CITY OF DOVER PLANNING COMMISSION
June 18, 2012

The Regular Meeting of the City of Dover Planning Commission was held on Monday June 18, 2012 at 7:00 PM with Vice-Chairman Tolbert presiding. Members present were Mr. Baldwin, Mr. Shomo, Mr. Tolbert, Mr. Nichols, Mr. Holt, and Mr. Friedman. Mr. Ambruso, Colonel Welsh and Mrs. Still were absent.

Staff members present were Mrs. Melson-Williams, Mrs. Townshend, Mrs. Duca, Ms. Cornwell, and Ms. Metsch. Also present was Mr. Conny Malmberg, Mr. Joe Jaworski, Mr. Doug Liberman, Mr. Chris Nowalk, Mr. Gregg Moore, and Mr. Barry Anstein.

APPROVAL OF AGENDA

Mr. Shomo moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 6-0 with Mr. Ambruso, Colonel Welsh and Mrs. Still absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF MAY 21, 2012

Mr. Holt moved to approve the regular Planning Commission meeting minutes of May 21, 2012, seconded by Mr. Nichols and the motion was unanimously carried 6-0 with Mr. Ambruso, Colonel Welsh and Mrs. Still absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next regular Planning Commission Meeting is scheduled for Monday, July 16, 2012 at 7:00 PM in the City Hall Council Chambers.

Mrs. Townshend further stated that there is an APA Audio Web Conference sponsored by the local APA Chapter entitled "The 2012 Planning Law Review" on June 27, 2012 at 4:00 at the Kent County Administration Building Room 220.

Mrs. Townshend provided an update on the regular City Council meeting of May 29, 2012 and the regular City Council, Legislative, Finance and Administration Committee, and the Parks, Recreation and Community Enhancement Committee meetings of June 11, 2012.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Townshend presented the audience information on policies and procedures for the meeting.

OLD BUSINESS

S-11-09 State Street Plaza at 1004 S. State Street – Request for a one year extension of the Planning Commission approval granted July 18, 2011 and September 19, 2011 for a Site Plan for the construction of a 9,942 SF office building and other associated site improvements at 1004 South State Street. The property is 0.7635 acres ± and is zoned C-2A (Limited Central Commercial Zone). The property is located on the west side of South State Street at the intersection with Wyoming Avenue. The owner of record is Gateway South Professional Center, LLC and the equitable owner is ADP Properties, Inc. Property Address: 1004 South State Street. Tax Parcel: ED05-077.17-07-21.00-000. Council District 2.

Representative: None

Ms. Cornwell stated that they are requesting a one year extension of Planning Commission approval which was granted on July 18, 2011 and September 19, 2011 for the Site Plan for construction of a slightly under 10,000 square foot building. They are currently working on obtaining final plan approval; however, they will not be under construction by the time the plan expires.

There were no comments or questions from any Planning Commission member at this time.

Mr. Nichols moved to grant approval of a one year extension for S-11-09 State Street Plaza located at 1004 S. State Street, seconded by Mr. Holt and the motion was unanimously carried 6-0 with Mr. Ambruso, Colonel Welsh and Mrs. Still absent.

NEW DEVELOPMENT APPLICATIONS

S-12-07 McDonald's at 915 and 1025 South DuPont Highway – Public Hearing and Review of a Site Development Plan and a Lot Line Adjustment Plan to allow for the demolition of the two existing buildings located on the two parcels of land and the construction of a 3,896 SF restaurant and associated site improvements. The parcels are zoned C-4 (Highway Commercial Zone). The property is located on the east side of South DuPont Highway. The owners of the property are Franchise Realty Interstate and Siobain VI, LLC. Addresses: 915 and 1025 South DuPont Highway. Tax Parcels: ED-05-077.18-02-02.00-000 and ED-05-077.18-02-03.00-000. Council District 2. *Waivers Requested: Partial Elimination of Curbing, Alternative Material for Fence Component of Opaque Barrier, ~~Consideration of a Tree Mitigation Plan~~, and Reduction of the Arterial Street Buffer.*

Representatives: Mr. Conny Malmberg, on behalf of the applicant; Mr. Joe Jaworski, Dynamic Engineering.

Ms. Cornwell stated that the proposal is for the demolition of the existing McDonald's and the building that is located adjacent to it to allow for the construction of the new 3,896 square foot building. The minor lot line adjustment is to move the property line between the two parcels. The site is providing thirty-two (32) parking spaces and five (5) bicycle parking spaces. The site is required to provide three (3) dumpster pads and may reserve some to be built at a later time if it is determined to be necessary. Sidewalk is being provided along the street frontage and into the site. The required number of trees is being planted. (*Staff note:* Previous request for Tree Mitigation not required.)

Ms. Cornwell further stated that the applicant is requesting three waiver requests. First is for the elimination of curbing to allow for drainage into the stormwater management site along some of the parking areas. The second is for a reduction in the arterial street buffer as Route 13/South Dupont Highway is classified as a principle arterial and requires a thirty (30) foot buffer along the road frontage. The site is providing a buffer ranging between four (4) and seven (7) feet. There is a grass area that is located within the right-of-way. The final waiver request is for an alternative material choice for the fence component of the opaque barrier. The application is proposing a six (6) foot opaque vinyl fence instead of a wood fence along the adjacent properties. They are providing the required landscape buffer.

Ms. Cornwell further stated that the architecture of the building is a mixture of brick and EFIS. Different color bricks will be used along the building and a metal trellis will be located around the building and portions of the building walls will have metal panels. The other agencies reviewing this plan: DelDOT, Kent Conservation District, Fire Marshal's Office, and Public Works Department have provided their comments.

