siteworks Engineering	Alec.Witt@siteworkseng.com

Site Information

Development Company:	East Carolina Supply, LLC
Developer Contact:	Fred Sutor
Project Location:	631 Ridgely St, Dover, DE 19904
Proposed Use:	Warehouse

Meeting Summary

The following items were discussed during the East Carolina Warehouse Supply SAS meeting. But the actual order of discussion may have differed from the list presented here.

1. Project walkthrough- Dave Heatwole reviewed aerials showing the development of the property from the 1960's to the present and the conceptual subdivision, site, and grading plans, and the pre and post-development drainage area plans and stormwater calculations.
2. It was noted that the proposed warehouse is sited in an existing paved area, and that imperviousness will be reduced by up to 23% in the development area. The pre-development drainage maps show stormwater runoff directed to the two adjacent parcels south of the site. The post-development drainage plan will mimic the existing one.
3. Dave Heatwole noted that the project would seek Rpv compliance under item 5.6.2.4.1 of the stormwater regulations by targeting a 15% imperviousness reduction.
4. Jared Adkins noted that the project is in the Tar Ditch drainage area, and that there are drainage issues documented in the area. Traditionally, stormwater west of the railroad tracks is overmanaged, and

stormwater to the east of the railroad tracks is discharged quickly to alleviate an undersized drainage network.

5. The District indicated a stormwater management pond or facility would not be required if the imperviousness is reduced by 20% and if discharge rates are reduced in the post-development drainage model.
6. The limits of the drainage plan were reviewed, and the District recommended adding the meadow area across the access drive to the model.
7. The hydrologic soil group to be used in the stormwater calculations was discussed. The NRCS soils mapping indicates that the soils in the project area do not have a hydrologic classification. The District said to model the site using either B or D soils and to make sure the pre and post-development models were consistent.
8. Dave Heatwole discussed installing a level spreader near the communications tower on the south-western side of the site. The District said they preferred using a grass level spreader in the area. It was also discussed that trees would be planted along the southern property line, which will help stabilize the area.
9. Kate Ownes asked if the site needs to provide access to the communications tower. Dave Heatwole said it may be needed and that the communication tower access will be worked out during the planning process.
10. The Stormwater Assessment Study Web Application indicated that there were no known contamination issues on the site.
11. Siteworks requested information regarding the approval process for the site. The District indicated that a detailed plan review is required since the limit of disturbance exceeds 1.0 acre.
12. The District recommended specifying compost filter logs along the downstream side of the pavement to filter runoff from the site during construction.

This summary represents my best recollection of the items discussed at the meeting. Please submit written comments, additions, or exceptions to this summary by December 7, 2022.. The record of these minutes will become final if no comments are received by that date.

Please call me if you have any questions or concerns at 302-841-7901.



Dave Heatwole, PE | Principal
SITWORKS ENGINEERING

December 1, 2022

City of Dover
Planning Department
P.O. Box 475
Dover, DE 19903-0475

Attn: Dawn Melson-Williams, AICP

**RE: East Carolina Supply Warehouse
Preliminary Site Plan – New Lot off an Existing Easement
Tax Map No: ED-05-07608-01-0100
631 Ridgely Street**

Dear Ms. Melson-Williams:

On behalf of our client, East Carolina Supply, LLC, we request a waiver from Appendix A, Article IV, Item E of the City Code requiring all lots to have frontage on a public street. We propose subdividing the parcel referenced above to create a new lot for a 42,400 sf warehouse. We propose the new lot take its frontage from an existing access and utility easement on the lands now or formerly of Fountainview, LLC. The easement provides direct access to Ridgely Street which is owned and maintained by the City of Dover.

The existing 28.654-acre property was home to a ±427,110 sf Playtex manufacturing facility. Playtex ceased operations at the plant some time ago, and the building is now used primarily as a warehouse. Access to the property is from Ridgely Street via the access easement noted above and from Clara Street Extension. We propose easements on both the remaining lands and the new lot so that the existing traffic flow will be maintained.

The access easement from Ridgely Street was recorded on February 27, 1996, in deed book 160, page 319, between Playtex Apparel, Inc. and Cosden-Evans Co., Inc. It does not define maintenance responsibility, and no known maintenance agreement exists. The easement is for the benefit of the existing property noted above.

