

MINUTES OF THE PLANNING & ZONING COMMISSION

February 22, 2023

Call to order

The meeting was called to order at 6:30 p.m. by Commissioner Robert P. Newnam. Commissioners Carol Binns, Michael Reed, and Scott Clark was present. Michael McGrath was excused.

Also present were Senior Planner Jeremy Rothwell, Crystal Wheeler, and Attorney D. Barrett Edwards.

Commissioner Newman led the Pledge of Allegiance.

Recognition of visitors

Visitors present via zoom were Thomas Cuccia, Geraldine Stewart. And Eschalla Clark, DSAAPD, and Lou Ramunno. Visitors present in person were Dwayne Newman, Fred Schaber, IV., Roger Holt, Ed Idell, Nick Marvel, James McClusky, Deborah Sausser, Gary Cimeglia, Dan Ridgely, James Taylor, Ring Lardner, Brian Bayley, and Chris Hall.

Additions/deletions to published agenda

Mr. Rothwell wanted to move the Thomas England Site Plan Extension Request before the Concept Category A Site Plan, State of Delaware for the agenda.

Reading, correction, approval, or disposition of minutes

Commissioner Reed made the motion to approve the minutes of January 25, 2023, as presented. Motion was seconded by Commissioner Clark and carried unanimously.

Public Hearing

A. Everest Properties, LLC, #22-120, 178 South Main Street, 1-17-01018-01-2100-00001

Commissioner Newnam asked to enter the staff report into the record. Mr. Rothwell summarized the staff report.

Applicant's Request: *Rezoning* – As required by Town staff, the applicant has requested that the existing 0.39-acre parcel and single-family dwelling be rezoned from R-3 Residential to DR – Downtown Residential to comply with the recently adopted 2020 Comprehensive Plan.

Zoning & Project History: **Circa 1850** – According to the 1978 Smyrna Downtown National Register Nomination, the existing 1,422 sq. ft, two-story single-family dwelling is constructed on the parcel.
May 20, 1964 – The Smyrna Town Council adopt an ordinance creating the Smyrna Zoning Ordinance. The before-mentioned parcel is zoned R-3 Residential and has remained under this designation ever since.
February 4, 2013 – As shown on Figure 3 – Future Land Use Within the Town of Smyrna, the before-mentioned parcel is designated as ‘High-Density Residential’ in the 2012 Comprehensive Plan.
July 19, 2021 – The Smyrna Town Council adopts the 2020 Smyrna Comprehensive Plan. The before-mentioned parcel is identified as ‘Downtown Residential’ land use designation as shown on the Future Land Use Map (Figure

3) of said Comp Plan.

December 6, 2021 – The applicant obtains ownership of the 0.39-acre parcel (Deed Reference 11592-59).

January 27, 2023 – The property owner applies for a rezoning of the parcel from R-3 to DR – Downtown Residential.

Compliance with the Comprehensive Plan

As shown on the Future Land Use Map (Figure 3), the before-mentioned parcel is designated as ‘Downtown Residential.’ As detailed in Chapter 3 – Development Plan (Page 42-43) of the 2020 Comprehensive Plan:

Downtown Residential

This land use designation, new to the 2020 Comprehensive Plan Update, includes those downtown residential neighborhoods within the historic core of Smyrna constructed and built-out prior to 1960. It also includes those previously unincorporated residential neighborhoods within Spruance City (some of which are still outside of the municipal boundaries of Smyrna), which were likewise developed in a traditional grid-like street pattern on smaller lots in the first half of the 20th century. These older residential neighborhoods are located immediately adjacent to the downtown commercial district (designated ‘Downtown Mixed-Use by this and previous Comprehensive Plans), and whose lots are laid out in a generally grid-like street pattern. Lots are generally narrow and rectangular, small in size (less than ¼-acre), and whose dwellings are constructed close to the street and sidewalk. Many of these residential neighborhoods are served by rear access alleys, while some lots are served by narrow driveways to the side of said dwellings. These historic downtown neighborhoods consist primarily of single-family detached dwellings and duplex/twin dwelling units, and a small number of interspersed dwellings that have been converted to apartments. New construction in these areas should be limited to these housing types. A limited number and type of small offices and home-based businesses are appropriate to be located in these neighborhoods.

Most of these residential neighborhoods are located within both the Smyrna National Register Historic District and the locally designated Historic Overlay District. Dwellings in these neighborhoods vary significantly in size, configuration, architectural style, and date of construction, which together form a rich historic fabric. The Town strongly encourages the renovation of these historic dwellings through the locally-funded façade improvement grant program, the State and Federal Historic Preservation Tax Credit programs, and the Delaware Downtown Development District grant program. New dwellings constructed in these neighborhoods should complement and mimic the historic character of the community by being constructed close to street with rear access or side access garages. Large front-loaded garages are discouraged.

This land use designation will be served by a new Downtown Residential zoning district, which will be created following the adoption of the 2020 Comprehensive Plan Update.

Staff Comments

The before-mentioned 0.39-acre parcel is one of 424 parcels that was identified in the 2020 Comprehensive Plan to be rezoned to DR – Downtown Residential. The property owner is planning to subdivide a consolidated lot in the rear of this parcel and the adjacent parcel at 184 S. Main Street to create a large lot fronting S. Fishers Street to construct a 4 – 6 unit apartment building (as shown on Attachment B). This development action shall trigger the need for this and the adjacent parcel to be rezoned to comply with the intent of the 2020 Comprehensive Plan.