Mr. Malmberg stated that this is knocking down what he would call the South Dover McDonald's and rebuilding it. The new building will be nearly identical to the one that was recently knocked down and rebuilt by Dover Downs, the North Dover McDonald's location. McDonald's has a national program for major remodeling for their buildings to give them a new and fresher look so that they operate better.

Mr. Malmberg further stated that part of the application is to use part of the adjacent site which used to be the old Bonanza Restaurant years ago that has been abandoned off and on with an antique store being located there for a while. To make this site work better, a portion of that property is being used which is why we are also requesting a minor lot line adjustment.

Mr. Jaworski stated that he would explain the three (3) waiver requests. The three (3) waivers are with regards to responses from comments. The first is with regards to curbing located at the rear of the site. We met with the Kent Conservation District and part of the stormwater design was to try to sheet flow the water into a bio-swale at the rear of the site. To accomplish that, we will have a flush curb with wheel stops so that the water can get into the rear swale and be properly treated from a stormwater perspective. City Ordinance requires that the entire parking area be fully curbed. The second waiver includes the buffer area in the front of the site in which City Ordinance requires a thirty (30) foot buffer as measured from the right-of-way. If you know the site, there is a large grass area in excess of twenty-five (25) feet from the curb line to the actual right-of-way line which will remain green. The actual right-of-way line to our inside curb line was proposed to be seven (7) feet that varied from four (4) to seven (7) feet and we have asked for a waiver request to modify that. We were able to increase the distance to ten (10) feet from the right-of-way line to the inside curb line just by adjusting the inside drive aisle. This site would not allow for a thirty (30) foot buffer from the right-of-way. The grass area from the curb line of the highway to the inside curb will be over thirty (30) feet of green area. The last waiver request has to do with the rear fence. They are providing a new fence along the rear property line beyond which is residential properties. We have requested an opaque barrier of a vinyl six (6) foot fence in lieu of wood for maintenance purposes as it would be easier to power wash and maintain a vinyl fence instead of a wooden fence.

Mr. Malmberg further stated that Staff is in support of all three (3) waiver requests and we will comply with all the DAC comments of record.

Mr. Friedman questioned if there were any points of contention with regards to the DAC Report and are you in agreement with all of the comments? Responding to Mr. Friedman, Mr. Malmberg stated that yes, they are in agreement with all of the DAC comments.

Mr. Friedman further stated that he missed the hearing regarding the McDonald's near Dover Downs and he would assume that this is part of the same ownership? Responding to Mr. Friedman, Mr. Malmberg stated that no, it is under different ownership. This is the McDonald's corporate model.

The only issues that he recalls from the North McDonald's application were some signage issues that were unique to that site.

Mr. Friedman further stated that he feels that this is a dramatic improvement with regards to traffic flow. Responding to Mr. Friedman, Mr. Malmberg stated that this is the same building and that is one of the main benefits of the redesign.

Mr. Tolbert opened a public hearing and after seeing no one wishing to speak closed the public hearing.

Mr. Nichols stated that he has some concerns regarding this building. It is nice to put up a new building as "the old one has been there since Methuselah and it is shot." The new building is fine; however, unfortunately it looks like an overgrown shoe box. It is laying the long side towards the highway. He has been to two others this week, down south and in Smyrna, and these buildings have no appeal whatsoever. When you approach this building from the south, all you will see is a small piece of the building. He would like to recommend that you put a mansard roof on three (3) sides for something to enhance the look of this shoe box that has the long side of building laying a long side of the road. It is great to take the other building down that is on the other side because that is also a block coming up the highway to this building.

Responding to Mr. Nichols, Mr. Jaworski stated that they understand the concerns raised. Unfortunately, the nationwide prototype look of McDonald's is going to these types of roofs and away from the mansard roofs which were very prevalent up to twenty (20) years ago. They have now gone with this look which McDonald's feels is a cleaner look and more modern. The parapet walls are there to help screen the rooftop equipment so that they are not visible. The location of the building and you are right, when you come from the south, you will see the small side of the building. Ideally, when we do these designs and layouts, we like to orient them the other way so that the long side of the building is as you are approaching, unfortunately, for this site, especially with working with DelDOT that drove the design. The original design was actually to have the building 90 degrees and to be located on the south end of the property; however, because of DelDOT requirements for the deceleration lane and the distance to the light, this drove the whole design which is what you see before you. It is limiting those two (2) curb cuts and shifting them to the north side as far as possible to make the circulation work.

Mr. Jaworski further stated that in doing the architecture with the nationwide program, there is not a lot of flexibility in the basic look of the site. All of the new buildings and remodels get rid of all of the mansard roofing and go with this type of structure. McDonald's feels that this is their best shot at cleaning up their buildings and making them all uniform. The chains and prototypes are for customer recognition. When all the buildings are the same for the corporation, the customer feels the comfort of seeing the same type of structure.

Mr. Nichols further stated that it does save money in using a flat roof. Responding to Mr. Nichols, Mr. Jaworski stated yes, even with the older buildings with the mansard roofs it is a flat roof as well. It is just a different type of roof.

Mr. Nichols further stated that he understood that and this building without an A-frame or a mansard roof is a financial gain to the company.

Mr. Tolbert stated with regards to architecture, this Commission does have a concern about architecture of buildings going up in Dover.

