CITY OF DOVER PLANNING COMMISSION
September 19, 2016

The Regular Meeting of the City of Dover Planning Commission was held on Monday, September 19, 2016 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh, Ms. Maucher and Mr. Tolbert.

Staff members present were Mrs. Ann Marie Townshend, Mrs. Dawn Melson-Williams, Mr. Jason Lyon, Mr. Bill Cook, Mr. Eddie Diaz, Mr. Bill Pepper and Mrs. Kristen Mullaney. Also present were Mr. Bob MacLeish, Mr. Jules Dingle, Mr. Jonathan Street, Mr. Adam Perza, Mr. Michael Harrington, Sr., Mr. Troy Adams, Mr. Chris Curran and Ms. Kate Mills. Speaking from the public were Senator Brian Bushweller, Mr. Michael Harrington, Sr., Mrs. Diana Welch and Mr. Ryan Weber.

APPROVAL OF AGENDA

Dr. Jones moved to approve the agenda as submitted, seconded by Ms. Maucher and the motion was unanimously carried 8-0.

Mr. Tolbert stated that there is one amendment to the agenda. Item number 1 under New Development Applications will be application S-16-18 Loockerman Way Re-Development Plan. The second application will be S-16-17 Parking Lot at 623 Fulton Street.

Mrs. Welsh moved to approve the amendment to the agenda, seconded by Ms. Maucher and the motion was unanimously carried 8-0.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES AND THE QUARTERLY WORKSHOP MEETING MINUTES OF AUGUST 15, 2016

Ms. Maucher moved to approve the Planning Commission Meeting minutes and the Quarterly Workshop Meeting minutes of August 15, 2016, seconded by Mr. Holt and the motion was unanimously carried 8-0.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Monday, October 17, 2016 at 7:00pm in the City Council Chambers.

Mrs. Townshend stated that October 14-16, 2016 is the Maryland Delaware APA Regional Conference in Towson, MD. There are one day registrations as well as two day registrations available. If any members of the Commission are interested in attending, the City would be able to pay for a one day registration. Please contact Staff if you would like to attend.

Mrs. Townshend provided an update on the regular City Council and various Committee meetings held on August 22 & 23, 2016 and September 12 & 13, 2016.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

2) S-16-07 The Arbors Senior Garden Apartments – Information on Revisions to Site Plan application for construction of a 48-unit senior garden apartment complex consisting of a proposed three-story 55,350 SF residential building, active recreation area, and associated site improvements. The proposed Revisions consist of construction of a site entrance/drive aisle instead of the improved public street (Senior Way) connecting form College Road to Topaz Circle, and the reconfiguration of parking lot and walking trail system of the Active Recreation Area. The parcel is divided into two discontinuous areas on either side of existing street right-of-way and totals 3.77 acres. It is zoned RG-2 (General Residence Zone). The property is located on the north side of College Road and west of McKee Road. The owner of record is Shree Ganesh LLC. Address: 1051 College Road. Tax Parcel: ED-05-067.00-01-35.03-000. Council District 1. *The Planning Commission granted conditional approval of the Site Plan on March 21, 2016 including approval of waivers for the partial elimination of curbing and a reduction in the parking requirements.*

   Representatives: None

   Mrs. Townshend stated that The Arbors Senior Garden Apartments at 1051 College Road had come to the Planning Commission back in March 2016. At that time, Senior Way was shown on the plan to connect to the Topaz Circle stub street. Last week, City Council took action to abandon the Topaz Circle stub street after holding a public hearing which means that there is no stub street in Emerald Pointe for Senior Way to connect to. At this point, Staff is asking that the Planning Commission approve the amendment to The Arbors Conditional Use Site Plan that reflects the revised condition at Emerald Pointe and in particular at the Topaz Circle stub street. The Revised Plan will now have a drive aisle that curves into the parking lot instead of going straight. It actually also allows an extension of the walking path so that it is not crossing that street.

   Mrs. Welsh moved to approve S-16-07 The Arbors Senior Garden Apartments Revised Plan, seconded by Mr. Holt and the motion was unanimously carried 8-0.

NEW DEVELOPMENT APPLICATIONS

1) S-16-18 Loockerman Way Redevelopment Master Plan: Two Mixed Use Buildings at 126 West Loockerman Street – Public Hearing and Review of a Site Development Master Plan, Active Recreation Area Plan, and Architectural Review Certification to permit in two phases the construction of retail and restaurant space and a total of twenty (20) apartment units in two mixed use building on the existing site known as Loockerman Way. Phase 1 is to consist of the three story 24,960 S.F. west building (5,860 S.F. ± retail and eight (8) apartment units) while Phase 2 is to consist of the four story 29,272 S.F. east building (6,913 S.F. ± retail and twelve (12) apartment units). Reconfiguration of the existing plaza on site and construction of additional parking are also proposed. The property consists of 1.14 acres and is located on the south side of West Loockerman Street between South Governors Avenue and South State Street. The property is zoned C-2 (Central Commercial Zone) and is subject to the H (Historic District Zone). The owner of record is the Downtown Dover

Partnership and the equitable owner is Loockerman Plaza, LLC. Property Address: 126 West Loockerman Street. Tax Parcel: ED-05-077.09-04-06.00-000. Council District 4. *Waiver Request: Reduction of Parking Requirement. This application is associated with application HI-16-05 to the Historic District Commission. On July 21, 2016 and August 18, 2016, the Historic District Commission recommended approval of an Architectural Review Certificate subject to conditions for this project.*

Representatives: Mr. Bob MacLeish, Lighthouse Construction; Mr. Jules Dingle, DIGSAU; Mr. Jonathan Street, Becker Morgan Group; Mr. Adam Perza, May & Perza, PA

Mrs. Townshend stated that Mrs. Melson-Williams would be briefing on this application but she just wanted to disclose to the Planning Commission that she has been involved in the application on behalf of the Downtown Dover Partnership in terms of working with the property owner with the transfer from the Downtown Dover Partnership to the applicant. Her review of this has not been zoning based; Mrs. Melson-Williams has completed all of the zoning review. Any questions that she answers are going to relate to that and also the connection to the other plans that they have been working on.