Staff Recommendation:

Staff recommends that the 0.39-acre parcel from R-3 Residential to DR – Downtown Residential to comply with the 2020 Smyrna Comprehensive Plan.

Commissioner Clark made the motion to approve application #22-120 to be rezoned to DR – Downtown Residential for the property 178 South Main Street. Motion was seconded by Commissioner Binns and carried unanimously. The full review and discussion can be viewed starting at 0:01:45 on the posted recording.

B. Everest Properties, LLC, #22-119, 184 South Main Street, 1-17-01018-01-2200-00001

Commissioner Newnam asked to enter the staff report into the record. Mr. Rothwell summarized the staff report.

Applicant's Request: *Rezoning* – As required by Town staff, the applicant has requested that the existing 0.39-acre parcel and single-family dwelling be rezoned from R-3 Residential to DR – Downtown Residential to comply with the recently adopted 2020 Comprehensive Plan.

Zoning & Project History: **Circa 1850** – According to the 1978 Smyrna Downtown National Register Nomination, the existing 1,422 sq. ft, two-story single-family dwelling is constructed on the parcel.
May 20, 1964 – The Smyrna Town Council adopt an ordinance creating the Smyrna Zoning Ordinance. The before-mentioned parcel is zoned R-3 Residential and has remained under this designation ever since.
February 4, 2013 – As shown on Figure 3 – Future Land Use Within the Town of Smyrna, the before-mentioned parcel is designated as ‘High-Density Residential’ in the 2012 Comprehensive Plan.
July 19, 2021 – The Smyrna Town Council adopts the 2020 Smyrna Comprehensive Plan. The before-mentioned parcel is identified as ‘Downtown Residential’ land use designation as shown on the Future Land Use Map (Figure 3) of said Comp Plan.
December 6, 2021 – The applicant obtains ownership of the 0.39-acre parcel (Deed Reference 11592-59).
January 27, 2023 – The property owner applies for a rezoning of the parcel from R-3 to DR – Downtown Residential.

Compliance with the Comprehensive Plan

As shown on the Future Land Use Map (Figure 3), the before-mentioned parcel is designated as ‘Downtown Residential.’ As detailed in Chapter 3 – Development Plan (Page 42-43) of the 2020 Comprehensive Plan:

Downtown Residential

This land use designation, new to the 2020 Comprehensive Plan Update, includes those downtown residential neighborhoods within the historic core of Smyrna constructed and built-out prior to 1960. It also includes those previously unincorporated residential neighborhoods within Spruance City (some of which are still outside of the municipal boundaries of Smyrna), which were likewise developed in a traditional grid-like street pattern on

smaller lots in the first half of the 20th century. These older residential neighborhoods are located immediately adjacent to the downtown commercial district (designated 'Downtown Mixed-Use by this and previous Comprehensive Plans), and whose lots are laid out in a generally grid-like street pattern. Lots are generally narrow and rectangular, small in size (less than ¼-acre), and whose dwellings are constructed close to the street and sidewalk. Many of these residential neighborhoods are served by rear access alleys, while some lots are served by narrow driveways to the side of said dwellings. These historic downtown neighborhoods consist primarily of single-family detached dwellings and duplex/twin dwelling units, and a small number of interspersed dwellings that have been converted to apartments. New construction in these areas should be limited to these housing types. A limited number and type of small offices and home-based businesses are appropriate to be located in these neighborhoods.

Most of these residential neighborhoods are located within both the Smyrna National Register Historic District and the locally designated Historic Overlay District. Dwellings in these neighborhoods vary significantly in size, configuration, architectural style, and date of construction, which together form a rich historic fabric. The Town strongly encourages the renovation of these historic dwellings through the locally-funded façade improvement grant program, the State and Federal Historic Preservation Tax Credit programs, and the Delaware Downtown Development District grant program. New dwellings constructed in these neighborhoods should complement and mimic the historic character of the community by being constructed close to street with rear access or side access garages. Large front-loaded garages are discouraged.

This land use designation will be served by a new Downtown Residential zoning district, which will be created following the adoption of the 2020 Comprehensive Plan Update.

Staff Comments

The before-mentioned 0.39-acre parcel is one of 424 parcels that was identified in the 2020 Comprehensive Plan to be rezoned to DR – Downtown Residential. The property owner is planning to subdivide a consolidated lot in the rear of this parcel and the adjacent parcel at 184 S. Main Street to create a large lot fronting S. Fishers Street to construct a 4 – 6 unit apartment building (as shown on Attachment B). This development action shall trigger the need for this and the adjacent parcel to be rezoned to comply with the intent of the 2020 Comprehensive Plan.

Staff Recommendation:

Staff recommends that the 0.39-acre parcel from R-3 Residential to DR – Downtown Residential to comply with the 2020 Smyrna Comprehensive Plan.

Commissioner Reed made the motion to approve application #22-119 to be rezoned to DR – Downtown Residential for the property 184 South Main Street. Motion was seconded by Commissioner Binns and carried unanimously. Commissioner Clark made a motion to table the parking waiver application. Motion was seconded by Commissioner Binns and carried unanimously. The full review and discussion can be viewed starting at 0:07:45 on the posted recording.