Mr. Baldwin moved to approve S-12-07 McDonald's located at 915 and 1025 South DuPont Highway to include the three waiver requests; Reduction of arterial street buffer, partial elimination of curbing, and alternative material choice for fence component of opaque barrier and to include all of the DAC comments of record, seconded by Mr. Holt and the motion was carried 5-1 with Mr. Nichols opposed and Mr. Ambruso, Colonel Welsh and Mrs. Still absent.

S-12-10 Redevelopment of Wal-Mart Site at 1574 North DuPont Highway – Public Hearing and Review of a Site Development Plan to allow for renovations to the former Wal-Mart site (reduction in overall main building size from 118,234 SF to 102,580 SF), the construction of a two 7,020 SF pad site buildings, and associated site improvements resulting in an overall total building area of 116,620 SF. The subject property consists of 12.74 acres and is zoned C-4 (Highway Commercial Zone). The property is located on the west side of North DuPont Highway, north of Rustic Lane. The owner of the property is Onix Dover, LLC. Address: 1574 North DuPont Highway. Tax Parcel: ED-05-057.00-01-05.01-0000. Council District 4. *Waiver Requested: Reduction in Arterial Street Buffer.*

Representatives: Doug Liberman, Larson Engineering; and Chris Nowalk, Gold Leaf Associates.

Ms. Cornwell stated that the site will take access off of North DuPont Highway onto a cross access easement which is K-W Boulevard. The site also has access off of Crawford Carroll Avenue along the back. The site will provide 593 parking spaces and 35 bicycle parking spaces. The Plan is providing for fourteen (14) dumpsters. Some of the dumpsters may be reserved and only built if determined to be necessary. The site is providing eleven (11) loading spaces throughout the site and only three (3) are required by Code. Curbing is being provided throughout the site for all of the parking areas. Sidewalk is being provided along North DuPont Highway and Crawford Carroll Avenue. K-W Boulevard is considered a cross access easement and is not required by Code to provide sidewalks.

Ms. Cornwell further stated that the site is adjacent to residential use and provides the required opaque barrier regarding both the fence and landscaping as both of those are existing. The site provides the required tree planting requirements as well, that are located throughout the site primarily within the parking lot islands, the parking, and the stormwater management pond.

Ms. Cornwell further stated that there is one waiver request for a reduction in the arterial street buffer. As previously noted in the last case, Route 13 is classified as a principle arterial and requires a thirty (30) foot buffer. The Plan is providing a buffer ranging from fourteen (14) to sixteen (16) feet along this area. The architecture for the pad sites is primarily EFIS with cornices around the front and sides with a watertable feature around the front and sides of the building. A window system is provided along the front and the sides of the building as well. The architecture for the main building is primarily EFIS with different colors for the different tenant spaces. Each tenant space will have either a metal or fabric awning over the tenant spaces or over the window storefronts.

Ms. Cornwell further stated other agencies providing their comments include the Fire Marshal's Office, Public Works Department, Kent Conservation District, and DelDOT.

Mr. Liberman stated that the project that they are looking to do is a renovation of the existing Wal-Mart building with less square footage than what is currently there. They are looking to improve the site from what it is now as things have been run down currently on the site. We will be adding new landscaping and curb islands throughout the site. Much of the perimeter curbing and landscape buffers that exist are being maintained. They are adding a significant green space buffer along the southwest corner around the retail pad site for the 7,000 square foot building located along the southwest corner. We have sidewalk running along Route 13. There is a sidewalk connection from the existing bus stop along Route 13 into the site. They are improving sidewalk access throughout the site with connections to Crawford Carroll Avenue and into the site from there.

Mr. Liberman further stated that with the renovation of the site, the curb islands are showing a reduction in the paved area throughout the site. They have an existing stormwater management pond to handle the runoff from the site. They are in agreement with all of the DAC comments of record and will comply.

Mr. Nowalk stated that the existing building was a box and what they proposed to do is cut it back because the current Wal-Mart building is functionly obsolete. It will not work for new retail because it is just too big of a space and is too deep and chunky. They will cut the box back to a right size and then redeploy some of that space out to the wings which are two beige buildings that are smaller boxes. They will also build some smaller pad sites in the front. There has been great interest with national retailers in this area. They have LOI's out there; however, he is not at liberty to say who they are as he does not have final deals with them. The building will receive a new façade that is competitive with other shopping centers in the area. The façade will be a staggered group line and they are here to inquire about the addition and the pad sites. They have a split face block articulating a watertable with cornices at varying profiles in height to create an articulating façade. The awnings with be perpendicular opening over the larger tenants with awnings over the smaller tenants. The colors will blend together so that it is not to busy and provide a nice look.

Mr. Nichols stated that he does have a concern. The building is going to be very nice and will be a nice addition to fill in what was there. His only concern is with regards to the entrance coming in from Route 13. He does not exactly remember; however, between Wal-Mart Corporation and K-W Lands it is a combination deal between the two people. This road is falling apart and needs to be repaved and corrected. Responding to Mr. Nichols, Mr. Nowalk stated that they will be doing a lot of site work with this development with a plan to overlay the whole parking and rebuilding some loading docks, landscaping, and new islands.

Mr. Friedman stated that he would like to thank them because the last thing that a City needs are big empty boxes. To capture a Plan like you have, without having to beg you to do so, is greatly appreciated. It is nice to know that this site will go to good use. He likes the separation in the buildings because they look like they were designed to be separated. If you have seen grocery stores that are redone, they tend to leave the facades out and they separate the units and it looks blank and yours does not. The question we are not supposed to ask is, who will be going in these units? Responding to Mr. Friedman, Mr. Nowalk stated that they have some LOI's out; however, would like to not address that at this time as it is early. There are national retailers as well for the pad sites.

