

**MINUTES OF THE PLANNING & ZONING COMMISSION**

**March 22, 2023**

**Call to order**

The meeting was called to order at 6:00 p.m. by Commissioner Robert P. Newnam. Commissioners Carol Binns, Michael Reed, and Michael McGrath were present. Scott Clark was excused.

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

Commissioner Newman led the Pledge of Allegiance.

**Recognition of visitors**

Visitors present via zoom were Osman Sammander. Visitors present in person were Keri Morton-Wiedner, Lisa Donlon, and James McCloskey.

**Additions/deletions to published agenda**

There was none.

**Reading, correction, approval, or disposition of minutes**

There was none.

**Public Hearing**

**A. Property Connect, LLC, #RZ-2023-03, 321-323 West Commerce Street, 1-17-01017-03-4100-00001**

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 0.38-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.  
*Conditional Use* – The applicant requests to construct an attached (townhouse) dwelling unit onto the side of an existing attached dwelling.

**Zoning & Project History:**   **Circa 1856** – According to the 1978 Smyrna Downtown National Register Nomination, the existing two 2-story attached dwellings are 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.

**May 24, 2022** – The applicant obtains ownership of the 0.38-acre parcel (Deed Reference 11965-186).

**February 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 20<sup>th</sup> 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.*

### **Section 5.15 Downtown Residential (DR) District**

*D. [Uses permitted as conditional uses.] The following uses are permitted only if approved as a conditional use pursuant to section 6.14 of this ordinance:*

- (1) Institutions of an educational nature or religious nature.*
- (2) Public utility uses.*
- (3) Governmental buildings, structures, facilities and uses including, but not limited to, police stations, fire houses, ambulance stations, government offices, library.*
- (4) Townhouse Dwellings, subject to the following requirements:*
  - (a) All townhouse dwelling units must be served by rear-access alleys and may have attached or detached garages or carports that face the rear-access alley. Front-loaded garages are prohibited.*
  - (b) Townhouse dwellings may not exceed four (4) consecutive units.*
  - (c) No more than two (2) adjoining townhouse dwelling units shall be constructed of the same exterior building material or color.*
  - (d) Townhouse dwellings must be two (2) to three (3) stories in height.*
  - (e) At least 50% of the townhouse dwelling units in each dwelling block must have an unenclosed front covered entry porch a minimum of 6 ft. in depth and 6 ft. in width.*
  - (f) A concrete sidewalk at least 4 ft. in width must extend from the street to the front entrance and/or entry porch/stoop of the dwelling.*
  - (g) On corner lots, the front entrance to the end townhouse dwelling unit may face either street frontage.*

### **Conditional Use Procedures**

Section 6.14 – Conditional uses, general guides and standards. The purpose of the “conditional use” procedure is to provide for certain uses which cannot be well-adjusted to their environment in particular locations with full protection offered to surrounding properties by rigid application of the district regulations.

The uses either have unusual characteristics or are generally of a public or semipublic character and are essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance or relationship to the comprehensive plan and possible impact, not only on neighboring properties, but on a large section of the town, require the exercise of planning judgement on location and site plan.

A “conditional use” should be approved by the mayor and council after compliance with the applicable section of this code concerning public hearings and only if it is found that the location is appropriate and not in conflict with the comprehensive plan, that the public health, safety, morals and general welfare will not be adversely affected, that necessary safeguards will be provided for the protection of surrounding property, persons and neighborhood values and, further provided that the additional standards of this article are complied with. Unless otherwise specified in this article or specified as a condition of approval, the height limits, yard spaces, lot area, sign and parking requirements shall be the same as for other uses in the district in which the conditional use is located.