C. Smyrna School District, #22-116, 123 Rabbit Chase Lane, 1-17-02801-12-9900-00001

Commissioner Newnam asked to enter the staff report into the record. Mr. Rothwell summarized the staff report.

Applicant's Request: *Rezoning* – As required by Town staff, the applicant has requested that the existing 16.2844-acre parcel comprising Sunnyside Elementary School be rezoned from R-2A Residential to I & R – Institutional & Recreational to comply with the recently adopted 2020 Comprehensive Plan.

Zoning & Project History: **November 2005** – The Smyrna Town Council grants Conditional Use approval for the construction of an elementary school on the subject parcel.
May 10, 2006 – The Smyrna School District obtains ownership of the before-mentioned parcel (Deed Reference 2971-207).
December 27, 2006 – As per Building Permit No. 5437-622-06, the Town of Smyrna approves the construction of the 55,000 sq. ft. Sunnyside Elementary School.
June 17, 2013 – The Smyrna Town Council adopts the 2013 Comprehensive Plan. The parcel is identified as ‘Institutional’ on Exhibit 3 – Future Land Use Map, but is not rezoned from R-2A to I&R to comply with said Comprehensive Plan.
July 19, 2021 – The Smyrna Town Council adopts the 2020 Smyrna Comprehensive Plan. The parcel was identified as ‘Institutional’ on the Exhibit 3 – Future Land Use Map.
January 25, 2023 – The applicant submits Special Exception application to install a 4’ x 8’ (32 sq. ft.) electronic sign within the case of an existing static monument sign, and a rezoning application to rezone the property from R-2A to I&R to comply with the 2020 Comprehensive Plan.

Compliance with the Comprehensive Plan

As shown on Figure 3 Future Land Use, the before-mentioned parcel is designated as Commercial Use.

As detailed in Chapter 3 – Development Plan (Page 47) of the 2020 Comprehensive Plan:

Institutional Use

“This plan generally limits major governmental and institutional uses to their current sites, many of which have significant additional developable land in Smyrna. The exceptions to this pattern may be consolidation and relocation of the town’s public safety and utility facilities to a new and more appropriate site, and the introduction of new religious facilities or fraternal organizations which may be appropriate in commercial or residential areas but should be subjected to special review on a case-by-case basis. The development and location of town facilities, fire services, schools, and recreational facilities are addressed in the Community Facilities Plan.”

Staff Comments

The before-mentioned 16.2844-acre school property is one of a handful that were identified and designated by the 2013 and 2020 Comprehensive Plan to be rezoned to I & R – Institutional & Recreational based upon their institutional use. The Smyrna School District has contracted to replace an existing static monument sign with an electronic variable message sign at Sunnyside Elementary School (as has already occurred at many of their other schools). However, as set forth in Section 6.15E, electronic variable messaging signs are not permitted in the R-2A Zoning District, but is permitted in the I & R District. Thus the requested rezoning is the only means

that the School District can utilize to legally comply with both the 2020 Comprehensive Plan and also with the signage requirements of the Smyrna Zoning Ordinance.

Staff Recommendation:

Staff recommends that the 16.2844-acre parcel and elementary school be rezoned from R-2A Residential to I & R Institutional and Recreational to comply with the 2020 Smyrna Comprehensive Plan.

Commissioner Reed made a motion to approve the application #22-116 to be rezoned to I & R Institutional and Recreational for the property 123 Rabbit Chase Lane. Motion was seconded by Commissioner Binns and carried unanimously. The full review and discussion can be viewed starting at 0:23:20 on the posted recording.

D. State of Delaware, #22-118, 150 Sunnyside Road, 1-17-01906-01-0500-00001

Commissioner Newnam asked to enter the staff report into the record. Mr. Rothwell summarized the staff report.

Applicant's Request: *Concept Category A Site Plan* – The applicant is proposing to construct a three-story 119,271 sq. ft. in-patient hospital and nursing home on a vacant portion of a 58.04-acre parcel with multiple buildings and institutional-related uses.

Zoning & Project History: **Circa 1931** – The Delaware Old Age Commission purchases the subject 57-acre property and constructs the 3-story State Welfare Home, now known as the Delaware Hospital for the Chronically Ill. This 93,595 sq. ft. building is shown as Building #3 on Sheet C101, along with the 5,760 sq. ft. food service building, maintenance, and utility buildings to the rear of said building.
Circa 1960 – According to aerial imagery (and property file records), the 3-story 82,938 sq. ft. Pricket Building (shown as Building #4) and the 1-story 67,721 sq. ft. Candee Building (shown as Building #2) are constructed on the site.
May 5, 1961 – The Smyrna Town Council annexes this parcel into the municipal boundaries of the Smyrna.
May 20, 1964 – The Smyrna Town Council adopts its first Zoning Ordinance. The subject parcel was zoned I & R and has remained under this zoning since the adoption of the ordinance.
Circa 1968 – According to Property file records, the State of Delaware obtains approval for two additions totaling 7,188 sq. ft. to the circa 1931 food service building (shown as Building #7).
Circa 1970 – According to Property file records, the State of Delaware obtains approval for a 7,488 sq. ft. addition to the circa 1931 food service building (shown as Building #7).
October 1, 1976 – As per Building Permit No. 117-76, the State of Delaware obtains approval to complete \$1,337,860 worth of renovations to the existing circa 1931 hospital building.
January 6, 1985 – As per Building Permit No. 01-84, the State of Delaware obtains approval to construct 3,332 sq. ft. of additions to the circa 1931 laundry building.
August 8, 1989 – As per Building Permit No. 101-89, the State of Delaware obtains permit approval for the construction of the 26,165 sq. ft. Delaware Public

Health Lab.