Please call me if you have any questions or concerns at (302) 841-7901.



Dave Heatwole, PE | Principal
SITWORKS ENGINEERING

December 1, 2022

City of Dover
Planning Department
P.O. Box 475
Dover, DE 19903-0475

Attn: Dawn Melson-Williams, AICP

**RE: East Carolina Supply Warehouse
Preliminary Site Plan – Parking Waiver
Tax Map No: ED-05-07608-01-0100
631 Ridgely Street**

Dear Ms. Melson-Williams:

On behalf of our client, East Carolina Supply, LLC; we request a waiver from the parking required under Appendix B, Article IV Section 4.16 of the City code from one space for every 800 sf of building to one space for every 1,600 sf of building. Per code, 53 parking spaces are required. The 27 spaces we proposed are nearly three times the ten spaces our client said were needed at the project kick-off meeting. Only five employees are expected to use the facility.

The reduction in required parking spaces will reduce impervious areas and have the environmental benefits of additional groundwater recharge and less stormwater runoff for the site.

Please call me if you have any questions or concerns at (302) 841-7901.



Dave Heatwole, PE | Principal
SITWORKS ENGINEERING

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CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: DECEMBER 28, 2022



APPLICATION: East Carolina Supply Warehouse on Ridgely Street

FILE #: S-23-01

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

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

CONTACT PHONE #: 302-736-7025

CONTACT PHONE #: 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.

STREETS

1. None

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. Please call out that the connection to the water main shall be accomplished with a Powerseal 3490AS tapping sleeve and valve.
8. Water services shall be either type K copper or SDR-9.
9. 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 will require a double check valve assembly to be installed downstream of the water meter in the building.

WASTEWATER

1. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
 - a. Any existing sanitary sewer lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Water & Wastewater specifications and requirements.
 - b. Part II, Chapter 180, Article III, Section 180-10 of the Code of Kent County requires that "no person shall discharge or cause to be discharged any stormwater, surface water, uncontaminated groundwater, roof runoff, subsurface drainage, uncontaminated noncontact cooling water or unpolluted industrial process waters to any sanitary sewer", this shall include condensate. Sec. 110-231 of the City of Dover Code defines storm sewer as "...any system used for conveying rain water, surface water, condensate, cooling water or similar liquid wastes, exclusive of sewage." The contractor, developer, owner and designers shall ensure during construction that no illegal discharges to the sanitary sewer system are created with the site improvements.
3. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures.

4. Cleanouts must be installed on sanitary sewer laterals within five feet (5') of the building, one foot (1') outside of the right-of-way and at all bends. Any cleanout located within a traffic bearing location shall be installed with a heavy duty cast iron frame and cover to prevent damage to the cleanout and lateral.
5. Sizing (flow) calculations must be submitted for all sanitary sewer 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. If kitchen facilities are proposed a minimum 1,000 gallon, two chamber grease trap, meeting all Kent County ordinance requirements, must be provided. A construction detail for the proposed grease trap, as well as the proposed location, must be provided on the plan.
8. 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

STREETS / SANITATION / STORMWATER / 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.

STORMWATER

1. None

STREETS

1. Please be advised that Rosemary Road is privately owned. If the developer would like to dedicate the street to the city for ownership, the improvements must meet all requirements from the City of Dover.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: January 4, 2023 *Revised*

APPLICATION: East Carolina Supply Warehouse

FILE #: S-23-01 REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire Marshal PHONE #: (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed occupancy classification is Warehouse.
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 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)

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. Emergency access to rear building areas compliant with City of Dover Code (Appendix B-Zoning, Article 5- Supplementary Regulations, Section 17);

all four stories and greater buildings require 24ft fire lane at the rear.

All two to three story apartment structures require an 18ft Secondary Fire Lane at the rear.

All townhouses (3-8 units with no fire protection) require a 16ft alley or 18ft secondary fire lane at the rear.

12. Multiple Access Roads shall be provided when a fire department access road (fire lane) is determined by the Fire Marshal to be impaired by vehicle congestion, condition of terrain, climatic conditions, or other factors that could limit access such as placement of fire hose from fire equipment.

13. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.
14. 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)

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.

