



DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF September 4, 2024

PLANNING COMMISSION MEETING OF September 16, 2024

Plan Title: Luther Village Phase IV
Luther Village Planned Neighborhood Design – Senior Citizen Housing Option
C-24-02

Plan Type: Conditional Use Site Plan Master Plan and Site Plan Phase IV
Minor Subdivision Plan for Phase IV

Associated Plans: C-02-02 Conditional Use Master Plan for PND-SCHO
S-03-07 Luther Village PND-SCHO: Phase 1
S-07-10 Luther Village PND-SCHO: Phase 2
C-13-03 Luther Village PND-SCHO: Master Plan and Phase 3
C-19-05 Luther Village Parking Lot Expansion

Owner: Martin Luther Foundation of Dover, Inc.

Site Area: Luther Village Total Area – 33.63 +/- acres
Phase 4 – 2.79 acres (proposed parcel)

Present Use: Planned Neighborhood Design Senior Citizen Housing Option
Residential (Phases 1, 2, and 3 - Apartment Buildings and Resident Activity Room Building)
Agricultural Land

Proposed Use: Same with Phase IV – Apartment Building and Amenity Building Connection

Overall Project: Planned Neighborhood Design Senior Citizen Housing Option
Apartment Buildings with Town Center building
Nine Phases: 8 Apartment Buildings (up to 524 units)
Resident Activity Room Building (3,566 S.F.) in Phase 3
Town Center Building (16,000 +/- S.F.)

Number of Dwelling Units: Phase 1 (complete) - 68 dwelling units (1 apartment building)
Phase 2 (complete) - 32 dwelling units (1 apartment building)
Phase 3 (complete) - 48 dwelling units (1 apartment building)
Total Built - 148 dwelling units
Phase IV proposed at 72 dwelling units (1 apartment building)
Total of all phases – 477 dwelling units shown (524 authorized)

Off Street Parking: Phase 1 – 68 parking spaces including 3 handicapped, 1 loading space
Phase 2 – 36 parking spaces including 3 handicapped, 1 loading space
Phase 3 – 68* parking spaces including 3 handicapped, 1 loading space
(*3 spaces removed for pedestrian access route – new total to be 65 spaces)
Parking Lot Expansion – 34 parking spaces including 2 handicapped
Phase IV – 82 parking spaces including 4 handicapped, 1 loading space
Future Phases - 290 parking spaces including 13 handicapped, 4 loading spaces

Sewer & Water City of Dover

Zoning Classification: RG-2 (General Residence Zone)
PND-SCHO (Planned Neighborhood Design: Senior Citizen Housing Option)

PND Considerations: Alternative Design Standards Approved Previously for PND:
Building Setback from Property Line (Side and Rear)
Building Spacing
Building Height
Number of Stories
Average Number of Dwelling Units Per Building
Off-Street Parking Reduction

Waivers Requested: Partial Elimination of Upright Curbing
Reduction of Bicycle Parking
Elimination of Rear Emergency Access

Subdivision Waivers Requested: Wavier of Requirement for Two Connections to a Public Street
Waiver of Requirements for Lot Frontage on a Public Street

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: September 4, 2024

APPLICATION: Luther Village Phase IV - Luther Village Planned Neighborhood Design: Senior Citizen Housing Option

FILE #: C-24-02

REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn E. Melson-Williams, AICP

PHONE #: (302) 736-7196

I. PLAN SUMMARY:

Application C-24-02 is for Review of a Conditional Use Site Plan/Master Plan for the development of Luther Village Planned Neighborhood Design – Senior Citizen Housing Option consisting of up to 524 age-restricted apartment units in a total of nine phases. The Master Plan was previously established by Applications C-02-02 and C-13-03 and Luther Village Phases I, II, and III have been constructed. The plan for Phase IV consists of the construction of a three-story apartment building with 72 units (age-restricted) and associated site improvements. The plan also includes a Minor Subdivision to create a 2.79 acre+/- parcel for Phase IV from the overall 33.63 acre +/- tract. The property is zoned RG-2 (General Residence Zone). The property is located east side of John Hunn Brown Road and on the west side of Babb Drive. The owner of record is Martin Luther Foundation of Dover, Inc. Property Address: 101 Babb Drive. Tax Parcels: ED-05-077.06-02-90.00-000, ED-05-077.06-02-90.01-000, ED-05-077.06-02-90.02-000, and ED-05-077.06-02-90.03-000. Council District 2. *Consideration of Alternative Design Standards for PND: Building Setback from Property Lines, Building Spacing, Building Height, Number of Stories, Average Number of Dwelling Units Per Building, Off-Street Parking Reduction. Waivers to be Requested: Partial Elimination of Upright Curbing, Reduction in Bicycle Parking Requirement, and Elimination of Rear Emergency Access Requirement. Subdivision Waiver Requests: Waiver of Requirement for Two Connections to a Public Street and Waiver of Requirement for Lot Frontage on a Public Street.*

The phase of the project was recently the subject of MI-24-06 Luther Village IV: PND-SCHO Concept Plan considered at City Council in June 2024 for Referral to the Planning Commission.

Previous Applications:

The subject site for Luther Village is located east of John Hunn Brown Road and west of the continuation of Babb Drive in Dover, Delaware. This area is northeast of and adjoining the Dover Crossing Shopping Center (Target and Safeway). The subject site was originally part of a 122.3+/- acre property previously proposed as the Amberfield Subdivision. A Minor Lot Line Adjustment Plan recorded on May 30, 2002 created a thirty-four (34) acre parcel for the Luther Village PND: Senior Citizen Housing Option project. The remaining area was later approved for

a separate residential development with the application for Clearview Meadow: Planned Neighborhood Design (C-04-01 and SB-04-04).

The Master Plan (C-02-02) approved by the Planning Commission in June 2002 and the updated Plan (C-13-03) approved in May 2013 established the Luther Village Planned Neighborhood Design-Senior Citizen Housing Option Plan to encompass a total of nine (9) development phases with eight (8) apartment buildings and a town center building for the senior citizen community. The Planning Commission subsequently has reviewed each phase of construction and three phases are completed to date. Luther Village Phase 1 (Application S-03-07) involved the southwest portion of the Luther Village site for a 68-unit three story apartment building, an active recreation walking trail area and with the stormwater management located in the northwest corner of the site. Luther Village Phase 2 (Application S-7-10) consists of a 32-unit two story apartment building. Luther Village Phase 3 (Application C-13-03) consists of a 48-unit four story apartment building and a one story 3,566 SF resident activity room building. The buildings are interconnected.

Application C-19-05 involved construction of an additional parking lot on the Luther Village Phase 3 parcel. The parking lot identified for guest parking takes access from the on-site loop road. It is to consist of thirty-four (34) parking spaces including two handicapped spaces. The project includes an identified pedestrian connection to the Phase 3 apartment building and the Resident Activity Room Building.