February 18, 2003 – The Smyrna Town Council adopts the 2002 Smyrna Comprehensive Plan. The parcel is identified under the ‘Institutional’ land use designation as shown on the Future Land Use Map (Figure 4) of said Comp Plan.

October 19, 2004 – As per Permit No. 3992, the applicant obtains approval from the Town of Smyrna to construct a 400 sq. ft. addition onto the Delaware Public Health Lab.

February 4, 2013 – The Smyrna Town Council adopts the 2012 Smyrna Comprehensive Plan. The before-mentioned parcel is identified as ‘Institutional’ land use designation as shown on the Future Land Use Map (Figure 3) of said Comp Plan.

March 24, 2021 – The Planning Commission grants preliminary major site plan approval for the construct of a 16,112 sq. ft. one-story addition on the southwest face of the existing Public Health Lab and an 8,842 sq. ft. one-story addition on the northeast face of the building.

June 22, 2021 – The applicant obtains final approval for the two before-mentioned additions to the Public Health Lab and is recorded in the Kent County Recorder of Deeds (Plot Book 144, Page 1).

July 19, 2021 – The Smyrna Town Council adopts the 2020 Smyrna Comprehensive Plan. The before-mentioned parcel is identified as ‘Institutional’ land use designation as shown on the Future Land Use Map (Figure 3) of said Comp Plan.

May 25, 2022 – The Planning Commission grants Preliminary Major Site Plan approval for the construction of a three-story 28,434 sq. ft. addition to the Delaware Public Health Lab in lieu of a previously approved one-story 8,842 sq. ft. addition.

August 12, 2022 – The State of Delaware conveys 1.9724 acres of waterfront lands along Lake Como to the adjacent Town-owned Lake Como Park (Plot Book 147, Page 88). This lot line adjustment and property conveyance is not shown nor accounted for on this Concept Category A Site Plan.

January 5, 2023 – Preapplication meeting with the engineers for the proposed DHCI hospital, DNREC Office/Lab, and Delaware Public Health Lab to discuss master plan for utilities, parking, and roadway improvements to the entire 58.04-acre site.

January

Compliance with the Comprehensive Plan

As shown on Map Figure 3 Future Land Use, the before-mentioned parcel is designated as ‘Institutional.’

As detailed in Chapter 3 – Development Plan (Page 47) of the 2020 Comprehensive Plan:

Institutional Land Use

This plan generally limits major governmental and institutional uses to their current sites, many of which have significant additional developable land in Smyrna. The exceptions to this pattern may be consolidation and relocation of the town’s public safety and utility facilities to a new and more appropriate site, and the introduction of new religious facilities or fraternal organizations which may be appropriate in commercial or

residential areas but should be subjected to special review on a case-by-case basis. The development and location of town facilities, fire services, schools, and recreational facilities are addressed in the Community Facilities Plan.

The appropriate zoning for the Institutional land use designation is I & R – Institutional and Recreational District.

Compliance with I & R Institutional & Recreational District Bulk Standards (Section 5.7D)

Section 5.7D – I & R – Institutional and Recreational District Bulk Standards

	<u>Required (2023)</u>	<u>Proposed</u>
Minimum Lot Area	N/A	58.04 AC (2,528,222.4 SF)
Minimum Lot Width	N/A	Approximately 2,590 ft.
Minimum Lot Depth	N/A	Approximately 890 ft.
Maximum Height	4 stories/60 ft.	3 stories (35 ft.)
Minimum Front Yard Setback	20 ft.	Approximately 550 ft.
Minimum Side Yard Setback	10 ft.	Approximately 830 ft.
Minimum Rear Yard Setback	30 ft.	Approximately 145 ft.
Maximum Lot Coverage	70%	Unknown

The applicant appears to be in compliance with all of the before-mentioned bulk standards of the soon-to-be-adopted I & R Institutional and Recreation Zoning District, although the applicant shall confirm all of the proposed setback and lot coverage numbers. If the applicant exceeds the allowable 70% lot coverage, than the applicant shall be required to obtain a variance from the Board of Adjustment.

As set forth in Section 5.7A, ‘In-patient rehabilitation hospitals and nursing homes’ are permitted by-right in the I & R Zoning District.

