



DATA SHEET FOR CONDITIONAL USE REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF November 6, 2024

PLANNING COMMISSION MEETING OF November 18, 2024

Plan Title:	JJ's Learning Experience II Child Day Care Center C-24-05
Plan Type:	Conditional Use Plan
Property Address:	261 North DuPont Highway
Property Location:	East of North DuPont Highway and east of Centre Drive
Tax Parcel:	ED-05-068.14-01-03.05-000
Owner:	Mahavir Realty, LLC c/o HH Property Management Inc.
Applicant:	Keith and Shawanda Johnson
Parcel Area:	5.44 acres +/-
Proposed Use:	Child Day Care Center
Building Size:	12,000 SF tenant space for Day Care Center 38,495 SF total building
Off Street Parking:	Required – 34 parking spaces 1 space per 10 children + 1 per adult attendant
Sewer & Water:	City of Dover
Zoning Classification:	SC-2 (Community Shopping Center Zone)

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: November 6, 2024

APPLICATION: JJ's Learning Experience II Child Day Care Center at 261 N. Dupont Highway

FILE #: C-24-05 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Tracey Harvey Community Development Manager

PHONE #: (302) 736-7196

I. PLAN SUMMARY:

C-24-05 JJ's Learning Experience II Child Day Care Center at 261 North DuPont Highway This is Review of a Conditional Use Plan application to convert an existing 12,000 SF tenant space (previous retail establishment) into a Child Day Care Center. The subject site is within a building located on a parcel developed as a shopping center known as the Centre at Dover. The subject site is located east of North DuPont Highway and east of Centre Drive (private drive). The property is zoned SC-2 (Community Shopping Center Zone). The owner of record is Mahavir Realty, LLC c/o HH Property Management Inc. Applicant: JJ's Learning Experience, LLC (Keith and Shawanda Johnson). Property Address: 261 North DuPont Highway, Suite 1. Tax Parcel: ED-05-068.14-01-03.05-000. Council District 3.

II. PROJECT DESCRIPTION:

The project proposes using a space in an existing one-story 38,495 SF building. The proposed location for the Child Daycare Center consists of a 12,000 SF tenant space that will serve 150 children and 19 adult staff. The plan identifies an indoor play area that will be located in the southern portion of the tenant space. The plan identifies 20 parking spaces including 2 handicapped parking spaces that are located in a parking lot on the south side of the building that will be utilized as parent parking spaces. A drive aisle on the south side of the building has also been designates as a bus drop off at the site.

A City of Dover Business License and a Public Occupancy Permit are required for the Child Day Care Center. Child Day Care facilities must meet State licensing standards and must be inspected by the City of Dover Fire Marshal's Office.

III. ZONING REVIEW:

The property is zoned SC-2 (Community Shopping Center Zone). With the proposal, the existing building footprint is not changing or enlarging. According to *Zoning Ordinance* Article 5 Section 14.12, a Child Day Care Facility is permitted in all zones provided a need can be demonstrated. The Child Day Care facilities type of land use requires Conditional Use approval by the Planning Commission based on the requirements for a Day Care Center when located in a place other than an unoccupied residence and providing services to more than 13 children. This is noted in Article 5 §14 and Article 10 §1. The requirements for Child Day Care facilities are given below:

Article 5 Section 14. Child Day care facilities.

14.1 *General.* In order to promote the development of quality child care outside of the home (day care facilities), the following two basic assumptions have been made:

14.11 The establishment of child day care services and facilities, wherever there is a need, is a necessary public objective; and

14.12 Day care programs for children shall be treated as community facilities and shall be permitted to locate in any zoning district, provided that need has been demonstrated, state licensing requirements have been met and no physical hazard to children can be reasonably anticipated.

14.2 Definitions.

Child day care facility. For the purposes of this ordinance, the facilities described furnishing care, supervision and guidance of a child or group of children unaccompanied by a parent or guardian, for periods of less than 24 hours per day shall be defined as follows:

14.21 *Child day care center.*

(a) Any place, other than an occupied residence, which receives children for compensation for day care or large family day care home; and

(b) Any occupied residence which receives 13 or more children for compensation for day care.

