

City of



Dover

DATA SHEET FOR SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF September 4, 2024

PLANNING COMMISSION MEETING OF September 16, 2024

Plan Title:	S-24-13 Flex Use Facilities Commercial Warehouse (Business Park)		
Plan Type:	Site Development Plan		
Location:	North side of Lafferty Lane approximately one quarter mile west of Horsepond Road		
Address:	350 Lafferty Lane		
Tax Parcel:	ED-05-077.16-02-05.00-000		
Owner:	Devreco, LLC.		
Site Area:	Phase 1	7.50 +/- acres	
	Phase 2	12.24 +/- acres	
	Total	19.74 acres +/-	
Zoning:	M (Manufacturing Zone) AEOZ (Airport Environs Overlay Zone): Accident Potential Zones I & II Noise Zone A (Area of 225 SF)		
Current Use:	Vacant Lot (Agricultural Land and Woodland)		
Proposed Use:	Flex Warehouses (total of 219,750 SF) Phase 1 Building 1: 54,000 SF Phase 2 Building 2: 42,000 Sf Building 3: 123,750 SF		
Parking:	Overall Required: 275	Overall Proposed: 294	
	Phase 1 Proposed:	131	
	Phase 2 Proposed:	163	
Water and Sewer:	City of Dover		
Waiver Requests:	Partial Elimination of Upright Curbing		
For Consideration:	Performance Standards Review Application Treed Woodland Mitigation Plan (To be Submitted for Phase 2)		

City of Dover

Development Advisory Committee

Application Review Commentary

D.A.C. Meeting Date: September 4, 2024

City of
Dover
Planning
Office

FILE #:	S-24-13
APPLICATION:	Flex Use Facilities Commercial Warehouse (Business Park) at 350 Lafferty Lane
REVIEWING AGENCY:	City of Dover Planning
CONTACT PERSON:	Katherine Oehmke, Planner I
PHONE #:	(302) 736-7196
Email:	koehmke@dover.de.us

I. PLAN SUMMARY:

S-24-13 Flex Use Facilities Commercial Warehouse (Business Park) at 350 Lafferty Lane – Review of a Site Development Plan Application for the construction of a 54,000 SF Flex Warehouse, a 42,000 SF Flex Warehouse, and a 123,750 SF Flex Warehouse (a total of 219,750 SF) with site improvements in a Phased Development Plan. The property is zoned M (Manufacturing Zone) and is subject to the AEOZ (Airport Environs Overlay Zone): Accident Potential Zones I & II. The property consists of 19.74 acres. Phase 1 will contain 7.5 +/- acres and Phase 2 will contain 12.24 +/- acres. The property is located on the north side of Lafferty Lane approximately one quarter mile west of Horsepond Road. The owner of record Devreco, LLC. Property Address: 350 Lafferty Lane. Tax Parcel Number: ED-05-077.16-02-05.00-000. Council District 2. *Waiver Request: Partial Elimination of Upright Curbing. For Consideration: Performance Standards Review Application.* For Future Consideration: Tree Mitigation (Tree Woodland Planting). The original submission consisted of a proposal for development of the entire project. The Applicant has revised the submission to focus on Phase 1 consisting of a 54,000 SF Flex Warehouse, adjacent parking areas and stormwater management areas. See Phasing Plan set of 2 sheets (PH-1 and PH-2). PH-1 shows Phase 1 of the overall plan. Phase 1 is shaded in pink and then only Phase 1 is presented in sheet PH-2.

Existing Property

The property is currently vacant land previously used as agricultural land and includes areas of woodlands with wetlands.

History of the property

In March 2022, the owner of the property went before the Planning Commission for a Site Development Plan and Subdivision. The result was the 22.86-acre property divided into a 2.99 +/- parcel (Lot 2) and a 19.74 +/- acre parcel (Lot 1) that is the subject of this application. The smaller parcel was developed into a warehouse and distribution center for Frito Lay (Application S-22-02).

Surrounding Land Uses

The surrounding properties are primarily in the M (Manufacturing Zone) except for 2 small properties to the immediate west that contain 2 houses in the R-10 (One Family Residence Zone). To the east is the George & Lynch Administration Building and Contractors yard. To the north is the right-of-way for State Route 1 and

the Puncheon Run Connector on-ramp to State Route 1. To the west is other land owned by the State of Delaware which contains a stormwater management facility.

II. PROJECT DESCRIPTION:

The Site Development Plan includes 3 warehouse buildings totaling 219,750 square feet with site improvements. The site includes a 54,000 SF Flex Warehouse (Building 1), a 42,000 SF Flex Warehouse (Building 2), and a 123,750 SF Flex Warehouse (Building 3). The entrance is off Lafferty Lane shared with the property at 300 Lafferty Lane. Each building will have parking on 2 sides, with several handicapped spaces on the front side of each building.

The primary focus of this Plan Review is Phase 1 of the project. The development area for Phase 1 is 7.5 acres. Phase 1 will contain the first building of 54,000 SF with parking on both sides. They will develop the storm water facilities (dry retention ponds) on the north and the east side of the property with this phase. There will be some woodland clearing on the northern portion of the tract to accommodate stormwater management facilities. The Phase 1 project appears to remove 2.33 acres of woodland areas. Total woodland clearing for both phases combined should not exceed 50% without a Woodland Mitigation Plan.

The overall projects buildings and site improvements is shown for reference but will require additional review.

Preliminary Land Use Services Review (PLUS)

An application (PLUS Review #2024-08-0) related to this project was reviewed by the State's Preliminary Land Use Services, as required by the City of Dover's Memorandum of Understanding (MOU). It was reviewed by the State at the meeting on August 28, 2024. This MOU requires that non-residential developments of over 75,000 square feet complete the PLUS Review process prior to application submission. Upon receipt of the PLUS Review comments, the applicant must provide a written response.