Project Description & Building Design

The applicant is proposing to construct a three-story 119,271 sq. ft. new Delaware Hospital for Chronically Ill with space for 120 in-patient residents less than 200 feet to south of the existing Candee Building in a vacant field between the existing hospital cemetery. The Delaware Department Health & Social Services (DHSS) proposes to transfer the 230 full-time employees and approximately 80-85 in-patient residents currently within the adjacent 67,721 sq. ft. Candee Building and approximately 48 dietary employees out of the Prickett Building to this new 119,271 sq. ft. hospital. Staff have been informed that no out-patient medical services will be conducted out of the proposed hospital, but staff requests that this be provided in writing as this will have significant bearing upon the review and accompanying design recommendations for this facility. Staff also requests that DHSS provide a complete breakdown of all of the proposes employees, functions, and offices being moved and relocated to this new hospital facility by the Preliminary Category A Site Plan submission.

In addition to the before-mentioned 119,271 sq. ft. hospital facility, the applicant proposes to construct a new and enlarged entrance onto Sunnyside Road, a single access road to serve the proposed hospital, and a 116-space parking lot. DHSS is not proposing to demolish any of the existing buildings except an unmanned 3,549 sq. ft. storage building, although they have no immediate plans to renovate and repurpose the existing complex of buildings (significant portions and square footage of which are already vacant or will be vacated by this

construction of this proposed 119,271 sq. ft. hospital facility. A breakdown of existing and proposed buildings on this 58-acre complex is as follows:

Building Name	Existing GFA	Existing Use	Proposed GFA	Proposed Use
DHCI New Hospital	N/A	N/A	119,271 SF	In-Patient Hospital & Nursing Home
DNREC Office/Labs	N/A	N/A	30,000 SF	Office/Lab Space
Delaware Public Health Lab	26,165 SF	Public Health Lab & Offices	76,816 SF	Public Health Lab & Offices
Candee Building	67,721 SF	Nursing Home	67,721 SF	Vacant (Eventually Medical Offices)
Circa 1931 Hospital	93,595 SF	Medical Offices/Storage	93,595 SF	Medical Offices/Storage
Pricket Building	82,938 SF	Institutional/Offices/Storage	82,938 SF	Institutional/Offices/Storage
Guest Pavilion 1	15,934 SF	Medical Offices	15,934 SF	Medical Offices
Guest Pavilion 2	16,888 SF	Medical Offices	16,888 SF	Medical Offices
Dietary Assembly	13,472 SF	Food Service	13,472 SF	Food Service
Laundry/Utility Building	11,156 SF	Laundry Services	11,156 SF	Laundry Services
Maintenance Building	10,216 SF	Maintenance	10,216 SF	Maintenance
Garage	3,135 SF	Garage/Maintenance	3,135 SF	Garage/Maintenance
Pole Building	3,549 SF	Storage	0 SF	Demolished
Pole Building	1,619 SF	Storage	1,619 SF	Storage
Storage Sheds (8)	1,803 SF	Storage	1,803 SF	Storage
Storage Building	820 SF	Storage	820SF	Storage
Pole Building	4,810 SF	Storage	4,810 SF	Storage
Garages (2)	1,227 SF	Storage	1,227 SF	Storage
Covered Pavilion	1,202 SF	Outdoor Pavilion	1,202 SF	Outdoor Pavilion
TOTAL:	377,475 SF		579,885 SF	

Staff requests that the State confirm and outline in writing the square footage of occupied spaces in said buildings (with the corresponding number of employees), the square footage of currently vacant spaces, and the square footage of spaces to be vacated by the construction of the proposed 119,271 sq. ft. hospital facility.

The proposed 119,271 sq. ft. hospital will be reviewed by the state agencies at the monthly PLUS meeting on Wednesday, February 22nd. A copy of the state agency comments will be included as part of their Preliminary Category A Site Plan submission.

At the request of staff, the applicant has included all three of the proposed buildings/additions from both the DNREC office/lab building and the Delaware Public Health Lab addition on this site plan, so that the Planning Commission and Town Council can review and comment on the site in its entirety. Delaware Public Health Lab is nearing their final approvals for their 3-story 28,539 sq. ft. addition, and DNREC will be submitting this week for Preliminary Category B Site Plan review and approval at the March 20th Planning Commission meeting.

Municipal Utility and Infrastructure Demands

The 58.04-acre multi-use DHSS complex is served by a 10" water line that connects from the south down Sunnyside Road and across to Smyrna-Leipsic Road to U.S. Route 13. The 10" water line is privately owned onsite and completes a series of three loops on the property. Meanwhile, the 58-acre site is served by a 15" gravity sewer line that runs along the back of the adjacent Town-owned Lake Como Beach Park property to U.S. Route 13, and is also privately owned. These privately-owned water and sewer lines are 50 or more years old.

Despite being privately owned, there are ten (10) separate water meter and utility accounts for this 58-acre site, one for each building and use. Utilizing water usage from the last twelve months, staff has calculated that these ten accounts generate an average water (and sewer) usage of 34,632 gallons per day. This is by far the largest commercial water/sewer user in the entire town, and is the equivalent of approximately 138 single-family homes (at 250 gallons per day). The next largest user, the 1.1 million sq. ft. Walmart Distribution Center, generates an average of only 14,150 gallons per day.

Like the water and sewer system, the electric network is privately owned onsite, and is primary metered by the Town Electric Department. The applicant is proposed to continue to be primary metered for the proposed 119,271 sq. ft. hospital. The applicant is also proposing to install a TBD number of electric charging stations within the proposed hospital parking lot (and elsewhere on the 58.04-acre DHSS site).