### **Staff Comments**

According to the 1945 deed found in our property street files, this 0.38-acre parcel was originally three lots that was subsequently consolidated under common ownership sometime thereafter. As shown on the below photograph (and according to the 1978 National Register District Nomination), two attached dwelling units were constructed on the two eastern lots in the mid-19<sup>th</sup> century, but the third most westerly lot has never been built upon. The new property owner proposes to re-subdivide the property into three individual lots, and construct a third attached (townhouse) dwelling unit on the vacant most westerly lot. As required by Section 6.15D(4)(a), all three lots will be served by a rear access alley (Mulberry Street), and the two existing dwellings already are served by rear access garages on said street. The before-mentioned section of the Code permits up to four-consecutive attached/townhouse dwelling units, and this proposal is to create a block of three attached townhouse dwelling units, thus meeting that section of the Code. As shown on the below photograph, the two existing attached dwelling units already have unenclosed covered porches, so the proposed new townhouse dwelling would not be required to have an unenclosed covered porch by this Section of the Code, but the applicant may choose to provide one anyway. While the applicant has not provided a draft floor plan or elevation of the proposed townhouse dwelling, it would be required by this Section of the Code to be two or three stories in height and to provide a 4'-wide concrete sidewalk from the dwelling entrance (along with complying with the underlying bulk standards and setbacks of the DR District). The construction of the third attached townhouse dwelling will, in the opinion of staff of otherwise minimal impact on traffic or surrounding properties more generally.

### **Staff Recommendation:**

Rezoning - Staff recommends that the 0.38-acre parcel from R-3 Residential to DR – Downtown Residential to comply with the 2020 Smyrna Comprehensive Plan.

Conditional Use – Staff recommends that the Planning Commission recommend that the Town Council approve the proposed attached (townhouse) dwelling onto the side of the existing attached dwelling, but subject to the following conditions:

- 1.) That the townhouse dwelling be two or three stories in height;
- 2.) That a 4'-wide concrete sidewalk connect the front entrance to the street.

Commissioner Reed made a motion to recommend approval to Town Council of rezoning and conditional use. Commissioner Binns seconded the motion. The reasoning behind the decision made is that it conforms to the Comprehensive Plan and is keeping in character with the neighborhood.

**B. Osman Sammander, #RZ-2023-01, 222 North Main Street, 1-17-01013-02-3701-00001**

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 0.13-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:** **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 12, 2007** – The previous property owners obtain approvals creating the before-mentioned parcel through a single-lot subdivision.  
**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.  
**May 7, 2021** – The applicant obtains ownership of the 0.13-acre parcel (Deed Reference 11051-90).  
**July 11, 2022** – The property owner applies for a lot line adjustment in preparation for eventually constructing a two-family dwelling on the property.  
**March 1, 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 20<sup>th</sup> 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 0.13-acre parcel is one of 424 parcels that was identified in the 2020 Comprehensive Plan to be rezoned to DR – Downtown Residential. The property owners, who own the three contiguous parcels, have recently obtained a lot-line adjustment in preparation of construction a two-family dwelling on this vacant parcel. This development action shall trigger the need for this parcel to be rezoned to comply with the intent of the 2020 Comprehensive Plan.

**Staff Recommendation:**

Staff recommends that the 0.13-acre parcel from R-3 Residential to DR – Downtown Residential to comply with the 2020 Smyrna Comprehensive Plan.

Commissioner McGrath made a motion to recommend to Town Council approval of the rezoning. Commissioner Binns seconded the motion. The reason behind the decision was that conforms to the Comprehensive Plan and is keeping in character with the neighborhood.

**C. HD Miller, LLC, #RZ-2023-04, 120 Rabbit Chase Lane, 1-17-01013-02-6900-00001**

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 0.11-acre parcel and single-family dwelling be rezoned from R-2 Residential to DR – Downtown Residential to comply with the recently adopted 2020 Comprehensive Plan.

**Zoning & Project History:** **Circa 1900** – According to the 1978 Smyrna Downtown National Register Nomination, the existing 1,500 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.  
**April 20, 1998** – The before-mentioned parcel (along with all other parcels along N. Lincoln Street) were rezoned by the Town Council from R-3 Residential to R-2 Residential.  
**February 4, 2013** – As shown on Figure 3 – Future Land Use Within the Town of Smyrna, the before-mentioned parcel is designated as ‘Medium-Density Residential’ in the 2012 Comprehensive Plan.  
**December 7, 2016** – Following condemnation, the Town of Smyrna demolishes the previous 2-story 1,500 sq. ft. single-family dwelling.  
**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.  
**February 7, 2023** – The applicant obtains ownership of the 0.11-acre parcel (Deed Reference 12359-53).  
**February 16, 2023** – The property owner applies for a rezoning of the parcel from R-2 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 20<sup>th</sup> 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 0.11-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 construct a new single-family dwelling, which was demolished in 2017. 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 0.11-acre parcel from R-2 Residential to DR – Downtown Residential to comply with the 2020 Smyrna Comprehensive Plan.