II. PROJECT DESCRIPTION

Application (MI-24-06) at City Council on June 10, 2024:

Due to lack of recent construction activity, the Plan approval for the overall Master Plan for the Luther Village Planned Neighborhood Design-Senior Citizen Housing Option has lapsed. The MI-24-06 submission restarted the process for approval of the project Master Plan with a Sketch Plan Narrative Letter dated May 21, 2024 and a Concept/Sketch Plan set showing the overall Luther Village PND-SCHO (as existing and proposed). MI-24-06 depicted the layout for continuation of the internal loop drive, the existing and proposed apartment buildings, a town center building, parking, stormwater management, walking trails systems, etc. MI-24-06 was reviewed by City Council on June 10, 2024 with action taken to refer it on for Planning Commission review.

Conditional Use Site Plan/Master Plan C-24-02:

The Luther Village Planned Neighborhood Design-Senior Citizen Housing Option Project. continues to encompass a total of nine (9) development phases with eight (8) apartment buildings and a town center building for the senior citizen community. The project was previously approved for 524 apartment units; this Plan shows 477 apartment units. Each phase typically consists of an apartment building, associated parking lots, stormwater management elements, active recreation areas such as walking trails, and open space landscaping. The Master Phasing Plan on Sheet CR-01 (dated 8/1/2024) also depicts the layout for continuation of the internal loop drive, apartment buildings, town center building, parking, stormwater management, etc. for the entire site.

This application also provides the details for Phase IV (4). For Luther Village Phase IV, a 72 unit (age restricted) three story apartment building with a three-story resident amenity room building

is proposed which connects Phase IV to the Phase 3 Building.

III. ZONING REVIEW

The PND: Senior Citizen Housing Option is permitted all zoning classifications (with the exception of the M, IPM and C-4 zoning classifications) as a conditional use. Article 3 §24.1b notes that “preference shall be given to those projects which are within close proximity to public transit services, and which are situated within one-quarter (1/4) mile of a grocery store, pharmacy, restaurant, physician offices, senior center or similar convenience service establishment.” The PND: Senior Citizen Housing Option is intended to “...encourage the development of high-quality housing opportunities design to accommodate the particular needs of senior citizens” by allowing the Planned Neighborhood Design Option through the Conditional Use process. The PND must present a community design that is in accordance with the goals and policies of the Comprehensive Plan.

Review Process for Planned Neighborhood Design: Senior Citizen Housing Option:

The applicant is seeking an approval under the Planned Neighborhood Design Ordinance for the Senior Citizen Housing Option (see *Zoning Ordinance*, Article 3, Section 24.1 (b)). The Ordinance sets forth a two or three-step review and approval process. In the first step, the developer meets with the City Council and presents a general sketch plan to determine whether or not the proposed project is of such a design and type that warrants further review by the Planning Commission.

On June 10, 2024, the City Council reviewed project and determined that further review is warranted. The second step is a more detailed Conditional Use Site Plan review and public hearing process before the Planning Commission. (Note: A third review step with the Planning Commission may be required depending on the type, physical size, and complexity of the project application. This is not required for this project.) The submittals of site development plans to the Planning Commission for each phase of the project are reviewed for consistency with the approved Master Plan (Conceptual Plan).

The current application to the Planning Commission represents the second step in the review process for the Luther Village PND-SCHO to re-establish the Conditional Use/Master Plan and for the review of the specific Site Plan Review for Phase IV. The Master Plan was previously approved with Applications C-02-02 and C-13-03.

It is important to keep in mind that a PND proposal does not involve a rezoning of the land. The Planned Neighborhood Design – Senior Citizen Housing Option is plan specific. The land would remain zoned RG-2 (General Residence Zone). The PND option allows for a greater variety of housing types and allows for commercial uses while requiring open space. Also, by the *Zoning Ordinance* provisions, in the PND: SCHO the units shall be deed restricted to require that the head of household for each housing unit be at least 55 years of age or older.

Comprehensive Plan Recommendations

The City of Dover 2019 *Comprehensive Plan as amended* recommends that this property be utilized for Residential High Density development. As described in the *Comprehensive Plan*, High

Density involves a development pattern of eight or more dwelling units (pages 12-6 and 12-7). The Luther Village project is noted as an example of development for Residential High Density. The proposed Luther Village project involves a site density of over 14 dwelling units per acre.

The *Comprehensive Plan* also establishes stated goals for various types of land uses within the City limits. The stated goal for Residential Land Uses is “to develop and maintain an adequate supply of housing of varying type, size, and densities that are aesthetically pleasing and located within neighborhoods designed or redesigned to promote convenience, conservation, and access to the greater community, but which are properly buffered through distance and landscaping from incompatible land uses” (see page 12-3). A Policy is to “encourage high density residential development in infill areas that are near essential services, public transit, and employment opportunities.” One of the goals outlined in Chapter 11 – Housing & Community Development is to “Encourage Balanced Housing Opportunities for all Residents of the City” which also includes references to affordable housing.

The *Comprehensive Plan* also acknowledges the fact that the residents aged 65+ is a rapidly growing segment of the population that will require more specialized services (page 3-5). This trend was also identified in previous Comprehensive Plans and in response, a previous Comprehensive Plan implementation strategy recommended the development of a Zoning Code amendment permitting Senior Citizen housing developments near the community services and transit routes that senior citizens depend upon. As a result, the Planned Neighborhood Design: Senior Citizen Housing Option Ordinance was developed and adopted by City Council on July 14, 1997. Multiple projects have utilized these provisions including the Luther Village project’s Phases 1, 2, and 3. This project for Luther Village IV is being developed following the Senior Citizen Housing Option of the Planned Neighborhood Design.

IV. MASTER PLAN REVIEW DETAILS

Master Plan of Luther Village PND: SCHO Site

This project proposes to develop 33.63 acres +/- with a series of eight (8) apartment buildings and a two-story town center building for the senior citizen community. This continuation of the Luther Village PND-SCHO project proposes the construction of apartment buildings as the housing unit style. Overall, this complex would provide up to 524 dwelling units. The phasing plan provides the following details for the complex:

Phase	1 Complete	2 Complete	3 Complete	IV (4) Proposed	5	6	7	8	9	TOTAL SHOWN	Other	Total
Number of units (Apartment units)	68	32	48	72	Town center	68	63	63	63	477	47 Pending	524
Parking Spaces (Handicapped Spaces)	68 (3)	36 (3)	68 (3) + 34 parking expansion	82 (3)	33 (2)	68 (3)	63 (3)	63 (3)	63 (3)	578 (26)	Pending	578
Loading Space	1	1	1	1	0	1	1	1	1	8	-----	8

Site Layout:

The apartment buildings are arranged in two main areas: four scattered interconnected buildings (Phases 1-4) and a quad of buildings and the two-story town center building facing a central open courtyard space (Phases 5-9). A series of sidewalks and walking paths link the buildings of the site. Several of the future buildings are connected by elevated, enclosed walkways. Currently, the Phase 1, 2, and 3 Buildings are connected with a first floor passageway. The Phase 3 Apartment Building has a one-story resident Activity Building connecting to the Phase 2 Building. The Phase 4 Building will connect to the Phase 3 Building with a three-story Resident Amenity Building. A perimeter loop road provides circulation around the complex. A secondary connector road divides the two main areas of buildings providing direct access to the Town Center building (Phase 5). Each building phase includes a parking lot area and open space areas for landscaping. One stormwater management area has been constructed at the northwest corner of the property. A second management area is to be located in the eastern quad of buildings.