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. If there is any type of rack storage, the following will be required: 1) a diagram showing the layout and type of rack system 2) a list and quantity of items being stored 3) a letter from an

authorized/licensed fire suppression contractor stating that in rack sprinklers are or are not needed. If in rack sprinklers are not needed, a letter may be requested from an authorized/licensed fire suppression contractor to ensure that the sprinkler system is adequate for the storage presented.

24. 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)
25. 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,

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)

26. 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)

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. Buildings over 25,000 Sq. Ft are to have radio performance testing done by Delaware State Communications prior to Final CO. This must be scheduled in advance with Delaware State Communications.
30. Project to be completed per approved Site Plan.
31. Full building and fire plan review is required.
32. 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.

33. Construction or renovations cannot be started until building plans are approved.
34. 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.
35. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.
36. 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. Show existing hydrants on the plan with measurement. Must be within 300 ft of FDC
2. Show Firefighter perimeter access on the plan
3. Show Proposed fire lanes on plan
4. Any Gas meters? If so, Impact protection required
5. Show proposed Fire Department Connection on Plan

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: East Carolina Supply Warehouse on Ridgely Street

FILE#: S-23-01

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Joshua Johnson

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:

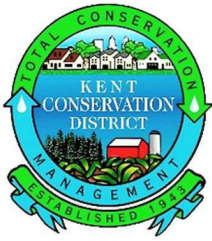
CITY & STATE CODE REQUIREMENTS:

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. The developer should schedule a pre-submittal meeting to discuss the development with DelDOT Subdivisions.



KENT CONSERVATION DISTRICT

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

Item 5.

**CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
JANUARY 2023**

APPLICATION: East Carolina Supply Warehouse on Ridgely Street

FILE #: S-23-01

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Kate Owens

PHONE: (302) 608 – 5370

EMAIL: stormwater@kentcd.org

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

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

1. A letter of no objection to recordation will be provided once the detailed Sediment and Stormwater Management Plan has been approved.



EAST CAROLINA SUPPLY WAREHOUSE

TAX PARCEL NO. 2-05-0768-01-0100

CLARA ST AND RIDGELY ST.

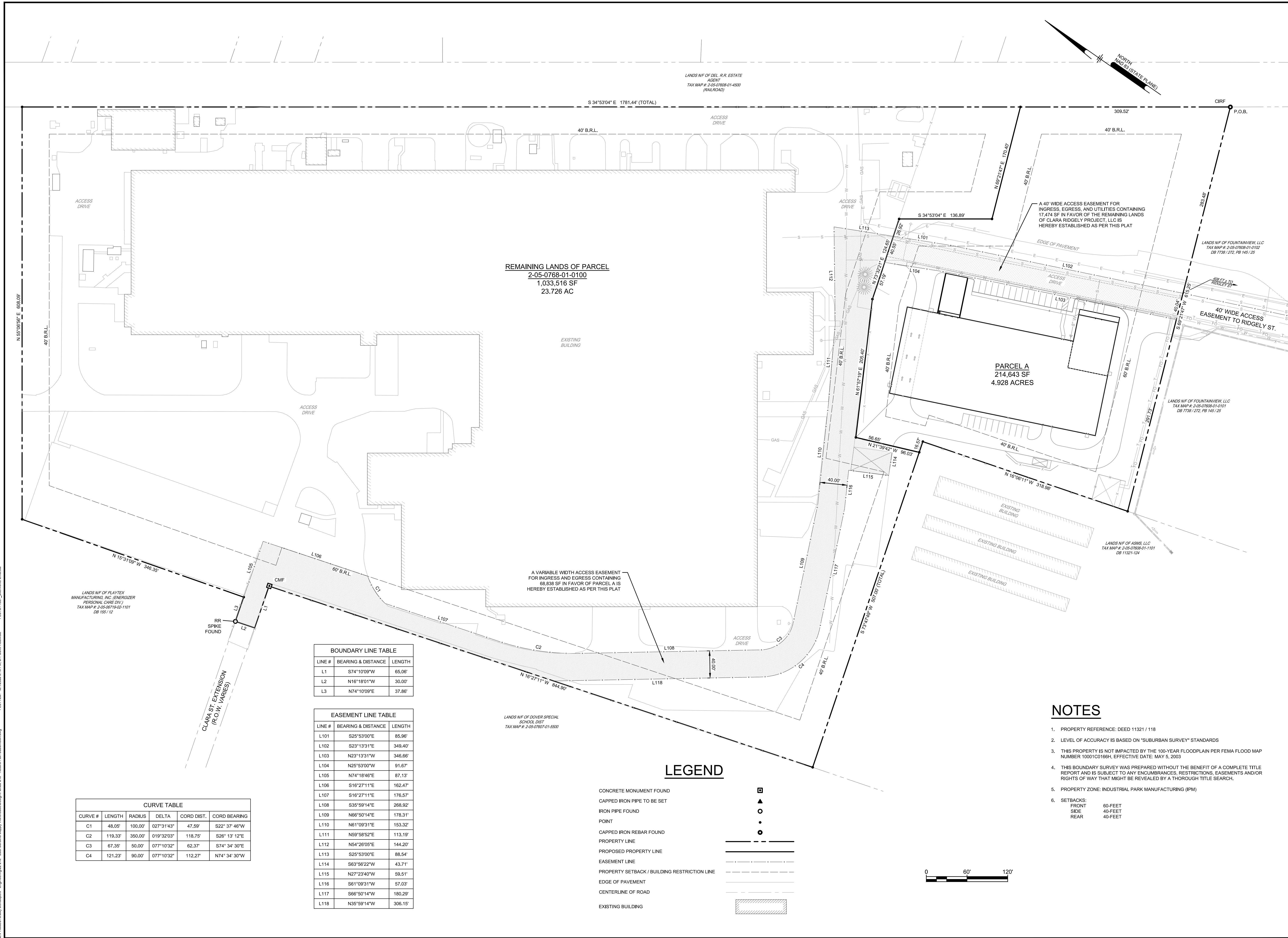
EAST DOVER HUNDRED, CITY OF DOVER, DELAWARE