Mrs. Melson-Williams stated that this is a Site Development Master Plan application which allows for the project to present all phases of construction and then finalize the plans for each phase if they so choose. The Loockerman Way re-development is a proposal for two mixed-use buildings at the property addressed as 126 West Loockerman Street. The property is zoned C-2 (Central Commercial Zone) and is in the Historic District so this application has been to the City's Historic District Commission. That process for review of the Architectural Review Certification aspect of the project began with the Historic District Commission at their July meeting and then there was an update at the August meeting of the Historic District Commission.

The proposal is for two buildings. Each building is basically a phase of the project. There is an east building and a west building. The west building is a proposal for a three story building and east building is a proposal for a four story building. Both of the buildings are located in the area closest to Loockerman Street which currently exists as a grass lawn area in the current configuration of what is called Loockerman Way, the public plaza at this location. The property extends from Loockerman Street all the way to North Street. Along the North Street part of the property is where the proposal for parking lot spaces is located.

In one case they will be utilizing the existing parking lot that is there and then expanding that to add a second parking area on the eastern portion of the site. The site as it currently exists is known as the Loockerman Way Plaza. That was created into the format seen today as part of a Conditional Use Site Plan application from 2011 that was called the North Street Area Improvement Project which created this plaza area and a series of parking lots and streetscape improvements in this area of North Street. This area specifically is part of what is known as the *Dover Transit Center Neighborhood Plan and Design Book* that dates from 2011. That *Neighborhood Plan* specifically had ideas and concepts for this particular parcel, recognized it as a potential infill site and presented a concept for buildings flanking what would be a pedestrian plaza area. The proposal in front of the Commission tonight falls in line with that area study that was done.

The project as noted is two multi-story buildings. The first floor in both buildings is setup for a variety of potential commercial tenant options that could be retail, restaurant or other commercial uses. The upper floors in both buildings are proposed as apartment units with the first building consisting of eight (8) apartment units and then the second building containing twelve (12) apartment units.

The location of the property within the Historic District requires that the project be reviewed for its compliance with the *Design Standards and Guidelines for the City of Dover Historic District Zone*. That has a variety of Guidelines related to developing the site, placement of the buildings and other site amenities as well as the materials that are chosen for the project itself. The Planning Commission is in receipt of the Architectural Review Certification Report which outlines the recommendations of the Historic District Commission in regards to the project. She will make reference to that Report and note that the Historic District Commission did recommend approval of the Architectural Review Certificate for the application. There are two items that they specifically wanted the applicant to work on and those involve the windows on the Loockerman Street façade. They had some comments regarding the windows and specifically the spacing between floors. This drawing (visually presented) shows the improvements that the applicant proposed and actually showed to the Commission at their August meeting. The other element that the Commission wanted the applicant to work on was the cornice. The remaining recommendations of the Historic District Commission are actually outlined in the series of pages beginning on pages 2-5 of their Recommendation Report. They did accept the size and the number of floors on the buildings as well as their placement. There was a lot of discussion in regards to answering questions about the plaza area, material choices on the ground surfaces, planters and the buildings themselves. With the action tonight, the Historic District Commission's recommendation will need to be considered and the Planning Commission will need to take action on the Architectural Review Certification for the project.

In the C-2 (Central Commercial Zone) District, there is no off-street parking requirement specifically based on the district; however, proposed uses in the building do have parking requirements. Specifically for apartments, the Code would say that you need 2.25 spaces per dwelling unit. The applicant is seeking relief from the parking requirement so there is a waiver request to reduce the parking. They are providing a total of fifty-four (54) parking spaces. On the Commissioner's desks was an updated plan where they have included a number of slight modifications to the site to accommodate and show the location of the bicycle parking and dumpsters that are required. In doing so, the number of parking spaces now stands at a proposed total of fifty-four (54) parking spaces. First floor parking for the building would be based on use and not knowing the tenants it's fairly hard to nail down what if any parking requirement would be necessary for those first floor users. At this point, the applicant is seeking a parking waiver request. They hope to achieve that request and basically provide at least one parking space per dwelling unit and the balance of the parking that is on the site would be available for general parking and could be subject to some future management plan for managing all of those parking spaces. As mentioned, there is a bicycle rack that is purposed on the site. There is an overall walkway. The project itself because of the residential component also requires an Active Recreation Plan. This project has recommendation from the Parks, Recreation and Community Enhancement Committee. There is a Report on the Active Recreation component. The Committee did recommend approval of the Active Recreation Plan along with the Staff comments. She would refer to that Review Report for the comments on Active Recreation Plan. With twenty (20) units, they are required to provide a

minimum of 2,500 SF of active recreation area and they propose to do that through designating a walking path which runs through the center of the project site from North Street to Loockerman Street. The project also includes benches and the bicycle parking rack is also within what is that centralized walkway area that they intend to utilize as the active recreation component.

There are tree planting elements on-site. They are required to have a total of seventeen (17) trees based on the lot size. They have worked them into a series of locations near the parking lot and also within the central plaza area. With reference to the DAC Report, they also have comments from the agencies that reviewed the plan including the City's Public Works Department, the Electric Department, the Fire Marshal's Office and DelDOT. Kent Conservation District will be working with the applicants in regards to a stormwater management plan for the overall site.

Mr. Tolbert stated that according to the rendering the roof line is very flat. They have in the past, made an effort to not have those flat roofs. They are non-descriptive; they are not attractive and they add little to the appeal of the community. He noticed in the literature provided that there's nothing about the roof line. Responding to Mr. Tolbert, Mrs. Townshend stated that the architect is prepared with a presentation.

Mr. Holt questioned if they know what the restaurants are going to be and how much parking they are going to need? They are allowing one parking space for each apartment and he is just wondering if we will run into a problem later with parking. Is there any way to have an emergency overflow in case it just doesn't work? Responding to Mr. Holt, Mrs. Townshend stated that part of the purpose for the parking waiver is so that some of the parking built on the site can be used as part of the public parking. As Mrs. Melson-Williams stated, there will be fifty-four (54) parking spaces for the project which exceeds that one per unit. It's just that some of that will go back into the public parking inventory. When you look at the *Transit Center Neighborhood Plan* as it relates to parking, it puts the focus on instead of having parking on every site to move more toward public parking areas. The idea here is that they will provide more parking but it won't necessarily be reserved for that site. It will be part of the public parking inventory and then the North Street lot across North Street during the non-business hours also has a number of spaces that are open for public parking. The parking design is very much intended to fit in with the way the *Transit Center Neighborhood Plan* envisions parking. In addition, the DDP and the Dover/Kent County MPO are actually kicking off this week a Downtown parking study to look at where adding inventory of parking is most logical, when they need to build a garage and those types of things. The idea in the *Transit Center Neighborhood Plan* is to have more regional parking rather than parking to accommodate the uses on every site.

