CITY OF DOVER PLANNING COMMISSION
QUARTERLY WORKSHOP
February 22, 2012

The Regular Quarterly Workshop Meeting of the City of Dover Planning Commission was held on Wednesday, (due to Holiday) February 22, 2012 at 4:00 PM with Chairman Hemmig presiding. Members present were Mr. Hemmig, Mr. Tolbert, Mr. Shomo, Mr. Baldwin, and Mr. Ambruso. Mr. Friedman, Colonel Welsh, Mr. Nichols and Mr. Holt were absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, and Ms. Cornwell.

Planning Commission Comments and Concerns

Mr. Hemmig stated that he appreciated the Commission member's liveliness at last night's meeting as it was very helpful for you to jump in there and make the motions even though we disagreed. It was a democratic process and he appreciated it.

DEPARTMENT OF PLANNING AND INSPECTIONS UPDATE

Status of Ordinance Amendments

Mrs. Townshend stated that a number of Ordinances have been adopted. The one relating to Homeowners Associations essentially underscores their requirement to exist and the requirement to fulfill their maintenance obligation. It then gives the ability to the City of Dover to charge the individual property owners within subdivisions for maintenance that ends up being done by the City that is the responsibility of the Homeowners Association.

Mrs. Townshend further stated there was an amendment to change the permitted uses within the Shopping Center Zones. Staff dealt with corner lots and fences and then the Public Utility Infrastructure Exception. Staff had four (4) Ordinances adopted on December 12, 2011.

Mrs. Townshend further stated the "Tea House" Ordinance that allows in the Historic District and the General Residence Zones certain non-residential uses accessory to the residential uses subject to Conditional Use approval. You will see the first application of this Ordinance next month.

Mrs. Townshend further stated that there are a number of other Ordinances that Staff is in the process of working on that includes working with the business community regarding changes to the Sign Regulations that will likely come forward by April/May. What Staff is trying to do is simplify some areas by taking out some of the things that causes confusion. In some cases, we'd allow for increase in sign area or change the way that we calculate sign area. Ms. Cornwell and I attended a sign seminar sponsored by the United States Sign Council and we obtained their model Sign Code. Staff has researched, through the Planning Advisory Service, sign regulations in other areas of the country. So we have been pulling from a variety of resources to try to come up with something that is fair yet protects the larger interest of the community.

Mrs. Townshend further stated that Staff has been working on an update of the Airports Environ Overlay Zone (AEOZ). The Dover Air Force Base adopted their AICUZ Study update almost two (2) years ago and what that does is change the noise contours. Because it changes the zoning of a lot of properties, there is a lot of analysis and notification that has to happen before Staff can make this change. There are also some changes to the Land Use Compatibility Table.

Mrs. Townshend further stated that Staff has received our first challenge to the Source Water Protection Overlay Zone (SWPOZ). The challenge procedure is specified in the Ordinance; however, it stops short of telling you how you finish it. In looking at it with the property owner's attorney, we determined that it is a change in the zoning district and it would need to go through a rezoning process which will be done comparable to a Comprehensive Rezoning because it affects not just that property. It will likely come forward in the next couple of months. This ends up being a challenge of procedure in terms of how do we do this in a way that is fair to the applicant and true to the science.

Mrs. Townshend further stated going forward will be some fee waivers for re-development of commercial tenant spaces on the highway to try to give incentives. This would not come through the Planning Commission; however, it's something that will help disperse some economic activity along the major highway corridor.

Summary of 2010 Applications

Mrs. Melson-Williams stated that included in the packet was the summary of applications for yearly tallies for calendar years 2002 through 2009 and then the quarterly comparison with yearend totals for 2010 and 2011. As you can see, the application numbers are much less than what we were experiencing five (5) years ago. For 2011 the list includes all types of applications appearing in front of the Planning Commission, the Historic District Commission, and the Board of Adjustment and including Administrative Site Plans that are handled by Staff review and other miscellaneous studies and things that we need to track for record keeping purposes. At 2011, we were at 75 applications and in looking at how we are starting off for 2012 for the first quarter currently, there is a total of thirteen (13) applications which is fairly comparable to what we saw in the first quarters of the last two (2) years with sixteen (16) last year and seventeen (17) the year before.

Mrs. Townshend stated that one thing to add is when Staff looks at the picture going out into the future we look at revenue projections in terms of building permits with the Planning Commission seeing it first. If we are not seeing numbers up in the previous years, it would indicate that in 2012 we will see less happening on the ground because the time from Planning Commission to on the ground is typically a year.

Mrs. Melson-Williams stated that the other thing that might be slightly different in years past is the changes that we made to Article 10. Some of the types of projects for folks occupying existing space or adding onto existing space can be covered through a zoning review that only happens at the Building Permit stage. Some of those applications in the past would have required a much different process meaning they would have ended up in this tally chart in some fashion.

OTHER PROJECTS AND RESEARCH ACTIVITIES

Update of AEOZ (Airport Environs Overlay Zone)

Mrs. Townshend stated that the Airport Environs Overlay Zone deals with the Accident Potential Zone and noise contours around the Dover Air Force Base. They updated their noise zones and their AICUZ (Air Installation Compatibility Use Zone); we then in turn needed to update the zoning map layer and the zoning text in that section of the Ordinance.

