

City of



Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW
DEVELOPMENT ADVISORY COMMITTEE MEETING OF July 5, 2023
PLANNING COMMISSION MEETING OF July 17, 2023

Plan Title:	The Hive: Business and Event Center, C-23-02
Plan Type:	Conditional Use Plan
Location:	South side of West Loockerman Street between the southern termini of South Bradford Street and State Street Alley
Address:	28 West Loockerman Street
Tax Map ID:	ED-05-077.09-04-15.00-000
Owner:	Conect, LLC
Equitable Owner/ Applicant:	Chevonne Boyd
Zoning:	C-2 (Central Commercial Zone) H (Historic District Zone)
Current Use:	Retail
Proposed Use:	Retail, Professional Office, and Event Space (Place of Public Assembly)
Site Area:	2,493 SF (Estimate)
First Floor Building Area:	2,493 SF
Sewer & Water:	City of Dover
Trash Service:	Private/ city of Dover?
For Consideration:	Tree Mitigation Plan

P. O. Box 475 Dover, DE 19903

Community Excellence Through Quality Service

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: July 5, 2023

APPLICATION: The Hive: Business and Event Center at 28 West Loockerman Street
FILE #: C-23-02 REVIEWING AGENCY: City of Dover Planning
CONTACT PERSON: Julian Swierczek AICP, Planner II PHONE #: (302) 736-7196

I. PLAN SUMMARY

This application is for review of a Conditional Use Plan to permit the conversion of the first floor (2,493 SF) within an existing building to serve as a professional office and event space (place of public assembly). The property consists of one parcel of land. The property is zoned C-2 (Central Commercial Zone) and is subject to the H (Historic District Zone). The property is located at the south side of West Loockerman Street between the southern termini of South Bradford Street and State Street Alley. The owner of record is Conect LLC. Property Address: 28 West Loockerman Street. Tax Parcel Number: ED-05-077.09-04-15.00-000.

II. PROJECT DESCRIPTION

The subject property is located on the south side of West Loockerman Street between the southern termini of South Bradford Street and State Street Alley. The applicant is proposing to convert the first floor (2,493 SF) within the existing building to include the addition of Professional Offices as well as the ability to utilize the space for Special Events. This is in addition to the existing, established use of the space as Retail. Specifically, the Floor Plan notes the three main areas of the first floor, the largest front area of the first floor (first accessed when entering from West Loockerman Street) being a “classroom.” The middle room/ space is noted as a “Stock Prep Room,” which additionally shows smaller rooms adjacent to it like an office, Break Room and various utility spaces. The final, rear space is noted as a “Meeting Room.”

The Plans submitted by the Applicant note no proposed changes to the exterior of the building or other site improvements, as the building footprint comprises the lot area in its entirety. This proposal is for the first floor only, with no use or changes proposed on the second or third floors of the building (which are currently vacant and not occupied).

The subject site is zoned C-2 (Central Commercial Zone) and is located within the Historic District. The parcels immediately adjacent to the subject site to the east, south, and west are also

zoned C-2 and contain a mix of retail and commercial/ office space. The properties directly across West Loockerman Street to the north are again zoned C-2, and are within the Historic District, and contain a mix of retail, offices, and a restaurant (La Hacienda).

III. ZONING REVIEW

C-2 (Central Commercial Zone)

The subject Application is proposing to continue the use of the property as a retail space, while adding the use of both a professional office, as well as an event space (place of public assembly). Per Article 3, § 13.1 of the *Zoning Ordinance*, both retail stores and professional offices are listed as permitted uses in this Zone. The Applicant has however noted that they wish to utilize this space in part as an event space which would be considered a place of public assembly. A place of public assembly is a conditionally allowed use in this Zone, requiring approval by the Planning Commission. The *Zoning Ordinance*, Article 12 provides the following definition of a place of public assembly:

Place of Public Assembly: Establishments where the principal use is for the gathering of persons for activities such as civic, social, or religious functions, including but not limited to night clubs, theaters, civic halls, and places of worship.

The following description of the C-2 zoning district is provided from Article 3 §13 of the *Zoning Ordinance*.

Article 3 Section 13. – Central Commercial Zone (C-2).