Mr. MacLeish stated that they would like to start their presentation with Mr. Jules Dingle and have him go through the process of how they arrived at the type of structure that they are proposing to place at 126 West Loockerman Street. He will then follow that up with Mr. Jonathan Street from the Becker Morgan Group who they've worked with on the site planning portion of the project.

Mr. Dingle stated that this is a project that they have really enjoyed thinking about over the last couple of months; it's a project that they are very excited about. They are excited about the impact that it can have on the Loockerman district and the historic city center as well. This is more than just a typical infill project. This is a project that really looks at the historic character and traditions

of the Dover Downtown streetscapes like what was seen here long ago on Loockerman Street. It also references the tradition of great urban spaces in Downtown Dover.

The concept for the building is really focused on looking at those two urban conditions; the zone of the street and trying to reestablish Loockerman Street as the great urban historic streetscape corridor that it once was and also the zone of the plaza. To look at that in the context of other great urban spaces in Dover and to design a space that is appropriately scaled to revitalize a dense urban corridor. Another key part of the design process was to look at the historic guidelines for Dover which is based on the Secretary of Interior Standards. They aren't going to go into all of the detail that they did with the Historic District Commission but they will give an abridged version on some of the things that they presented two months ago.

Mr. Dingle showed a view of Loockerman Street over seventy (70) years ago. He pointed out what some people remember of Loockerman Street. They see a wide variety of architectural styles and scales. They see no street trees whatsoever. They do see awnings, typically on the north side of the street.

They used these pictures to look at the historic streetscapes but also to look at the architecture that surrounds the public spaces as well. A tour of Downtown Dover is really a tour of all architectural styles from the last 200+ years. Very notably, in the architecture of the Victorian District, there is architecture of sociability and civility. There are front porches that are very closely aligned with the street. On the upper levels there are Juliet balconies, terraces, turrets; all of which suggest an active relationship between architecture and the landscape. As they looked to the concept of this project, they wanted to make sure that the building was in keeping with what's happening on Loockerman Street, try to bring back some of that energy in some of that scale and also realize that they are creating a new public space for Downtown Dover and one that they think is appropriately scaled. To address both of those design objectives, they took one of the recommendations of the historic guidelines which says the buildings that sit on corners should respond to the frontage that they face. The corner building doesn't need to be the same on both corners but should actually address very different conditions if the two streets are very different. They decided that while the whole project is intended to hold together as one cohesive development, they wanted to make sure architecturally that the Loockerman Street side was doing what some of those great old streetscape buildings did which was to really define the wall of the street and reinforce the scale by building right up to the street making sure there is enough density on the street level to promote active street life. On the corner on The Plaza side they start to take some of those cues from the Victorian Queen Anne style that you see elsewhere in Dover which suggests a residential scale and a connection between architecture spaces and public spaces like the balconies.

A picture of the purposed buildings was shown to the Commission.

The ground floor is entirely commercial space with remaining space being what's required for egress and entry into the apartment spaces above. On the bottom level, each building is divided into four (4) apartments. On the upper levels there are five (5) apartments per floor.

The Loockerman Street elevation references some of the symmetry and formalism of Federal style architecture but is in no way intended to be a Federal style building. The elevation of Phase 1 as it faces Loockerman Plaza is deliberately referencing the symmetry and the compositional variety that

you get in historic buildings and the balconies are intended to call some of that inside activity out to the public space. Looking at the zone of the street shows the wall of the street being reestablished but opening the corners in terms of the glazing so that Loockerman Plaza is something that you anticipate as you come down the street and there's enough transparency that while the building creates the wall around the Plaza, there is certain openness as you turn the corner and enough storefront to really allow the retail to thrive. The zone of the Plaza you can start to see the bays at a variety of scales and symmetrically composed so that the building is very animated and similar to some of the Victorian buildings in how the scale of the building is broken down to through roof treatments and various bays and Juliet balconies. Some of those same principles are at work here. But not trying to stylistically mimic any of the Victorian or Federal architecture but really to take proportional clues from them and try to extract some of what makes those buildings great in terms of interior spaces to public space.

They talked about many issues in great detail. There were a couple issues that they spent a few weeks looking at in late July and early August after the Historic District Commission meeting. As it's been previously mentioned, they have changed the proportions of the windows on Loockerman Street which they think is an excellent comment and they think it's really improved the proportion and the character of Loockerman Street elevation. One of the things that they also heard was that greater differentiation between the building on the east and the west was something that was desired. What was important there is that they maintain this as one cohesive project. They have tried to balance gaining variety of scale but keeping a similar architectural language between the two buildings. They have added a bay on the far right side. One of the balconies similar to what you see around the corner on the Plaza is now located on the front side. This strikes a bit of a horizontal line and creates what in no way is a cornice but adds a little bit of horizontality to the building. They are imagining that the brick texture will be one that has a considerable amount of relief and variety to it. This is a building that has tremendous amount of variety and scale to it. They have actually decreased the size of the cornice after studying ten to twenty versions of it largely because it, to their professional opinion, appeared to be a tacked on decorative element. In the interest of simplifying and letting the variety of brick and scale gestures to really create the architectural language of the building, they have decreased the size of the cornice which they see as an improvement.