The applicant is proposing to serve the 119,271 sq. ft. hospital facility by a 6" water main and an 8" sanitary sewer line that will connect to the rest of the privately-owned water/sewer system north of the Candee Building. However, in further clarification from the applicant's engineer, they are envisioning an 8" or 10" water main to serve the hospital with a 6" water connection for the fire suppression system and a 3" or 4" for the domestic water connection. The applicant is estimating 1700 plumbing fixtures which has will necessitate a capacity of up to 330 gallons per minute and 475,000 gallons per day. 1700 plumbing fixtures would be the equivalent of 284 dwelling units utilizing Kent County Levy Court's fixture count ratio.

The applicant is proposing that the water line dead-end at this building, and our Town Engineer, James Taylor (Verdantas), strongly recommends that the applicant create a loop system and connect at another point so that the water line does not dead end (which can create significant maintenance issues within the Town system). The Town's water and sewer modeling consultants are in the process of calculating whether the proposed 119,271 sq. ft. hospital (and corresponding 30,000 DNREC office/lab building and the 44,651 sq. ft. addition to the Delaware Public Health Lab) will require the existing water, sewer, and/or electric lines and infrastructure be upgraded to accommodate the greater expected flows associated with said new uses.

The applicant has not yet proposed the locations of fire hydrants or of the fire department building connection. The Citizens Hose Company has recommended that fire hydrants be placed so as to provide 360 degree access

to the proposed 119,271 sq. ft. hospital. In addition, the Citizens Hose Company has recommended that a dry hydrant be provided behind the proposed hospital to allow a connection to Lake Como, and that the existing and very old dry hydrant behind the existing maintenance buildings be replaced. Staff strongly recommends that the applicant coordinate directly with Citizens Hose Company and the Delaware State Fire Marshal to most appropriate locate all fire hydrants, fire department building connection, and dry hydrants.

Traffic Circulation and Roadway Connectivity

The existing 58.04-acre DHSS complex is currently served by three street entrances onto Sunnyside Road. The applicant has proposed to construct a new 24'-wide two-way entrance onto the 58.04-acre site which will provide direct access to the proposed 119,271 sq. ft. hospital (and the rest of the DHSS complex and site) as it intersects with Friends Street and Sunnyside Road. The applicant has proposed to close the southernmost 18'-wide entrance onto Sunnyside Road to all but emergency vehicles, although the applicant has not specified how this existing entrance will be closed (there is an existing gate). While specifics have not yet been provided and designed, the applicant is tentatively proposing to construct and install turn lanes both onto and out of the site at this new proposed entrance onto Sunnyside Road. Currently, all existing and proposed internal access roads and streets within the 58.04-acre DHSS site are privately owned and maintained.

As shown on the site plan, the proposed 119,271 sq. ft. hospital facility will be served by a single 24'-wide access road which will dead end in the vicinity of the side of the proposed hospital. So as to provide alternate access to the new hospital, the Citizens Hose Company (with staff concurrence) strongly recommends that the 24'-wide access road be extended to connect with the rest of the DHSS complex north of the Candee Building. As argued by emergency service personnel from both Citizens Hose Company and Station 64, two access points to the hospital will allow the facility to be evacuated using one access point and for emergency vehicles to enter via the other access point. As proposed, the 24'-wide access road and fire lane will only provide direct building access to one face of the building. Citizens Hose Company (with staff concurrence) recommends that a hardened access road/fire lane (solely for emergency vehicles) be provided around all faces of the proposed three-story hospital to allow access by fire trucks and aerial apparatus in the event of a fire or emergency. Citizens Hose Company and Station 64 (with staff concurrence) strongly recommends that the proposed 14'-wide one-way drop-off lane be widened to 24'-wide to allow for both the easier evacuation of patients in the event of an emergency, and for fire apparatus to access the alpha (front) side of the proposed hospital.

Station 64 expressed concern that not enough access points have been provided from the proposed three-story building to allow for a safe and efficient evacuation of patients, staff, and visitors from the proposed 3-story 119,271 sq. ft. hospital. Station 64 recommends (with staff concurrence) recommends that an evacuation plan be provided with the Preliminary Category A Site Plan to be reviewed by the emergency services agencies. This concern may be mitigated by providing a hardened access road around the perimeter of the proposed hospital to allow patients to be evacuated from the bravo (side) and charlie (rear) of the hospital.

The 58.04-acre DHSS site is served by Sunnyside Road, a state-owned and maintained roadway (classified as a major collector by DelDOT). Currently, this roadway is only 20'-wide without shoulders or raised concrete curbing along the extent of Sunnyside Road in front of the DHSS site. At this time, the applicant has not proposed any offsite improvements and/or widening of Sunnyside Road (or else within the road network as it connects to U.S. Route 13), although DelDOT may require offsite improvements and widening of Sunnyside Road. Staff strongly recommends to DelDOT and the applicant that the buildout of all proposed new buildings and the retrofitting of all existing buildings be utilized to calculate the total estimated vehicular trips and the corresponding necessary offsite improvements to Sunnyside Road.