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

- (a) Retail stores.
- (b) Restaurants.
- (c) Hotels, including bed and breakfast inns.
- (d) Art galleries and studios.
- (e) Service establishments.
- (f) Personal service establishments.
- (g) Business, professional, and government offices.
- (h) Apartments and multi-family dwellings, provided that no dwelling units shall be permitted in the first floor on the street frontage of Loockerman Street.

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

- (a) Parking lots and parking structures as a principal use.
- (b) Places of public assembly.
- (c) Manufacturing, assembling, converting, altering, finishing, cleaning, or any other processing of products where goods so produced or processed are to be sold at retail exclusively on the premises, provided that:
 - (1) An area fully concealed from any street and equal to not more than 20 percent of the

area devoted to retail sales shall be so used;

(2) Electrical power not to exceed a total of five rated horsepower, and steam pressure not in excess of 60 pounds of pressure per square inch shall be used exclusively;

(3) Not more than four employees are engaged in such production or processing.

13.3 *Uses prohibited.* The following uses are prohibited:

(a) Fuel pumps and motor vehicle storage, sales, or repairs.

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

13.5 *Performance standards.* All uses are subject to performance standards as set forth in article 5, section 8.1.

13.6 *Site development plan approval.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and prior to the issuance of certificates of occupancy for any change of use.

As stated above, the existing use of retail is permitted in the C-2 Zone. However, the Applicant has stated they wish to further establish the use of professional offices as well as an event space (place of public assembly). This is required to go through the Conditional Use Process.

With Conditional Use Plan applications, the Planning Commission reviews the proposed project to determine whether or not the intended use for the building is appropriate in type and scale for the immediate neighborhood. The Commission must also consider whether or not the proposed use will have an adverse impact on the future orderly development of the surrounding area. The following sections of the *Zoning Ordinance* which relates to the role of the Commission in reviewing Conditional Use Plan applications are particularly relevant when reviewing this application:

Article 10 §1.1 [*Accessibility for fire and police protection.*] That all proposed structures, equipment or material shall be readily accessible for fire and police protection;

Article 10 §1.2 That the proposed use be of such location, size, and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

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

H (Historic District Zone)

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

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

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

The building is listed in the National Register of Historic Places as part of the Victorian Dover Historic District. The National Registry Historic District describes the building as a “[l]ate 19th century, 3-story, 3-bay brick commercial building; flat roof, modillion cornice.”

Any exterior changes to the building would be subject to Architectural Review Certification. As previously noted, no changes or alterations are proposed for the exterior of the existing building. As such, this Conditional Use Plan does not require review by the Historic District Commission.

IV. PARKING SUMMARY

Vehicle parking requirements are provided in the Zoning and Bulk Standards provisions are found in the *Zoning Ordinance*, Article 4. There are additionally supplementary parking regulations found in Article 6 of the *Zoning Ordinance* that may provide for minimum parking requirements based on certain uses. There are no minimum parking requirements for the C-2 (Central Commercial Zone), nor is there a specified minimum vehicle parking requirement for a retail store or professional office. There are certain uses considered as places of public assembly which do have minimum required parking rates, but the type proposed here does not. In addition, the *Zoning Ordinance*, provides exceptions for the minimum vehicle parking requirements based on use. Specifically, Article 6 Section 3.1 (a)(ii) notes that for existing buildings within the C-2 zoning district the zoning and bulk parking standards as found in Article 4 shall prevail.

This property has no on-site parking. It is located within an area with on-street parking and other parking lots (paid/ permit).

V. SITE CONSIDERATIONS

Access

The main entrance into the existing building is directly off West Loockerman Street. The building appears to be built right up to the property line right-of-way with no setback. There additionally does not appear to be any setback of the existing building on the east or south sides. The Plans submitted appear to indicate that the west side of the building is adjacent to a paved sidewalk area in front of the neighboring building. This paved area adjacent to the existing building at 28 West Loockerman Street is covered by a staircase providing access to the upper floors of the building. The Plan submitted notes an existing “Gate Door” that would open directly onto paved walkway on the adjoining property to the west, but the dimensions noted for this “Gate Door” (32” x 46”) would not meet regular egress standards and is not intended a regular access point.

Sidewalks/ Pedestrian Circulation

As noted above, this building is built immediately adjacent to the right-of-way along the north side of the property (West Loockerman Street). These sidewalks span from the building to the street curb line. Access to the building is directly onto the existing sidewalk within the West Loockerman Street right-of-way; no further sidewalk improvements are required.