Project Density:

With the Senior Housing Option, the “project density shall be generally compatible with the development pattern and existing or potential zone densities of the surrounding area.” The Master Plan for this project shows a site density of 14.2 dwelling units/acre (477 dwelling units on 33.63 acres). Previously, it was approved for up to 524 dwelling units for a site density of 15.6 dwelling units/acre. Article 3 §24.47 states that “the applicant shall demonstrate to the satisfaction of the planning commission that the project density proposed is compatible with the development pattern and density potential of the surrounding area.” The project adjoins commercial development to the west which includes a grocery store, general merchandise store, and several restaurants. Surrounding residential areas include single family dwellings in the Edgehill neighborhood (2.5 dwelling units/acre) and County Village Apartments (15.3 dwelling units/acre). The adjacent Clearview Meadow subdivision which includes single family, duplex, and townhouse units proposed a project density of 3.43 dwelling units/acre. The existing Luther Towers complex on Kings Highway has a site density of 34.2 dwelling units/acre.

Request for PND: Alternative Design Standards

This Plan seeks to continue with adjustments to the required design standards of a Planned Neighborhood Design: Senior Citizen Housing Option. Article 3 §24.5 of the *Zoning Ordinance* permits the Planning Commission to grant such adjustments and reads as follows:

Article 3 §24.5. The design standards and dimensional requirements (bulk and parking regulations) shall be in accordance with article 4, sections 4.10 and 4.11, except that the planning commission may relax any of these requirements where the developer can demonstrate that such action is desirable and consistent with the objectives of this ordinance and the comprehensive plan.

The following table presents the Design Standards of the *Zoning Ordinance* for a Planned Neighborhood Design in comparison to the plan’s design for Alternative Design Standards for Luther Village. Luther Village is being developed with the conventional housing type of garden apartments thus Article 3 §24.52i refers to the bulk standards given in Article 4 § 4.11. (*Note:* Previously, it appears the project was considered as an assisted living facility under the

provisions of Article 3 §24.52ii. which includes different bulk standards.) **The Design Standards where adjustments are requested are highlighted.**

Housing Type	Garden Style Apartments	
	Required	Requested
Average Lot Area	1,800 S.F. per dwelling unit	1,800 S.F. per dwelling unit
Minimum Lot Area	1,800 S.F. per dwelling unit 1 acre per building	1,800 S.F. per dwelling unit 1 acre per building
Lot Width	100' per building	100' per building
Lot Depth	125' per building	125' per building
Off-Street Parking	2	1 per dwelling unit with extra parking available. See discussion of parking waiver request.
Building Setback from Street	50 feet	50 feet Not applicable (Applicant seeking wavier to allow lot without street frontage.)
Building Setback from Property Line Front Yard Setback Side Yard Setback Rear Yard Setback	50 feet	<50 feet Phase IV Apartment Building setbacks vary. They are 32 feet at a side yard and with 0 feet at the Amenity Building interconnection point.
Building Spacing	50 feet	<50 feet (estimated at 45 feet)
Building Height Number of Stories	35 feet 2 stories	Height noted at 43 feet 3 stories
Lot Coverage	60%	60%
Average Number of Dwelling Units Per Building	24	Average = 54.5 Proposed Complex consists buildings of 32, 48, 63, 68, and 72 units

V. CONDITIONAL USE REVIEW

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

ARTICLE 10. PLANNING COMMISSION

Section 1. - Approval of conditional uses.

On application and after public notice and hearing, the commission may authorize the issuance by the city planner of permits for any of the conditional uses for which this ordinance requires, in the district in which such use is proposed to be located. In approving any such use, the planning commission shall take into consideration the public health, safety and welfare, the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the results of

its action may, to the maximum extent possible, further the expressed intent of this ordinance and the accomplishment of the following objectives in particular:

- 1.1 *Accessibility for emergency response.* That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;
- 1.2 *Harmony of location, size and character.* That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;
- 1.3 *Residential zones.* That, in addition to the above, in the case of any use located in, or adjacent to, a residential zone:
 - 1.31 The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and
 - 1.32 The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of landscaping, and other improvements on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

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

Approved as Planned Neighborhood Design: Senior Citizen Housing Option project:

The Luther Village project was previously approved in 2002 and 2013 under the Planned Neighborhood Design Ordinance for the Senior Citizen Housing Option and a Master Plan for development established (see *Zoning Ordinance*, Article 3, Section 24.1 (b)); this was Application C-02-02 and C-13-03. A PND proposal does not involve a rezoning of the land; remains zoned RG-2 (General Residence Zone). Also, by the *Zoning Ordinance* provisions, in the PND: SCHO the units shall be deed restricted to require that the head of household for each housing unit be at least 55 years of age or older. As part of the PND: SCHO approval process a series of Alternative Design Standards were established related to the bulk standards addressing setbacks, spacing, off-street parking, building height, dwelling units per building, etc.

VI. BUILDING ARCHITECTURE

The plan submittal shows the architecture of the Phase IV Apartment Building. (See color renderings of elevations.) For Phase IV, the Apartment Building is a three-story apartment building consisting of 72 units. The existing buildings on the site are a three-story building

(Phase 1), a two-story building (Phase 2), and a four-story building (Phase 3). The overall massing of the brick building is L-shaped with a shingle hipped roof. The building elevations include projecting elements such as entrance canopies and dormers. The sets of windows are a combination of fixed and operational windows with the wall box unit for heating/air conditioning is found just below each window group. The main entrance to the building with gable roofed canopy is found adjacent to the parking area on the east elevation. The south elevation includes a glassed projection. The choice of exterior finish materials for the Phase IV building will follow those utilized in the construction of the other apartment buildings. The Amenity Building is proposed as a three-story building in a lighter color finish and a gable roof consisting of an open first floor and enclosed second and third floors to make the connection between the Phase IV to Phase 3 apartment buildings. The buildings adjacent to the project site include single family residential dwellings typically one to two stories in height and large-scale commercial buildings.

Emergency Rear Access Requirement for Phase IV Apartment Building Waiver Request

The *Zoning Ordinance* requires a 16-foot alley or an 18-foot secondary fire lane to provide emergency access to the rear of the three-story apartment building in Phase IV (Article 5 Section 17.5(a)). The applicant may request a waiver for elimination of this requirement. The building has fire protection requirements under the Fire Codes including the following: requiring that the building be sprinklered, a requirement for primary fire lane for the primary entrance and exit side of the building, and for fire lane coverage of a percentage of the building.

A written waiver request was submitted for consideration by the Planning Commission; see Letter from the applicant. The Planning Commission will make a recommendation to the Safety Advisory and Transportation Committee and City Council who has the final authority to grant the request for elimination of the rear emergency access for apartments. The rear emergency access provisions can also be met through a subgrade drivable surface with certain construction techniques and demarcation by evergreen plantings as described in the *Zoning Ordinance*.

