

City of



Dover

DATA SHEET FOR CONDITIONAL USE SITE DEVELOPMENT PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF May 8, 2024

PLANNING COMMISSION MEETING of June 17, 2024

Plan Title: Tower-Based Wireless Communications Facility at 640 Lafferty Lane (Rise Up Towers, LLC)
C-24-01

Plan Type: Conditional Use Site Plan

Property Owner: Secure Storage, LLC

Applicant/Developer: Rise Up Towers, LLC

Location: North side of Lafferty Lane, east of South Bay Road

Address: 640 Lafferty Lane

Tax Parcel: ED-05-077.00-01-25.00-000

Site Area: 18.68 acres +/-
Project Area: Lease area of 50'x50' associated with Compound Area

Zoning: IPM (Industrial Park Manufacturing Zone)

Present Use: Mini-Storage Facility with Boat & RV Storage and Associated Office

Proposed Use: Mini-Storage Facility with Boat & RV Storage and Associated Office
with Tower-Based Wireless Communication Facility (monopole)

Waivers Requested: None

Potential Waiver to be Requested for Staff Review: Partial Elimination of Upright Curbing

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: May 8, 2024

APPLICATION: Tower-Based Wireless Communications Facility at 640 Lafferty Lane (Rise Up Towers, LLC)

FILE #: C-24-01

REVIEWING AGENCY: City of Dover Planning Office

CONTACT PERSON: Dawn Melson-Williams, AICP

PHONE #: 302.736.7196

I. PLAN SUMMARY

This Application is review of a Conditional Use Site Plan application to permit construction of a tower-based wireless communications facility (WCF) and associated equipment compound in the northeastern area of the mini-storage facility property. The proposed wireless support structure is a monopole of 124 feet with a lightning rod for a total height of 129 feet. The 18.68-acre subject property is located on the north side of Lafferty Lane, east of South Bay Road. The property is zoned IPM (Industrial Park Manufacturing Zone). The owner of record (parcel) is Secure Storage, LLC, and the applicant (WCF developer/owner) is Rise Up Towers, LLC. Property Address: 640 Lafferty Lane. Tax Parcel: ED05-077.00-01-25.00-000. Council District 2.

Note: this Application C-24-01 was originally filed in anticipation of consideration at the May 20, 2024 Planning Commission Meeting; however, incomplete Public Notice required rescheduling of the application's review to the June 17, 2024 Planning Commission Meeting.

Previous Applications

This site was partially developed under S-17-06 Secure Storage Revised Site Plan: Phases 2 and 3 for a mini-storage facility to consist of four (4) additional storage buildings in the Phases 2 & 3 area on a site already containing 14 storage buildings (Phase 1). The S-17-06 Plan was granted conditional approval by the Planning Commission on March 20, 2017 with Final Plan approval October 16, 2017 and an extension granted March 8, 2019. The Site Plan S-17-06 conditions of approval set forth by the Planning Commission included acceptance of the Performance Standard Review Application and approval of Waiver Requests for the partial elimination of curbing in select areas and for the elimination of sidewalk along the property's Lafferty Lane frontage. However, the DelDOT Entrance Plan approval required implementation of a 10 ft.-wide multi-modal sidewalk on the site frontage. It is noted that during its review process a design refinement of the site building layout (occurring after the Planning Commission meeting) resulted in a reduction from five buildings to four buildings. The Final Plan, as approved, consisted of buildings totaling 90,000 S.F. and including associated site improvements including a designated boat and RV parking area. Only one storage building (Building #15) was constructed in this Phase 2 area.

The property was also part of a Unified Comprehensive Signage Plan US-03-01 Secure Storage Complex that was reviewed May 19, 2003. The Planning Commission approval of the Comprehensive Signage Plan consisted of monument signs and two (2) pylon signs (of 480 SF each at heights of 45 feet and 60 feet) to serve the mini-storage facility and the adjacent future development lots (three separate lots fronting on Lafferty Lane).

It is noted that portions of this property were previously subject to the requirements of the AEOZ (Airport Environs Overlay Zone). However, amendments to the AEOZ zoning district boundary (coverage area) in March 2013 (Ordinance #2013-01) removed the property from the AEOZ.