Lighting

The *Zoning Ordinance*, Article 5 Section 7 requires lighting of commercial uses to provide no less than 1½ footcandles at grade. Light shall be deflected away from adjacent residential areas and shall not be distracting to traffic on adjacent roads. The Plan submitted do not provide any details of any existing or proposed exterior lighting. However, there are currently two lighting fixtures on the exterior of the building, on the West Loockerman Street frontage, as well as an existing streetlight nearby in the right-of-way.

Dumpsters

According to *Zoning Ordinance*, Article 5 §6.12, the Dumpster requirements for an Office or Retail space of less than 50,000 SF are two (2) Dumpsters required for the first 16,000 SF of gross floor area, and one (1) for each additional 16,000 SF of gross floor area or fraction thereof. The Plans submitted note the floor area of the first floor as being 2,943 SF, and do not note the square footage of the upper two floors. This would require two dumpsters to be provided.

The Plans submitted do not identify any existing or proposed location for dumpsters; however, it is noted that the Site would have extremely limited availability to provide such a feature. The Applicant has provided a description of the method of trash collection (via email of 7/6/2023). It is stored inside the building until placed for curbside pick-up on collection day (City of Dover's manual solid waste collection process). This can be accepted as it is the type of City collection process in this area. This should be noted on the plans.

Signage

There does not currently appear to be any signage present at this location, nor do the Plans identify any signage being proposed at the present time. Any new signage must be compliant with the sign provisions of the *Zoning Ordinance* as found in Article 5, Section 4, and the *Design Standards and Guidelines for the City of Dover Historic District Zone*. The front façade of the building includes a sign band area over the main entrance as well as large storefront windows as potential locations for signage. It will be subject to a separate Sign Permit application and review.

VI. BUILDING ARCHITECTURE

As previously noted, this Conditional Use Application pertains to a proposed use within an existing structure. This Plan does not propose any alterations to expand the building. The building is three-stories in height, with the West Loockerman Street façade (front elevation) being the only building façade containing windows or doors to the exterior. The first floor contains the primary entrance to the retail/ event space at the center, and there is an additional door on this elevation providing access to a staircase that accesses the second and third floors of the building. The center door is glass with large display windows on either side.

The second and third stories are three-bays each, all containing sash windows. The ground floor is surrounded by red brick, with a tiled area over the main entrance and display windows, with the

second and third stories also being masonry but painted in pale cream color. The front facade is topped above the third floor by an ornate Victorian cornice and a flat roof. The east and west building facades again do not contain windows or other such features but are largely not visible from the right-of-way or adjacent properties.

VII. TREE PLANTING AND LANDSCAPE PLAN

The *Zoning Ordinance*, Article 5 Section 16 lays out the requirements for tree planting and preservation. Article 5, Section 16.3 further notes that this provision shall apply to any activity on a real property which requires Conditional Use Approval. To that end, a new project is required to provide tree plantings at a rate of one (1) tree per 3,000 SF of the “Development Area.” As the first floor of the building (and property) is identified as being 2,493 SF, there would be a requirement to provide one (1) new tree.

For Consideration: Tree Mitigation Plan

The *Zoning Ordinance* further lays out the conditions under which the Planning Commission may consider a Tree Mitigation Planning, should the plantings of new trees not be feasible:

16.9 *Tree mitigation.*

16.91 *Planning commission waiver.* The planning commission may waive the provisions of subsections 16.52, 16.53, and 16.62, and require replacement planting for mitigation purposes should the planning commission determine, after demonstration by the applicant, that due to physical limitations of the land which would otherwise prohibit the reasonable use of the land, or for purposes of preserving, protecting and promoting the interest of public health, safety, welfare and/or public convenience. All tree mitigation plantings must occur within the corporate limits of the City of Dover. Tree mitigation may occur off-site in accordance with the provisions listed below in this ordinance:

- (a) If a waiver is sought from the provisions of subsection 16.62, new tree plantings are required at a rate of 1:1. All new tree plantings shall meet the minimum size at planting requirements of the City of Dover table of trees.
- (b) If a waiver is sought from the provisions of subsection 16.52 and/or subsection 16.53, then mitigation must be in the form of newly created woodland areas. New woodlands shall be created at a rate of 1.25 times the amount of woodlands to be removed. A woodland mitigation plan shall be prepared by a licensed forester, landscape architect, or certified nursery professional, for the consideration of the planning commission.
- (c) All tree mitigation must occur on-site unless an off-site location is specifically approved by the planning commission. When considering off-site locations for tree mitigation, the commission shall consider:
 - 1) A physical hardship related to the land which would otherwise prohibit compliance on the subject site;
 - 2) Whether the mitigation plan proposed by the applicant is superior in terms of environmental benefits, tree quantity, or aesthetic qualities compared to strict compliance with the ordinance on-site.