III. ZONING REVIEW:

M (Manufacturing Zone)

This application is a Site Development Plan. This property is zoned as M (Manufacturing Zone) which the *Zoning Ordinance* in Article 3, Section 19.1 allows for the following:

Article 3 Section 19:

- 19.1 *Uses permitted.* No building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended or designed to be used, in whole or in part, for any purpose, except the following, and in accordance with performance standards procedure as set forth in article 5, section 8 and subject to the site development plan approval as set forth in article 10, section 2:
 - 19.11 Manufacturing, assembling, converting, altering, finishing, cleaning, cooking, baking or any other type of manufacturing or industrial processing of any goods, materials, products, instruments, appliances and devices, provided that the fuel used shall be oil, gas or electricity; together with accessory uses incidental to the use.
 - 19.12 Research, design and development laboratories.
 - 19.13 Wholesale storage and warehousing, transshipment and distribution, logistics support.
 - 19.14 Building contractors' yards.

19.15 Public utilities uses.

19.16 Ministorage facilities, subject to the following regulations:

- (a) No unit shall be placed within 30 feet of any other structure on the lot or a residential property line.
- (b) No outside storage, except for recreational vehicles, boats or personal automobiles when completely screened from view and parked in specifically approved locations. Parking for these vehicles shall not count toward the required parking set forth in subsection (e) below.
- (c) No individual unit may be used for retail, garage sale or any other commercial activities.
- (d) No storage of flammable, explosive, corrosive or other hazardous products may occur in the individual unit.
- (e) Parking must be provided at a ratio of one space for each 25 rental units, plus a minimum of three spaces for an office outside of the enclosure. One row of parallel parking is permitted between buildings at a ratio of one space per 25 feet.
- (f) All other bulk requirements of this ordinance are met.

19.17 Railroad yards, sidings, and storage facilities.

19.18 Accessory uses:

- (a) On-site offices, clinics, food service facilities, recreation facilities and child day care services collocated within the permitted use and limited to exclusive use by employees, and such other accessory uses and structures clearly incidental to, and customary to and associated with the permitted use.
- (b) The following uses may be permitted as conditional uses if approved by the planning commission in accordance with the provisions and procedures set forth in article 10, section 1 and any specified requirements set forth below:
 - (1) Associated retail uses in conjunction with and accessory to a permitted use, provided that the associated retail uses do not occupy more than 30 percent of the gross floor area of the building or group of buildings on a lot. Parking shall be provided at a rate of one parking space per 300 square feet of retail space for the exclusive use of retail customers in addition to the bulk parking requirements of this zoning district for a particular use.
 - (2) Outside storage which is incidental to the primary uses on the lot, within a completely enclosed and secure area appropriately screened from public view and not in any required setback from property lines.

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

19.21 Residences.

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

19.23 The following processes: nitrating of cotton or other materials; milling or processing of flour, food, or grain; magnesium foundry; reduction, refining, smelting, and alloying of metal or metal

ores; refining secondary aluminum; refining petroleum products, such as gasoline, kerosene, naphtha, [and] lubricating oil; distillation of wood or bones; [and] reduction and processing of wood pulp and fiber, including papermill operations.

- 19.24 Operations involving stock yards and slaughter houses, grain elevators, and slag piles.
- 19.25 Storage of explosives and bulk or wholesale storage of gasoline above the ground.
- 19.26 Dumps, except those owned and operated by the city.
- 19.27 Quarries, stone crushers, screening plants, and storage of quarry screenings, accessory to such uses.
- 19.28 Junkyards, automobile dismantling plants or storage of used parts of automobiles or other machines or vehicles or of dismantled or junked automobiles.

Bulk Standards for the M (Manufacturing Zone) are outlined in *Zoning Ordinance*, Article 4 Section 4.16. The maximum lot coverage for this zone is 85% and height limit is 60 feet. The proposed impervious lot coverage for Phase 1 is 20%. The proposed impervious lot coverage for the entire project calculated by staff is 54%.

Airport Environs Overlay Zone (AEOZ)

This property is subject to the requirements of the Airport Environs Overlay Zone (AEOZ) as outlined in *Zoning Ordinance* Article 3 § 22.

Article 3 Section 22

22.3 *Accident potential zones and noise zones.* The AEOZ is comprised of two basic regulatory components: accident potential zones and noise zones. This section establishes three accident potential zones and four noise zones. The boundaries of each of these zones are delineated on the City of Dover Zoning Map and are further described as follows:

(a) *Accident potential zones:*

(1) *Clear zone (CZ)* is that area immediately adjoining the end of a runway and which extends outward from the edge of the runway a distance of 3,000 feet and which is 3,000 feet in width (1,500 feet to either side of the centerline of the airport runway);

(2) *Accident potential zone I (APZ I)* is that area immediately adjoining the outer edge of the CZ and which extends outward from the boundary of the CZ a distance of 5,000 feet, and which is 3,000 feet in width; and

(3) *Accident potential zone II (APZ II)* is that area immediately adjoining the outer edge of the APZ I and which extends outward from the boundary of the APZ I a distance of 7,000 feet, and which is 3,000 feet in width.

(b) *Noise zones: Noise zone A (DNL A)* is that area within and bounded by DNL contour lines of between 65 decibels and 69 decibels of noise pressure.

(2) *Noise zone B (DNL B)* is that area within and bounded by DNL contour lines of between 70 decibels and 74 decibels of noise pressure.

(3) *Noise zone C (DNL C)* is that area within and bounded by DNL contour lines of between 75 decibels and 79 decibels of noise pressure.

(4) *Noise zone D (DNL D)* is that area within and bounded by DNL contour lines of 80 decibels and subject to noise pressure of 80 decibels and greater.