Mr. Tolbert stated that we have the same concerns with this application as we did with the previous one with respect to architecture. In his opinion, he feels that something should be done with the

architecture as it is all square roofs with no indication of separation of buildings and he would like to see something done with that.

Responding to Mr. Tolbert, Mr. Nowalk stated that when the whole façade stacks across the way to create some individual boxes, the new addition will sit lower than the full building that will have raised center portions that will be different.

Mr. Tolbert further suggested that maybe they could do something with the center buildings and not the two ends. Responding to Mr. Tolbert, Mr. Nowalk stated that yes they could do that and could make it higher.

Mrs. Townshend questioned if Mr. Tolbert was looking for pitch rather than horizontal? Responding to Mrs. Townshend, Mr. Tolbert stated that he was looking for pitch.

Mr. Nowalk stated that they would work on something such as a tower and we will work with Staff.

Mrs. Melson-Williams stated that she is not sure whether Mr. Nichol's question about the pavement was addressed. The applicant responded to the paving work to be done physically on the site. The entrance road is what Mr. Nichols was referring to which is an easement that is located on another property. She believes the condition of this road was what Mr. Nichols concern was, is this correct? Responding to Mrs. Melson-Williams, Mr. Nichols stated that was correct.

Mr. Nowalk stated that he did not realize that Mr. Nichols meant K-W Boulevard. They would have to look into ownership of the road and how this could be handled. He is not prepared this evening to address this.

Mr. Nichols further stated that he is sure that it is owned between Wal-Mart Corporation and K-W Lands and was a dual factor when both of the places were built. Responding to Mr. Nichols, Mr. Nowalk stated that he could not address this at this time.

Mrs. Townshend stated that if not all then most all of this easement is on the Kramedis property and not on this property so it would be something you would look into working with the adjacent property owner to address. Responding to Mrs. Townshend, Mr. Nowalk stated that he would have to look into the deeds and what they say and figure out how to get it done. He is sure that it would be a nice chunk of change; however, they will look into it.

Mr. Tolbert opened a public hearing and after seeing no one wishing to speak closed the public hearing.

Mr. Friedman moved to approve S-12-10 Redevelopment of Wal-Mart Site at 1574 North DuPont Highway and to include the waiver request for the reduction in the arterial street buffer with all the DAC comments of record and testimony of this evening, seconded by Mr. Nichols and the motion was unanimously carried 6-0 with Mr. Ambruso, Colonel Welsh and Mrs. Still absent.

S-12-11 Greentree Shopping Center Expansion (Redner's) at 25 Greentree Drive – Public Hearing and Review of a Site Development Plan to allow for a 10,000 SF addition to the existing shopping center building for redevelopment of a vacant grocery store and associated site

improvements. The submission also includes a Minor Lot Line Adjustment Plan. The subject area is zoned SC-2 (Community Shopping Center Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the north side of Forrest Avenue (Route 8) between Independence Boulevard and Kenton Road. The owners of the properties are Greentree Village Center LP and Stevens/Anstine 1987-1 LP. Address: 25 Greentree Drive. Tax Parcels: ED-05-076.06-01-67.00-000 and ED-05-076.06-06-66.00-000. Council District 1. *Waivers Requested: Partial Elimination of Curbing-Parking Lot, Partial Elimination of Upright Curbing for Building Access, Elimination of Loading Space and Consideration of Tree Mitigation Plan.*

Representatives: Mr. Gregg Moore, Becker Morgan Group, Inc.; and Mr. Barry Anstein, Greentree Shopping Center Owner.

Ms. Cornwell stated that this Site Plan is to allow for the redevelopment of the former Super Fresh grocery store tenant space. The site provides 235 parking spaces for this portion of the shopping center. The parking is considered legal non-conforming and is coming further into compliance with the maximum number of parking spaces permitted as the site is over-parked. This site is required to provide twelve (12) bicycle parking spaces and they will need to show that on the Plan. The Corridor Overlay Zone requires that parking islands be placed within the parking lot and be a minimum width of ten (10) feet.

Ms. Cornwell further stated that the Plan provides the required sidewalk and dumpsters. The architecture of the tenant space is primarily CMU and EFIS. The main entrance will have a red metal awning and pitched entrance with windows on either side of the entrance. The side of the building along Independence Boulevard will consist of two (2) different colors of CMU.

Ms. Cornwell further stated that the applicant is requesting four (4) waiver requests. The first is the elimination of a loading space, three (3) are required and they are providing two (2) loading spaces. The loading spaces are located within the rear of the building. The second waiver request is for the elimination of curbing to allow for the drainage near the stormwater management area on the east side of the parking lot and this is an existing condition. There is currently no curbing there; it currently allows for stormwater drainage. The third waiver request is for depressed curbing along an expanded area of the front of the building to allow for easier access for pedestrians and their shopping carts. The final waiver request is to allow for tree mitigation of the required seventy-eight (78) trees. The application is proposing to plant forty-eight (48) trees on site and then mitigate the remaining twenty-eight (28) trees throughout the rest of the shopping center. The Corridor Overlay Zone requires that trees be planted at a rate of one (1) for every fifty (50) feet and one every seventy-five (75) feet for side and front yards; they are meeting those requirements. Landscaping is also required to be located between the building and the parking lot and along parking spaces that face the road. This would be primarily on Independence Boulevard.