II. PROJECT DESCRIPTION

The Plan proposes the construction of Tower-based Wireless communications facility with a 124 foot monopole as the wireless support structure by Rise Up Towers, LLC. It is located in the northeast portion of the overall property and separated from the existing (and proposed) mini-storage buildings. It is topped with a lightning rod for a total height of 129 feet. The specific carrier antenna sector (T-Mobile) is shown at the 124 feet which is the top-most position. The monopole includes a proposed whip antenna location at the 80 foot height (for potential municipal /EMS usage) with three additional placement heights for collocations of other future carrier antennas. These antenna heights are centered on 94 feet, 104 feet, and 114 feet. The WSS is located within a fenced compound area of 50 feet by 50 feet enclosed with a 6-foot chain-link fence and surrounded by evergreen trees. A paved access drive 12 feet in width with a turnaround/parking space is proposed on the southeast side connecting to an existing paved/gravel drive on the property that links to a driveway connection to Lafferty Lane.

The mini-storage facility is to remain on the property. It is a gated facility with an associated office building for its management located at the property entrance from Lafferty Lane (near Route 113/Bay Road). There is also a cemetery on a portion of the property.

Surrounding Properties

The property is flanked by the right-of-way for State Route 1 to the west. To the south, is a series of three lots also owned by Secure Storage LLC and zoned IPM. To the east on the adjoining property is a building materials supplier with several warehouse style buildings.

III. ZONING REVIEW

IPM (Industrial Park Manufacturing Zone)

Zoning Ordinance, Article 3 Section 20 lists the permitted uses, conditional uses, and other provisions of the IPM (Industrial Park Manufacturing Zone). The existing mini-storage facility is an allowable use and Tower-Based Wireless Communications Facilities are allowed in non-residential zones through the Conditional Use process.

Conditional Use Application

With Conditional Use Plan 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 relates to the role of the Commission in reviewing Conditional Use Plan applications are particularly relevant when reviewing this application:

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

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

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

IV. WIRELESS COMMUNICATION FACILITIES

The Ordinance #2020-13 on Wireless Communications Facilities (WCF) was adopted by Dover City Council on November 9, 2020 which established the provisions for such facilities. As adopted by the Ordinance, a copy of the WCF provisions as found in *Zoning Ordinance*, Article 5 §23 is attached.

The following are key Code excerpts pertaining to this application for a new Tower-Based Wireless Communications Facility. It is allowed in IPM zone and subject to a series of criteria and design standards. This project is considered a “new facility” as it is not a Small-WCF which is limited to 50 feet in height. The height of the WCF is limited to a maximum of 150 feet and also has setback (separation) distance from the property lines required to be 110% of the structure’s height.

Here are some definitions of key terms as found in Article 5 §23.2:

Height of a tower-based WCF. The vertical distance measured from the ground level, including any base pad, to the highest point on a tower-based WCF, including antennae mounted on the tower and any other appurtenances.

Stealth technology. Camouflaging or screening methods applied to wireless communications facilities and accessory equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in a manner appropriate to the site’s context and surrounding environment. Such methods include, but are not limited to, architecturally screened roof-mounted antennae, building-mounted antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.

Tower-based wireless communications facility (tower-based WCF). Any structure that is used for the primary purpose of supporting one or more antennae, including, but not limited to, self-supporting lattice towers, guy towers and monopoles. This definition excludes any installation meeting the definition of a small wireless communications facility.

Wireless communications facility (WCF). An antenna facility or a wireless support structure that is used for the provision of wireless service, whether such service is provided on a stand-alone basis or commingled with other wireless communications services.

Wireless support structure. A freestanding structure, pole, tower, or other building, whether or not it has an existing antenna facility, that is used or to be used to support the placement or installation of a wireless communication facility for the provision of wireless service (whether on its own or comingled with other types of services).

The application procedures for a new Tower-based WCF are outlined in *Zoning Ordinance*, Article 5 §23.5 and require Conditional Use approval from the Planning Commission and then the WCF Permit process. The Application must demonstrate compliance with the WCF provisions based on type including information related to equipment, compliance with aviation safety laws and regulations, property owner authorization, and structural engineering certification of the structure. The Application also has to demonstrate the following:

Article 5 §23.55(c)

v. An application for a new tower-based WCF shall demonstrate that the proposed tower-based WCF cannot be accommodated on an existing or approved structure or building. The planning commission may deny an application to construct a new tower-based WCF if the WCF applicant has not made a good faith effort to mount the antenna(s) on an existing structure. The WCF applicant shall address the viability of any existing wireless support structures within a one quarter (¼) mile radius of the site proposed and demonstrate that such alternative candidates are inferior with respect to technical feasibility, cost, or terms of use.