This property is within Accident Potential Zones I & II (APZ I and APZ II) of the AEOZ. The Accident Potential Zones I & II allows for most uses permitted within the M (Manufacturing Zone) zoning district and calls for an interior noise level reduction of thirty (30) decibels. APZ I & II also prohibit structures from exceeding sixty (60) feet in height. Additionally, items that could generate smoke or light (such as solar

panels) are not allowed. The list of prohibited uses in the APZ are found in *Zoning Ordinance*, Article 3 Section 22.8:

Article 3 Section 22

22.8 *Prohibited uses*. In addition to uses prohibited by subsection 22.6, land use compatibility table, the following activities are prohibited within the CZ, APZ I and APZ II zones of the AEOZ, including, but not limited to:

- (a) Storage of explosives;
- (b) Hazardous or toxic materials/waste;
- (c) Aboveground transmission lines;
- (d) Uses that release into the air any substance which would impair visibility or otherwise interfere with the operation of aircraft (dust, smoke, etc.);
- (e) Uses that produce light emission, direct or indirect, which would interfere with pilot vision;
- (f) And uses that attract birds or water fowl, such as, but not limited to, landfills, wastewater treatment facilities, and associated settling ponds, artificial marshes, dredge spoil materials, sand and gravel dredging operations and open fish farming.

The proposed development parcel has roughly 225 SF on the southeast corner within Noise Zone A (65dB-69dB) of the AEOZ. This area is shown to the side of the stormwater management area. Noise Zone A (65dB-69dB) allows for most uses permitted within the M (Manufacturing Zone) Zoning District with an interior noise level reduction of twenty-five (25) decibels. There is no structural building in the Noise Zone A.

As each specific tenant is identified, the use must be reviewed through a Permit Review process for compliance with the M Zone and the AEOZ. The proposed land use for each building (and tenants within each building) must comply with the permitted uses of the M (Manufacturing Zone) (*Zoning Ordinance* Article 3 § 19) and the Land Use Compatibility Table of the AEOZ (*Zoning Ordinance*, Article 3 § 22.6). The Dover Air Force Base has provided additional information in their agency comments relating to FAA Bird Mitigation for properties in the flight path for the Air Base, population density suggestions in the APZ I & II zones, as well as submission to DelDOT for the State Office of Aeronautics requirements. Please see comments in the attachments from the Dover Air Force Base for details.

IV. PARKING SUMMARY:

The parking requirement for the M (Manufacturing) Zone is one space for every 800 square feet. The three buildings together are 219,750 SF requiring a total of 275 parking spaces. The plan has outlined 294 parking spaces including 14 handicapped spaces (6 in Phase 1) near front entrances. This is an excess of 19 parking spaces. Phase 1, with its 54,000 SF building will require 68 parking spaces, 4 bike parking spaces. Phase 1 will create 131 parking spaces and appears to provide 5 bike parking spaces.

Loading Berths

Article 6, Section 4.27 of the *Zoning Ordinance* states that for manufacturing, wholesale, or storage uses in the M zone, the project must provide sufficient off-street loading berths. Loading berth minimum size requirement is 12 feet X 60 feet. The applicant has provided loading berths of 16 feet X 60 feet. The first two buildings (Buildings 1 and 2) appear to be broken into individual tenant spaces, and 1 loading berth per unit is shown. The larger warehouse building (Building 3) at the back of the property is showing 12 loading berths. No interior walls are shown, but there is potential for separating tenant spaces. From Planning Staff

review it appears the project provides enough loading spaces, but they may want to look at options for parking of trucks awaiting unloading opportunities or resting space.

Bicycle Parking

Article 6, Section 3.1 of the *Zoning Ordinance* outlines the required number of bicycle parking spaces as 1 bicycle space for every 20 car parking spaces. Based on the required number of parking spaces, there is a requirement of 14 bicycle parking spaces. The data columns on the cover page state 14 spaces will be provided. Bicycle parking is shown on the preliminary site plan, with a bike rack at each building.

Waiver Request: Partial Elimination of Upright Curbing

The upright curbing for parking lots and drive isles is required by the requirements of Article 6, Section 3.6(b) of the *Zoning Ordinance*. The applicant has requested a partial reduction to allow for stormwater runoff to the pervious and landscaped areas, rather than pool the water inside upright curbing.

SITE CONSIDERATIONS:

Access

The access the property appears to come in through the adjacent property at 300 Lafferty Lane. Lafferty Lane is a state-maintained road. These two properties were created by a Minor Subdivision Plan in December 2022 (S-22-02). The DelDOT DAC Report Comments from S-22-02 noted planning for the opportunity to access the residual lot (350 Lafferty Lane) through the entrance at 300 Lafferty Lane. The S-22-02 Final Site Plan includes a traffic generation table and a DelDOT Entrance Plan. The development of this parcel will need to confirm that the entrance as constructed is adequate to serve both parcels.

Lighting

Staff counted thirteen (13) lights along the perimeter of the access drive that travels through the site and along the front parking lot for the overall project. Page SP-1 describes the lights as PR LED Cobra head lighting pole. Additionally, each building has lights on all sides of the exterior.

Sidewalks

A sidewalk is proposed along Lafferty Lane and the applicant has added connections from the street frontage sidewalk and to each building through the landscaped parking peninsulas. Additionally, there are 5-foot sidewalks along the front side of each building. The street frontage sidewalk on Lafferty Lane and sidewalks serving Building 1 are shown for Phase 1.

Dumpsters

The new dumpster regulations for non-residential buildings require two (2) dumpsters for each building. This has been provided in what looks like a 10' X 10' square enclosed dumpster area. These three dumpster areas provided for each building sit on the outside edge of the access drives for the property. The Dumpster for Phase 1 is shown to the northwest of Building 1.