Sidewalks and Multi-Modal Connectivity

In accordance with the *Smyrna Town Code Appendix B – Subdivision and Land Development Ordinance* §5.02(a), sidewalks at least 6 ft. in width are required to be constructed along all street frontages for all subdivision plans and commercial site plans. As set forth in *Section 5.02(d)* of the Subdivision and Land Development Ordinance, the Planning Commission and Town Council may also require pedestrian ways (a minimum of 5 ft. in width for pedestrians and 8 ft. in width if designed as a combined pedestrian/bikeway) internally within the project to connect open spaces, schools, and other buildings. The frontage of the 58.04-acre DHSS site is currently served by an existing 4'-wide and 5'-wide concrete sidewalks along Sunnyside, and is thus not in compliance with this Section of the Code. The applicant has, meanwhile, proposed to construct and install 5'-wide and 6'-wide concrete sidewalks from the various building entrances to the parking lot and to the adjacent Candee Building, and has proposed a 7'-wide sidewalk from the hospital through the proposed parking lot to the sidewalk network along Sunnyside Road. The applicant shall be required to provide a minimum 6'-wide concrete sidewalks throughout the proposed hospital site or else obtain a variance from the Board of Adjustment (which staff will not support).

The applicant has proposed a series of marked pedestrian crosswalks along the length of the 7'-wide sidewalk connecting the hospital to the sidewalk along Sunnyside Road. Staff recommends that that a marked crosswalk be provided connecting the sidewalk from the hospital to the existing Candee Building as it crosses the fire lane and loading dock area. Staff also recommends that marked crosswalks be provided and installed at the intersection of the sidewalk along Sunnyside Road through each of the three existing and proposed vehicular entrances to the DHSS site.

Throughout the rest of the 58.04-acre DHSS complex, sidewalks range in width from 4 ft to 5 ft., although staff is unsure whether the Town could legally require this sidewalk network to also be widened to comply with the before-mentioned section of the Code.

The Delaware Public Health Lab previously agreed (with the concurrence of the Delaware Transit Corporation) to construct and install a 5' x 8' Type 2 bus stop along U.S. Route 13 near the intersection of Sunnyside Road and U.S. Route 13. This will presumably replace the existing uncovered and unmarked bus stop at the intersection of Smyrna-Leipsic Road and U.S. Route 13 which lacks an ADA accessible pedestrian path and seating. The applicant has proposed no change to this previously approved, but as yet, unbuilt bus stop.

Compliance with Landscaping & Street Buffering Requirements

In accordance with the *Smyrna Town Code Appendix A – Zoning* §6.12, a planted vegetative buffer or fence at least 6 ft. in height is required when a non-residential use abuts a residentially-zoned parcel. The applicant is not directly adjacent to a residentially-zoned parcels, and thus does not have to meet this section of the ordinance.

As set forth in the *Smyrna Town Code Appendix B – Subdivision & Land Development Section 5.17(c)*, the applicant is required to plant one (1) tree per 3,000 sq. ft. of lot area at least 2" in caliper. With a project area of 58.04 acres (2,528,222.40 sq. ft.), a minimum of 842 trees shall be planted (or trees of that caliper must already be present on the property). The applicant has not provided a landscape plan of proposed tree plantings and existing trees at least 2" in caliper, although the 9.31-acre Delaware Public Health Lab site (which is part of the larger 58.04-acre parcel) was approved to provide 122 trees to compliment the 16 trees already existing already on this section of the parcel. The applicant would thus be required to plant 704 additional trees (or prove that some combination already exist on site) or else obtain a variance from the Board of Adjustment (and/or else pay a fee in lieu of if only 1 tree per 5,000 sq. ft. is provided).

As set forth in the *Smyrna Town Code Appendix A – Zoning §6.1A(8)(d)*, parking rows are to be terminated by a street tree and landscaped island. The applicant shall be required to plant at least one tree in each proposed landscaped parking island or else obtain a variance from the Board of Adjustment.

As set forth in the *Smyrna Town Code Appendix A – Zoning Section 6.13A*, proposed dumpsters shall be situated at an ‘appropriate location’ to not interfere with users of the property and adjacent property owners, and shall be ‘appropriately screened’. The applicant has not specified a location for the dumpster and dumpster enclosure, but it appears that it may be located behind a proposed masonry retaining wall on the side of the hospital (immediately adjacent to the loading docks). Staff concurs that this would be the most appropriate location for a dumpster(s) and concurs that shielding them behind a masonry retaining wall would meet the intent of this section of the Code.

Compliance with Parking Requirements

Town of Smyrna Code Appendix A – Zoning §6.1A(9) Required Parking Spaces by Use
(b) Hospitals, four spaces per 800 sq. ft. of gross floor area

Required (119,271 sq. ft. of medical lab space) – 149 parking spaces (including 5 ADA)
Provided – 119 vehicular parking spaces (including 8 ADA spaces)

The applicant has proposed only 116 new parking spaces for this 119,271 sq. ft. hospital and nursing home facility. As per the January 3, 2023 email from Jennifer Coverdale at OMB, the proposed facility will include 230 employees currently at the Candee Building and 48 dietary staff currently at the Prickett Building. Furthermore, Ms. Coverdale also informed me that those 230 employees at the Candee Building are providing care to only 80 resident patients on average, while the new hospital will be able to accommodate 120 in-patient residents. With 278 total existing employees, and a building with capacity to accommodate 50% more resident patients, staff is concerned that not enough parking spaces are being provided. Please provide a breakdown and narrative explanation as to the number of employees on the largest shift under current conditions (plus the 48 dietary staff from the Prickett Building), and the number of estimated employees on the largest shift if the number of resident patients rises to 120 as the building is designed to accommodate. Staff recommends that the applicant provide and be able to accommodate at least the number of employees on the largest shift + 20% of the number of beds to allow for visitors (especially since this will be a hospital/nursing home with resident patients). At a minimum, if the applicant does not provide 149 parking spaces as is required by the existing Code, the applicant shall be required to obtain a parking waiver from the Planning Commission as set forth in Section 6.1C of the Smyrna Zoning Ordinance.