Child day care centers shall be required to obtain conditional use approval by the planning commission in accordance with the procedures and subject to the general conditions set forth in article 10 and to any specified requirement set forth in subsection 14.3 below, except in zoning districts where listed as a permitted use.

14.22 *Family day care home-children.* An occupied residence in which a person provides care for children other than his/her own family and the children of close relatives for compensation. Such care in a family day care home is limited to that care given to six or fewer children with a maximum of three children allowed for after school care. Such child care facility shall be permitted as an accessory use in all residential zones and shall be exempt from obtaining a conditional use permit and site plan approval.

14.23 *Large family day care home-children.* A facility which provides child care for more than six, but less than 13 children with a maximum of three children allowed for after school care. This care may be offered in a private home or in a property converted to the purpose of providing child day care. This form of day care facility requires the submission of a site plan application in accordance with the procedures and subject to article 10, section 2 of the zoning ordinance. If a large family day care home is not to be located in an occupied residence, then a conditional use site plan application shall be required in

accordance with article 10 section 1 of the zoning ordinance.

14.3 Zoning criteria.

14.31 *Number of children.* Day care centers shall be limited to a maximum of 50 children in all residential zones.

14.32 *Outdoor play area.* Must meet the state requirement for day care centers.

14.33 *Off-street parking/loading.* One space per each adult attendant, plus one space for every ten children.

14.34 *Signage for child day care facilities*

(a) Signs in residential zones.

i. *Family day care homes-children and large family day care homes-children.* One wall-mounted sign limited to two square feet.

ii. *Child day care center.* One sign, wall-mounted or freestanding, limited in area to 12 square feet. The planning commission shall consider the location of such sign as part of the conditional use review and may approve a lesser amount of sign area if deemed necessary by the commission to protect the general health, safety and welfare of the public in general and the residents of the immediate neighborhood in particular.

(b) *Signs in nonresidential zones.* Child day care centers within nonresidential zoning districts shall be governed by the sign regulations in effect for the particular nonresidential zoning district in which the day care center is located.

14.35 *Licensing requirements.* Child day care facilities must meet state licensing standards and

must be inspected by the City of Dover Fire Marshal's Office. A City of Dover Business License and a Public Occupancy Permit is required.

(Ord. of 5-14-1990; Ord. of 4-25-1994; Ord. of 4-23-2007(3)) Ord. No. 2017-13, 12-11-2017)

Conditional Use Review

This Conditional Use is subject to the requirements of *Zoning Ordinance*, Article 10 §1 further discussed below. 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 Planning Commission may prescribe appropriate conditions and safeguards to the use if determined to be necessary. 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 §1:

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.

1.4 *Conditional use permits.*

1.41 *Conditional use approval.* Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

- (A) The provision in this article under which such permit was issued is still in effect;
- (B) Such permit was issued in conformity with the provisions of this article; and
- (C) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

1.42 *Periodic renewal of conditional use permit.* The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following public notice and hearing in accordance with subsection 1.53. The commission may withhold approval of the renewal upon a determination by the city planner to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with.

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.

For a property seeking Conditional Use approval which does not need associated Site Development Plan approval (due to occupying an existing building), *Zoning Ordinance*, Article 10 §1.8 outlines the submission requirements. These requirements include a map of the property showing existing conditions with the appropriate legal data and information on the elements of the proposed use. The applicant has provided a data column narrative and two hand drawn plans of the building with adjacent site areas and a schematic plan of the tenant space interior layout.

IV. PARKING SUMMARY

The number of required parking spaces for a Child Day Care facility is given in Article 5 §14.33, which requires one space per ten (10) children plus one space per adult attendant. Since this facility proposes 150 children and 19 adult attendants, the site would require 34 parking spaces for the Child Day Care Center use. This size building space in the SC-2 zoning district would

require a minimum of 40 parking spaces based on a rate of 1 parking space per 300 SF of gross leasable area.

There is a total of over 800 parking spaces in the area for this shopping center complex (multiple parcels). The total number of parking spaces will need to be identified on the plan. Overall, the 38,495 SF building would require 129 parking spaces. It is estimated that there are 161 parking spaces just on this parcel. The parking requirement has been met.