Ms. Cornwell further stated that the other agencies reviewing the Plan include: the Fire Marshal's Office, Public Works Department, DelDOT, and the Kent Conservation District.

Mr. Moore stated that in simplistic terms this is trying to put what was the Super Fresh back into service. It's one of the big boxes that have been sitting around. What we are doing is where you see on the Site Plan that has been revised since our original submission. The brighter yellow of the building shown on a diagram is the addition that is being put in the current location of parking that sits

alongside of the building. What we are doing is filling up that parking lot with part of a building addition and then landscaping from there out to the street. The rest of the site will be adding some parking that we lost on the side out in the front and still maintaining a green area on the side and the front. We have beefed up the trees in the front and sides.

Mr. Moore further stated that this is also a minor lot line adjustment separating this property and this building from the rest of the sites that are part of the Greentree Shopping Center.

Mr. Moore further stated that there are a couple of DAC comments that he would like to highlight. They had a good exchange with DelDOT in their meeting with them. DelDOT asked that the owner dedicate a sixty (60) foot right-of-way on the property located behind this property for a future roadway that is owned by a separate entity and not a part of this application and the owner is agreeable to doing that. We wanted to make sure that this does not hold up the ability to start the Redner's project. DelDOT has not contacted the other property owners back there which is specifically the Pillsbury properties that were sold to the dentist and the other operation that is there. This roadway has to make a link. We do not object to this comment; however, just want to make sure that it does not hold up the project for Redner's. In terms of overall comments, they have submitted a revised architectural elevation which was prepared by Redner's. On the front two (2) things that they added was Staff requested that we add landscaping in front of the building that was a result of the Corridor Overlay Zone. We added landscaping on each side of the awnings that would respect the Corridor Overlay requirement where there is some landscaping and sidewalk between the curb and buildings on the side of the building that is located along Independence Boulevard they have beefed up the landscaping along that side that currently houses a parking lot.

Mr. Moore further stated that with regards to architecture, we feel that the building has been significantly improved along the front with the pitched roof, the Redner's signage, and with the canopy that is located on both sides of the new glassfront store wall. This is a big enhancement from the more flat continuous Super Fresh look. The changes that have been made are the changes that we are presenting this evening for you to consider. Staff has asked for other changes; however, we would like to proceed with what we have presented.

Mr. Nichols questioned if the right-of-way that is located behind the store is that through the pond or behind the pond? Responding to Mr. Nichols, Mr. Moore stated that right now the road that runs behind this store is the service entrance. We do not want people running through there because trucks and service goes to the entire backside of the stores so we want to maintain that. DelDOT does not want that for its roadway. They want the roadway in that piece that is actually the stormwater management system and that entire parcel is the stormwater management system. We are not disagreeable to a road going back there. There will need to be discussions on how this pond gets revised and we do not want that to hold up the store because the actual location of that road is going to be dependent upon the Pillsbury site which it is adjacent to it, which is where it will go from that site and we want to make sure that DelDOT has that discussion before we agree to it. This is a separate parcel and it is under a separate ownership. This is a procedural thing rather than any disagreement as the owner is agreeable to do this.

Mr. Nichols further questioned if it comes out on Kenton Road, they are going to need another traffic light there as it is a problem coming out of the Greentree Shopping Center now. If they put the

roadway through there, it will create more traffic. Responding to Mr. Nichols, Mr. Moore stated that they are not sure that they intend to use this existing road.

Mrs. Townshend stated that the purpose of the request for right-of-way will not hold up this project. It is just that anytime something comes along the Corridor Overlay DelDOT is going to make that comment. This is all part of the Route 8 Operations and Concepts Study. The idea is that there would be service roads that would parallel Route 8 that would pull traffic from Route 8. At the point where DelDOT has enough right-of-way to make that a reality, they will have to look at the access point. We are looking very far down the road and what DelDOT does is for projects that come in, they try to get the right-of-way on the radar screens so that at a future date, they can piece it together.

Mr. Friedman state that he would like to thank them for salvaging another big box. He was worried that it was going to go by the wayside. This is a Redner's correct? Responding to Mr. Friedman, Mr. Moore stated that the appearance of this Redner's is similar to that which is located on the north side of Dover that sits off the highway that is located in the County. The building is all masonry and a combination of split face block.

Mr. Tolbert stated the way this building is situated on this lot, it would be viewed from all sides and there is a blank wall along Independence Boulevard. Can something be done to that wall with some type of trim to break up the blankness of it? Responding to Mr. Tolbert, Mr. Moore stated that they had this discussion with Staff and Redner's modified their elevation. What they did was we changed the colors and put two colors with a lower color for a water table separation and then a change in color for the top to make it look a little different. Currently, it is one color continuous masonry wall and is what the neighbors have been seeing with not as much landscaping. What we would like to do is use the landscaping and the improvement to the front and the color change as our contribution to that.

Mr. Tolbert further questioned if there was some kind of trim or fake window that they could use to break up the blankness of that wall at all? Responding to Mr. Tolbert, Mr. Moore stated that the windows on this side are functionally a problem given what is in the store. He would defer this to Mr. Anstein, owner of the shopping center.

Mr. Anstein stated that one thing that you do not see on the elevation drawing that was being displayed is the existing landscaping. There are sycamore trees located down the entire street that we put in many years ago. This will further soften the look as it creates a barrier from seeing the wall. To answer your question, he feels that there are things that they can do if this is a concern that we can put some detail on the wall that will break it up a little bit and make it not look like it does now. We are not opposed to doing that. There are several different approaches they can take. This is a CMU (Concrete Masonry Wall) load bearing wall and we can investigate the possibility of changing the structure of the building which would then allow us to use EFIS on this side of the wall above the base. The CMU units on the bottom should wrap around because they are the same that are on the front and ties the front and side walls together. Above that, we might be able to change our approach to the structure. If this does not work, within the masonry units themselves, we can get some relief with fake windows.