Mr. Street stated that what is presented before the Commission is an updated graphic of the Site Plan. They have updated locations of dumpster enclosures; there is one per parking lot. Phase 1 of the project has been hashed out over the past sixty (60) days and what it will entail is construction of the first building and the additional parking lot. In doing so, that causes them to essentially demolish almost everything that you see and construct almost the entire project with exception of the second building. This includes utilities, infrastructure and specifically the two dumpster enclosures, the additional parking lot and sidewalk space walking trail in between Loockerman Street and North Street. Mrs. Townshend and Mr. Gregg Moore have had numerous meetings with the neighbors as it relates to how they are impacted especially by the construction of this first building, specifically the Golden Fleece. The Golden Fleece has access to the Plaza right now via their back patio area. That is something that they have addressed; they are going to be maintaining their space. It will be a new door or fence, whatever is appropriate and whatever they really need to maintain their egress both for fire or whatever the alcohol board may require of them. Another thing is drainage as they have an existing patio that is now going to abut the side of the building. That is something that they are going to have to address with the Site Plan approval itself in addition to the

stormwater via Kent Conservation District. They will be draining a majority to the DelDOT system on Loockerman Street.

Mr. MacLeish stated that part of the NFPA side of it is that when you work in an urban setting with buildings with zero lot line you cannot put a sloped roof on the building it comes down to a flat roof from a safety standpoint. That is one of the reasons that a flat roof is in here pretty predominant in this area.

Mr. Tolbert questioned what they could do to off-set the flatness of the roof? Responding to Mr. Tolbert, Mr. MacLeish stated if you look at the architecture that Mr. Street addressed, there is a combination through the criteria that they have been given through the design of this district and that's what has been met.

Mr. Dingle stated that the Loockerman Street facade is in many ways very similar to the buildings that have always been on Loockerman Street which basically have flat facades and a horizontal cornice at the top. When you go around the corner, the scale of building they believe is very much broken down by the addition of a mansard roof which is an architectural technique that is much more familiar in the Victorian districts. With maybe one or two exceptions, this type of architecture is not present historically on Loockerman Street. The discussion there was to maintain the wall of the street and the horizontality of the tops of the buildings and then as you turn the corner almost instantly is this reference to the mansard roof and the breaking of that horizontal cornice line with what is really an inflected roof form that comes into play almost immediately on the Plaza side.

Mr. Tolbert stated that the reason he brought it up is that this project is going to be centrally located. It's going to be a very important location and it's going to be seen by many people and it's a historical area. In the pictures that were shown of the old Loockerman Street, some of the buildings had ornate rooftops; they weren't all flat. That distinguished them from everything. The applicant may not be able to do all of that but there weren't so many flat roofs then. The Commission has made it an issue in the past of trying to do away with some of these flat roofs. It makes for a much more attractive building in his view.

Mr. Holt questioned if they were going to put any memorial plaques up? Maybe one where Dover Hardware was since they were such a big part of Downtown Dover for so many years. Also, he thinks where Loockerman Plaza is there was a plaque for Mr. Bobby Chamberlain. Responding to Mr. Holt, Mrs. Townshend stated that his plaque is now in the Planning Office.

Mr. Tolbert questioned if the applicant has any concerns with the overview presented by Staff? Responding to Mr. Tolbert, Mr. MacLeish stated that they are in agreement with the comments from the DAC Report.

Ms. Maucher questioned the sizes of the apartments? Responding to Ms. Maucher, Mr. Dingle stated that they range from 2 bedrooms to 4 bedroom apartments and they typically have 2 bathrooms a large combined kitchen and living room area.

Dr. Jones stated if there are two adults in an apartment, one parking space per apartment and the other spaces will be public parking will the public parking be managed as all other public parking? Does that mean fees? Responding to Dr. Jones, Mrs. Townshend stated that they are just getting

started with the Downtown Parking Study so a fee structure hasn't been determined yet. Right now fees are not charged other than 8AM to 5PM. 8AM to 5PM is permit parking or metered parking. During the evening and weekend hours there are no fees. It could be that you have some people who end up parking there overnight because they live there but they are not guaranteed a spot for 24 hours.

Dr. Jones stated that she still has a degree of unrest about there being 4 bedroom apartments and only one parking space per apartment.

Mr. Holden stated that he counts seventy-one (71) bedrooms out of the apartments and twenty some parking spaces. He is curious from the applicant's view how that will work. The expectation that he would have is that there are going to be people with cars without an identified parking spot. What do permits cost Downtown? Are there permits available currently? He understands that the more urban area. Relative to some of the past planning that dedicated on-site parking changes as you move towards that more urban and transit oriented, he is concerned that they may be creating a problem. He is curious from the applicant's standpoint of how that may be addressed, if there is intent for a market for who might be here and are we expecting seventy-one (71) cars or fifteen (15) cars. Responding to Mr. Holden, Mr. MacLeish stated that in working through this project when you identify parking, initially when they started out there was a real concern as they started looking at it and meeting with Mrs. Townshend and Mr. Gregg Moore from the Downtown Dover Partnership. One of their biggest concerns was the parking in Downtown Dover. What you find out is that most of the people who will be occupying these apartments most of those people are working and not home during the day. The other thing that they've seen and are hearing as they are putting together a marketing report is that they will not have seventy-one (71) people with seventy-one (71) cars in the lot. The market that they are targeting is a more professional graduate student. A lot of those students do not bring their cars with them. When they looked at it and evaluated it they looked at the parking that is available in that area, it is sufficient. When he first looked at it he didn't think there was sufficient parking Downtown. It would be a concern because if they don't have sufficient parking then the project itself will not be successful. They are confident in the parking that they have made also allows for that parking when nobody is parking there to be used by those people who want to come to Downtown. Hopefully, this is a synergy that brings more people to the Downtown, not just during the day but in the evening as well. Based on the numbers that they have seen, there is a significant availability of parking. At current times the parking will fill up and there could be a challenge but it's not different than when his kids went to the University of Delaware. There were days when he parked and it was very easy. He thinks that it can be accomplished and managed. At the same time, they want to be a good partner and provide that parking during the day when it's not being used and not for it to just sit there empty. There is a concern but they think that they have addressed it in how they are going to have those people park and have efficient use of that parking space.