V. BUILDING ARCHITECTURE:

The representative architectural renderings show a low-pitched roof warehouse with front doors to tenant spaces in pairs. The double entrance is punctuated with a horizontal corrugated metal tower. The rest of the building and roof are covered in horizontal metal sheeting. The bottom of the walls of these entrance towers

at the entrances are cultured veneer stone. The windows are topped with a flat metal awning. The corner entrances have a flat cantilevered metal canopy held with metal tie rods. These building elevations are reflective of the Building 1 in Phase 1.

VI. TREE PLANTING AND LANDSCAPE PLAN:

Zoning Ordinance, Article 5 Section 16.5 outlines the woodland preservation requirements. Only a maximum of 50% of the existing woodland on the parcel may be cleared for development. The overall site includes 11.85 acres of woodland. For Phase I of the project, a total of 2.33 acres will be removed, leaving 9.52 acres of woodlands to remain. Consideration of woodland clearing for the later phases of the project appears to propose clearing of more than 50% of the total woodlands of the site. This will necessitate future consideration of a Tree Mitigation Plan for woodland clearing.

Zoning Ordinance, Article 5 Section 16 lays out the requirements for tree planting and preservation. A new project is required to provide tree planting at a rate of one (1) tree per 3,000 SF of development area. Based on the number of development area (non-woodland area) acres for this development site, the minimum required number of trees is 230. The Site Plan includes a landscaping plan for tree planting showing 109 trees for Phase 1. The *Zoning Ordinance*, Article 5, Section 16 outlines what guidelines to use for designing the landscape plan.

A six-foot buffer between the front of the building and the sidewalk is shown as being filled with deciduous and evergreen shrubs, ground covers and perennials. Focusing on Phase 1, after the proposed woodland clearing for Phase I only the property has a development area of 7.5 acres which would require 109 trees to be planted. Currently the plan only listing 49 trees for this phase. Applicant is submitting a new landscape plan to eliminate the tree mitigation.

Tree Mitigation Plan

The front-page states they are seeking a waiver for the number of trees not provided. A Tree Mitigation Plan must be provided for consideration by the Planning Commission at a rate of 1 tree per 1 deficit tree and for woodland areas created at a rate of 1.25 times the area removed, as per Article 5, Section 16 of the *Zoning Ordinance*; see below. A Tree Mitigation Plan must be submitted for review by the Planning Commission.

Article 5 Section 16

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) (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.

Opaque Barrier Requirement

Zoning Ordinance, Article 5 Section 7 requires an opaque barrier between non-residential and residential uses. This situation occurs along a portion of the west property line with the Phase I area.

Article 5 Section 7

7.2 Opaque barrier. Visual and sound screening shall be provided on a non-residential use when abutting a residential use, except in front yard areas. The screening shall be required to be installed on site as part of planning commission or administrative site plan approval. Where required, screening shall consist of an opaque barrier at least six feet in height, accompanied by landscaping.

7.21 Opaque barrier options. The requirement for the opaque barrier may be met by choosing one of the following:

- a) An opaque fence made of durable materials such as wood, vinyl, composite, etc.
- b) A wall constructed of masonry materials, either stucco, brick, split-faced block, or decorative concrete. If the principal structure on the lot is of masonry construction, the wall shall match the exterior of the building.
- c) An earthen berm (3:1 slope maximum).
- d) An earthen berm (3:1 slope maximum) with either an opaque fence or wall constructed on top. Materials of the fence or wall shall be as specified in options a) and b). The total height of the barrier may be no less than six feet high.

7.22 Landscaping options. The required opaque barrier must be accompanied by one of the following:

- a) A durable and continuous evergreen planted screen, six feet in height at the time of planting. In the case of an earthen berm, the evergreen screen may be on the top of the berm.
- b) A hedge that will grow to a height of at least six feet at maturity. The hedge shall be interspersed with evergreen trees at least six feet high at the time of planting. The hedge shall be at least four feet high at the time of planting.

In the southwest corner of the property, the plan shows a fence on the border between the residential area and the application property to the end of the residential property on the property line. The Opaque Barrier must also include the required landscape component.

Wetland Areas/ Waterbodies

The *Zoning Ordinance*, Article 5 §11.22 prescribes provisions related to wetland areas. There are setback requirements from wetland areas that are over 0.25 acres in size. From these wetland areas, a 100-foot setback is required; however, this can be reduced to 50 feet with implementation of a Riparian Buffer or reduced to 30 feet with bank stabilization. The project site layout reduces the buffer to 30 feet and in these areas the exiting vegetation is to be maintained and augmentation of the Riparian Buffer is proposed with new tree and shrub plantings.

11.22 *Water bodies and wetlands.* Water bodies and wetlands shall be left as permanent open space. No development, filling, piping or diverting shall be permitted, except for required roads, to be approved by the United States Army Corps of Engineers and/or the Delaware Department of Natural Resources and Environmental Control. Within these same areas, the clearing or removal of natural ground cover or vegetation, including the cultivation of the soil for agricultural purposes, is prohibited.

The Site Plan key shows Existing Wetlands, Existing Wetlands to be filled, and Proposed Wetlands Mitigation. The descriptions pointing to the patterned area outside of the Wetlands and Wetland Mitigation areas are described as Riparian Bank Stabilization. Some clarification is needed on the sizes of the areas. It does not appear that the Wetland Areas will be involved in the Phase 1 of the project area.

VII. PERFORMANCE STANDARDS REVIEW:

Uses in the M (Manufacturing Zone) are subject to the performance standards summarized in *Zoning Ordinance*, Article 5 § 8.1 and as more specifically outlined in Article 5 § 8.5.