ISSUE / REVISION BLOCK
12/1/22 - CITY OF DOVER

SCALE PROJECT # DRAWN BY
1" = 60' 22-243 DMH

DRAWING NUMBER

RP-2



SITE DATA:

- MAP NUMBER: 2-05-07608-01-0100-00001
DEED BOOK AND PAGE REFERENCE: 11321-118
- PROPERTY OWNER & ADDRESS: CLARA RIDGELY PROJECT, LLC
200 WESTON DRIVE
DOVER, DE 19904
- DEVELOPER: EAST CAROLINA SUPPLY, LLC
PO BOX 4187
GRESWELL, NC 27928
- TOTAL LOTS / PARCELS: 1 EXISTING
1 PROPOSED
2 TOTAL
- SITE AREA AND ACREAGE: REMAINING LANDS: 23.726 ACRES
PARCEL A: 4.928 ACRES
- PROPERTY ADDRESS: 631 RIDGELY STREET,
DOVER, DE 19904
- HUNDRED/MUNICIPALITY: EAST DOVER HUNDRED / CITY OF DOVER
- THE CITY OF DOVER RESPONSIBLE FOR LAND DEVELOPMENT APPROVAL.
- EXISTING ZONING: IPM- INDUSTRIAL PARK MANUFACTURING (CONVENTIONAL PLANNED)
- PRESENT USE: WAREHOUSE
- PROPOSED USE (PARCEL A): WAREHOUSE (NO CHANGE FOR THE REMAINING LANDS)
- AREA REGULATIONS:

	IPM CONVENTIONAL PLANNED	PROPOSED PARCEL A
MIN. LOT AREA	2.5 AC	4.928 AC
LOT WIDTH (FT)	200 FT	344 FT
LOT DEPTH (FT)	300 FT	301 FT
FRONT YARD (FT)	60 FT	60 FT
SIDE YARD (FT)	40 FT	40 FT
REAR YARD (FT)	40 FT	40 FT

- REQUIRED PARKING:
1 / 800 SF OF FLOOR AREA: 42,400 SF / 800 = 53 SPACES
1 / EMPLOYEE LARGEST SHIFT IF GREATER THAN PARKING REQUIREMENT ABOVE):
NUMBER OF EMPLOYEES: 5
REQUIRED PARKING SPACES PROVIDED SPACE: 53 SPACES
27 (WAIVER REQUESTED)
- MAXIMUM HEIGHT ALLOWED: EQUAL TO DISTANCE TO NEAREST LOT LINE
DISTANCE TO NEAREST LOT LINE: 41.4-FEET
PROPOSED HEIGHT: 36.5-FEET
- FLOOR AREA RATIO: 0.20
- LOT COVERAGE CHART