Mr. Holden questioned if there are available permits in the North Street lot? Responding to Mr. Holden, Mrs. Townshend stated that the permits in the North Street lot at this point are all accounted for. Part of the parking perception issue that is actually a real issue and not just perception but it has more to do with the allocation of parking spaces than the existence of parking spaces. That's one of the things that the Downtown Parking Study is going to look at. One of the things that she hears frequently is that people will come Downtown for lunch and they can't find a place to park, not because there aren't plenty of empty parking spaces but because the empty

parking spaces are permit only. The issue of how they park Downtown they are still learning a lot about and to try to accommodate surface parking to support every use is going to be incredibly inefficient from a land use standpoint but even just the idea of reserving spots for residences can also be inefficient. They will be looking at it closely as the first phase completes and those first apartments are occupied but again they also have a parking study. One of the things that the parking consultant is specifically tasked with is helping us identify the trigger points of when we need a parking structure, where it would go and how they would start to pay for it. She thinks that the major issue related to parking regardless if it's for this project or filling the vacant storefronts is that you have to do something other than surface parking. There needs to be a larger regional wide plan. That's what they are working on through the MPO and the DDP. While it's not the suburban parking situation that most of us are used to. She thinks in terms of an urban environment, the arrangement that they have been planning for allows that kind of fluidity of how you manage the demand with the use during the day versus during the night.

Mr. Perza stated that one of the objectives of the applicant is trying to make it elastic. If the City were to enforce the Code in such manner that required three (3) parking spaces for each apartment, the entire fifty (50) or sixty (60) parking spots would be residential parking. The result of that is that the entire Loockerman Street commercial community is going to be concerned. Part of this project is adding commercial energy into Downtown. Whether it's restaurants and other businesses, there needs to be space available during the day for that parking. The design portion is that during daylight hours if you are trying to reserve or make accessible additional parking, Loockerman Street has parking now and much of it is metered. They are trying to expand the amount of spaces not only to benefit this project but other commercial restaurants and businesses up and down Loockerman Street which under the waiver application allows that to happen during daylight hours. During evening hours when much of that commercial track doesn't exist in the frequency that it does during the day. It allows it to be converted back over to the residential uses. If you literally have seventy-one (71) beds and seventy-one (71) cars, in theory you could do that in evening hours but most often if you are doing that and they are truly working somewhere outside of Dover, they won't be there during the day at which point that parking converts back to commercial use. They are trying to be as flexible and expansive as possible, working within the reality that you only have space for fifty-five (55) or sixty (60) parking spaces. To answer Mr. Holt's question, yes added all of these commercial uses to the first floor they are going to need space for everyone to come down and park. This doesn't change the Downtown public perception that it's free. He doesn't think that the City of Dover, the DDP or any other public entities Downtown that manage parking are going to offer just free parking for blanket but they are trying to benefit as much of the commercial space which benefits the Plaza as well as every other restaurant or business on Loockerman Street to expand the foot traffic. It's trying to do both which helps explain why the waiver works for the benefit of the City.

Mr. Holt questioned if they will be giving out parking maps to people who move into the apartments so that people know up front where the best parking would be for them? Responding to Mr. Holt, Mr. MacLeish stated that it would be part of the package the way that they have it set up presently. They just haven't taken it out to marketing but it will be part of the process.

Ms. Maucher stated that traffic is an issue and with adding fifty (50) additional cars, has there been discussions about returning North Street back to one way? It just seems like there is going to be a lot of congestion in an area that is already congested. Responding to Ms. Maucher, Mr. Lyon stated

that the Department of Public Works does not necessarily have any objection to the one-way situation. He thinks that is more of a global evaluation that is going to have to take place down the road. As far as the congestion of traffic, they don't anticipate it being that much. There is existing parking there now. They don't anticipate it being so much more that it becomes unmanageable.

Mr. Tolbert opened a public hearing.

Senator Brian Bushweller

Senator Bushweller stated that he is here this evening in his capacity as a member of the Board of Directors for the Downtown Dover Partnership at the request of the President of the Partnership. Obviously, he can't separate his comments tonight from the fact that he is the State Senator for the area and has for a number of years been very supportive of the whole idea of developing what they now call Loockerman Plaza. He thought he would share a little bit of the history that demonstrates how significant a lot of people view this project. The application before the Commission tonight is the combination of 5-7 years of planning that involved the relocation of the Dover Transit Center, the MPO Study of Downtown Dover and it got involved with the State Legislature and the Bond Bill Committee and the $3 million for that and then finally the Downtown Development District.

Senator Bushweller shared a visual presentation of what Loockerman Plaza looked like four (4) years ago. It was not very attractive; it was just a big empty lot. There was some random pavement in places and not in other places. There were weeds and cars parked randomly. That lot got that way because of a previous proposal which had been approved by the Planning Commission but unfortunately was approved in 2005 or 2006 and never came together because of the economic collapse in 2008. That economic collapse let what used to be Dover Hardware looking like this. As part of the relocation of the Dover Transit Center, the MPO looked at all of the issues related to relocation and including the issues in the surrounding areas of Downtown Dover. This was a very public process that the MPO undertook with a lot of public participation and a lot of consideration; all of the interested players participating and they came up with a number of excellent recommendations. One of which had to do with various properties owned by the Downtown Dover Partnership. C Moore's what the first concrete indication that the renovations of the North Street Corridor were going to have a positive impact. After the North Street Corridor was finished, the EZ Pass Company decided to locate into what used to be C Moore's restaurant with substantial renovations to that building with entrances on both the North Street side of that building and on the Loockerman Street side of that building. Today, on any given day between customers and employees there are more people populating the Downtown area because of that. That gave a lot of us hope that this idea of renovating North Street was going to have a positive effect.

A slide was shown from the 2011 Design Book prepared by the MPO coming out of the Transit Center relocation project. You can see the Loockerman Way area before anything was done to it. It shows the parking areas and the two white spaces at the top are the footprints for the buildings that will be proposed on either side of Loockerman Way Plaza. The next slide shows the effect of the North Street renovations. The North Street renovations came about because virtually every legislator in the Dover area got behind this idea of the DDP to ask the Bond Bill Committee in the State Legislature for $3 million to do three basic things to North Street. Ultimately, the Bond Bill Committee said yes. There are three basic things that the North Street renovations did. One being the Loockerman Way improvements; changing that ugly vacant lot into what is seen today. The second is the horizontal line going through the middle which is North Street. Sidewalks got put in,

curbing was put in, it was repaved making it a far more desirable and attractive street. The last part was the reconfiguration of seven (7) different parking lots that were reconfigured into a single parking area that substantially increased the number of parking spaces available for Downtown.