Commissioner McGrath made a motion to recommend to Town Council to approve the rezoning application. Commissioner Binns seconded the motion. The reason behind the decision is that it conforms to the Comprehensive Plan and will improve the neighborhood.

**D. State of Delaware, #SP-2023-01, 100 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:** *Preliminary Category B Site Plan* – The applicant is proposing to construct a two-story 30,448 sq. ft. DNREC lab and office building and 1,230 sq. ft. garage/storage building on an existing parking lot of a 56.28-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.

**February 22, 2023** – Concept Category A Site Plan review by the Planning Commission, and PLUS review by the various state agencies of the proposed 119,271 SF in-patient hospital and nursing home.

**February 23, 2023** – Vandemark & Lynch apply for Preliminary Category B Site Plan.

**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	56.28 AC (2,451,556.8 SF)
Minimum Lot Width	N/A	Approximately 2,590 ft.
Minimum Lot Depth	N/A	Approximately 890 ft.
Maximum Height	4 stories/60 ft.	2 stories (32 ft.)
Minimum Front Yard Setback	20 ft.	Approximately 410 ft.
Minimum Side Yard Setback	10 ft.	Approximately 264 ft.
Minimum Rear Yard Setback	30 ft.	Approximately 224 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, ‘Hospitals, Emergency Centers, and Related Research Centers’ are permitted by-right in the I & R Zoning District.

**Project Description & Building Design**

The applicant is proposing to construct a two-story 30,448 sq. ft. DNREC office and lab building over an existing asphalt parking lot to the rear of the Prickett Building. The first floor will include a series of laboratory and storage space while the second floor will include 28 offices, two

conference rooms, and additional laboratory space. The second floor will also include a open rooftop terrace for outdoor dining, etc.

The proposed two-story lab/office building will be constructed over an existing parking lot, and will not include any additional lot coverage for the building itself. The applicant has proposed to keep an existing masonry retaining wall around the perimeter of the proposed two-story building. An existing grassed drainage swale running parallel to the east of the proposed building will also remain in place. The applicant is also proposing to construct a one-story 1,240 square foot vehicular and trailer storage garage.

The applicant has proposed to utilize an existing entrance onto Sunnyside Road while enlarging two parking lots adjacent to the Prickett Building to offset both the parking spaces lost to the construct of the DNREC office/lab building and to accommodate said building itself. 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). A breakdown of existing and proposed buildings on this 56-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
<b>DNREC Office/Labs</b>	<b>N/A</b>	<b>N/A</b>	<b>30,448 SF</b>	<b>Office/Lab Space</b>
Delaware Public Health Lab	26,165 SF	Public Health Lab & Offices	70,816 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
Prickett 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	820 SF	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
<b>TOTAL:</b>	<b>377,475 SF</b>		<b>580,333 SF</b>	

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.

While Vandemark & Lynch has only shown the proposed improvements for the DNREC lab/office building and the Delaware Public Health Lab, staff has requested that all three State projects (including the new DHCI Hospital) be consolidated and incorporated into a single site plan which will show all onsite and offsite improvements and recorded as a single document.

### **Municipal Utility and Infrastructure Demands**

The 56.28-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 56-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. Staff and the Town Engineer will require the existing ten water meters and accounts to be consolidated into a new single water meter to be installed in front of the Prickett Building along Sunnyside Road (as shown in the Plan View on Sheet R-300 and R-400).

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 three State projects, including the proposed 30,448 sq. ft. DNREC lab/office building. The applicant has informed the Town that 5% of the proposed parking spaces will be served by EV charging stations, although it is unclear whether that 5% threshold includes only the net additional new parking spaces and/or all or portion of the reconfigured parking spaces as outlined in this site plan.