VII. PARKING SUMMARY

For Consideration PND Alternative Design Standards: Parking Reduction

For the housing types of apartments, the requirement is based on a rate of two parking spaces per dwelling unit with 1 parking space per 200 SF of office space and 0.25 parking spaces per dwelling unit to serve as visitor spaces. For certain types of senior citizen housing facilities, the *Zoning Ordinance*, Article 3 §24.52ii notes that parking shall be provided for residents, visitors, and employees of the facility and that the applicant must demonstrate that the parking provided is sufficient.

Continuing to seek a parking reduction, the Luther Village PND Master Plan proposes a total 578 parking spaces for the entire complex at build-out. Parking is provided in each Phase with at least one parking space per apartment dwelling unit. See summary table earlier in this Report. With the previous Plan approvals, an Alternative Design Standard for parking was approval for a rate of one parking space per dwelling unit plus one space per 200 SF of floor area as offices and one space per 300 SF of meeting room area. A Request detailing the current request for a Parking Reduction was submitted seeking a ratio of approximately 1.15 spaces per dwelling unit.

Parking Lot Expansion Project C-19-05

The Parking Lot Expansion project in 2019 added a total of 34 parking spaces with several existing parking spaces in the Phase 3 apartment building parking lot were displaced by the striping for a dedicated pedestrian path leading to the building.

Bicycle Parking

Waiver Requested: Reduction of Bicycle Parking

The project is required to provide bicycle parking. The bicycle parking calculation is one for every twenty parking spaces. Based on the total of 578 parking spaces on this parcel, a total of twenty-nine (29) bicycle parking spaces are required. The Phase IV project area would require five (5) bicycle parking spaces based on its number of parking spaces in the new parking lot. As per *Zoning Ordinance*, Article 6 §3.10 the Planning Commission may consider a waiver request to reduce the bicycle parking requirement. Previously, the project received approval of a waiver to reduce the bicycle parking requirement. The written Waiver Request for a reduction in bicycle parking was submitted for consideration by the Planning Commission; see Letter. The Request notes that bicycle parking exists for the Phase 3 Building and will be provided with the Phase IV Building; however, overall it does not meet the bicycle parking rate based on total vehicle parking spaces in the complex as Buildings 1 and 2 do not have bicycle parking spaces.

VIII. SITE CONSIDERATIONS

Access/Streets

Access to the Luther Village site is provided via Babb Drive from John Hunn Brown Road or from the street network of the adjacent Clearview Meadow subdivision that also leads to Babb Drive. The main entrance (with divided median style entry) to the complex is off Babb Drive with internal site circulation provided by a loop road.

Request for Waiver of Requirement for Two Connections to a Public Street

With the creation of one hundred fifty (150) dwelling units, a second connection to existing streets must be shown (*Land Subdivision Regulations*, Article VI §A.8). With Phases 1-3 as constructed consist of 148 dwelling units and this proposal for Phase IV for 72 new apartment units would place the total unit count at 220 units. Phase 5A shows this second connection where in the future at the end of Babb Drive at the intersection with Nob Hill Road, a second access drive into the Luther Village complex will be constructed. The Plan includes a note listing the request for Waiver of the Requirement for Two Connections to a Public Street (Sheet CR-01: General Data, Note #21) and the Request was also made by Letter.

Sidewalks

The locations of sidewalks within the complex are shown. This project will add two sidewalk segments along the loop road to Phase IV to the sidewalk system along the loop road. There is also a sidewalk connection leading to the Amenity Building.

Waiver Request: Partial Elimination of Upright Curbing

Article 6 §3.6(b) requires upright curbing for all parking areas. It appears that the continuation of the loop road expansion does not incorporate curbing. A written waiver request for the elimination of curbing in these areas was submitted for consideration by the City Planner citing the reasons for the management of water runoff. The Phase IV Building parking lot area does include curbing.

Dumpster

A Dumpster pad site area appears to be located at the north end of the building. The Dumpster Rete for an Apartment complex or Apartment Building with over 10 units is that two Dumpsters are required for the first 48 apartments and one required for each additional 24 apartments or fraction thereof. Based on the unit count of apartments in Phase IV, three Dumpster units are required. With the configuration shown on the plan, the applicant is utilizing service by a private hauler for trash removal services.

IX. TREE PLANTING AND LANDSCAPE PLAN

The Plan shows limited information on the concept for tree planting and landscaping. Canopy trees line the complex loop road. There are existing trees at the property boundary lines and other onsite plantings include a mix of canopy trees and evergreen trees with ornamental trees. In the earlier project phases, trees are planned for the islands within each parking area and along the front facades of the buildings. Additional planting is composed around specific elements such as the resident gardens, croquet court, and pavilions. Other than the removal of select trees, the tree planting proposal for Phase IV is not shown.

Tree plantings are required at rate of one tree per 3,000 SF of development area. The specific tree counts to meet the tree density requirements will be reviewed for each phase. Also, evergreen plantings are required to outline the subgrade emergency access (fire lanes) locations in accordance with Article 5 §17.4d.

X. OPEN SPACE and RECREATION PLAN

The total Common Open Space for the overall Luther Village PND: SCHO project is required at a rate of 275 square feet per dwelling unit or 0.5 acre of land, whichever is greater. Based on 477 dwelling units shown, at total of 131,175 S.F. of common open space is required for the entire Luther Village PND: SCHO complex. (Note: For a total 524 dwelling units, 144,100 S.F. of common open space is required.) A variety of active recreational options are existing or are proposed for the complex such as a croquet court, walking path, resident gardens, and pavilions. The Town Center building found in the center of the complex may also provide space for activities. These recreational components of the Master Plan were previously reviewed and a recommendation provided by the Parks, Recreation & Community Enhancement Committee to the Planning Commission. Since no changes were proposed with this resubmission of the Master Plan, it was determined that review would not be necessary. If future phases of the Master Plan for the project are redesigned then review for recommendations will be necessary.

Phase 1 construction included the recreational amenities of a walking path, the croquet court, and garden. Phase 2 construction included a garden area immediately adjacent to the building for use by the residents. The Phase 3 included an extension of the walking path network further north along the loop road near the stormwater management pond and a terrace (patio) area near landscaping adjacent to the building. There are also several gazebos in the complex. A specific tally of Recreation Area must be provided to ensure that an area of 79,750 SF is provided (to several Phases 1-IV).

The Active Recreation Area for Phase IV will continue the walking path system, add a larger gazebo, and provide an Amenity Building. Specific review of the Active Recreation Area plans

for Phase IV by the Parks, Recreation & Community Enhancement Committee is not required at this time as its Active Recreation Area is already constructed, expands the existing path network, and includes the same amenities as previous phases.

XI. MINOR SUBDIVISION PLAN FOR PHASE IV

Request for Waivers: Street Frontage Requirement and Building Setbacks and Spacing

This Plan will require review a Minor Subdivision Plan with this Site Plan. It proposes to subdivide a 2.79-acre parcel from the remaining portion of the 33.63 acres of the overall Luther Village parcel. Similar parcels were created for Phase 1-3. This subdivision includes the Phase IV apartment building and the immediately surrounding area.