For Tower-Based WCFs, there are specific items for the Planning Commission to consider in the review of the Conditional Use Application; see Article 5 §23.8(a). There are also standards related to location, uses on the property, development regulations, and design standards; see code excerpt below.

23.8 Tower-based wireless communication facilities (tower-based WCF). The following regulations shall apply to all tower-based WCFs as defined by this Section 23 and that do not meet the definition of a small WCF.

(a) *Conditional uses.* Tower-based WCF are permitted outside the public rights-of-way in certain zoning districts upon conditional use approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in Article 10 Section 1 of this ordinance.

i. In approving the conditional use, the planning commission may take into consideration the following:

- a. The aesthetic impact of the proposed facility, including, but not limited to, whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved;
- b. Encourage compatibility with the character and type of development existing in the area;
- c. Prevent a negative impact on the aesthetic character of the community;
- d. Preserve woodlands and trees existing at the site to the greatest possible extent; and
- e. Encourage sound engineering and land development design and construction principles, practices and techniques.

ii. *Additional antennae.* As a condition of approval for all tower-based WCF, the WCF applicant shall provide with a written commitment that it will allow a minimum of two other service providers the opportunity to collocate antennae on tower-based WCF where technically feasible.

(b) *Location.*

i. Tower-based WCF are conditionally permitted to locate in the nonresidential zones. Nonresidential zones are defined in Article 12—Definitions of this ordinance.

ii. *Exception.* Tower-based WCF in the IPM3 (Industrial Park Manufacturing Zone—Industrial Aviation and Aeronautics Center) zoning district are only allowed in support of aviation, aeronautics, or related operation per Article 3, Section 20B of the ordinance.

- iii. Tower-based WCF are subject to the application requirements of this Section 23.
 - iv. Tower-based WCF are subject to compliance with zoning ordinance provisions outlined in Section 23.52.
 - v. *Historic places.* Tower-based WCF may be located within 100 feet of any building or structure that is listed on the National Register of Historic Places if an approved architectural review certification is obtained pursuant to [Article 10](#), Section 3 of this ordinance.
- (c) *Uses on property.*
- i. *Principal use.* A tower-based WCF shall be permitted as a sole principal use on a lot.
 - ii. *Combined with another use.* A tower-based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another permitted use.
 - iii. *Existing uses.* The existing use on the property may be any permitted use in the applicable zoning district and need not be affiliated with the WCF.
 - iv. *Ability to use.* Where applicable, the WCF owner shall present documentation that the property owner has granted an easement or other property right for the proposed facility.
- (d) *Development regulations.*
- i. *Minimum lot area.* The minimum lot area shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the tower-based WCF and guy wires, the equipment building, security fence, and buffer planting.
 - ii. *Height.* Tower-based WCFs shall be designed and kept at the minimum functional height. The maximum total height of a tower-based WCF shall not exceed the 150 feet. No WCF applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height.
 - iii. *Minimum setbacks.* The minimum distance between the base of a tower-based WCF and any property line or street right-of-way line shall equal 110 percent of the proposed height of the tower-based WCF, unless the WCF applicant shows to the satisfaction of the planning commission that the proposed tower-based WCF has been designed in such a manner that a lesser setback will have no negative effects on public safety.
- (e) *Design standards.*
- i. *Multiple antennae.* Any proposed tower-based WCF shall be designed structurally to accommodate both the WCF applicant's antennae and at least two comparable antennae for future users.
 - ii. *Security.* Any tower-based WCF shall be equipped with an anti-climbing device, as approved by the manufacturer.
 - iii. *Lighting.* No tower-based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations.
 - iv. *Surrounding environs.* Existing vegetation, trees and shrubs located within proximity to the tower-based WCF structure shall be preserved to the maximum extent possible.

v. *Fences*. A security fence having a minimum height of six feet and a maximum height of eight feet shall surround any tower-based WCF, as well as guy wires, equipment compound or housing WCF equipment.