PARCEL 2-05-0768-01-0100	REMAINING LANDS	EX. PARCEL A	PROP. PARCEL A
20.522 AC (71.6%)	17.537 AC (73.9%)	2.986 AC (60.6%)	2.378 AC (48.3%)
- WATER SUPPLIER: CITY OF DOVER
- SANITARY SEWER PROVIDER: CITY OF DOVER
- ELECTRIC SERVICE PROVIDER: CITY OF DOVER
- GAS SERVICE PROVIDER: CHESAPEAKE UTILITIES, INC.
- FEMA FLOOD MAP: THE SITE IS NOT IMPACTED BY THE 100-YEAR FLOOD EVENT PER FEMA FLOOD INSURANCE RATE MAP NUMBER 10001C0166H DATED MAY 5, 2003.
- 2020 STATE INVESTMENT AREA: LEVEL 1
- LATITUDE AND LONGITUDE STATE PLANE COORDINATES:
LATITUDE: N 39° 09' 46"
LONGITUDE: W 75° 32' 15"
- WETLAND & WATERS OF THE U.S.: 0.0 ACRES PER THE DNREC ONLINE ENVIRONMENTAL NAVIGATOR
- PROPOSED DISCHARGE LOCATION: SHEET FLOW TO ADJACENT PARCELS (TAR DITCH)
- PROXIMITY TO T.I.D.: NOT WITHIN AN IDENTIFIED T.I.D.
- LIMIT OF DISTURBANCE: 2.7 ACRES
- SURVEY DATUM: NAD 83 / NAVD 88
- WATERSHED: SAINT JONES RIVER

GENERAL NOTES:

- ALL KNOWN EASEMENTS ARE SHOWN ON THE PLAN; HOWEVER, THIS SURVEY DOES NOT VERIFY TO THE LOCATION AND/OR EXISTENCE OF EASEMENTS OR RIGHTS OF WAY CROSSING SUBJECT PROPERTY.
- THE ITEMS DEPICTED ON THE FINAL SITE PLAN ARE FOR ILLUSTRATIVE AND OUTLINE PURPOSES ONLY. THE GENERAL LOCATION AND DIMENSIONS OF ITEMS DEPICTED ON THE FINAL SITE PLAN MAY BE SUPERCEDED BY APPROVED / REVISED CONSTRUCTION DRAWINGS, BUILDING PERMIT DRAWINGS AND OTHER MODIFICATIONS THERETO APPROVED BY THE AUTHORITIES HAVING JURISDICTION AT THE SOLE DISCRETION OF THE DEVELOPER INCLUDING THE DEVELOPER'S SUCCESSORS AND ASSIGNS.
- ALL LIGHTING SHALL BE DOWNWARD SCREENED TO MINIMIZE GLARE ON SURROUNDING RESIDENTIAL PROPERTIES.
- THE PROPOSED EAST CAROLINA SUPPLY WAREHOUSE SIGN AT THE ENTRANCE IS NOT APPROVED AS PART OF THIS SITE PLAN. A SEPARATE PERMIT IS REQUIRED.
- KENT CONSERVATION DISTRICT RESERVES THE RIGHT TO ENTER PRIVATE PROPERTY FOR PURPOSES OF PERIODIC SITE REVIEWS.
- KENT CONSERVATION DISTRICT RESERVES THE RIGHT TO ADD, MODIFY, OR DELETE ANY EROSION OR SEDIMENT CONTROL MEASURE, AS IT DEEMS NECESSARY.
- THE OWNER IS RESPONSIBLE FOR THE MAINTENANCE OF ALL STORMWATER FACILITIES.
- KENT CONSERVATION DISTRICT AND/OR DNREC SEDIMENT AND STORMWATER PROGRAM MAY SEEK ENFORCEMENT ACTION AGAINST ANY OWNER DEEMED NEGLIGENT IN FULFILLING THE OPERATION AND MAINTENANCE REQUIREMENTS OF THE DELAWARE SEDIMENT AND STORMWATER REGULATIONS