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

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

- Fire and explosion hazards (activities with and storage of)
- Radioactivity or electromagnetic disturbance
- Noise (sound pressure level)
- Vibration
- Smoke
- Odors (Odorous gases or odorous matter)
- Fly ash, dust, fumes, vapors, gases, and other forms of air pollution

- Glare (from lighting or high temperature processes)
- Liquid or solid wastes
- Traffic congestion (Level of Service E)

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

As part of this procedure, a *Performance Standard Review Application* is required to accompany this Plan submission for review and approval. Their response is below:

“The project is a proposed flex-use/warehouse facility. There will not be any dangerous and objectionable elements within the use of this building. There will be delivery and pick up of the products via delivery vehicles. The building itself will not be over 30ft high and will not have any explosive or flammable materials. No activities on the property will have and radioactivity or electromagnetic disturbance of any kind. The noise from the warehouse will be no more than loading and unloading of products within the working hours of 6am-5pm. There will be no vibrations, smoke, odors, air pollution, glare, or waste emitting from the building. We are working with DelDOT on a Letter of No Contention (LONC) as we are proposing the use of the existing entrance onto Lafferty Lane via the neighboring Frito-Lay Distribution Center. Pursuant to the Performance Standards listed within Article 5 Section 8, we are confident this project is well within the acceptable uses of the Standards.”

VIII. CITY AND STATE CODE REQUIREMENTS:

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

- 1) *Additional review comments may be provided upon submission of additional information.*
- 2) Review and Approval of the *Performance Standards Review Application* is required for the property development in accordance with *Zoning Ordinance*, Article 5 § 8.
- 3) For the Site Plan approval of the Phase 1 area, all data columns and plan sheets must reflect compliance with the *Zoning Ordinance*. The plan for development of the remaining phases of the project may be subject to additional review processes with the Planning Commission.
- 4) List Correction items for sheets PH-1 and PH-2.
 - a. Clarify that Data Charts pertain to Phase 1.
 - b. List Woodland Area to be removed in Phase 1.
 - c. Check calculations of proposed Impervious (Lot 1) listing.
- 5) The Site Data Column on all Plan Sheets need to be updated prior to Final Approval with the

following in accordance with Article 10 § 2.5. The following items should be clarified:

- a. The property ownership listed at the right side of the parcel should be moved to the top of the parcel, as the line for the property owned by the State of Delaware follows the back property line going north. This correction should be made on all the pages.
 - b. Correct the developer city name in the owner's certification block (pages CO-1 and LS-1).
 - c. Data Column line item 27 should be deleted in favor of a waiver request or updated Landscape Plan.
 - d. In the Land Use Summary on page CO-1, please provide the proposed impervious percentage in addition to the provided square footage.
- 6) Upright Curbing: Upright curbing shall be provided around all parking and driving areas in accordance with the requirements of the *Zoning Ordinance* unless a waiver is granted by the City Planner. A Waiver Request was received for consideration.
- 7) Details: When final plans are submitted, details for curbing, dumpster enclosure, and curb depressions must be included.
- 8) Tree Requirements: The project must comply with the tree planting requirements based on the development area and the project must comply with the woodland clearing limitations. A Tree Mitigation Plan must be submitted for the trees required and not provided.
 - a. Only trees of certain type and size can be counted towards requirements of tree planting. Shrubs and perennials do not count.
 - b. For Phase 1, the plan must provide the required tree plantings for that area of the project. If the plan design results in a deficit of trees proposed, then a Tree Mitigation Plan for tree planting must be submitted for consideration by the Planning Commission.
 - c. For the balance of the project development, it must comply with the tree planting requirements. If the plan design results in a deficit of trees proposed, then a Tree Mitigation Plan for tree planting must be submitted for consideration by the Planning Commission.
 - d. If more than 50% of the existing woodland on Lot 1 is proposed for removal, then a Tree Mitigation Plan for the development of the new woodland areas (rate of 1.25 of the area cleared above 50%) must be submitted for consideration by the Planning Commission.
- 9) Landscape Plan Certification:
Landscape plans must be certified by a Design Professional as per Article 5 Section 16 of the *Zoning Ordinance*.
- 10) Wetlands Mitigation:
Please provide additional information on the details of your Wetlands Mitigation Plan. Documentation is required. A pre-application meeting with Kent Conservation District is requested per the agency comments.
- 11) Riparian Buffer Establishment:
Details on how you will establish the Riparian Buffer and Bank Stabilizations as associated with the Wetland Areas must be provided.

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

In accordance with the *Zoning Ordinance*, Article 10 § 2.2, the Planning Commission in considering and acting upon Site Development Plans may prescribe appropriate conditions and safeguards so that the public health, safety, and welfare, the comfort and convenience of the public in general, and the residents of the immediate neighborhood in particular shall be taken into consideration. These safeguards may to the maximum extent possible further the expressed intent of the *Zoning Ordinance* and the accomplishment of several objectives listed in subsections 2.21 to 2.28.

1) Recommendation on Waiver Request:

- a) Waiver Request for Partial Elimination of Upright Curbing: Planning Staff have considered the waiver for partial elimination of upright curbing to allow for water run off absorption. Given the proximity to the existing wetlands, staff recommend the approval of this waiver.

2) Consideration of Performance Standards Review Application:

- a) Review and Approval of the *Performance Standards Review Application* is required for the property development in accordance with *Zoning Ordinance*, Article 5 § 8. Planning Staff has reviewed the basic statement submitted and finds that it generally demonstrates the intent to comply with the restrictions of the *Zoning Ordinance*. With each proposed tenant and evaluation of compliance will be completed.

X. ADVISORY COMMENTS TO THE APPLICANT:

- 1) This Site Plan Review is focused on Phase 1 of the project. While the initial concept for the balance of the development is depicted it may require separate review action by the Planning Commission.
- 2) The Planning Commission should act upon the request for any waivers as part of any motion regarding this project application, or as a separate motion as necessary. Note: All waivers are at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.
- 3) If major changes and revisions to the Site Development Plan occur in the finalization of the Site Plan, please contact the Department of Planning and Inspections. Examples include relocation of site components like paving and increases in floor area/unit count. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations regarding the Plan.
- 4) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.
- 5) Following Planning Commission approval of the Site Development Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff and the other commenting agencies. Upon determination that the Plan is complete, and all agency approvals have been

received, copies of the Plan may be submitted for final endorsement (Final Plan Approval).