The proposed parcel must be reviewed for compliance with the bulk standards for items such as setbacks, lot size, etc. This plan seeks waivers of several bulk standards. As per *Zoning Ordinance*, Article 3 §24.5, the Planning Commission may relax the design standards and dimensional requirements for Planned Neighborhood Design Option project where the developer can demonstrate that the action is desirable and consistent with the objectives of the ordinance and the Comprehensive Plan. (See discussion presented earlier in this Report.)

The proposed parcel for Phase IV is within the larger tract of land and therefore will not have frontage on a public street. The requirement that a parcel have frontage on a public street is found in the *Land Subdivision Regulations*, Article VI §E.5. The provisions for waivers are also found in the Land Subdivision Regulations in Article VIIA.

A. Variance and Waiver.

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

The Planning Commission should forward a formal recommendation to the associated City Council Committee and City Council with regard to the requested subdivision waiver regarding the street frontage. The City Council has the final approval regarding this subdivision waiver. Similar waiver requests were granted for the Luther Village PND: SCHO Phase 1, Phase 2, and Phase 3 to allow each building to exist on a smaller parcel area to meet grant funding requirements and/or ownership requirements. A written waiver request was submitted seeking a waiver of the requirement for the parcel (for Phase IV) to have frontage on a public street.

XII. CITY AND STATE CODE REQUIREMENTS: UPDATE

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

- 1) The Planning Commission must determine the appropriateness of the proposed density for the PND-SCHO project site as part of their review process.
- 2) The project must comply with the bulk standards for apartments in the PND unless seeking waivers for Alternative Design Standards for the PND: SCHO. A written request was received and Planning Commission must grant approval for the following:
 - a. Building Setbacks from the Property Line;
 - b. Building Spacing;
 - c. Building Height;
 - d. Number of stories; and
 - e. Average Number of Dwelling Units Per Building.
- 3) The project must comply with the requirements for the emergency rear access provisions for the apartment units unless a waiver is granted. Significant redesign of the development project will be required if this waiver is not granted. A written waiver request was submitted seeking the elimination of the emergency rear access for consideration by the Planning Commission. The Planning Commission will make a recommendation on
- 4) The project must comply with the requirements for the parking requirements unless a waiver is granted. A written waiver request was submitted for the reduction in parking for consideration by the Planning Commission
- 5) Upright curbing shall be provided in accordance with the *Zoning Ordinance* unless a waiver is granted by the Planning Commission. A written waiver request was submitted for the elimination of a portion of the curbing for consideration by the City Planner.
- 6) The bicycle parking space requirement must be met for the site. A written waiver request was submitted for consideration by the Planning Commission.
- 7) The outcome of the waiver requests must be noted on the Final Site Plan and the Minor Subdivision Plan. If the waiver requests associated with the Minor Subdivision are approved, a plan for recordation must be approved and recorded prior to final Site Plan approval.
- 8) Provide a copy of the Deed Restrictions as required in the *Zoning Ordinance*, Article 3 §24.8vii. or acceptable documentation of policies regarding operations.
- 9) The data column on all sheets (including on a future Record Plan sheet) needs to be updated prior to Final Approval with any changes recommended by the Planning Commission.
 - a. List all parcels of the complex; one is missing.
 - b. In Item #3, list each phase by parcel with owner.
 - c. List zoning as RG-2 (General Residence *Zone*).
 - d. Update the bulk standards by listing standards for PND garden apartment as found in Article 4 §4.11. Also note where Alternative Standards are sought/approved.

- e. Add density calculation for project and note action taken by the Planning Commission.
 - f. Update outcome of action on waivers.
 - g. Add data specific to Phase IV such as lot size, building footprint, total building floor area, setbacks, etc.
 - h. Item #16, list parking data for each Phase and overall.
 - i. Item #23, this property is not located within the AEOZ (Airport Environs Overlay Zone). Clarify if this note is required by other agencies.
 - j. Add tallies of Active Recreation Areas as existing, proposed, and overall.
- 10) Sheet CR-02 to CR-05:
- a. Setbacks: As a PND-SCHO a series of Alternative Design Standards were previously authorized and are being considered again. Show the distances from the proposed Phase IV building to the property lines.
 - b. Ensure existing Stormwater management Area is current on any maintenance requirements.
 - c. Clarify design format of Dumpster enclosure.
 - d. Clarify tree removals as certain trees marked for removal do not appear to conflict with development activities.
 - e. Ensure Electric Vehicle charging station set-up does not impede future sidewalk continuation.
- 11) Identify the location and number of bicycle parking spaces to meet the bicycle parking requirement based on total number of parking spaces in Phase IV. Also show location of existing bike racks.
- 12) Provide construction details sheet for Phase IV items including the following items but not limited to barrier free sidewalk, dumpster enclosures, dumpster pad, curbing, parking bumpers, traffic control signage, crosswalks, paving section, lighting fixtures, handicap signage, walking path, etc.
- 13) Ensure barrier free access is provided at all intersections of drive lanes and sidewalks. Add ramps at crossings of loop road and use piano key style crosswalks.
- 14) Landscape Plan must be submitted for review of Phase IV Site Plan.
- a. Identify existing trees in Phases 1-3.
 - b. Clarify the tree planting calculations for Phases 1-3 and Phase IV. As there may be other existing trees available to satisfy the tree planting requirement. Or you may identify a development area for calculation of the tree planting requirement.
 - c. Depict development area and its existing tree status,
 - d. Show tree plantings proposes for Phase IV.
 - e. Clarify if existing trees removed in the vicinity of Phase 3 will be replanted.
- 15) Provide an Active Recreation Plan or information to clarify the existing and proposed Active Recreation area calculations and proposed areas to be constructed in Phase IV.
- a. Provide area calculation for the recreation area required for units.

- b. The area of the wet stormwater management pond cannot be counted towards active recreation area.

16) Provide Record Subdivision Plan sheet to depict the Phase IV subdivision and any additional easements to allow for cross-access, use of recreation areas, stormwater management, utilities, etc.

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

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

1) Waiver Requests:

- a) Alternative Design Standards for PND: SCHO: Planning Staff recommends approval of the series of Alternative Design Standards for the PND: SCHO. It is noted that these Alternative Design Standards were previously approved. The following findings regarding these Design Standards are noted.
 - i) The reduction in the building setbacks from property lines under the provisions of the Planned Neighborhood Design Option is necessitated due to the creation of a parcel specifically for Phase IV. Overall, when compared to the greater boundary of the Luther Village complex, the building placement complies with the setbacks requirements.
 - ii) The building spacing is reduced to accommodate enclosed connections between buildings; however, the buildings will still be required to meet the requirements of the Building Codes and Fire Codes.
 - iii) The increase in building height, number of stories, and average number of units per building continues to fit the character of the area as the location is interior to the Luther Village complex and the units can be accommodated in a smaller building footprint by adding floors. The density proposed is appropriate as this development is infill within an area with existing infrastructure and amenities.
- b) Reduction in Parking: Planning Staff recommends approval for the reduction in number of parking spaces to a minimum rate of one parking space per dwelling unit with additional parking spaces provided to accommodate any office space or meeting rooms in the building. The applicant's request for a rate of 1.15 parking spaces per dwelling unit is acceptable.
- c) Reduction in Bicycle Parking: Planning Staff recommends approval for a reduction in the overall number of bicycle parking spaces based on the demographics of the apartment tenants. It is noted that Buildings in Phase 3 and Phase IV have bicycle rates. The

applicant has given consideration to providing bicycle parking spaces at each building to serve staff, visitors, and residents. The applicant may also want to consider covered storage or interior storage opportunities for bicycles owned by residents.