Since this parcel is fully occupied by the building, the Applicant has noted pursuit of a Tree Mitigation Plan. The proposal is to work with Delaware State Parks (DNREC) to make a tree donation (plant a tree) in a State Park area within Dover likely at the Fork Branch Nature Preserve.

VIII. CITY AND STATE CODE REQUIREMENTS:

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

- 1) The plan should clearly list of all proposed uses of the space, with particular attention to those uses proposed pertaining to the "place of public assembly."
- 2) Tree Mitigation Plan: One (1) new Tree Planting must be provided on-site unless a Tree Mitigation Plan is approved. The Applicant is seeking an alternative for providing the required tree planting. A written statement was received (email of 7/6/2023) outlining the tree planting proposal for review by the City of Dover Planning Commission.
- 3) List on the Plan the method/process of the trash/recycling collection.
- 4) Clarify if the building footprint comprises the entirety of the existing lot, or if there is additional square footage on this parcel beyond the 2,493 SF listed as floor area.
- 5) Cover Sheet (Sheet G1):
 - a) Project Data Column:
 - i) Write the Tax Parcel ID to read as ED05-077.09-04-15.00-000.
 - ii) Correct the first line of the Zoning to read as "C-2 (Central Commercial Zone)."
 - iii) Note the square footage of the parcel as a separate item from the square footage of the building.
 - iv) Provide the Zoning and Bulk Standards of the property, both as required per Article 4, Section 4.14 of the *Zoning Ordinance*, and as existing.
 - v) Provide Area Maps of the Property, one at 1=400', and one at 1=1200'.
 - vi) Note the existing Building Use (Retail), and the proposed Use(s).
 - vii) Note the Tree Planting Calculations and Tree Mitigation Plan.
- 2) Fire Protection Plan Sheet (FP1)
 - a) Provide North Arrow, written and graphic scales.
 - b) Provide precise property boundaries and dimensions of the Site.
 - c) Note the dimensions of the building and other site/ Building features.
 - d) Note that any proposed signage must comply with the Sign Provisions as found in Article 5, Section 4 of the *Zoning Ordinance*, and is subject to a separate sign permit application and review.
 - e) Note the location trash and recycling facilities and process for storage and collection.

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

In accordance with the *Zoning Ordinance*, Article 10 §1, the Planning Commission in considering and acting upon Conditional Use Plans may prescribe appropriate conditions and safeguards so that the public health, safety, and welfare, the comfort and convenience of the

public in general, and the residents of the immediate neighborhood in particular shall be taken into consideration. These safeguards may to the maximum extent possible further the expressed intent of the *Zoning Ordinance* and the accomplishment of several objectives in particular listed in subsections 1.1 to 1.3.

- 1) Conditional Use for Place of Public Assembly: The Applicant is requesting to include the use of an event space (place of public assembly) to the established use as retail. The retail use is permitted in the C-2 Zone, as is a professional office use. Per earlier conversation with the Applicant, the proposed format is to allow a space to be utilized for hired private events, as well as seminars and other such uses as related to business growth and development. The mix of uses can be allowed under zoning provisions; however, the appropriate Building and Fire Codes and Licensing must be complied with.
- 2) Dumpsters: Planning Staff recommends acceptance of the description of the established process for trash/recycling collection for the location due to its Downtown location where the City provides a manual solid waste collection pick-up system. It should be appropriate stored inside and only placed curbside on the designated pick-up day.
- 3) Tree Mitigation Plan: The *Zoning Ordinance*, Article 5 Section 16.3 requires a minimum of one (1) Tree Planting to be provided. Planning Staff notes that it is impractical for the Applicant to provide one new tree on-site due to the limited availability of space on the exterior of the existing building. to that end, the Applicant would have to submit a Tree Mitigation Plan for review and approval by the Planning Commission. Planning Staff will be able to proffer a recommendation once such a Plan is submitted.