- 6) The applicant/developer shall be aware that prior to any development or ground disturbing activities on the site the appropriate site inspections and permits are required. This includes activities to remove existing trees/vegetation, the import of fill dirt, etc.
- 7) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate Site Plan approvals, site inspections and Permits are required. The City of Dover offers an opportunity for your construction team to meet with the various city departments involved in your project during a Pre-Construction Meeting.
- 8) The applicant shall be aware that Site Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for the issuance of a Building Permit from the City of Dover.
- 9) The applicant shall be aware that Plan approval does not represent a Sign Permit, nor does it convey permission to place any new sign on the premises. Any proposed site or building identification sign may require a Sign Permit from the City of Dover prior to placement of any such sign in accordance with *Zoning Ordinance*, Article 5 § 4.

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



CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: AUGUST 28, 2024



APPLICATION: Flex Use Facilities Commercial Warehouse Business Park
FILE #: S-24-13
REVIEWING AGENCY: City of Dover Department of Public Works and Water & Wastewater
CONTACT PERSON: Jason A. Lyon, P.E., Director of Water & Wastewater / Engineering Services
CONTACT PHONE #: 302-736-7025
CONTACT EMAIL: jlyon@dover.de.us

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

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

CITY AND STATE CODE REQUIREMENTS

SANITATION

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

STORMWATER

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

STREETS

1. Final site plan approval will not be granted until a letter of no objection, signed by DelDOT is submitted to our office.
2. Please add the following notes to the plans:
 - a. Standard City of Dover sidewalk, as per chapter 98, article IV of the Dover Code of Ordinances, shall be required to be installed along the entire public street frontage of a property. Where frontage sidewalk exists but does not meet the standards of chapter 98, article IV, the sidewalk shall be re-laid to meet the standards. Sidewalk shall include barrier-free access ramping at points of intersection with street crossings and at other locations so as to afford reasonable barrier-free pedestrian movement and site access.
 - b. In accordance to Appendix A, Article VI, Section B.3, all sidewalks shall ascend from the curbstone to the building line at the ratio of one-quarter of an inch to the foot. Nothing in this section shall be construed to affect any pavement previously laid by order of the city council, until it is taken up and relaid.

WATER

1. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
2. The following notes must be added to the plans:
 - a. Hydrant connections by the contractor are prohibited. This method may not be utilized during any phase of the project.
 - b. Any existing water lines not to be utilized by the proposed facility must be properly abandoned at the mains in accordance with the City of Dover Department of Water & Wastewater specifications and requirements.
 - c. The site contractor shall contact the City of Dover Department of Water & Wastewater Construction Manager at (302) 736-7025 prior to the start of construction. A representative from the City of Dover Department of Water & Wastewater must observe and approve all City owned water and sanitary sewer interconnections and testing. All water taps must be performed by a City of Dover approved contractor. The proposed location for the water connection may need to be adjusted in the field due to conditions of the existing main. Possible conditions that would require tapping relocation include proximity to pipe joints, other taps, concrete encasements, conflict with other utilities, and the like. Test holes must be performed by the contractor to determine the best tapping location. The City of Dover will not be held responsible for field conditions requiring adjustment of the tapping location or for any work required by the contractor to make an appropriate and lawful connection.
3. The size, type, and location of all proposed and existing water lines and valves must be shown on the plan. Please be advised that effective May 1, 2022, water mains can now be constructed using DR 18 PVC.
4. Water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine the size of the domestic and irrigation (if applicable) water meter for the proposed buildings. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. The proposed water meters must be installed in a pit per City of Dover requirements and manufacturer's recommendations. Also, a dual check valve is required downstream of the meter.
5. The domestic service, fire main connection and valves must be clearly shown for each building. A valve must be installed at the tee to isolate combined fire and domestic water service to the building from the water loop. Typically, this valve is installed at the tee or an acceptable distance from the building. A valve must be provided on the domestic water service, which must be tapped off of the combined eight-inch (8") fire/domestic service outside of the building. The domestic water tap and valve should be as close to the building as possible. Typically, the domestic tap and valve are located within five feet (5') to ten feet (10') of the building. A blow up detail of this layout is recommended.
6. Provide a construction detail for the proposed restraining system for the fire main located within the buildings. The Department of Public Works will test and inspect all fire mains to a blind flange located inside the buildings. The blind flange with tap is used for hydrostatic pressure testing (200 psi for two (2) hours) and dechlorination. The flange must be restrained in the direction of the pipe entering the facility. A pipe entering horizontally through a wall sleeve shall be restrained with rods through the wall. A pipe entering vertically through a slab shall be restrained through the floor to the ninety degree (90°) bend and thrust block. All rods shall be a minimum of ¾" all thread. All pipes through walls and slabs must be Class 52 cement lined ductile iron pipe. Confirm particulars to meet this requirement with mechanical designer.
7. Water services shall be either type K copper or SDR-9.
8. On October 24, 2022, City of Dover Council approved the new Cross Connection Control Program. This program requires certain backflow prevention assemblies on water service connections to the city's distribution system. Please provide a specific description of the activities in each building.
9. All water infrastructure on the property will be owned and maintained by the property owner.

WASTEWATER

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

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

SANITATION / STORMWATER / STREETS / WATER / WASTEWATER / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

WATER

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

WASTEWATER

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

GENERAL

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

SANITATION / STORMWATER / STREETS

1. None.

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 28, 2024 REVISED**APPLICATION:** Flex Use Facilities Commercial Warehouse Business Park**FILE #:** S-24-13REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire Marshal
josika@dover.de.usPHONE #: (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed occupancy classification is storage/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 25% of the proposed building.