vi. *Screening*. A screen of evergreen trees planted eight feet on center, each at least four feet in height, shall surround the tower-based WCF and security fence. Existing vegetation shall be preserved to the maximum extent possible and landscaping is not required where landscaping already exists

vii. *Accessory equipment*. Where feasible, accessory equipment associated, or connected, with a tower-based WCF shall be placed underground. Any above-ground accessory equipment associated or connected with a tower-based WCF shall be screened from public view using stealth technology. All ground-mounted accessory equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated.

viii. *Accessory equipment buildings*. If accessory equipment is to be located in a separate building, the building shall comply with the minimum requirements for accessory structures in the applicable zoning district.

ix. *Accessory equipment*. Accessory equipment not exceeding 500 square feet in area shall be permitted for each unrelated company sharing space on the tower-based WCF.

x. *Access road*. Where necessary, an access road, turnaround space and parking shall be provided to ensure adequate emergency and service access to tower-based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion.

xi. *Visual appearance*. Tower-based WCF shall employ stealth technology which may include painting or finish of the tower portion. All tower-based WCF and accessory equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible.

V. PARKING SUMMARY

The parking requirement in the IPM zoning district is one space per 800 S.F. of floor area or one space per employee of the largest shift. This WCF is an unmanned facility with no building proposed. The existing mini-storage facility has specific parking requirements that are met by the parking spaces near the office and with designated parking areas near the storage buildings.

VI. SITE CONSIDERATIONS

The areas immediately surrounding the mini-storage facility are fenced and accessible by a controlled gate system. The site has an existing access/egress point to Lafferty Lane via a shared entrance with adjacent properties to the west. Within Phase 3 of the Secure Storage Project, there is a proposed second access point at the north end of the site from a former road which leads to Lafferty Lane (east of the S.G. Williams Facility). It appears that the WCF is planning to utilize this point of access to reach its fenced compound area via an existing paved/gravel drive on the property.

Dumpster

For non-residential uses, two Dumpsters are required. The mini-storage facility has identified Dumpster location areas in its plan (S-17-06). For the WCF, the plan noted that no solid waste

receptacles (Dumpsters) will be provided. Under the *Zoning Ordinance*, Article 5 Section 6.3, the Planning Office accepts this as an alternative solution reducing the Dumpster requirement to zero finding that the WCF is an unmanned facility and would likely use carry-in/carry-out method during any maintenance visits.

Sidewalk

Sidewalk is required along all street frontages and within the site in accordance with *Zoning Ordinance*, Article 5 §18. The plan does not indicate sidewalks along the frontage of Lafferty Lane. With a previous application that began initial construction of the mini-storage facility, a waiver request was granted to eliminate the sidewalk requirement finding that the site is remote and unlikely to be accessed by pedestrians. Given the on-site location of the proposed WCF facility, sidewalks will not be required.

Curbing

Potential Waiver Request for Partial Elimination of Curbing (for Staff Review)

The *Zoning Ordinance*, Article 6 §3.6(b) requires upright curbing for all parking areas and access drives. The parking areas and access drives are required to be curbed (*Zoning Ordinance*, Article 6 §3.6). The WCF Plan does not appear to identify the use of upright curbing for the short access drive segment from the existing gravel/paved drive that existing along the east side of the property. A written waiver request must be submitted for Planning Staff's consideration to allow for the partial elimination of curbing in certain areas. With the Site Plan S-17-06, the Planning Commission approved a waiver to eliminate the portions of the required upright curbing in designated areas of the parking lot area and to utilize rolled curb along the perimeter area. The request was related to proposed drainage and stormwater management practices at the site.

VII. TREE PLANTING AND LANDSCAPE PLAN

The tree planting requirement is based on the development area with one (1) tree required per 3000 SF of development area. The mini-storage facility development plan included a Landscape Plan for the entire property; however, it has not been fully implemented. For this WCF project, only the compound (2,500 SF) and the access drive to reach it will be considered as the development area for the tree planting requirements. The total area will need to be provided. The compound is surrounded by a series of 27 evergreen trees which would satisfy a development area of 81,000 SF.