Mr. Hemmig questioned if there was any part of South Governors Avenue that is outside of City limits with regards to signage. Where are the boundary limits of the City? Responding to Mr. Hemmig, Mrs. Townshend stated that Rodney Village is not within City limits. Webbs Lane is as far south as the City goes and as you approach Webbs Lane from the north, you go in and out of City limits. Along Governors Avenue as well, there are a lot of properties that are located outside of City limits.

Educational and Training Opportunities

Mrs. Townshend stated that there is an APA Audio/Web conference being held on March 14, 2012 at the Kent County Administration Building.

IPA Training Series

Mrs. Townshend stated that the IPA Training Series which is active this spring with one being held last week that was focused on "Emerging from the Housing Crisis" that was a very good seminar on how we come back from that. On March 30, 2012 there is a "Land Use Law & Regulation" seminar and then on April 20, 2012 is the "Land Use and Development Administration" seminar and she will be the instructor for that seminar working with Linda Raub. She knows that a number of you have been to these IPA training seminars in the past. If you have not been to one of the ones that are being offered, it is worth attending and the City would cover registration.

Mrs. Melson-Williams stated that the State of Delaware is working on their Statewide Historic Preservation Plan which is their version of a Comprehensive Plan. They are holding a series of public meetings throughout the State. The one in Dover is scheduled for Monday, March 5, 2012 at 1:30 PM in the Old State House located on The Green. They are looking for any kind of input on the needs and issues facing historic places in Delaware. This is being held through the State Historic Preservation Office which is part of the Division of Historical and Cultural Affairs for the State.

OTHER BUSINESS

Mrs. Townshend stated that Staff would like to mention in making motions the Commission members need to specifically state "including the DAC Comments of Record." None of the motions last night included this statement. It is good to have this in the motion just so that it is clear.

Mr. Hemmig stated that he thought that it would be helpful to have a template for making motions. Responding to Mr. Hemmig, Mrs. Townshend stated that we have talked about this before and this is something that Staff could work on. Staff could also have a template that we attach to each packet.

Mr. Shomo stated that he had a problem hearing last night as he could not hear what staff was saying. Responding to Mr. Shomo, Mrs. Townshend stated that for some reason the microphones were turned down as they did not seem to carry as well as they normally do.
Mr. Ambruso stated that he noticed that when someone brings in paperwork for their plan their business is looked at for sidewalks and curbing. Is this done as a bargaining chip by the Planner? Responding to Mr. Ambruso, Mrs. Townshend stated that with regards to curbs we typically do not argue that point as it is pretty straight forward. When the stormwater management of the site

with regards to the curb depression or absence of curbing helps with the flow of stormwater into the stormwater management area, it is straightforward. The sidewalk issue is a matter of policy where there are very few areas where you will see Staff support a waiver for sidewalk.

Mr. Ambruso further questioned what is the upside for installing these sidewalks? It seems to be a thorn stuck in developer's sides. Responding to Mr. Ambruso, Mrs. Townshend stated that the concern that Staff has in terms of sidewalk waivers is that the Code is very clear that the sidewalk is required along the frontage of property. Unless there is a physical constraint that causes it to be not practical to include a sidewalk, Staff is almost always going to recommend against the waiver request. The reason for that is because at some point, you get to a point in waivers where you lose the sidewalk that is important to the urban framework. The idea of sidewalks where people can walk without having to cross the street to walk on the other side is part of the fundamental development philosophy of the urban area. The Planning Commission's direction in the past has been to take a strong stance on it from both the infrastructure on the Public Works end and the Planning end. Staff had adopted that philosophy. Typically, if we were looking at an area that is not urban in nature, that would be less of an issue. The idea of an urban area is that you have a variety of ways to get from point A to point B that does not necessarily involve getting into your car.

Mr. Hemmig stated that a good example would be the C.F. Schwartz auto dealership where we insisted that they have sidewalks. They stated that it was impossible to put them in because of the layout of the curbing and parking areas; however, we compromised in having them stripe off the last bit of asphalt in the parking lot closest to the roadway that had to be sidewalk area connected. There are a lot of people walking along this roadway. Responding to Mr. Hemmig, Mrs. Townshend stated that in a lot of cases, it ends up later down the road, when we do not do this. We end up with DelDOT coming in with a Capital project at the taxpayer's expense to install sidewalks or the City coming in at the taxpayer's expense to install sidewalks when really the public investment could be minimized to just filling the gaps if it is required with each application. In areas where there have been physical constraints that make it overly cumbersome in proportionality to the project, this would be the cases where you would see Staff supporting a waiver. For instance, with Dover Behavioral Health, Staff had recommended sidewalk to a point and a waiver beyond that and it ended up that DelDOT required that they put in the whole thing anyway.

Mr. Tolbert stated that sometimes in his neighborhood they have a problem with people parking on the grass and he was told by an Inspector that it was the Planning Office responsibility to enforce. Responding to Mr. Tolbert, Mrs. Townshend stated that we are all in the same department. The Inspectors go out and respond to those complaints and they enforce the Code.

Meeting adjourned at 4:32 PM

Sincerely,

Diane Metsch
Secretary