Fire lanes are required to be 24 feet wide and run along the front of the building as determined by the primary entrance(s). In cases where there is more than one primary entrance(s), each shall be served by a fire lane even if this exceeds the percentage as required.

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

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

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

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

Where parking is located between the building and the perimeter access area, parking shall not be located closer than 10 feet to the exterior wall for one-story buildings and 15 feet to the exterior wall for building of two or more stories. 2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3.5.2

7. All Fire Lanes shall be marked as follows:

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

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

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

9. Fire lane signs shall be located as follows:

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

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

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

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

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.8)

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

Residential areas

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

Commercial areas

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

Alley

12 feet wide

13. Any dead-end road more than 300 feet in length shall be provided with a turnaround or cul-de-sac as outlined in the 2021 Delaware State Fire Prevention Regulations 705, chapter 5, 2.3.
14. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.
15. 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)

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

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

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

NFPA 1

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

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

17. 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.

18. 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.

19. 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>

20. 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)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(City of Dover Code of Ordinances 46-162)

NFPA 101, 12.3.5.1 The following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1): 1.

Dance Halls 2. Discotheques 3. Nightclubs 4. Bars 5. Restaurants 6. Assembly occupancies with festival seating

22. 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)

23. 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)
24. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.
25. 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.
26. 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)

27. Standpipes shall be provided in all areas and buildings as required in the codes and standards listed in Regulation 701 as well as the following areas or buildings:

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

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

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

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

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

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

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

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

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

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

28. 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)

29. 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)

30. 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

31. 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
32. Buildings over 25,000 Sq. Ft are to have radio performance testing done prior to Final CO. This must be scheduled in advance with an authorized vendor.
33. Project to be completed per approved Site Plan.
34. Full building and fire plan review is required.
35. 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.

36. Construction or renovations cannot be started until building plans are approved.
37. 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.
38. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.
39. 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. Phase 1 only
2. Only 2 fire hydrants are shown. Additional hydrants are required as outlined in item # 16 listed above. They must be located every 800’ and they must also be within 300’ of the FDC as hose would come off of the apparatus. If there are fire pumps, a discussion is needed in reference to the hydrants and fire suppression systems not being on the same system.
3. An occupancy classification per the building and fire code will be required during plans submission

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 ELECTRIC
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: AUG 28, 2024

APPLICATION:	<u>Flex Use Facilities Commercial Warehouse Business Park</u>
FILE #:	S-24-13
REVIEWING AGENCY:	City of Dover Electric Department
CONTACT PERSON:	Shawn Burgett, Engineering Services & System Ops Superintendent
CONTACT PHONE #:	302-674-7568
CONTACT EMAIL #:	sburgett@dover.de.us

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

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

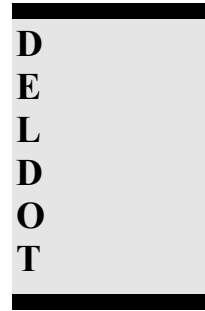
ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

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

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY



APPLICATION: Flex Use Facilities Commercial Warehouse Business Park

FILE#: S-24-13

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Brian Williams

PHONE#: 302-760-2141

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. Pre-submittal meeting required with DelDOT.



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 AUGUST 2024

APPLICATION: Flex Use Facilities Commercial Warehouse Business Park

FILE #: S-24-13

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Cullen Baker

PHONE: (302) 608 - 5370

EMAIL: stormwater@kentcd.org

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

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

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

ADVISORY COMMENTS TO THE APPLICANT:

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

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: 9/4/2024

**Dover/Kent
County
Metropolitan
Planning
Organization**

S-24-13 Flex Use Facilities Commercial Warehouse Business Park

FILE # S-24-13

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Malcolm Jacob

PHONE #: (302) 387-6030

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

City of Dover Planning Commission
Site Development Plan Review

S-24-13 Flex Use Facilities Commercial Warehouse Business Park

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

Sidewalks and bicycle racks are planned for the property, which will positively impact bicycle and pedestrian connectivity. These improvements will provide a variety of transportation options for employees and visitors to the property.

In 2021 the MPO completed the *Dover Air Cargo Freight Access Study*, which recommends transportation improvements that will support economic growth in between Dover Air Force Base and White Oak Road. While the study does not specifically address this property, it does recommend improvements to Lafferty Lane. For the full study, please see the following link:



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

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



From: [JORDAN, MATTHEW W CIV USAF AMC 436 CES/CENPL](#)
To: [Melson-Williams, Dawn](#)
Cc: [TUMOLO, DOMINIC J CIV USAF AMC 436 CES/CENP](#)
Subject: EXTERNAL: Comments for DAC
Date: Wednesday, August 28, 2024 1:37:54 PM
Attachments: [Pages from AICUZ Guide.pdf](#)
[150-5200-33C.pdf](#)
[Final Compatible Use Plan.pdf](#)

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.

Good afternoon,

Thank you for the opportunity to speak at the DAC meeting today. As discussed, below are a list of my comments for the developer.

1. Review FAA Circular 150-5200-33C Hazardous Wildlife Attractants on or near airports (attached) and the compatible use plan (attached)
2. Submit plans to the FAA and DelDOT Office of Aeronautics
3. Recommend contacting DNREC and the EPA about possible PFAS contamination due to DOVER AFB being a superfund site
4. Recommend a Phase II site assessment to be fully aware of possible contamination on site
5. Recommend reviewing attached Department of Defense Instruction (DoDI 4165.57) which gives specific guidance on warehouse facilities in APZ's, and number of people recommended for safety
6. Recommend reviewing Section 22 of the City of Dover planning code to become familiar with prohibited items in the APZ's
7. Any solar on site will need to be reviewed by the FAA and DoD clearinghouse to ensure no glint or glare issues

Will there be a contingency plan if the property is developed and not used?