- d) Partial Elimination of Curbing: Planning Staff grants approval of the request to eliminate the curbing for the loop road for areas necessary for stormwater management.
- e) Elimination of Emergency Rear Access for Apartments: Planning Staff recommends the applicant continue evaluation of options to avoid the elimination the emergency rear access for the Phase IV apartment building. There may be alternatives or other options to meet this rear access requirement such as extension of existing/proposed access drives, enhanced walking paths, or creation of subgrade improvements to make a drivable surface. It appears that the Phase IV building will be sprinklered and will include other required fire lane coverage. Planning Staff recommends additional discussions with the City's Office of the Fire Marshal.
- f) Requirement for Two Connections to a Public Street: Planning Staff recommends approval for the elimination of the second connection to public street requirement for Phase IV only. Given the phasing of the apartment complex construction, the current divided median entry does provide an option for access (in an emergency). The second connection to Babb Drive is planned as part of the Phase 5 (A) and should be completed before the addition of apartment buildings in the eastern area of the complex.
- g) Street Frontage for Parcel: Staff recommends approval of the waiver to allow for creation of a parcel without street frontage noting that the main parcel of the complex including the entrance maintains frontage along a public street. The creation of this parcel focused on Phase IV is necessary to comply with funding and/or ownership requirements for the project. Similar waivers were approved for Phase 1, Phase 2, and Phase 3.

XIV. ADVISORY COMMENTS TO THE APPLICANT:

- 1) The Planning Commission should act upon the waiver requests as part of any motion to approve this Conditional Use Site Plan/Master Plan, or as a separate motion if necessary. Note: The recommendation for this waiver is at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.
- 2) The Planning Commission should provide recommendations to City Council in regard to the Subdivision Waivers of the *Land Subdivision Regulations*. The City Council and associated Committee meeting will be scheduled to review this request.
- 3) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.
- 4) A Minor Subdivision Record Plat shall be prepared for recordation to subdivide the parcel into the Phase IV parcel identified. All easements shall be fully described on the Plat. The Minor Subdivision Plat shall be approved and signed by the City Planner prior recordation in

the Kent County Recorder of Deeds Office.

- 5) In the event, that major changes and revisions to the Plan occur in the finalization of the Site Plan contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other commissions making recommendations in regard to the plan.
- 6) Construction may have an effect on the adjacent buildings on the site and site access. Any work requiring the closing or rerouting of residents or visitors to the adjacent buildings, and site access shall be coordinated as to offer the least amount of inconvenience.
- 7) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections and permits are required.
- 8) The applicant shall be aware that Plan approval does not represent a Building Permit, and associated construction activity permits A separate application process is required for issuance of a Building Permit from the City of Dover.
- 9) The applicant shall be aware that Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Certain types of signage require a Sign Permit from the City of Dover prior to placement of any such sign; please consult with Planning Staff in regard to signage.

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: Luther Village IV: Planned Neighborhood Design – Senior Citizen Housing Option on Babb Drive

FILE #: C-24-02

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

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

CONTACT PHONE #: 302-736-7025

CONTACT 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 building. 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 the 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 ELECTRIC
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

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

APPLICATION: Luther Village IV: Planned Neighborhood Design – Senior Citizen Housing Option on Babb Drive

FILE #: C-24-02

REVIEWING AGENCY: City of Dover Electric Department

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

CONTACT PHONE #: 302-674-7568

CONTACT EMAIL: sburgett@dover.de.us

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

ADVISORY COMMENTS TO THE APPLICANT

1. Provide load sheets as soon as possible for proper sizing of transformers and creation of primary fee estimates. Current load sheets can be found at the following link:
<https://www.cityofdover.com/media/Electric%20Department/COD%20Electric%20Load%20Sheet.pdf>.
2. The City of Dover Electric Department is responsible for electricity up to the primary metering cabinet (4M3) located at the entrance to Luther Village on Babb Drive. Luther Village is responsible for the electric past this meter. All other comments on this form should be used as reference only in the event of future changes.

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:** Luther Village IV Babb Dr**FILE #:** C-24-02REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire Marshal
josika@dover.de.usPHONE #: (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposed occupancy classification is residential (apartments)
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 75% 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 35% 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. Emergency access to rear building areas compliant with City of Dover Code (Appendix B-Zoning, Article 5- Supplementary Regulations, Section 17);

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

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

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

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

Residential areas

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

Commercial areas

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

Alley

12 feet wide

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

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

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

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

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

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

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

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

NFPA 1

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

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

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

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

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

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

The owner is responsible if the hydrant is private.

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

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

The owner is responsible if the hydrant is private.

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

21. NFPA 72 compliant Fire Alarm System required per occupancy code requirements.

Fire alarm in place of assembly. *Fire alarm required.* Any new occupancy or new portion of an occupancy determined to be a place of assembly by the fire marshal and is capable of receiving an occupant load of 75 persons or greater, shall be required to install a fire alarm in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Fire alarm system required. Any existing occupancy or portion of an existing occupancy determined to be a place of assembly by the fire marshal, and is undergoing renovations in excess of 50 percent of the assessed value of the building and is capable of receiving an occupant load 75 persons or greater or is being enlarged to receive an occupant load of 75 persons or greater, shall be required to install a complete fire alarm system in accordance with NFPA codes governing the installation of fire alarms and the National Electrical Code.

Public mode audible requirements. To ensure that audible public mode signals are clearly heard by occupants of a structure, they shall have a sound level at least 15 decibels (dB) above the average ambient sound level or five decibels (dB) above the maximum sound level having a duration of at least 60 seconds, whichever is greater, measured five feet (1.5m) above the floor in the area required to be served by the system using the A-weighted scale dBA. In the event the stated requirement cannot be met a shunt trip relay/switches shall be the approved method of meeting the intent of this section of the Code.

(City Code of Ordinances 46-171)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(City of Dover Code of Ordinances 46-162)

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

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

Fire department connections. Unless otherwise approved by the fire marshal, fire department connections shall be on the street side of the building and shall be located and arranged so that hose lines can be readily and conveniently attached to without interference from any nearby obstructions as defined by the fire marshal's office. Fire department connections shall be a five-inch Storz. Fire department connections shall be within 300 feet of an approved City of Dover Fire

Hydrant and within 50 feet of the main entrance of the structure it serves. All fire department connections shall be not less than three feet nor more than five feet in height above finished grade. The fire marshal shall have the authority to require more stringent requirements when deemed necessary. (City of Dover Code of Ordinances 46-162)

24. Parking and/or obstructions shall be prohibited in front of fire department connections for a distance measuring from the center line and extending four feet on both sides.
(2015 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.4)
25. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.
26. 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 a least 48 inches (four ft.) in height above the finish grade elevation. Any deviation of the stated requirements must be approved by the fire marshal and/or chief building inspector. The above dimensions shall serve as the requirement for installation; however, the fire marshal and/or chief building inspector shall have the authority to require more stringent dimensions to fit the needs of devices warranting impact protection.