The applicant is proposing to serve the 30,448 sq. ft. DNREC Lab/office building by an 8" water main and a 6" sanitary sewer line that will connect to the rest of the privately-owned water/sewer system north of the Candee Building. It is unknown at this time how many plumbing fixtures will be installed, although at 30 employees, the applicant is estimated a peak sewer flow of 1,500 gallons per day (12.5 GPD per employee x 4 peaking factor).

The Town's water and sewer modeling consultants are in the process of calculating whether the proposed 119,271 sq. ft. hospital, 30,448 DNREC office/lab building and the 44,651 sq. ft. additions 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 proposed to install a new fire hydrant to the front (alpha side) of the proposed 30,448 sq. ft. DNREC lab/office building. The applicant will retain the existing fire hydrants near the entrance of the site along Sunnyside Road and behind and adjacent to the Prickett Building. The Citizens Hose Company has recommended that an additional fire hydrant be installed to the rear (charlie) side of the proposed DNREC office building along the proposed access drive loop leading back to the Delaware Public Health Lab.

### **Traffic Circulation and Roadway Connectivity**

The existing 56.28-acre DHSS complex is currently served by three street entrances onto Sunnyside Road. The engineer for the proposed DNREC lab/office building is proposing to utilize the existing middle (or second) entrance along Sunnyside Road. This spoke-type intersection includes the confluence of three private internal streets onto Sunnyside Road at irregular angles. Since Sunnyside Road is a state-maintained roadway, DelDOT will ultimately be responsible for requiring any improvements or alterations to this intersection.

To access the proposed DNREC office/lab building from this intersection onto Sunnyside Road, you can drive through two nearly parallel internal streets/driveways that are both approximately 20 ft. in width. The applicant has proposed to widen the drive aisle closest to the Delaware Public Health Lab from 20 ft. to 24 ft. to designate it a marked fire lane, and to add perpendicular parking along most its length while keeping it existing configuration and awkward spoke connection intersection near Sunnyside Road. This drive aisle is at an obtuse angle only 60 ft. from the intersection at Sunnyside Road meaning you have stacked intersections very close to one another. Meanwhile, the applicant has proposed to retain the existing 20'-wide drive-aisle closest to the Prickett Building while enlarging and adding vehicular parking spaces on the side of the drive aisle closest to said Prickett Building.

In consultation with the Citizens Hose Company, staff strongly recommends that the drive aisle closest to the Prickett Building be widened from 20 ft. to 24 ft. in width and be marked as the designated fire lane. This would allow larger fire apparatus to drive nearly straight through the intersection at Sunnyside Road from Smyrna-Leipsic Road, instead of having to make a tight 90 degree turn at said intersection onto the drive aisle closest to the Delaware Public Health Lab. Secondly, in consultation with the Town Engineer (Verdantas), staff strongly recommends that the drive aisle closest to the Delaware Public Health Lab be reconfigured so that intersects with the drive aisle connecting to said health lab at closer to a 90 degree angle as shown below. This will both improve the sight triangle for vehicles at this intersection, while also increasing the distance from the intersection at Sunnyside Road so that said intersections are not stacked upon one another. The applicant has also proposed to construct an internal 24'-wide drive aisle connecting the existing parking lot behind the Delaware Public Health Lab to the parking lot and rear of the proposed DNREC lab/office building. This will in turn create a wide loop and alternate access point for emergency vehicles to access the proposed DNREC lab/office building. Staff strongly concurs with this design configuration.

In 2022, by legislative act of the Delaware General Assembly, 1.9724 acres of this state-owned DHSS property along Lake Como to the Town of Smyrna for use as a public park. While this 1.9724-acre property has been absorbed into the adjacent town-owned and managed Lake Como Beach Park, it is separated by a steep cliff approximately 8 ft. – 10 ft. in height. Pedestrian access to this new 1.9724 acre park area will eventually be provided through the use of ramps from the beach area, however, it is not practical to provide a vehicular ramp and access from the beach to the 1.9724 acres at the significantly higher grade. Staff strongly recommends that a vehicular access point be provided from the proposed rear drive aisle to recently dedicated 1.9724-acre park area to allow emergency vehicles and park maintenance vehicles to access said area. It is understood that this vehicular access point would be secured by a locked gate to preclude members of the public from accessing the town park from this area. The staff recommended vehicular access path is shown below:



Currently, there are a series of stop signs at each of the intersections of the internal drive aisles, which the applicant has proposed to retain. The applicant has also proposed to install marked stop bars on the pavement as an additional visual cue to drivers to stop at said intersections, which staff strongly concurs with. Furthermore, there are currently a series of traffic control signage throughout the DHSS site limiting vehicular speeds to 10 mph. Staff concurs with this traffic control signage and asks that it be retained with the construction of these improvements and reconfigured drive aisles.