Mr. Anstein further stated that this does not have anything to do with land planning; however, he has owned this property since 1976 as the original developer and he was devastated when Super Fresh subsidiary of A&P went bankrupt. We hear it from the people who can't wait for another supermarket

to go in here. The same thing happened at the other end of our shopping center with Blockbuster and we are working real hard on this as well. It is a different world out there now then it was a few years ago; however, the point he wants to make is that we feel extremely fortunate to have found Redner's. Redner's is originally a family owned company from Reading, Pennsylvania that is growing very nicely now. A number of years ago they converted to an employee stock ownership plan and all of their employees over time acquired ownership in the company. He feels that this is the reason when you walk into a Redner's store you can tell the difference. There are employees standing around offering to help you and all the product facings are perfect and you just do not see a messy Redner's store. We have talked to a number of supermarket chains about this store and he feels that they hit a homerun in attracting Redner's because we are not dealing with a large corporation that is based in California or someplace like that. These are local people and everyone who works in that store is going to have a stake in it.

Mr. Tolbert questioned if the original existing Redner's would be retained? Responding to Mr. Tolbert, Mr. Anstein stated that the store would remain there and there is also one under construction in Camden currently.

Mr. Tolbert opened a public hearing and after seeing no one else wishing to speak closed the public hearing.

Mr. Friedman moved to approve S-12-11 Greentree Shopping Center Expansion (Redner's) at 25 Greentree Drive with all DAC comments of record and to include the following waiver requests: partial elimination of curbing for parking lot, partial elimination of upright curbing of building access, elimination of loading spaces and consideration of tree mitigation, seconded by Mr. Shomo and the motion was unanimously carried 6-0 with Mr. Ambruso, Colonel Welsh, and Mrs. Still absent.

Mr. Nichols stated that Redner's is a place that everyone will enjoy as it is well stocked and it is stocked much more than Wal-Mart. There prices are low and it will be a good addition to the community.

Mr. Moore stated that he wanted to make one thing clear, Mr. Anstein verbalized changes he is considering on the side and the DAC comments ask for a canopy on the front which, in his opinion is acceptable as presented. Redner's will look for the side comments per your comments and work with Staff to make those changes.

S-12-12 Delaware State University Applied Optics Research Building: Site Development Master Plan – Public Hearing and Review of a Site Development Master Plan consisting of three phases on the Delaware State University Campus. Project includes the relocation of three existing modular buildings (4,280 SF, 1,696 SF, and 1,696 SF) and the construction of two Applied Optics Research Buildings: Building 1 of 4 stories and 30,700 SF and Building 2 of 5 stories and 44,232 SF (total of 74,932 SF of new building) along with associated site improvements. The subject property is zoned IO (Institutional and Office Zone) and is subject to the SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area. The property is located on the west side of North DuPont Highway north of College Road. The owner is State of Delaware c/o Delaware State University. Address: 1200 North DuPont Highway. Tax Parcels: Portion of ED-05-057.00-01-21.00-000, ED-05-057.00-19.00-000, and ED-05-57.00-01-20.00-000. Council District 4. *Waiver Requested: Elimination of Loading Spaces.*

Representative: Mr. Gregg Moore, Becker Morgan Group, LLC; and others in the audience, Kasey Jones and Trey Anderson, Delaware State University.

Mrs. Melson-Williams stated that this is a Site Development Master Plan with Conceptual Master Plan brought before the Planning Commission. Once the Master Plan is approved, the subsequent process becomes administrative in nature. Staff and other agencies review Administrative Site Plans for each phase of the project. This project specifically applies to Applied Optics Research Building.

Mrs. Melson-Williams further stated that the proposed site is internal to the campus. Coming in from the main entrance off of Route 13, it will be to your south towards the end of the campus where the large apartment style student housing project is from a couple of years ago. Currently, at the site of the project, are several modular buildings and as part of the first phase of this project the three (3) existing modular buildings will be relocated to other areas on this site for the campus as a whole. Two (2) of them will be relocated to the western portion of the campus near the President's House and a third much larger modular building is proposed for relocation to the north of Memorial Hall near the stadium on the north side of the campus. The relocation of the modulars is Phase I of the project itself. There were photographs of these existing buildings included in your packet.

Mrs. Melson-Williams further stated that the project overall received a waiver from the PLUS review process and was on the threshold of the size requirement to have to go through that process; however, a waiver was obtained. One thing unique to this corridor along Route 13 is the areas that fall within the Source Water Protection Overlay Zone: Tier 3, Excellent Recharge Area. For projects that fall into this zone and are doing a redevelopment projects, there is a maximum lot coverage that is thirty (30) percent. If over that, any of the additional stormwater volume above that must be infiltrated and thus they could increase their impervious coverage up to sixty (60) percent. Overall, they have calculated for this site as it exists at 33.79% of the area and staff has utilized that area of the campus to the north of College Road for that calculation. With this project, they are increasing the overall lot coverage to 34.3% and will have to do infiltration to address stormwater management with the project.

Mrs. Melson-Williams further stated that the key parts of the project are Phase II and Phase III for the construction of the two Optics Research Buildings. The first building is a four (4) story building and the second building is a five (5) story building which is considered Phase III. The buildings are unique in that they have a triangular footprint and are very modern in style of architecture. A model of the project for Building 1, Phase II was available.