X. ADVISORY COMMENTS TO THE APPLICANT:

- 1) In the event, that major changes and revisions to the Conditional Use Plan occur in the finalization of the Conditional Use Plan contact the Department of Planning and Inspections. 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) Following Planning Commission approval of the Conditional Use Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff and the other commenting agencies. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement (Final Plan Approval).
- 3) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.

- 4) For building renovations to establish the new uses in the building, the requirements of the building code and the fire code must be complied with. Consult with the Chief Building Inspector and City of Dover Fire Marshal for these requirements. The resolution of these items may impact the site design including such items as building dimensions and height, building openings, and fire protection needs, etc.
- 5) The applicant shall be aware that Conditional Use 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.
- 6) The applicant shall be aware that Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign may require a Sign Permit from the City of Dover prior to placement of any such sign in accordance with *Zoning Ordinance*, Article 5 §4.
- 7) If approved, all required Business Licenses and Public Occupancy Permits will need to be obtained in order for the proposed uses to be allowed.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

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



APPLICATION: The Hive: Business and Event Center
FILE #: C-23-02
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. Our office has no objection to the conditional use proposed for the subject property.
2. This location fall within the downtown area that receives manual solid waste collection. This is defined in section 90-11 of the City of Dover Code of Ordinances. As such, no solid waste materials or containers of any kind shall be placed for collection on public streets, sidewalks, alleys or easements prior to 5:00 p.m. on the day of collection.

WATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. Due to the fact that this property is changing uses, water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the building. These projections must be submitted prior to approval so the meter size can be placed on the final site plan, if an upgrade is required. The proposed water meter must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
3. It is possible that a new water service line will be required to be installed, depending on the existing size and material.
4. On October 24, 2022, City of Dover Council approved the new Cross Connection Control Program. This program requires certain backflow prevention assemblies on water service connections to the city's distribution system. This project will require a testable assembly to prevent backflow prevention, the device will be dictated by your use.

WASTEWATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met. All proposed wastewater utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
3. It is possible that a new wastewater lateral line will be required to be installed, depending on the existing size and material.

GENERAL / STORMWATER / STREETS

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

STREETS / SANITATION / STORMWATER / WATER / WASTEWATER / GENERAL

1. None

ADVISORY COMMENTS TO THE APPLICANT

WATER

1. Water impact fees may be associated with this project.
2. One meter shall be utilized for the property.

WASTEWATER

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

STREETS

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

SANITATION / STORMWATER / GENERAL

1. None

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

CITY OF DOVER ELECTRIC
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

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

APPLICATION:	The Hive: Business and Event Center
FILE #:	C-23-02
REVIEWING AGENCY:	City of Dover Electric Department
CONTACT PERSON:	Paul Waddell, Electric Director Shawn Burgett, Engineering Services & System Operations Superintendent
CONTACT PHONE #:	302-674-7568
CONTACT EMAIL:	sburgett@dover.de.us

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

ADVISORY COMMENTS TO THE APPLICANT

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 05/31/23

APPLICATION: The Hive Business and Event Center

FILE #: C-23-02

REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire MarshalPHONE #: (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 assembly. This application is for conditional use, this office has no objections.
2. Perimeter access shall be 25% (due to the building being sprinklered) and clearly shown on the plans.

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

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

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

3. 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)

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

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

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

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

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

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

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

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

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

In all buildings used as health care occupancies as defined in the Life Safety Code, NFPA 101, as adopted and/or modified by these Regulations. In all buildings or areas classified as "high hazard" under the Life Safety Code, NFPA 101, or "extra hazard" under the Standard for the Installation of Sprinkler Systems, NFPA 13, as adopted and/or modified by these Regulations.

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

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

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

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

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

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

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

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

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

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

New educational occupancies of 5,000 square feet or greater shall be sprinklered throughout in accordance with the most recently adopted edition of NFPA 13.
(City of Dover Code of Ordinances 46-162)

5. 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)

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

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

Color of bollards. Bollards should be of the following colors; yellow, amber or orange. All colors shall be of fluorescent or have a reflective coating. Any deviation of the stated requirements must be approved by the fire marshal and/or chief building inspector.
(City of Dover Code of Ordinances, 46-4)

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

One-family and two-family residential structures, height, the number shall measure a minimum of four inches in height, *location,* the number shall be placed on the house above or to the left or right of the front

entrance, *color*, the number shall be contrasting to the background color, *Arabic numerals*, all numbers shall be Arabic numerals.