MONUMENT LEGEND

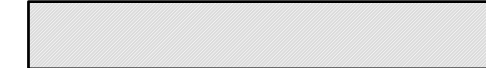
CONCRETE MONUMENT FOUND	■
CAPPED IRON REBAR TO BE SET	▲
IRON PIPE FOUND	○
POINT	•
CAPPED IRON REBAR FOUND	●

PAVEMENT LEGEND

FULL DEPTH PAVEMENT SECTION

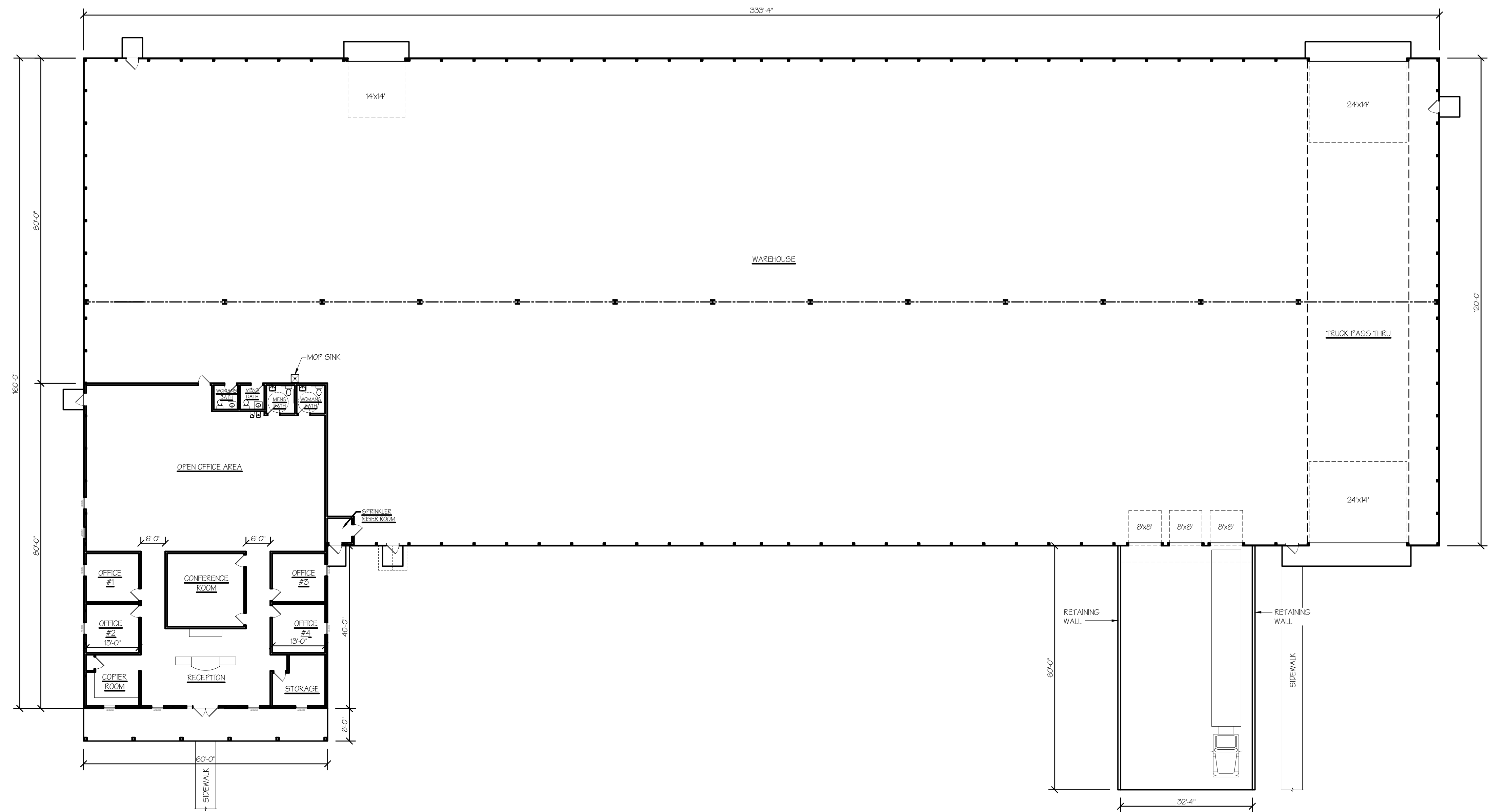


MILL & OVERLAY TO FINAL GRADE



0 30' 60'