VIII. UNMARKED CEMETERY

Included within the area of this property, there is an existing unmarked cemetery. (Delaware Cultural Resource Survey #K-6397, 7K-D-11) This cemetery was identified during the evaluation of the impacts of the State Route 1 project and associated road reconstruction process. A formal report of the findings of the archaeological investigations at this site were compiled in the report *Final Archaeological Investigations of the Lafferty Lane Cemetery 7K-D-11, State Route 1 Relief Corridor, Dover, Kent County, Delaware*. The report reveals the presence of an unmarked private cemetery approximately one-quarter acre in size containing the remains of at least 120 individuals. These investigations were conducted in the Fall of 1988. Research shows that this cemetery was in use from 1760 to 1840. No headstones were found to be in existence, therefore other archaeological techniques and primary source documents (deeds) were utilized to analyze the site. In response to the discovery of this cemetery, the original re-alignment of Lafferty Lane was shifted to avoid the cemetery.

The Secure Storage Plan delineates an area of approximately 130 ft. by 140 ft. for the cemetery with a 30 foot buffer surrounding it. Other records show a thirty (30) foot access easement is provided from Lafferty Lane to the cemetery location.

The WCF developer should take preventive measures to ensure construction activities do not disturb this area. Construction activities include site utility and grading work, parking, material storage, etc. The Plan indicates a fence dividing it from the mini-storage facility. If unmarked human remains are discovered during the construction process, construction activity in that area must stop and the process outlined in the *Delaware Unmarked Human Remains Law* followed.

IX. PERFORMANCE STANDARDS REVIEW –

Uses in the IPM (Industrial Park Manufacturing zone) are subject to the performance standards summarized in *Zoning Ordinance*, Article 5 §8.1 and as more specifically outlined in Article 5 §8.5. The project's compliance with a series of performance standards for the "dangerous and objectionable elements" are to be considered by the Planning Commission. The overall requirements for Tower-based WCFs address these elements.

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

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

X. CITY AND STATE CODE REQUIREMENTS:

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

- 1) Review and Approval of the Tower-Based Wireless Communications Facility is subject to review of the Conditional Use application in accordance with the provisions of the *Zoning Ordinance*, Article 5 Section 23.
- 2) Clarify the existing condition/construction of the access drive (existing drive and access segment) to the compound. Upright curbing must be provided around all parking areas and circulation drives unless a waiver is granted by the City Planner. A written waiver request

must be submitted for consideration by Planning Staff. The previous Site Plan S-17-06 was granted relief of the upright curbing in certain areas of the mini-storage facility.

- 3) Sheet T-1, Title Sheet & Project Information:
 - a) Site Data Column:
 - i) Remove AEOZ (Airport Environs Overlay Zone) from the Zoning listing as it is not subject to the AEOZ zoning district at this time.
 - ii) List overall height of the wireless support structure including appurtenances (as per definition of height of Tower-based WCF). List height of monopole and also overall height with the lightning rod.
 - b) Update title of Delaware (City of Dover) Code Compliance. This location is subject to the City of Dover, DE regulations not Kent County regulations.
 - i) Update listing as Building Code is 2009, NFPA 1 2021, and 2021 NFPA 101. The National Electrical Code may also be a newer version as well.
- 4) Sheet Z-1, Site Plan:
 - a) Clarify construction status of the stormwater pond and associated ditch areas as aerial mapping cannot confirm the presence of these items.
 - b) Clarify fencing and gates for the northeast access point to the property.
 - c) Identify the existing/proposed material of the existing access drive leading into the site that appears to be used for WCF access.
 - d) Correct the label “existing billboard” as this is not a billboard but is an approved large format pylon sign for the mini-storage facility.
 - e) Identify any existing sidewalks serving the property and/or associated permanent easements for such improvements.
 - f) Identify the size of the development area (compound and access drive).
 - g) Bulk Requirements
 - i) Clarify listing of required maximum building height for WCF. And list the proposed distances to the property lines from the WCF so to confirm compliance with the maximum height of 110%.
- 5) Sheet Z-2. Compound Plan:
 - a) Identify surface material of 12 foot wide access drive and for area within the compound.
 - b) These specific species of evergreen tree plantings will need to be identified.
 - c) This Plan sheet can only be certified by an Architect, Landscape Architect, or Delaware Certified Nursey Professional. Add Certification note and signature block.
 - d) Ensure there are no conflicts between utility service line and tree plantings.
 - e) Update any similar information presented on Sheet Z-3 Elevation.
 - f) Identify the location and content of the required maintenance information sign for the WCF.
- 6) Sheet Z-3. Elevation: Clarify the location of the antenna sector for the known carrier and provisions of the whip antenna.
- 7) The Site Plan set will need to be updated with any changes recommended or approvals including information on any waivers granted by the Planning Commission.