Bicycle Parking

The site is required to provide bicycle parking. The bicycle parking calculation is one (1) for every twenty (20) parking spaces. Based on the parking required for the Child Daycare Center, a minimum of 2 bicycle parking spaces must be provided. The total number of bicycle parking spaces required will need to be identified on the Site Plan. The location of the bike rack(s) needs to be located on the Site Plan.

V. SITE CONSIDERATIONS

Access

There is direct access to the parcel for the building as it is interconnected from Centre Drive (private drive) and between the parking lot area. There are two entrance/exits from White Oak Road and there are three entrances/exits off North DuPont Highway leading to Centre Drive as the main circulation drive for the shopping center.

Dumpsters

Dumpsters for trash and recycling collection are required for the property. A minimum of two Dumpsters are required for the building. The Plan identifies the location for trash in the rear of the building. The pad and enclosure will need to be identified on the Plan.

Sidewalks

There is an existing sidewalk and curbing along one side of Centre Drive. The sidewalk is along the front of the building and a partial sidewalk on the south side of the building at the proposed location for the bus drop off. *Zoning Ordinance* Article 5, Section 18 provides the guidelines for pedestrian, bicycle, and multi-modal access requirement, which states when sidewalks or other pathways shall be installed on a property by the property owner or developer. A pedestrian crosswalk will need to be installed from the frontage parking lot to the main entrance of the Child Daycare Center and from the south side proposed parent parking lot to the main entrance to the Child Daycare Center. There are existing paved and striped parking spaces at the site of the Child Daycare Center and the shopping center. The Planning Commission may prescribe appropriate conditions for the establishment of the use.

VI. BUILDING ARCHITECTURE

The submission does not require Architectural Elevation drawings since the existing building will be utilized. The site has an existing one-story stucco-like clad masonry building with a flat roof. For the Child Day Care Center, there are two (2) separate building entrances that face the front entrance of the parking lot, and the rear entrance of the site for staff only.

VII. TREE PLANTING AND LANDSCAPE PLAN

Based on the development area of 12,000 +/- S.F. for the Day Care Center, four (4) trees would be required to be planted on the site. The plan will need to be updated to show the number of existing trees on the site. It appears that trees were planted at the perimeter of the parking lots and the rear of the building with its initial development.

VIII. CITY AND STATE CODE REQUIREMENTS:

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

- 1) Identify the main entrance and the proposed bus drop off to the Child Day Care Center tenant space of the building for the evaluation of pedestrian circulation with the installation of a sidewalk or pavement markings.
- 2) The data columns will need to be updated prior to Final Approval with the following:
 - a) Any updates to the data column resulting from changes to the site layout.
 - b) Any changes recommended, or approvals granted by the Planning Commission.
- 3) The required number of parking spaces will need to be identified on the plan and separated by each parking lot. Please identify where the bicycle parking will be provided and the format of the rack.
- 4) Provide information on the construction of the Dumpster enclosures.
- 5) The total number of parking spaces for the parcel will need to be added to the plan.
- 6) The required number of trees and location will need to be added to the plan.

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

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

- 1) Pedestrian Connectivity: To further subsection 1.31 related to pedestrian traffic not being hazardous or inconvenient to, or incongruous with the neighboring commercial district, Staff recommends that a delineated pedestrian pathway be marked from the front entrance of the building of the Child Day Care Center and the south side entrance of the

Child Daycare Center at the proposed location for the bus drop off connecting to the parking lot areas. Since the area is paved, this may be achieved by pavement markings.

- 2) Parking Facilities: Staff recommends improvements to parking related items.
 - a. Since the Child Day Care Center is focused on the southern portion of the building, it is recommended that a specific location for staff parking be identified. Full-time staff parking may need to be located in other areas of the site to allow for the parking for child drop-off/pick-up.
 - b. The applicant must identify the location of the bicycle rack on the Plan.