V/R

Matt

Matthew Jordan
Dover Air Force Base Community Planner
436 CES/CENPL
600 Chevron Ave.
Dover AFB DE 19902
Com: 302-677-6831 DSN: 445-6831

Table 1. Land Use Compatibility in APZs, Continued

Land use Name and SLUCM Category	Clear Zone	APZ-I	APZ-II	Maximum Density
Trade use group (SLUCM Category 50)				
Wholesale trade	N	Y	Y	Maximum FAR of 0.28 in APZ I and .56 in APZ II
Retail trade – building materials	N	Y	Y	Maximum FAR of 0.20 in APZ-I and 0.40 in APZ-II
Retail trade – hardware, paint, and farm equipment stores	N	Y	Y	Maximum FAR of 0.14 in APZ I and 0.28 in APZ II
Retail trade – including neighborhood centric shops	N	N	Y	Maximum FAR of 0.16 in APZ II
Mass retailing, super stores, strip malls, shopping centers ⁵ , discount clubs, home improvement stores, eating and drinking establishments, etc.	N	N	N	
Retail trade – food such as groceries, bakeries, confectionaries, meat markets, and fast food establishments	N	N	Y	Maximum FAR of 0.24 in APZ II
Retail trade – automotive, marine craft, aircraft, and accessories	N	Y	Y	Maximum FAR of 0.14 in APZ I and 0.28 in APZ II
Retail trade – apparel and accessories, furniture, home, furnishings and equipment	N	N	Y	Maximum FAR of 0.28 in APZ II
Other retail trade	N	N	Y	Maximum FAR of 0.16 in APZ II
Services use group (SLUCM Category 60)				
Finance, insurance, real estate, personal, professional and miscellaneous services (office uses only)	N	N	Y	Maximum FAR of 0.22 in APZ II
Cemeteries	N	Y ⁶	Y ⁶	
Warehousing and storage services	N	Y	Y	Maximum FAR of 1.0 in APZ I; 2.0 in APZ II
Repair services and contract construction	N	Y	Y	Maximum FAR of 0.11 APZ I; 0.22 in APZ II
Hospitals, nursing homes, and other medical facilities; educational services, childcare services, child development centers, and nurseries	N	N	N	
Government services	N	N	Y	Maximum FAR of 0.24 in APZ II
Cultural, entertainment, and recreational use group (SLUCM Category 70)				
Nature exhibits	N	Y ⁷	Y ⁷	
Cultural activities, auditoriums, concert halls, places of worship; outdoor music shells, museums, outdoor displays, amphitheaters, sports arenas, spectator sports, resorts and group camps, or other places of assembly	N	N	N	
Amusements (e.g., fairgrounds, miniature golf, driving ranges; amusement parks.)	N	N	Y ¹¹	50 people per acre
Recreational activities (including golf courses, riding stables, water recreation), parks	N	Y ⁷	Y ⁷	Maximum FAR of 0.11 in APZ I; 0.22 in APZ II

Table 1. Land Use Compatibility in APZs, Continued

Land use Name and SLUCM Category	Clear Zone	APZ-I	APZ-II	Maximum Density
Other cultural, entertainment and recreation	N	Y ⁶	Y ⁶	
Resource production and extraction use group (SLUCM Category 80)				
Agriculture and livestock farming, including grazing and feedlots	Y ⁸	Y ⁸	Y ⁸	
Agriculture related activities	N	Y	Y	Maximum FAR of 0.28 in APZ I; 0.56 in APZ II
Forestry activities ⁹	N	Y	Y	Maximum FAR of 0.28 in APZ I; 0.56 in APZ II
Fishing activities	N ¹⁰	Y	Y	Maximum FAR of 0.28 in APZ I; 0.56 in APZ II
Mining activities	N	Y	Y	Maximum FAR of 0.28 in APZ I; 0.56 in APZ II
Other resource production or extraction	N	Y	Y	Maximum FAR of 0.28 in APZ I; 0.56 in APZ II
Other use group (SLUCM Category 90)				
Undeveloped land	Y	Y	Y	
Water areas	N	N	N	
Key to Table 1 – Land use compatibility in APZs Land use recommendations: Y (Yes) – Land use and related structures compatible without restrictions. N (No) – Land use and related structures are not compatible and should be prohibited. Y^X – Yes with restrictions. The land use and related structures generally are compatible. However, see note(s) indicated by the superscript. N^X – No with exceptions. The land use and related structures are generally incompatible. However, see note(s) indicated by the superscript.				
Notes for Table 1 – Land Use Compatibility in APZs General notes for all uses: a. The suggested maximum occupancy for commercial, service, or industrial buildings or structures in APZ I is 25 people per acre, and 50 people per acre in APZ II. Outside events should normally be limited to assemblies of not more than 25 people an acre in APZ I, and maximum assemblies of 50 people an acre in APZ II. b. Recommended FARs are calculated using standard parking generation rates for various land uses, vehicle occupancy rates, and desired density in APZ I or II. For APZ I, the formula is FAR equals 25 people an acre divided by (Average vehicle occupancy times Average parking rate times (43560÷1000)). The formula for APZ II is FAR equals 50 divided by (Average vehicle occupancy times Average parking rate times (43560÷1000)). c. No structures (except airfield lighting and navigational aids necessary for the safe operation of the airfield when there are no other siting options), buildings, or above ground utility and communications lines should normally be located in clear zone areas on or off the air installation. For pilot and public safety, the clear zone is subject to the most severe restrictions. d. Safety of flight should be considered when evaluating development that includes explosive potential; generates smoke, steam, or dust; creates electronic interference; lighting or glare; or tall structures. e. Development of renewable energy resources, including solar and geothermal facilities and wind turbines, may impact military operations through hazards to flight or electromagnetic interference. Each new development should be analyzed for compatibility on a case-by-case basis that considers both the proposal and potentially affected mission.				