Lastly, the throat of the existing drive-aisle which connects directly to the Delaware Public Health Lab and with the drive aisle connecting to the proposed DNREC lab/office building (designated a fire lane on Sheet R-300) is only 19 ft. in width. Staff recommends that this drive aisle throat (near the entrance to Sunnyside Road) be widened to 24 ft.

The 56.28-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**

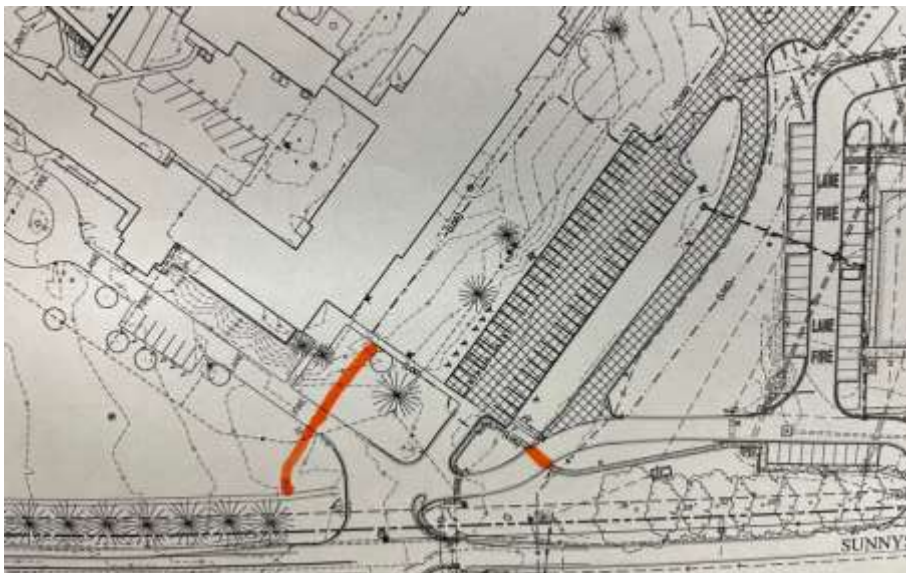
In accordance with the *Smyrna Town Code Appendix B – Subdivision and Land Development Ordinance §5.02(a)*, sidewalks at least 6 ft. in width are required to be constructed along all street frontages for all subdivision plans and commercial site plans. The frontage of the 56.28-acre DHSS site is currently served by an existing 4'-wide and 5'-wide concrete sidewalks along Sunnyside Road, and is thus not in compliance with this Section of the Code. The applicant shall be required to construct and install a 6'-wide concrete sidewalk along the frontage of Sunnyside Road, or else obtain a variance from the Board of Adjustment (which staff will not support). However, given that these site-wide improvements (including intersection and public road improvements) will be tied to a separate pot of State funding, staff recommends that the requirement for 6'-wide sidewalks along Sunnyside Road be tied to the Certificate-of-Occupancy for the DHCI Hospital (which has the longest 2-year construction timeframe).

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 applicant has proposed to construct and install 5'-wide concrete sidewalks around the proposed DNREC lab/office building, connecting the Delaware Public Health Lab to the said DNREC lab/office building, and along the rear access drive loop that wraps around Lake Como to the rear of the Delaware Public Health Lab. Staff concurs with the location and path of these proposed sidewalks, although staff recommends that these before-mentioned internal sidewalks be widened to 6 ft. In addition, staff recommends that a 6'-wide sidewalk be provided along the proposed enlarged parking lot closest to the Prickett building connecting the existing sidewalk at said building's front entrance with the building's rear entrance along the proposed fire lane. Staff also recommends that the applicant provide a marked crosswalk connecting this recommended sidewalk at the rear entrance to the Prickett Building across the fire lane to the proposed DNREC lab/office building. The staff recommended sidewalk and crosswalk configuration is outlined below:





The applicant has also proposed a crosswalk across the throat and entrance of the drive-aisle closest to the Prickett Building, which staff concurs with. Staff recommends that a sidewalk and crosswalk be installed from the drive-aisle closest to the Prickett Building across the drive aisle in front of the Prickett Building to connect with the existing sidewalk network along Sunnyside Road as shown in the below image. Staff also recommends that the existing 4’-wide sidewalk between the two drive-aisles be widened to 6’ and a marked crosswalk provided to connect with the sidewalk fronting the Delaware Public Health Lab as shown below:



Throughout the rest of the 56.28-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 if building and site improvements are not being proposed in the vicinity of said sidewalks. Staff recommends that a

note be placed on the recorded master site plan for this site (or via a deed restriction placed upon the title of the property) that will require sidewalks be upgraded as individual buildings are retrofitted throughout this DHSS complex.

The Delaware Public Health Lab previously agreed (with the concurrence of the Delaware Transit Corporation) to construct and install a Type II bus stop along U.S. Route 13 near the intersection of Sunnyside Road and U.S. Route 13 with an uncovered 5' x 8' concrete pad and curb ramp onto U.S. Route 13. This will 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 pad. The applicant has proposed no change to this previously approved, but as yet, unbuilt bus stop. Given the net addition of nearly 200,000 sq. ft. of hospital/lab/office on this property along with the immediate net addition of 140 new employees onsite, staff has again recently contacted the staff at DTC and requested that this Type II uncovered bus stop be upgraded to a covered bus stop with pedestrian seating.

### **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 56.28 acres (2,451,556 sq. ft.), a minimum of 817 trees shall be planted (or trees of that caliper must already be present on the property). As per the landscape plan (R-500 and R-501), there are 8 existing trees at least 2" in caliper on the 3.7-acre DNREC lab/office site and the applicant is proposing to plant 50 additional trees on this 3.7-acre area of the larger 56-acre site. The 9.31-acre Delaware Public Health Lab site (which is part of the larger 56.28-acre parcel) was previously approved to provide 122 trees to compliment the 16 trees already existing already on this section of the parcel. The State would thus be required to plant 621 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). However, given that these site-wide improvements (including intersection and public road improvements) will be tied to a separate pot of State funding, staff recommends that the requirement to plant the 621 remaining trees (or else obtain a variance thereof) be tied to the Certificate-of-Occupancy for the DHCI Hospital (which has the longest 2-year construction timeframe).

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 has proposed to plant at least one tree in each parking row end landscaped island, and is thus in conformance with this section of the Code.

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 there is an existing trash compactor between the Prickett Building and the dietary building. It is unclear whether this trash compactor will be utilized and serve the adjacent proposed DNREC building or whether there will be a separate dumpster and enclosure provided.

### **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 (30,448 sq. ft. of medical lab space) – 38 parking spaces (including 1 ADA)  
Existing Spaces – 204 vehicular parking spaces (including 5 ADA spaces)  
Total Spaces to be Relocated and Provided – 253 vehicular parking spaces (including 7 ADA spaces)  
Net new vehicular parking spaces – 49 (including 2 additional ADA parking spaces)

Given that the proposed DNREC lab/office building will be constructed over an existing vehicular parking lot, the applicant has proposed to enlarge the parking area adjacent to the Prickett Building and to the perpendicular parking spaces along the new proposed rear access drive aisle loop to the Delaware Public Health Lab. The reconfiguration of vehicular parking spaces on this portion of the 56-acre DHSS site results in a net increase of 49 new vehicular parking spaces. Since the DNREC lab/office building are only required to 38 vehicular parking spaces, the applicant is thus in compliance with this section of the Code.

As set forth by Section 208.2 of ADAAG, parking lots with 201 to 300 vehicular spaces are required to provide seven (7) ADA accessible spaces, so the applicant is in compliance with this Federally recognized standard.