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

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. All new passenger elevators in a building shall be provided with a car sized to accommodate an ambulance cot 24 inches (609 mm) by 84 inches (2133 mm) in its horizontal open position. Where

two or more new passenger elevators are located in a single hoist way and serve all or the same portion of the building, only one elevator car that provides a car sized to accommodate an ambulance cot 24 inches by 84 inches in its horizontal position for each hoist way shall be required. Elevator cars required to comply with 15.1 or 15.2 shall be identified by the international symbol for emergency medical services (star of life). The symbol shall be not less than 3 inches (76 mm) in height and shall be placed inside on both sides of the hoist way door frame. Firefighter recall keys shall be provided in a manner acceptable to the local fire department. (2021 Delaware State Fire Prevention Regulations 705, Chapter I, 15)

33. 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.
34. Project to be completed per approved Site Plan.
35. Full building and fire plan review is required.
36. 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.
37. Construction or renovations cannot be started until building plans are approved.
38. 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.
39. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.
40. The following is City Ordinance, Appendix B-Zoning, Article 8 Enforcement and Penalties:

Section 1. - Building permits.

No building or structure in any district shall be erected or structurally altered without a building permit duly issued upon application to the building inspector. No building permit shall be issued unless the proposed construction or use is in full conformity with all the provisions of this ordinance. Any building permit issued in violation of the provisions of this ordinance shall be null and void and of no effect, without the necessity for any proceedings for revocations or nullification thereof, and any work undertaken or use established pursuant to any such permit shall be unlawful (see section 4 for penalties).

1.1 No building permit shall be issued for the construction or alteration of any building upon a lot without frontage upon, or legal permanent access to, a public street improved to the satisfaction of the planning commission, or without access to a public sewer.

1.2 No building permit shall be issued for any building where the site development plan of such building is subject to approval by the planning commission, except upon approval of such plans approved by the said commission.

1.21 No building permit shall be issued for any building in a subdivision unless the subdivision plot has been approved by the planning commission.

1.3 No building permit shall be issued for a building to be used for any conditional use in any zone where such use is allowed only with approval of the planning commission, unless and until such approval has been duly granted by the said commission.

(Ord. of 7-12-1993, § 3)

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Please confirm that the distance between the building and parking is 15' as outlined in item # 6 listed above
2. Please show the secondary fire lane as outlined in item # 11 listed above
3. Buildings 1 through 3 have a subgrade emergency access lane that is no longer properly marked. These Fire Lanes need to be properly marked (listed below). Please arrange a meeting with this office to review those lanes. These lanes need to be in compliance as part of this approval.
4. Additional hydrants are needed as outlined in item # 17 listed above. They must not exceed 800'. One must be located within 300' of the FDC as hose would come off of the apparatus. They must be on the backside of the building as well.
5. It appears that phase 5 building doesn't have proper access
6. This office does not support the emergency rear access waiver. This item is listed above as item # 11. This ordinance was put into place due to access issues for the fire department at apartment complexes. During an emergency event, the fire department would have trouble accessing the rear of the proposed building properly. This would hinder firefighting and rescue operations.

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.**

(4) Subgrade emergency access lanes.

(a) A subgrade emergency access lane is designed to provide emergency vehicle accessibility in lieu of paved, hard-surfaced fire lanes where permitted under subsection 5 [(5)](a) of this section. A subgrade emergency access lane shall not be substituted for a required secondary fire lane.

(b) All subgrade emergency access lanes shall be established at a minimum width of 18 feet and shall be set back from all building walls in accordance with the Delaware State Fire Protection Regulations. The planning commission may waive the 18-foot width requirement when demarcation is enhanced beyond the standards set forth in paragraph [subsection (4)](d) below.

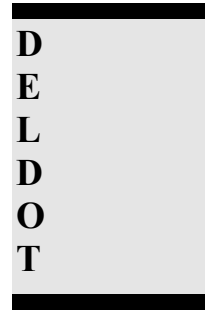
(c) All subgrade emergency access lanes shall be constructed on a level subgrade compacted to at least 2,000 pounds per square foot. The compacted subgrade shall be overlaid with three to four inches of compacted crusher run (CR1-2.5") underneath four inches of compacted crusher run (CR6-1.5") to form a compacted subbase. The compacted subbase shall be covered with at least four inches of topsoil and shall be graded and seeded or sodded. (See figure 17.1.)

(d) All subgrade emergency access lanes shall be designated and identified by shrub plantings, fencing, signage or any combination of materials to adequately delineate such access way, subject to approval by the City of Dover Fire Marshal. When shrub plantings are to be used for lane demarcation, such plantings shall be evergreen and of a columnar, upright form, with [a] tight branching habit. Shrub planting selection shall be subject to final approval by the city planner. Demarcation shrub plantings shall be spaced no greater than 40 feet on center on straight sections of access lane and no greater than 20 feet on center on curved sections.

(e) All subgrade emergency access lanes shall be maintained free of obstruction. The placement of fences, buildings, landscaping, gardens, play equipment or any other form of obstruction shall be prohibited from placement within the boundaries of subgrade emergency access lanes. The area reserved for [an] emergency access lane shall be subject to all property maintenance ordinances of the City of Dover, including those governing grass cutting, and landscape maintenance. Violations are punishable as misdemeanor offenses under the applicable ordinances of the City of Dover.

(f) At points of access to subgrade emergency access lanes, there shall be provided an adequate curb depression of at least 24 feet in width. Such access points shall be designated as restricted use and controlled by signage, pavement marking, gates or fencing to prevent the use of such lane for purposes other than emergency vehicle access. The methods employed to ensure controlled access shall be reviewed, approved and inspected by the fire marshal on a case by case basis prior to the issuance of a certificate of occupancy for associated buildings.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY



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APPLICATION: Luther Village IV – Senior Citizen Housing Option

FILE#: C-24-02

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Brian Williams

PHONE#: 302-760-2141

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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.



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: Luther Village IV: Planned Neighborhood Design – Senior Citizen Housing Option on Babb Drive

FILE #: C-24-02

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Cullen Baker

PHONE: (302) 608 – 5370

EMAIL: stormwater@kentcd.org

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

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. A pre-application meeting will be required to be scheduled with KCD to discuss requirements for plan approval.

ADVISORY COMMENTS TO THE APPLICANT:

1. The proposed plan will need to show that Luther Village Phase 4 stormwater will drain into the existing stormwater facilities. If any portion of Phase 4 cannot then other stormwater facilities will need to be constructed in Phase 4.

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

**Dover/Kent
County
Metropolitan
Planning
Organization**

C-24-02 Luther Village IV: Planned Neighborhood Design - Senior Citizen Housing Option on Babb Drive

FILE # C-24-02

REVIEWING AGENCY: Dover/Kent County MPO

CONTACT PERSON: Malcolm Jacob

PHONE #: (302) 387-6030

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

City of Dover Planning Commission
Conditional Use Site Plan Review

C-24-02 Luther Village IV: Planned Neighborhood Design - Senior Citizen Housing Option on Babb Drive

The MPO has no objections to the Conditional Use Site Plan. The path system that will run between buildings is likely to promote active recreation and provide a safe means of walking throughout the property. It will also connect to the existing DART bus stop on Babb Drive. Walkable neighborhoods are especially important for older communities, where many of the residents may not drive a personal vehicle.