ADVISORY COMMENTS TO THE APPLICANT:

- 1) In the event, that major changes and revisions to the Conditional Use Plan occur in the finalization of the Plan contact the Department of Planning and Inspections. Examples include building additions, relocation of site components, and increases or changes in the number of children. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other agencies and commissions making recommendations in regard to the plan.
- 2) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.
- 3) Following Planning Commission approval of the Conditional Use Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff and to each DAC participant providing comments. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.
- 4) The applicant shall be aware that Conditional Use 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.
- 5) The applicant shall be aware that Conditional Use Plan approval does not represent a Building Permit, Business and Occupancy Licenses, and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover. At a minimum an Administrative Building Permit will be required to establish this Child Daycare Center facility use in the building. A Fence Permit is required to construct the playground area fence if outside paly area is proposed.

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: OCTOBER 30, 2024



APPLICATION: JJ's Learning Experience II Child Day Care Center at 261 North DuPont Highway

FILE #: C-24-05

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. Our office has no objection to the conditional use proposed for the subject property.
2. 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.
3. Trash collection site shall be oriented for side-loading pick-up if customer is utilizing City of Dover sanitation services.
4. Any commercial customer requiring more containers, or larger containers, than provided above, must utilize private service.

WATER

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

WASTEWATER

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

2. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met. All proposed wastewater utility components must meet the requirements of the Public Utilities Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
3. It is possible that a new wastewater lateral line will be required to be installed, depending on the existing size and material.

GENERAL / STORMWATER / STREETS

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

STREETS / SANITATION / STORMWATER / WATER / WASTEWATER / GENERAL

1. None

ADVISORY COMMENTS TO THE APPLICANT

WATER

1. Water impact fees may be associated with this project.
2. One meter shall be utilized for the building, a waiver may be provided if circumstances allow.

WASTEWATER

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

STREETS

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

SANITATION / STORMWATER / GENERAL

1. None

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

CITY OF DOVER ELECTRIC
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: OCT 30, 2024

APPLICATION: JJ's Learning Experience II Child Day Care Center at 261 North DuPont Highway

FILE #: C-24-05

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: 10/30/24 Updated 11/6/2024

APPLICATION: JJ's Learning Experience II Child Care Center at 261 N DuPont Hwy

FILE #: C-24-05

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. Proposed occupancy classification is conditional use for a day care center.

NFPA 101, A.16.1.1 Suggested Staff to Client Ration in New and Existing Day-Care Occupancies

Staff to Client Ratio	Age (months)
1:3	0-24
1:4	25-36
1:7	37-60
1:10	61-96
1:12	97 plus
1:3	Clients incapable of self-preservation

If staff to client ratios are below those suggested above, the AHJ shall determine the additional safeguards (this may include restricting the daycare to level of exit discharge only, requiring additional smoke detection, requiring automatic sprinkler protection, requiring better or additional means of egress, requiring similar types of provisions depending on the situation).

NFPA 101, 3.3.198.4 Day Care Occupancy. An occupancy in which four or more clients receive care, maintenance, and supervision, by other than their relatives or legal guardians, for less than 24 hours per day.

2. Building Access shall be no further than 50 feet from a primary entrance.

Where buildings are provided with an automatic sprinkler system installed in accordance with NFPA 13, access shall be no further than 100 feet from the primary entrance.
(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3.4)

3. Parking shall be prohibited in front of the primary entrance for a width of not less than 1.5 times the width of the door(s) or for 10 feet, whichever is greater.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.3.2)

4. Perimeter access shall be 50% and clearly shown on the plans.

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

If a physical barrier (fence, pond, steep slope, etc) prevents access, that portion of the building perimeter shall not be included in the calculation of Percent of Perimeter Access.

(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 3.5)

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

5. Fire lanes shall cover 25% of the proposed building.

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

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

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

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

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

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

7. All Fire Lanes shall be marked as follows:

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

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

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

9. Fire lane signs shall be located as follows:

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

Where parking is not restricted roadway markings shall utilize the words "FIRE" and "LANE" in lieu of fire lane signs and shall conform to the specifications of 7.6.
(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 7)

10. Where overhangs, canopies, balconies, or any other building or site features must project over any fire lane, an unobstructed vertical clearance of not less than 13'-6" above the fire lane shall be provided and the portion of the building perimeter which contains overhangs, canopies, balconies, or any other building features shall not apply towards the fire lane accessibility requirements of Section 4.0, Table 5-1 in this chapter.
(2021 Delaware State Fire Prevention Regulations, 705, Chapter 5, 6.8)
11. Speed Reduction Devices must be approved, please see City of Dover Ordinance Chapter 98-10 in reference to this process.
12. 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)