SQUARE FOOTAGE	
OFFICE	4,800 SQ. FT.
WAREHOUSE	37,600 SQ. FT.
PORCH	480 SQ. FT.
HEATED SPACE	
TOTAL SPACE	

FLOOR PLAN - 42,304 SQ.FT.

SCALE: 1/16"=1'-0"

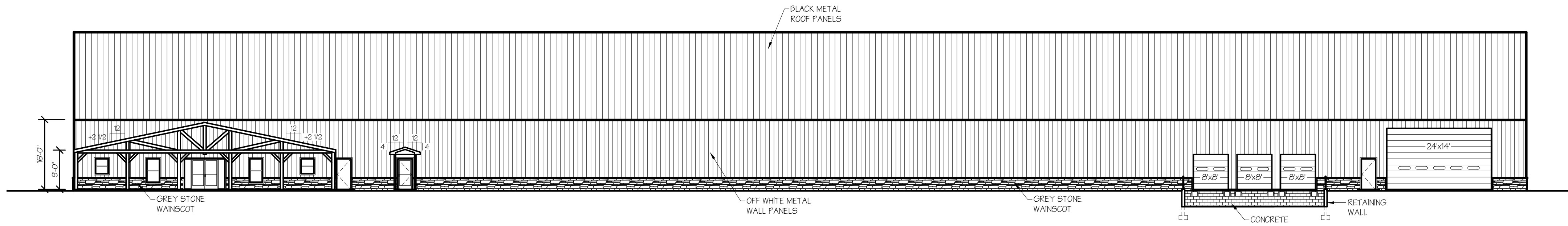
REVISIONS	BY

WM BYLER JR. ARCHITECT, LLC
PO Box 104, Kenton DE 19955
Phone: 302-653-3550
Cell: 302-359-3313
bill@wbjarchitect.com
www.wbjarhitect.com