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: [Hughart, Jared](#)
To: [Melson-Williams, Dawn](#)
Subject: EXTERNAL: 8.28.2024 DAC Staff Notes Chesapeake Utilities
Date: Wednesday, August 28, 2024 10:22:22 AM

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.

Dawn please see meeting notes below.

AX-24-01 Lands of Byler Investments

- No Comments

C-24-02 Luther Village-

- Currently provide natural gas to the three existing buildings. Please contact Jared, at Jhughart@chpk.com, to begin due diligence for designed and economic modeling.

C-24-03 Church of the Nazarene

- Owner will need to contact Chesapeake utilities once plans are approved, prior to construction, in the event a relocation of the existing natural gas service is needed.

S-24-13

- Natural Gas infrastructure is on Lafferty Lane, please contact Jared at Jhughart@chpk.com, to begin design and economic modeling due diligence.

S-24-14 Legislative Hall Parking Garage

- Please contact Jared at Jhughart@chpk.com for any new natural gas inquiries to begin design and economic modeling due diligence.

Thank you,

Jared Hughart

Chesapeake Utilities

500 Energy Lane

Dover, DE 19901

Cell: 302-943-3468

www.chpk.com

NEW METER requests must go through: Install@chpk.com

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September 4, 2024

C 1243-7

Dawn Melson-Williams, AICP
Principal Planner
City of Dover, Delaware
Department of Planning & Inspections
15 Loockerman Plaza
Dover, DE 19901

**SUBJECT: LUTHER VILLAGE, WAIVER REQUEST
DOVER, DELAWARE**

Dear Ms. Melson-Williams:

I am writing to formally request waivers from specific requirements outlined in Appendix B, "Zoning," of the Dover Code of Ordinances for C-24-02 Luther Village. We believe that granting these waivers will facilitate the successful development of the project while maintaining conformity with the overall objectives of the PND-SCHO Master Plan.

Bulk Standards:

We are requesting relief from the Bulk and Parking requirements of Article 4 §4.11 for Garden Apartments and providing the following:

Standard	Required	Provided
Side Yard	50 feet	32 feet
Rear Yard	50 feet	0 feet
Building Spacing	50 feet	45 feet
Building Height	35 feet (maximum)	43 feet
Number of Stories	2 (maximum)	3
Avg Dwelling Units per Bldg	24 (maximum)	54.5

Off Street Parking:

In accordance with Article 3 §24.52.ii, we are requesting relief from the Parking requirement that two (2) spaces be provided per Dwelling Unit. Consistent with the previous phases of the Development, there are parking spaces provided at a reduced ratio of approximately 1.15 spaces

C 1243-7
Dawn Melson-Williams, AICP
September 4, 2024
Page Two

per dwelling unit, notwithstanding the additional spaces provided for the community center. Of note, there is no office space proposed in the Phase IV building.

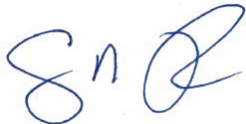
Emergency Rear Access:

We are requesting relief from the Emergency Rear Access Requirement outlined in Article 5 §17.5(a). All external fire protection requirements, as set forth by the 1 DE Administrative Code, §701, have been met. The inside of the building will be protected by sprinklers and perimeter fire access is provided for 93% of the exterior. The area to the rear of the building has been made relatively flat as well for ease of movement of equipment, should the need arise.

Providing an engineered access lane would prove burdensome to the development as it would require an extra culvert to be built specific to loading ratings for fire equipment in the useable open space.

We trust that you find these requests reasonable and aligned with the overall goals of the code. We are confident that the proposed modifications will enhance the project's effectiveness and contribute positively to the community. We appreciate your time and consideration in reviewing our waiver requests and look forward to your favorable response.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'CML', is written over a faint circular stamp.

Craig M. Lynch, P.E.
Project Engineer

cc: Rick Murphy, Martin Luther Foundation of Dover



September 4, 2024

C 1243-7

Planning Commission
City of Dover, Delaware
15 Loockerman Plaza
Dover, DE 19901

**SUBJECT: LUTHER VILLAGE, WAIVER REQUESTS
DOVER, DELAWARE**

To Whom It May Concern:

I am writing to formally request waivers from specific requirements outlined in Appendix A, "Subdivisions," of the Dover Code of Ordinances for C-24-02 Luther Village Phase IV. We believe that granting these waivers will facilitate the successful development of the project while maintaining conformity with the overall objectives of the PND-SCHO Master Plan.

Curb Installation Requirement:

In accordance with Article VII §A.2., we are requesting a waiver from the requirement of Article VI §G.1.C requiring curb along major subdivisions. In keeping with the existing conditions, we are proposing grass up to the edge of pavement to facilitate drainage and stormwater management on the access road (Bunnell Way).

Two Connections to a Public Street:

In accordance with Article VII §A.1, we are requesting a waiver from Article VI, §A.8(b), requiring a second connection to a State or City maintained street if a development contains 150 or more dwelling units. Currently, three (3) phases of the previously approved Planned Neighborhood Development have been constructed, with 148 dwelling units currently available. Phase IV proposes an additional 72 units. The previously approved connection, Phase V A, creates a closed loop whereby no functional relief is attained through traffic using the new entrance until Phase V is constructed. The second connection will have an immense benefit for Phases V through IX, serving an additional spur road to those phases.

Street Frontage for Parcel:

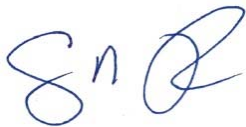
In accordance with Article VII §A.1, we are requesting a waiver from the requirement of Article VI §E.5. requiring all lots in a subdivision to have frontage on a public street. We are proposing the creation of a parcel without street frontage noting that the residual development including the entrance maintains frontage along a public street. The creation of this parcel, focused on Phase IV, is necessary to facilitate grant funding and ownership requirements relating to maintenance. Similar waivers were approved for Phase I through Phase III.

Reduction in Bicycle Parking:

In accordance with Article VII §A.1, we are requesting a waiver for the requirement of Appendix B Article 6 §3.10. requiring one bicycle parking space for every 20 vehicular parking spaces. There are currently 6 spaces on site serving Phase III that are, due in part to the demographics of the tenants, underutilized. Only 2 residents currently use the bike racks. There are an additional 6 bicycle spaces proposed by this plan, satisfying the requirements of Phase IV, however, Phases I and II do not have any bicycle parking as it was not a code requirement at the time of plan approval for those phases. Depending on the status of grant funding availability, bicycle spaces may be contemplated in phases I and II in the future.

We trust that you find these requests reasonable and aligned with the overall goals of the code. We are confident that the proposed modifications will enhance the project's effectiveness and contribute positively to the community. We appreciate your time and consideration in reviewing our waiver requests and look forward to your favorable response.

Very truly yours,

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