- 8) Any Sediment & Stormwater Management Plans granted approval by the Kent Conservation District must reflect the Site Plan layout and design conditionally approved by the Planning Commission and be in compliance with the *Zoning Ordinance* and technical review requirements of other agencies.

XI. 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. Additionally, as a Wireless Communications Facility (WCF), this project is subject to the *Zoning Ordinance*, Article 5 Section 23.

- 1) Construction of Tower-Based WCF: Planning Staff finds that this proposal for the Tower-Based WCF is generally in compliance with the WCF regulations found in the *Zoning Ordinance*. This location is in a non-residential zone and in an industrial area with limited visibility of the WCF location due to distance from nearby roadways, adjacent buildings, and the elevation grades for the State Route 1 roadway. The compound area includes the required screening and fencing at ground level. Documentation of FAA review was received. The Wireless Support Structure also includes the opportunity for three other carriers to collocate.
- 2) Consideration of Performance Standards Review Application: Planning Staff has deemed that the Performance Standards Review Application process for uses in the IPM zone will be satisfied by the Conditional Use review process and provisions for the Tower-Based WCF. The documentation submitted for the WCF is found to sufficiently demonstrate the intent to comply with the restrictions as provided in *Zoning Ordinance*, Article 5 Section 8.1 and 8.2 related to the objectionable elements.

Other agencies may recommend additional considerations to meet code objectives in accordance with their areas of expertise. Action on all considerations identified in this section is at the discretion of the Planning Commission.

XII. ADVISORY COMMENTS TO THE APPLICANT:

- 1) In the event that major changes and revisions to the Conditional Use Site Plan occur in the finalization of the Plan contact the Planning Office. Examples include reorientation of the complex/building, relocation of site components like stormwater management areas, and increases in floor area count. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regards to the plan.
- 2) Following Planning Commission approval of the Conditional Use Site Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by

Planning Office Staff and the other commenting agencies. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement (Final Plan Approval).

- 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) The project developer should be aware of the adjacent cemetery and take preventive measures to ensure construction activities do not disturb this area; it is located a distance away from the WCF project site. Construction activities include site utility and grading work, parking, material storage, etc. The cemetery area is protected by fencing that coincides with the known cemetery boundary.
 - a. If unmarked human remains are discovered during the construction process, construction activity in that area must stop and the process outlined in the *Delaware Unmarked Human Remains Law* followed.
- 5) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections, Pre-Construction meeting and permits/licenses are required.
- 6) Construction may have an effect on the nearby properties. Any work requiring the closing or rerouting of visitors to other properties served by this road should be coordinated as to offer the least amount of inconvenience.
- 7) The applicant shall be aware that Conditional Site Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign shall require a Sign Permit from the City of Dover prior to placement of any such sign. It is recommended that the applicant discuss the sign regulation requirements with the Planning Staff prior to applying for a Sign Permit.
- 8) The applicant shall be aware that Conditional Use Site Plan approval does not represent a WCF Building Permit and associated construction activity permits. A separate application process is required for the issuance of a WCF Building Permit from the City of Dover.

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



CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: MAY 1, 2024



APPLICATION: Tower-Based Wireless Communications Facility at 640
Lafferty Lane (Rise Up Towers, LLC)

FILE #: C-24-01

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

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

CONTACT PHONE #: 302-736-7025

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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 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.
3. Provide the stormwater management calculations that prove that the runoff created by this impervious area can be adequately handled by the existing storm sewer system.