The next slide shows an original Site Plan that the Planning Commission approved but it was never completed because there was one element still missing when that Site Plan was approved. The basic idea is still there; on the bottom part there was parking on the top part were two buildings on either side of the site facing inward towards the site.

The next slide shows the design that the Commission is being asked to consider tonight. Again, very consistent with everything else that they have seen prior to this with even more parking with both sides of the site having parking at the bottom and then the two buildings on the north. This proposal is the final culmination of all of this stuff coming together. It started with advanced planning on the part of the Metropolitan Planning Organization. It went to the DDP and the North Street renovations and then to the General Assembly Bond Bill Committee approving that idea of the North Street renovations coming across with $3 million. That all got done and they are all very happy to see the vast improvement that all that stuff did but we were still missing a piece. That is when Governor Markell came forward with a proposal that was called the Downtown Development District which was a program where the State would say you come up with a good idea for the development of your own downtowns across the State and the State will kick in some seed money to try to make it so that a private developer can take advantage of that seed money and undertake a development project that without that seed money would not be profitable and would not be successful but with the seed money would be profitable and can be successful. The General Assembly enacted that and Dover was selected as one of the first cities to be able to participate in that program and when Dover applied not only were they applying for what the State Governor had proposed but the City Council in Dover decided to step up to the plate also and added other kinds of incentives with regard to permits. Kent County Levy Court also stepped up to the plate and did the same thing which resulted in a package that became very appealing. That meant that finally the development community started looking at this and said there is opportunity here. Lighthouse Construction stepped up to bring the final private sector element to the whole thing. That result of all of this effort over many years from many different entities is this wonderful project that is being considered tonight that will bring more business, more people, more commercial activity, more social activity and a rejuvenated and reinvigorated Downtown for Dover. He would respectfully ask the Commission to give very serious consideration and to approve this plan.

Mr. Michael Harrington Sr. – Harrington Realty, 736 North DuPont Highway Dover DE 19901

Mr. Harrington stated that he owns Harrington Realty and he was just thinking from a different perspective as far as this project goes. He owns a couple of properties on Loockerman Street; 33 West Loockerman Street and also 109-111 W Loockerman Street which is directly across the street from the project. He too presently serves on the Downtown Dover Partnership Board and he goes as far back as 1967 when he was a merchant on Loockerman Street for eleven (11) years. He watched Loockerman Street change a lot through the years. This is something like Senator Bushweller said, this is a plan that's come to be that's phenomenal for the City of Dover. As a Realtor, he can tell you that it will increase the values of the other properties on Loockerman Street. It will help to fill the vacant properties on Loockerman Street; it will revive the Downtown area. We are so proud to have Lighthouse Construction come forth to make this be a reality. He just thought that he would

give his perspective from someone who owns property and what he thinks this project will do for the Downtown and for the City of Dover and to increase the tax rolls.

Mrs. Diana Welch – The Golden Fleece Tavern, 132 West Loockerman Street Dover DE 19901

Mrs. Welch stated that she is one of the owners of the Golden Fleece Tavern which is next door to this project. They own four (4) properties downtown. The Governor's initiative is a very good program. She has invested a lot of time and money in the Downtown. She is really pleased to see all eyes starting to look towards Downtown in terms of development and renovation. She thinks this project is amazing and she is really looking forward to it. She in no way wants to stop this project. There are some concerns that they have as the building next door. They have a fence line there and they are concerned about the windows of the apartment upstairs. According to the International Building Code, if you cut those windows off there will be no more egress through a window other than the door which is what is required per the International Residential Building Code. They think that they have come up with a solution and they can talk to Lighthouse directly about that. She does want it on record as a serious concern of theirs. Also, they are very concerned about the roof tie in. They worked hard to put up wood siding because it could not be vinyl and it was twice the cost. This was required because it faces the street and she totally gets it; she is not bitter about it at all. The concern is that when the two buildings are put together, the maintenance of the wood. Mrs. Townshend has been very kind to address some of that to them but they are still not really sure what the solution is yet. She just asks that the applicant stay in touch with them on how to move forward. Downtown you have no easement and you are building a building right next to one another; there is some different concerns than if there was two feet or three feet between them. These are old buildings and they don't take rattling around well at all. You push on them and they crack. She also wants to say that regarding traffic, that is a really big concern for them. She is going to let her business partner talk about his concerns on parking. You cannot whether you are traveling east or west make a left on Governors Avenue from Loockerman Street without blocking traffic up for two blocks back. It is something that is at a critical point right now and it is going to snap. That specific space needs to be looked at for how people are going to make a left going north or south on Loockerman Street. She is really with Mr. Tolbert on the roof line. She spent a lot of time in Europe and she likes the mansard roofs on the north/south way but the east/west view reminds her of European housing that was put up in 1980. It was just very blocky. She is also a real estate agent and it's definitely going to increase the property values and it is a really good project.

Mr. Ryan Weber – The Golden Fleece Tavern, 132 West Loockerman Street Dover DE 19901

Mr. Weber stated that he does have concerns with the parking; it's going to be a problem. They keep mentioning that there could be up to seventy-one (71) cars if there are seventy-one (71) beds. Yes, they go away during the day but when they leave work they come home and they bring their cars. With the current restaurants 33 West, the Golden Fleece Tavern and Grey Fox Grille that lot is already currently filled. When you have up to seventy-one (71) people coming home at 5 PM and then everyone else who just came home and decides that they want to go to dinner, where are they going to park? There will be no spots for them; they will be filled. He can personally say that the lots next to the Golden Fleece Tavern are filled everyday if you go there past 10 PM. He has had to park two blocks away from the Golden Fleece Tavern and walk because those lots are filled up, especially on Thursdays, Fridays and Saturdays. That's when people want to go out to dinner or out to the bar. Especially, if another restaurant is being added then a lot of people won't be able to come Downtown and go to these restaurants because every lot will be taken up with the people that will

live here. He doesn't know if a simple solution would not only solve some of the parking issue but also some of the issues with the Golden Fleece Tavern that they personally have is maybe the west building instead of being retail could be a parking space under the building. The added retail is not even needed. There are empty spaces Downtown. The east building and the amount of retail that could be in that east building would be great. They could put the restaurants in the east building. That could be just for that property maybe just for the residents and then maybe the lot behind it be more open. He can currently tell you that the back lot is currently filled if you get there past a certain time and if you add up to seventy-one (71) more people, that will not work very well.