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

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

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

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

Arabic numerals, all numbers used shall be Arabic numerals,

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

8. 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

9. 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
10. Project to be completed per approved Site Plan.
11. Full building and fire plan review is required.
12. 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.

13. Construction or renovations cannot be started until building plans are approved.
14. 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.

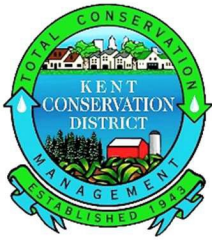
ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. This is a change in occupancy classification. Plans from an authorized/licensed design professional are required to be submitted to the Chief Building Inspector showing how code compliance will be achieved with the new occupancy. This submittal needs to be approved by the Chief Building Inspector.
2. The following needs to be discussed from the plan submitted:
 - a. New side exit door goes into the zero-lot line and exits onto the neighboring property. A access agreement will be needed.
 - b. Classroom is listed (need proper occupancy classification for the buildings/rooms)
 - c. Existing meeting room is listed
3. Fire alarm may need to be upgraded to assembly occupancy requirements

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.**



KENT CONSERVATION DISTRICT

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

CITY OF DOVER DEVELOPMENT ADVISORY COMMITTEE APPLICATION REVIEW COMMENTARY JUNE 2023

APPLICATION: The Hive: Business and Event Center

FILE #: C-23-02

REVIEWING AGENCY: Kent Conservation District

CONTACT: 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:

Kent Conservation District has no objection to the conditional use for the above referenced site.

From: [Chevonne Boyd](#)
To: [Swierczek, Julian D.](#)
Cc: [Chevonne Boyd](#); [Melson-Williams, Dawn](#)
Subject: EXTERNAL: Re: Applicant DAC Mtg Reminder for C-23-02 The Hive: Business and Event Center at 28 W Loockerman Street
Date: Thursday, July 06, 2023 2:41:25 PM

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

Hi, Dawn.

Thank you for your guidance concerning our application. I am following up on the comments provided in our D.A.C. Draft Report.

Dumpsters: Our staff will store the trash and recycling bins in our utility room and place the trash in front of the building for pick up on Tuesday evenings, after 5:00pm. Any excessive trash/boxes will be hauled to our local solid waste facility.

Tree Mitigation Plan: We are working with Bob Ehemann and Mel Tucunato, Park Resource Managers, to begin the process of providing one (1) new tree within the corporate limits of the City of Dover. The Hive will partner with the Fork Branch Nature Preserve to satisfy the required tree planting.

Please let me know if you have any questions or need additional information.

Best regards,

--

Best regards,

Chevonne Boyd,
P: (301) 326-5573
E: cb.conekt@gmail.com
CONEKT LLC | Dover, DE



On Fri, Jun 30, 2023 at 1:13 PM Swierczek, Julian D. <jswierczek@dover.de.us> wrote:

To applicants:

Please see the attached Draft DAC Report for C-23-02 The Hive: Business and Event Center at 28 W Loockerman Street and the agenda for the Applicant DAC Meeting on **Wednesday, July 5, 2023** to be held 10:00 A.M as an In-Person Meeting in the City Hall Conference Room at City Hall, 15 Loockerman Plaza, Dover DE and as a Virtual Meeting using the WebEx conferencing system. A separate email will be sent with the WebEx Meeting

Invitation and the link to Join the Meeting virtually if you so desire. The participation information is also listed on the Meeting Agenda.

Please review the Comments from all agencies and plan on attending this meeting either in person or virtually to discuss your application. 2-hour parking is located on Loockerman Plaza and in the lot behind City Hall and the Library. If you have questions on attending the Meeting please contact Planning Staff at (302) 736-7196.

- I will note that I will not be attendance at this meeting but my colleagues in the Planning Office will be present and available to discuss any questions you may have on the Application.

Thank you,

A handwritten signature in black ink, reading "Julian Swierczek". The signature is fluid and cursive, with a large loop at the beginning of the first name.

Julian Swierczek AICP

Planner II

City of Dover

(302) 736-7196