STREETS

1. Final site plan approval will not be granted until a copy of the approved entrance plan, signed by DelDOT is submitted to our office.
2. Please 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 / WASTEWATER

1. None

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 / WASTEWATER

1. None

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: MAY 1, 2024

APPLICATION: Tower-Based Wireless Communications Facility at 640 Lafferty Lane

FILE #: C-24-01

REVIEWING AGENCY: City of Dover Electric Department

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

CONTACT PHONE #: 302-674-7568

CONTACT EMAIL: sburgett@dover.de.us

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

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

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

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

GENERAL

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

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

ADVISORY COMMENTS TO THE APPLICANT

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

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

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: 05/01/24

APPLICATION: Tower Based Wireless Communications Facility at 640 Lafferty Ln

FILE #: C-24-01 REVIEWING AGENCY: City of Dover, Office of the Fire MarshalCONTACT PERSON: Jason Osika, Fire Marshal
josika@dover.de.usPHONE #: (302) 736-4457

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

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

CITY AND STATE CODE REQUIREMENTS:

1. Proposal is a wireless communications facility
2. All access roadways shall be paved and be a minimum of 20 feet clear width for two-way traffic and 14 feet clear width for one-way traffic. The paved width of access roadway shall be measured from edge of parking spaces, or face of curb for vertical curb and back of curb for mountable curb, or edge of pavement if there is no curbing. (2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 5.2)
3. 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

4. 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.
5. 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)

6. 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)

7. 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

8. Project to be completed per approved Site Plan.

ADDITIONAL / SPECIFIC REQUIREMENTS TO OBTAIN APPROVAL:

1. Please confirm that the drivable surfaces are engineered to hold the weight of fire equipment, and other emergency response equipment in all types of weather such as the following:
2. 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.)

3. Where emergency services apparatus has to utilize access roadways to reach designated fire lanes, such access roadways shall be constructed to meet the minimum engineering specifications and/or requirements pursuant to the Delaware Department of Transportation or local jurisdictions for paved roadways.
4. Please confirm the width of the drive aisle
5. If the drive aisle dead ends, please ensure a proper turn around is in place as outlined in item # 4 listed above
6. Knox box required (can discuss current Knox Box or adding one at the gate)

APPLICABLE CODES LISTED BELOW (NOT LIMITED TO):

2021 NFPA 1 Fire Code (NFPA; National Fire Protection Association)

2021 NFPA 101 Life Safety Code (NFPA; National Fire Protection Association)

2019 NFPA 72 National Fire Alarm and Signaling Code (NFPA; National Fire Protection Association)

2019 NFPA 13 Installation of Sprinkler Systems (NFPA; National Fire Protection Association)

2009 IBC (International Building Code)

Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations

2021 Delaware State Fire Prevention Regulations

City of Dover Code of Ordinances

***If you have any questions or need to discuss any of the above comments, please call the above contact person listed.**

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY



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APPLICATION: Tower Based Wireless Communication Facility

FILE#: C-24-01

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Will Mobley

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. The developer will need a pre-submittal meeting to discuss the development with DelDOT.



KENT CONSERVATION DISTRICT

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

**CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
May 2024**

APPLICATION: Rise Up Towers LLC, Tower Based Wireless Communications Facility at 640 Lafferty Lane

FILE #: C-24-01

REVIEWING AGENCY: Kent Conservation District

CONTACT PERSON: Kate Owens

PHONE: (302) 608 – 5370

EMAIL: stormwater@kentcd.org

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

Source: 2019 Delaware Sediment and Stormwater Regulations

CITY AND STATE CODE REQUIREMENTS:

1. Any changes or revisions to the approved site plan must be reviewed and approved by Kent Conservation District prior to commencing construction.
2. A proposed project being managed with a regional stormwater facility with a limit of disturbance of less than 1 acre may qualify for a Standard Plan Application for Non-Residential Construction. A pre-application meeting will be required to be scheduled with KCD to discuss requirements for plan approval.

ADVISORY COMMENTS TO THE APPLICANT:

1. Secure Storage Phases 2 & 3 project has an approved Sediment and Stormwater Management Plan that expires August 11, 2027.
2. Proposed cell tower plans must be shown with the approved Secure Storage Phase 2 & Phase 3 site plan. Stormwater Pond #3 has not been constructed and should be shown on the cell tower plans as designed in the approved plans.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: 5/8/2024

**Dover/Kent
County
Metropolitan
Planning
Organization**

APPLICATION: C-24-01 Tower-Based Wireless Communications Facility at 640 Lafferty Lane
(Rise Up Towers, LLC)

FILE # C-24-01

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 Application Review

C-24-01 Tower-Based Wireless Communications Facility at 640 Lafferty Lane (Rise Up Towers, LLC)

- 1) The MPO does not have any objections to the proposed conditional use site plan. The site is unlikely to attract a great deal of traffic, which means transportation safety concerns will be minimal.

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.