Mr. Tolbert closed the public hearing.

Mr. Roach stated that it seems as though there were issues in regards to the new project and things that Mrs. Welch may have already spoken to Staff about. The issues with the property line, has it already been discussed with the applicant? Responding to Mr. Roach, Mrs. Townshend stated that it has started to have been discussed between the applicants; it does not relate to the approval. The plan presented is Code compliant and obviously it would need the waivers but it meets the requirements of the Code.

Ms. Maucher questioned if someone could speak more about the parking requirement? What's the timing of the study and does this need to be approved in order to factor that into the study? Responding to Ms. Maucher, Mrs. Townshend stated that the study kick-off meeting is actually this week. She would expect the study to last probably about nine (9) months at the most. By the time the first building is complete, the parking study should be complete. The challenge of parking again there is some degree of reality, but there is a lot of degree of perception especially if you talk about things that are beyond the normal working hours. There is parking behind City Hall and the Library that's available during evening hours. The State parking lots are pretty much empty during evening hours. If we are very successful in having a lot of restaurants; if you have a draw people don't mind walking a couple of blocks. From the perspective of do we have a parking problem, it depends on what your expectation is. She can tell you that there are people who want to stop and pick something up at Bayard Pharmacy, if there isn't a spot on Loockerman Street in front of Bayard Pharmacy then we have a parking problem. But if you want to buy something at Dick's Sporting Goods and park by Macy's you're not complaining. A lot of it has to do with the fact that we are a little bit lazy and really if the draw is there then people will walk a little bit more. She thinks that they could at some point, if they aren't planning for it, end up with a parking problem but she doesn't think that they are there.

Ms. Maucher stated that there are also public safety issues in Dover that aren't necessarily at the mall. She thinks that influences how far and where people are willing to walk especially after hours. Responding to Ms. Maucher, Mrs. Townshend stated that part of the counter to the safety problems is having a built up vibrant environment. It becomes this kind of cyclical thing that if we don't approve project because they are worried where people are going to park and they are not going to be safe, then we are just going to be a dog chasing our tail. In some ways, it wouldn't hurt us to have a manageable parking problem. She thinks that our biggest parking problem right now is that we have a lot of space allocated for permits and they are empty most of the day. If you come Downtown for lunch or you come down for an appointment at A Center for Mental Wellness you might not be able to find a parking space but there are lots of empty spaces. She thinks the parking problem right now is a parking allocation problem. The Bradford Street lot is just across the street

and up a block from this and that's pretty much empty at night as well. She thinks that there is parking and she doesn't doubt that the parking lot is full at night but she goes to 33 West a lot and there are many nights that she parks on the street. The Downtown Dover Partnership during the spring collected a lot of data. The data doesn't bear out that there is a true parking problem.

Mrs. Welsh stated that she goes to the gym and she will see people go around three (3) times to get the closest spot to the gym door because that's where they want to park not because there aren't spaces available. She thinks that is a good perception with what Mrs. Townshend is saying.

Mr. Street stated that across the street from North Street just behind this property there is a rather large consolidated parking lot which for nights and weekends is entirely free with the exception of fourteen (14) spaces which are dedicated for the Loockerman Plaza.

Mrs. Welch questioned how many of the Commissioners are Downtown at 11:30PM to 1PM? Every single space in the parking lot that is next to the Golden Fleece is full, every single space in the North Street parking lot that Mr. Street just referenced is full, all of the street parking down to Angelo's is full and around the corner near the tire place every single space where people are supposed to park are full. Every space between Irish Mike's, Golden Fleece, Grey Fox and Angelo's are full. It's a nighttime environment and it doesn't pop until 10PM or 10:30PM and she would venture to say that most of the Commissioners are home. She can take pictures to show that every space is full. If you add seventy-one (71) more cars there is going to be a problem. Does she think that it's okay at 5PM to walk two more blocks? Absolutely. Does she want to ask her servers with pockets full of money to walk to New Street? Probably not. Where they have to park sometimes is a little scary. They have actually walked some of their servers out who are parking in the Bradford Street parking lot because they don't want to walk that far alone. They like to park as close as they can because they are leaving at 1AM or 2AM depending on how long it takes to shut down the bar. She wants to remind everyone that there are possibly three different crowds in terms of parking. There is a day time where offices are going on, there's the evening dinner hour from 7-9PM and then the after 10PM group.

Mrs. Townshend stated that the parking waiver doesn't affect the amount of spaces that are constructed. The parking waiver affects how many are allocated to this project. If the parking wavier is not approved, none of the parking on this site is public parking.

Mrs. Melson-Williams stated that for twenty (20) apartment units based on the Code requirement of 2.25 parking spaces per dwelling unit would require forty-five (45) parking spaces.

Mrs. Townshend stated that the fifty-four (54) spaces more than satisfies the requirement. They are not looking to under-build parking; they are asking for a waiver so that they can maximize the amount that is open to the public rather than reserve for their buildings. If you are hearing that that parking lot that's adjacent to the Fleece is entirely full and you don't approve the parking waiver, those patrons won't have access to the parking. It's not a parking waiver in that they are looking to reduce the number of spaces on the site; it's that they are looking to reduce the number of spaces that they have to reserve for their site.