Mrs. Melson-Williams stated that the building has a metal wall system cladding to it that wraps it in a braced frame then a glass curtainwall system that presents a unique feature to the building design. Regarding the site aspects of the project for parking, the university campus has a parking number that was set back in 2009 by the Board of Adjustment that set a required number of parking spaces for the campus. The campus actually has more than that required number and even with the construction of these two (2) buildings, would still maintain the appropriate number of parking spaces on campus.

Mrs. Melson-Williams further stated that they have one waiver request regarding loading spaces. For this building project it would require three (3) loading spaces; however, they are seeking to eliminate those loading spaces noting that all of the receiving and processing of things for the University happens at a centralized location. With parking, the Code now requires a bicycle parking requirement and for this project, they will have to add thirteen (13) bicycle parking spaces to the site. With the

dumpsters for the site the University has a centralized process for the collection of trash. There will need to be two (2) dumpster pads reserved on campus to service this facility.

Mrs. Melson-Williams further stated that with this project, it is within the campus itself so there are a number of existing sidewalks that link into other areas and the building plan itself includes extensive sidewalk connection and plaza areas leading up to and surrounding the building. With this project, they are also doing tree planting in the area and twenty-four (24) new trees would be required for the Phase II and III area. The Phase I relocation areas of the modular buildings will also be subject to the landscaping requirements.

Mrs. Melson-Williams stated that the Planning Office has provided a series of comments on the Conceptual Master Plan. One is with regards to a Parcel Consolidation Plan. Staff has recommended that three (3) existing parcels of land which makes up the campus north of College Road be consolidated into one parcel. This is a comment from a 2009 Plan and at that time, the Planning Commission required that it should be completed with or prior to the next development application on campus. Also with this project, it is in the area identified in the US Route 13 Circulation Study and the Comprehensive Plan for the City that envisioned a connector road from Crawford Carroll Avenue which is behind Lowe's and the area of Sam's Club continuing south towards the campus and ultimately connecting through the campus. Staff is recommending that discussion about this right-of-way designation for that road continuation needs to occur with the City, DelDOT, and the participation of the University as well. Staff sees it as an opportunity for planning for a transportation network in the area and is an appropriate time as the campus is doing some master planning efforts.

Mrs. Melson-Williams further stated that a number of department and agencies have provided comments. The City's Public Works Office addressing water/wastewater, stormwater and electric on the property, the Fire Marshal's Office, DelDOT with some specific comments referring to the potential for a regional road network element and then in this case, DNREC the Division of Watershed Stewardship with regards to the stormwater management plans for this site as it falls under their review as it is State property.

Mr. Moore stated that they (the Becker Morgan Group, Inc.) are not the architects for this building, Richard & Bauer from the west coast is doing the building itself. From the architects, the building is a representation of a prism. A prism is a component of the Optics Program that goes on in this building. Delaware State University is currently at the top of the country in terms of optics research. They are currently doing this optic research program in deficient buildings that were not designed for optic research. This building will be a world class building representing that world class optics research and the prism is the key to that. You will notice in the building not only in its shape but also in a couple of elements outside the building that the prism will be replicated and is a representation of what is going on inside.

Mr. Moore further stated that he would point out the model that is present this evening in that this is a unique building in that it replicates a prism with glass. This building architecture is meaningful to the professors who do this type of research. This is a fast track project with the money and funding set aside by the State of Delaware along with Delaware State University to build the building. There is a push to get this built as quickly as possible because the research is occurring on campus now and those professors want to see a new facility meeting the needs of their research.

Mr. Moore further stated that they do not have any problems with the DAC comments of record. There are two (2) comments that he wants to discuss. The first is very similar to the last application DelDOT is asking for right-of-way through the Delaware State University to link the roads. This is new to the current administration who was not there when this came up in the past. Delaware State University would like to have the opportunity to negotiate with and talk to DelDOT; however, not attached to this very building. The reason for this is because they have to get the building built for the Optics Research and the area that DelDOT is asking for the roadway improvement is not even close to the building as it is on the entire other side of the campus. The parcel that they are putting it (the new building) on is where the new College Road has been created near the new student housing that is located on campus. The roadway that they are talking about is on the opposite side of campus along the ball fields on the other side of the football field and is not on the same parcel or connected to these buildings. Their request would be that this be made a separate request. Delaware State University and DelDOT can discuss this roadway and the future of this roadway going through the campus and disconnect that from these comments. Staff comments pretty much reflect this.

Responding to Mr. Moore, Mrs. Townshend stated that DelDOT moved it to a recommendation so she thinks that you have a lot of working room on that issue.

Mr. Moore further stated that the other Staff comments regarding the Consolidation Plat is that Delaware State University would like to not consolidate the parcels that they have that are four (4) parcels in total. This is partially a historic issue and partially an emotional issue for Delaware State University. The main campus parcel was part of the 1891 Land Grant that created Delaware State University's mission and that parcel has survived since 1891 and they want to keep this parcel intact. He realizes that this a comment that you see from Staff many times where they try to clean up for tax purposes and cleanliness of the parcels. As part of this project, they have surveyed the entire campus and the properties that make up these four (4) parcels and there are no violation of building setbacks along these parcels. There are no Code violations by leaving these parcels separate. In some cases, there could be those violations and is the reason, in his opinion, you would want to consolidate.