13. 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)

14. 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

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

Fire department connections. Unless otherwise approved by the fire marshal, fire department connections shall be on the street side of the building and shall be located and arranged so that hose lines can be readily and conveniently attached to without interference from any nearby obstructions as defined by the fire marshal's office. Fire department connections shall be a five-inch Storz. Fire department connections shall be within 300 feet of an approved City of Dover Fire Hydrant and within 50 feet of the main entrance of the structure it serves. All fire department connections shall be not less than three feet nor more than five feet in height above finished grade. The fire marshal shall have the authority to require more stringent requirements when deemed necessary. (City of Dover Code of Ordinances 46-162)

16. 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)

17. Fire Department Connection to be located within 300 feet of fire hydrant, measured as hose would come off the fire equipment.

18. 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)

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

Dimensions of bollards. Bollards shall be a minimum of six-inch diameter filled with concrete. The bollard shall be set into the ground at a depth of at least 36 inches (three ft.) embedded in

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

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

20. 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)

21. 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

22. 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
23. Project to be completed per approved Site Plan.
24. Full building and fire plan review is required.
25. 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.
26. Construction or renovations cannot be started until building plans are approved.
27. 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.

28. Building cannot be occupied by the public until a Certificate of Occupancy is obtained.
29. 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. This is a change in occupancy classification. Plans from an authorized/licensed design professional are required to be submitted to the Chief Building Inspector showing how code compliance will be achieved with the new occupancy. This submittal needs to be approved by the Chief Building Inspector.
2. The fire alarm system may need to be upgraded for this suite
3. Fire Lane needs to be shown
4. State of DE Daycare Licensing approval required
5. Note, during DAC, we asked if they would be cooking, and they replied yes. We advised that a hood and hood suppression system would be needed as well for grease laden vapors. State of DE Public Health approval would be needed as well.

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)

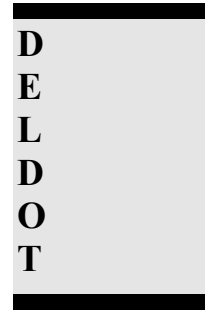
Latest editions of all other NFPA Codes as defined by the Delaware State Fire Prevention Regulations

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



APPLICATION: JJ's Learning Experience II Child Day Care Center at 261 North DuPont Highway

FILE#: C-24-05

REVIEWING AGENCY: DelDOT

CONTACT PERSON: Brian Williams

PHONE#: 302-760-2141

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

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

CITY & STATE CODE REQUIREMENTS:

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

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

1. DelDOT has no objections to the conversion. If the city requires documentation, the applicant can submit their plans to the department for a LONC.

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
D.A.C. MEETING DATE: 11/6/2024

**Dover/Kent
County
Metropolitan
Planning
Organization**

C-24-05 JJ's Learning Experience II Child Day Care Center at 261 North DuPont Highway

FILE # C-24-05

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-24-05 JJ's Learning Experience II Child Day Care Center at 261 North DuPont Highway

Dover Kent MPO recommends the addition of ADA-compliant crosswalks from the parking lots to the building. This would be very beneficial for pedestrian safety, which is especially important at a location where children and families will be frequently walking. There are several ADA ramps available, as well as a small pathway through the island of one of the parking lots. The crosswalks should be tied in with this infrastructure and lead to the building's entrance. Sidewalks already exist along the building's frontage; safe crossings are the most important gap to fill. Examples of crosswalks in fire lanes can be found at similar properties across Dover.

The applicant should consider an accessible location for bike racks so that it meets the City's requirements regarding bicycle parking. The surrounding neighborhoods are listed as a focus area in DelDOT's Equity Analysis Tool, which suggests many of the residents rely on means of transportation other than a personal vehicle. White Oak Road is also listed in the City of Dover's *2020 Bicycle and Pedestrian Plan* for future improvement (p. 121). This would further encourage bicycling to and from the property. Please see the following link for more information on these improvements: <https://doverkentmpo.delaware.gov/files/2021/04/Dover-Bicycle-and-Pedestrian-Plan-2020-FINAL-1.pdf>

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