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 has proposed a series parking areas of various sizes, which makes it difficult to determine what constitutes a separate parking lot as determined by this section of the Code. Staff interprets the plan has having a parking lot adjacent to the Prickett Building, adjacent to the proposed DNREC lab/office building, and along the rear access drive aisle, which together would require three (3) bicycle racks. The applicant has, however, provided only two bicycle racks, one on the front and rear of the proposed DNREC lab/office building. Staff recommends that the third required bicycle rack be provided near the front entrance of the Prickett Building. The applicant shall provide at least three (3) bicycle racks or else obtain a variance from the Board of Adjustment.

Separate from the three new projects on this 56-acre site (including the 30,448 sq. ft. DNREC lab/office building), there are approximately 290,000 sq. ft. of existing and historic buildings in

the central portion of the DHSS campus. While each of the three new projects have been required to meet all of the parking thresholds set forth in Section 6.1A of the Zoning Ordinance, this 290,000 sq. ft. of existing medical/office buildings (most of which is or will soon be vacant) is served by only 490 parking spaces. 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 290,000 sq. ft. of partially vacant office space would require 1,160 parking spaces which would result in a deficit of 670 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 (30,448 sq. ft. GFA) – 2

Loading Spaces Provided – 1

Since the applicant proposes to provide only 1 of the 2 loading spaces set forth in the Code, 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. Staff defers to the applicant on how many loading spaces this unique facility will require.

**Staff Recommendation:**

*Category B Site Plan* - Staff recommends that the Planning Commission **approve** the requested Preliminary Category B Site to construct a two-story 30,448 sq. ft. DNREC lab/office building and associated improvements subject to the following conditions:

**Required Code Conditions:**

- 1.) The applicant shall provide at least three (3) bicycle racks as set forth in *Section 6.1A(7)* of the Zoning Ordinance or else obtain a variance from the Board of Adjustment.
- 2.) The applicant shall provide two (2) loading spaces or be required to obtain a waiver from the Planning Commission as set forth in Section 6.1C of the Smyrna Zoning Ordinance.

**Suggested Staff Conditions:**

- 3.) Staff recommends that the applicant install and provide a fire hydrant on the rear (charlie side) of the proposed DNREC lab/office building along the proposed access drive loop leading to the Delaware Public Health Lab.

- 4.) Staff recommends that the applicant relocate the fire lane to the internal drive aisle closest to the Prickett Building (to reduce the sharp turning radii for fire apparatus) and to widen said drive aisle from 20 ft. to 24 ft. in width.
- 5.) Staff recommends that the internal drive aisle closest to the Delaware Public Health Lab be reconfigured to intersect with the drive aisle connecting to said health lab at closer to a 90-degree angle.
- 6.) Staff recommends that a vehicular access point be provided from the proposed rear drive aisle to connect with the town-owned 1.9724-acre town park along Lake Como.
- 7.) Staff recommends that the existing drive aisle throat along the internal drive aisle leading to the Delaware Public Health Lab (and the alternative access to the proposed DNREC lab/office building) be widened from 19 ft. to 24 ft.
- 8.) Staff recommends that the proposed 5'-wide concrete sidewalks around the proposed DNREC lab/office building and rear access drive loop be widened to 6' in width.
- 9.) Staff recommends that a 6'-wide sidewalk be provided along the proposed enlarged parking lot closest to the Prickett building connecting the existing sidewalk at said building's front entrance with the building's rear entrance along the proposed fire lane, and that the applicant provide a marked crosswalk connecting this recommended sidewalk at the rear entrance to the Prickett Building across the fire lane to the proposed DNREC lab/office building.
- 10.) Staff recommends that a sidewalk and crosswalk be installed from the drive-aisle closest to the Prickett Building across the drive aisle in front of the Prickett Building to connect with the existing sidewalk network along Sunnyside Road.
- 11.) Staff recommends that the existing 4'-wide sidewalk between the two drive-aisles be widened to 6' and a marked crosswalk provided to connect with the sidewalk fronting the Delaware Public Health Lab.
- 12.) Staff recommends that the existing 4'-wide sidewalk between the two drive-aisles be widened to 6' and a marked crosswalk provided to connect with the sidewalk fronting the Delaware Public Health Lab.

Commissioner McGrath made the motion to approve the Category B Site Plan subject to the staff conditions and recommendations from the staff report. Commissioner Reed seconded the motion.

#### **Other business**

There was none.

#### **Adjournment**

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

clw