NEW BUILDING FOR:
HENRY MAST
RIDGELY ST
DOVER, DELAWARE 19901
TAX MAP# 2-05-0768-01-0100

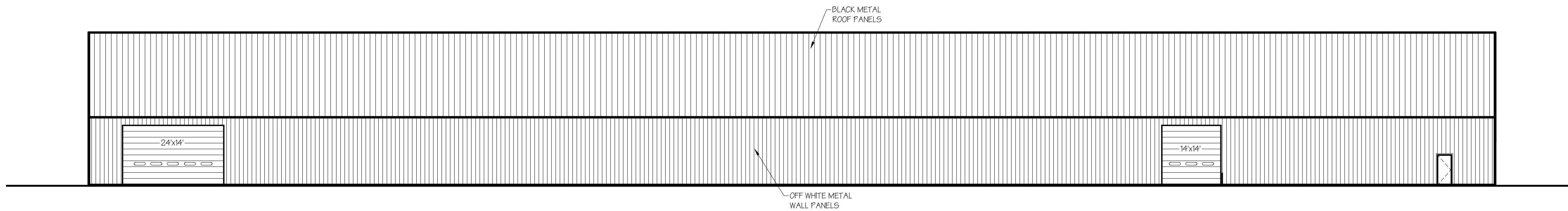
FIRST FLOOR PLAN

DRAWN B.W.
CHECKED W.B.
DATE 11/03/2022
SCALE AS NOTED
JOB NO. C1582-1122
SHEET A1.0
0f SHEETS



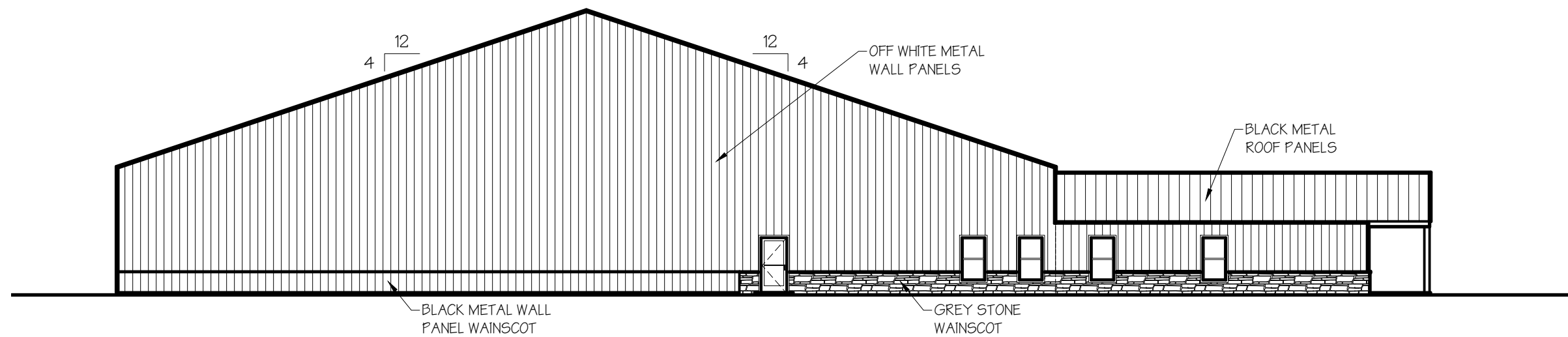
FRONT ELEVATION

SCALE: 1/16"=1'-0"



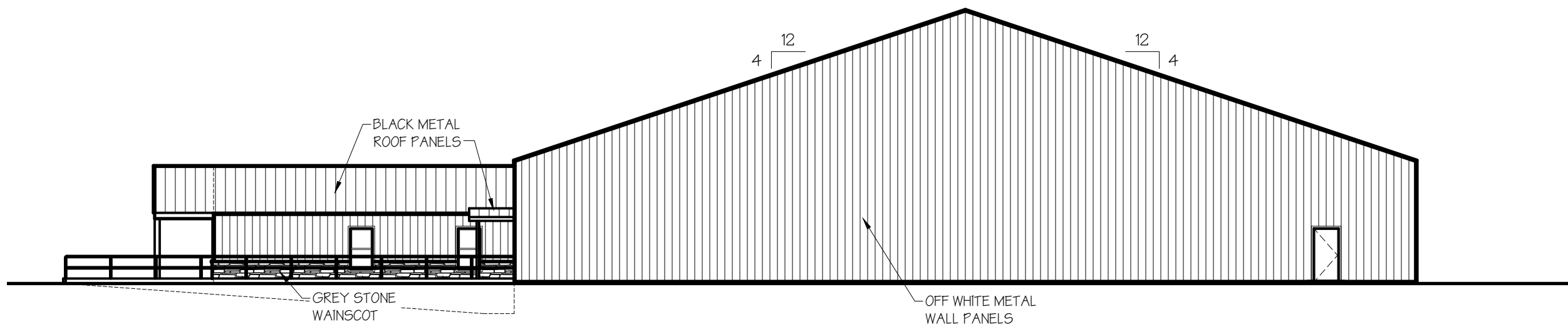
REAR ELEVATION

SCALE: 1/16"=1'-0"



LEFT SIDE ELEVATION

SCALE: 1/16"=1'-0"

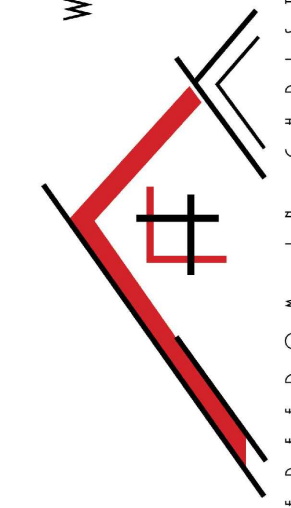


RIGHT SIDE ELEVATION

SCALE: 1/16"=1'-0"

REVISIONS	BY

WM BYTED ID ARCHITECT, INC
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NEW BUILDING FOR:
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TAX MAP# 2-05-0768-01-0100

ELEVATIONS

DRAWN B.W.
CHECKED W.B.
DATE 11/03/2022
SCALE AS NOTED
JOB NO. C1582-1122
SHEET A2.0
OF SHEETS