As set forth by Section 208.2 of ADAAG, parking lots with 101 to 150 vehicular spaces are required to provide only five (5) ADA accessible spaces, while the applicant has proposed eight (8) ADA spaces. Staff concurs and supports the applicant’s proposal to exceed the required number of ADA parking spaces given that this is large-scale medical facility.

The applicant has proposed 9’ x 18’ parking spaces on the site. The before-mentioned section of the ordinance does not mandate a minimum size for parking spaces, however AASHTO recommends a minimum size of 9’ x 18’ for pull in (perpendicular) parking spaces.

As set forth in *Section 6.1A(7)* of the Zoning Ordinance, a minimum of one bicycle rack (with 5 spaces) shall be provided in every parking lot containing 20 or more spaces. The applicant is thus required to provide at least one (1) bicycle racks for the proposed 116-space parking lot. Given the number of proposed employees,

recommends that the applicant provide two or more bike racks. The applicant shall provide at least one (1) bicycle rack or else obtain a variance from the Board of Adjustment.

Elsewhere onsite (except for the Delaware Public Health Lab which has or will construct its own parking lots and areas), there are 490 existing and proposed marked parking spaces to serve and accommodate the 320,548 sq. ft. of general and medical office space (including within the proposed 30,000 sq. ft. DNREC lab/office building). With the construction of the proposed 119,271 sq. ft. new DHCI hospital, the 67,000 sq. ft. Candee building and significant portions of the Prickett building complex will be left vacant for the near future. Staff is concerned that the existing/proposed 490 parking spaces in this central core of the site is not nearly enough to accommodate more than 320,000 sq. ft. of office space if said spaces are subsequently retrofitted and fully occupied. As set forth in Section 6.1A(9)(k), office space requires four (4) parking spaces per 1,000 sq. ft. of gross floor area, so the 320,548 sq. ft. of partially vacant office space would require 1,280 parking spaces which would result in a deficit of 790 spaces compared to what is or what will be provided with the proposed DNREC office/lab building. If and when DHSS pulls a building permit to retrofit the existing and historic office/hospital space, the Town has little leverage at the building permit stage to require additional parking spaces to be provided. Staff recommends that some sort of restrictive covenant or language be provided on this Category A Site Plan requiring that DHSS comply with the Town's parking requirements (and all other requirements set forth in the Smyrna Zoning and Subdivision Ordinances) upon the renovation and fit-out of the significant existing (or soon to be) vacant building spaces.

Compliance with Loading Space Requirements

Town of Smyrna Zoning Ordinance Section 6.1B(1) – Off-street Loading Requirements

(a) Hospitals: one (1) off-street loading space for 10,000 sq. ft. to 25,000 sq. ft. and one (1) additional loading space for every additional 25,000 sq. ft. or fraction thereof.

Loading Spaces Required (119,271 sq. ft. GFA) – 5

Loading Spaces Provided – 3

While it is not specified on the site plan, it appears that the applicant is proposing to provide one ambulance drop-off/pickup loading dock, and two truck loading docks. Given the unique nature of this medical facility, staff will defer to the applicant on this issue as to the number of patient and truck loading docks that should be provided. If less than five (5) loading spaces are provided, the applicant shall be required to obtain a waiver from the Planning Commission as set forth in Section 6.1C of the Smyrna Zoning Ordinance.

Commission Newman stated that no recommendations will be made tonight. This is a concept review and will not be making any recommendations. It will be a dialog on what is being presented by the applicant and input from the Commissioners that would be an improvement to the site. The applicant then will be able to bring back a plan that the Commissioners can make a recommendation to Town Council.

The applicant Ring Lardner from Davis, Bowen, & Friedel Inc, representing the State of Delaware discusses the proposal for the Category A Site Plan and addresses the concerns from staff. The full review and discussion can be viewed starting at 0:32:30 on the posted recording.

Review and discuss the Thomas England Site Plan Extension Request

Mr. Rothwell discussed the request to extend the Thomas England Site Plan for 18 months. Mr. Ramunno discussed that covid was a big reason that got them behind on schedule, and material and labor costs escalated due to covid. Things have been stabilizing and can now focus on completing the construction. There

will be no additional changes to the plans. Mr. Ramunno stated that they will be able to start construction within the 18 months.

Commissioner Clark made the motion to approve the 18-month extension. Motion was seconded by Commissioner Binns and carried unanimously. The full review and discussion can be viewed starting at 0:26:00 on the posted recording.

Other business

There was none.

Adjournment

Commissioner Newman adjourned the meeting at 8:52 p.m.

clw