Mrs. Townshend stated that one of the things that Mrs. Melson-Williams stated in her report was for the purposes of the Source Water Protection Overlay Zone and the calculation of the thirty (30) percent or greater impervious coverage. We used the campus proper which is the area of the Delaware State University Campus that is north of College Road. Our maps shows three (3) parcels there with the southern parcel that is land hooked to the southern part of College Road which was not used in the impervious surface calculation. Staff does believe that even if it is not a full consolidation, that the issue of the land hooked parcel across College Road should be resolved. If you recall, several years ago, that parcel came in and was rezoned as a shopping center with discussion of developing it as a shopping center. It functions entirely separate from the campus proper.

Mrs. Townshend further stated that Staff believes that these parcels need to be consolidated and understands the history of the college and understands that there are other issues that come into play; however, it needs to be very clear that for the purposes of calculating things like impervious cover, we need to make sure that we are consistent so that we are always looking at the campus and not looking at the campus when it suites us or a piece of the campus when it suites us. In some ways, the consolidation helps to clarify that issue so that you have consistency in how something is reviewed over time. These are the two points that she would make. She believes that the issue of the land hooked parcel across College Road needs to be addressed and we need to be very clear even if we are

not going to consolidate that there is a parcel that does not have any frontage and that there are some non-conforming aspects of things that would continue to exist and that when buildings come in we do have to look at them in terms of their setback from the parcel boundary not the campus boundaries.

Mr. Nichols questioned that when the old College Road went through the campus and then the new College Road came through, all of those parcels were then all college property at that time, is it still under a deed for that property or is that separate now? Responding to Mr. Nichols, Mrs. Townshend stated that where old College Road went through, the area north of that is part of that Land Grant parcel. The area south of that is not; however, it shows as all one parcel. If there is already some change in the actual tax parcel boundary from what was the initial Land Grant because that is north of old College Road and that is still part of the parcel that goes south.

Mr. Nichols further questioned if the property that is south of old College Road is part of the campus? Responding to Mr. Nichols, Mrs. Townshend stated that it is part of the campus. It is not part of the 1891 Land Grant.

Mr. Moore stated that the original College Road is where the surviving property line that separates the 1891 Land Grant area to the 1918 piece which was then bisected by College Road. When College Road went in, DelDOT procured from Delaware State University in negotiations when they built this roadway that then separated the piece on the other side of College Road from the main campus. Surveys have found that this line is a sustaining property line from the original Land Grant which is what Delaware State University was trying to preserve and still wants to preserve. As soon as Delaware State University dedicated their property to DelDOT and eliminated the right-of-way, they actually had more separation then less. The property line runs down the center of where that road used to be. The tax maps do not show the original Land Grant. Our survey did go back and check deeds and verify the accuracy of the land records. Delaware State University is a non-paying tax entity because of its 501(c) status that is exempt under State law from the tax rolls.

Mrs. Townshend stated that we find that somewhere along the line administratively throughout the City if properties are under the same ownership for tax purposes were administratively consolidated. Mrs. Melson-Williams looked as far back as 1977 on the tax parcel maps and it was still showing as all one property. Responding to Mrs. Townshend, Mr. Moore stated that what the land records show is 1891 is the main campus, in 1918 both sides of the now relocated College Road bisected that piece of land and then 1966 and 1967 Delaware State University procured or bought the two pieces of property that Mrs. Townshend is referring to where there are ball fields and the fish ponds are located. They do not have any substantial programs on this piece other than the fish ponds and ball fields and is the reason they are not wanting to consolidate this piece because they do not have a plan for it.

Mr. Moore further stated that the other thing that is pertinent here that responds to both of these issues is that Delaware State University is going through a Comprehensive Master Plan of the entire campus. They are not yet finished that process and would like to finish that process before they do some of these bigger issues and present that to the public as to what they are going to be doing. There are discussion regarding a number of different buildings that they may build; however, until this Master Plan is executed, they do not want to make these changes until a later time.

Mr. Nichols questioned if this road eventually comes through from Crawford Carroll Avenue to this, will it come into the loop road? Responding to Mr. Nichols, Mr. Moore stated that he has seen a

couple different scenarios. The one that is in the Master Plan does not show that it shows cutting through a ball field and heading towards Route 13. DelDOT put these plans together seven (7) or eight (8) years ago and what will likely happen is they are going to start talking to other owners and as they do that, the request may change.
Mr. Tolbert opened a public hearing and after seeing no one wishing to speak closed the public hearing.

Mr. Nichols moved to approve S-12-12 Delaware State University Applied Optics Research Building: Site Development Master Plan to include the waiver request to eliminate all loading spaces and to include all of the DAC comments of record to also include consolidation of parcels.

Mrs. Townshend stated that Mr. Tolbert has questioned the DelDOT comment. She thinks that the way that they revised their comment, Staff can work within the framework of how they have written it. Mr. Moore wanted to pull it out for your attention; however, she feels that Staff can work through it. Responding to Mrs. Townshend, Mr. Moore stated that there are no improvements that they are making in public right-of-ways as part of this project and would be the City's authority that is in control here.

Mrs. Townshend stated that there will need to be some degree of DelDOT sign-off; however, Staff will get it done by working with DelDOT. DelDOT has it in their comments as a recommendation and not a requirement that will make it easier to work with them.

After discussion, the motion was seconded by Mr. Holt and unanimously carried 5-0 with Mr. Ambruso, Colonel Welsh, Mrs. Still and Mr. Friedman (left the meeting at 8:20 PM) absent.

Meeting Adjourned at 8:35 PM

Sincerely,

Diane Metsch
Secretary