Mr. Holden stated that he shares that there is a perception of lack of parking and people are accustomed to being able to park in front of the commercial establishment, store or restaurant that

they want to go into. That's a changing of what people are accustomed to. But he thinks that there is also something very different here that they also have seventy-one (71) proposed bedrooms. Are they also saying that their expectations should be that they could have to park two or three blocks away? They are creating more of a problem that we recognize that there is a problem at some times and they are going to resolve it sometime down the road. Who bears the cost of resolving that? Is that issue better born by patrons for commercial establishments or somebody trying to park near to their home? He wonders what their expectation is of the average apartment size. Is the average apartment a four bedroom apartment or a two bedroom apartment? Where did they come up with a 2.25 parking spaces per apartment? Responding to Mr. Holden, Mrs. Townshend state that the 2.25 for apartment parking was a standard that was adopted in 2009. It was really a suburban standard. Because you can get the waiver in the Downtown it ends up being able to be off-set. When you look at the changes that were made to the RG-1 (General Residence Zone) district which you can have townhouses and duplexes, they only require one off-street parking space per unit. There could be seventy-one (71) cars but part of that is also on the property manager and property owner to let their tenants know what their parking allocation is. You may end up with some people who decide that they are not going to have a car or that they are going to share a car with their roommates. Part of the Downtown environment is that you are less auto dependent so you don't design everything around a car. We are still an auto dependent society so you can only do that so much especially in Dover. She thinks that the applicant in working with perspective tenants is going to have to let them know if there is one per unit that they have one parking space per unit and the roommates are going to have to figure out how they are going to manage that. Her understanding is that they are looking to market towards college and graduate students and young professionals.

Mr. Holden stated that it seems like we are sticking the issue with the people who are renting the apartments. When everything is very transparent and known ahead of time and the people are savvy to the environment that they are moving into maybe that's not a big burden but it seems like we are really under parking and pushing those people at times where they come home after work and there aren't parking spots because the restaurants and other commercial establishments are utilizing them. Is there an avenue to amend what the waiver request would grant? Responding to Mr. Holden, Mrs. Townshend stated that the Commission can certainly adjust the parking amount. The concern being that the more that's allocated to the apartments is the more that will sit vacant during the day. It's a balancing act but certainly the Planning Commission could adjust it so that it's not a full 50%. If the Commission is comfortable that they could come up with a number that they would be comfortable with then they could adjust the number tonight but if they don't feel comfortable with setting a number, then it might be best to defer.

Mr. Holt stated that he feels like they are kind of looking into the future with a crystal ball and they can't really do that. He feels like they have gone a long way and have gotten this Master Plan about as good as it can be. He gets the feeling that they should let the parking waiver go with the motion.

Mr. Holt moved to approve S-16-18 Loockerman Way Redevelopment Master Plan: Two Mixed Use Buildings at 126 West Loockerman Street with the reduction in parking waiver and also the recommendation of the Historic District Commission (for the Architectural Review Certification), the Recreation Plan and the DAC comments, seconded by Mrs. Welsh and the motion was carried 7-1 by roll call vote. Mr. Holden voting no; due to concerns over parking. He is highly supportive of the project; he thinks it's a great thing to move forward. He thinks that there needs to be a little more attention paid to the parking issue. Mr. Roach voting yes; he is one of the people who does

frequent the Golden Fleece and Irish Mike's during the weekends and he is also a person who drives down these streets to take his daughter to South Dover Elementary so he definitely knows the struggle in regards to the traffic issue whether it's coming down Loockerman Street or North Street throughout the day and to think about adding apartments with more flow but in the same sense he really does feel that generating more people Downtown is more important than them tackling a parking issue that may not even come to fluition. It's like looking into a crystal ball and expecting everyone that goes into an apartment to have a car. There are issues with parking Downtown and he agrees that it is something that they should look at but he doesn't think that they should hold the project up for it. One of the issues that he does have with the Downtown Dover District is the lack of handicapped parking. Mr. Holt voting yes; he feels like it's a good step forward for Dover and they have a good plan here. He feels like the parking issue will take care of itself in the future. Mr. Baldwin voting yes; he thinks it's a good plan. For the parking waiver, he thinks they should allow the property managers to manage the parking as fore stated by Staff. Dr. Jones voting yes; however, she does have some concerns about the residents. Professional graduates go and come home during the middle of the day; there is not really a standard for students who are in school. She would like to see some additional consideration regarding a parking configuration. Mrs. Welsh voting yes; based on all of the comments that she heard tonight that the public doesn't want to jeopardize this project, everyone wants to see this project succeed and she believes that parking as a whole could be addressed in the future. She is sure that other Downtown parking issues will come into play once everything gets underway. Ms. Maucher voting yes; she too has concerns with parking and traffic issues but she thinks that those concerns are outside this project and by approving this project will hopefully encourage a speedier recognition to the issues and addressing the issues rather than putting it off. Mr. Tolbert voting yes; the location of the project is so strategic to overall Downtown Dover and it's continuing growth and economic advantage to the City and he is certain whatever problems that they have with parking and the flat roof line that the applicants have shown a willingness to work with the Staff to iron out any problems or concerns that they may have.

S-16-17 Parking Lot at 623 Fulton Street – Public Hearing and Review of a Site Development Plan to replace an existing 11,600 S.F. ± gravel parking lot with a thirty-four (34) space asphalt parking lot of the same area, with striping, parking bumpers, and lighting. The purpose of the parking lot is to provide for adjacent properties. The property consists of 0.33 acres and is located on the north side of Fulton Street east of Ridgely Street. The property is zoned IPM (Industrial Park Manufacturing Zone). The owner of record is Harrington Commercial, LLC. Property Address: 623 Fulton Street. Tax Parcel: ED-05-076.08-01-13.00-000. Council District 4. *Waiver Requests: Elimination of Sidewalk Requirement, Partial Elimination of Curbing Requirement, Elimination of Bicycle Parking and Elimination Opaque Barrier (Fence Component). This application is associated with approved variance V-15-06 (granted March 18, 2015) to allow the property to use gravel surfacing for a specific time period.*

Representatives: Mr. Mike Harrington Sr., Owner; Mr. Troy Adams, Mountain Consulting

Mr. Cook stated that this application is S-16-17 and the address is 623 Fulton Street. This is located on the north side of Fulton Street east of Ridgely Street and west of the railroad track. Site area is approximately 0.33 of an acre. Zoning is IPM (Industrial Park Manufacturing Zone). The existing use in its current state is as accessory parking with a crushed stone surface. The proposed use is also for accessory parking but to be improved with asphalt and other improvements. There are no buildings planned.

The plan is to replace an 11,600 SF parking lot with a thirty-four (34) space asphalt parking lot. The application is associated with an approved variance, V-15-06, which was granted by the Board of Adjustment at their March 18, 2015 meeting to allow the property to use the crushed stone that was in place for a defined period of time. As you may know, crushed stone or gravel is not a permitted parking surface in Dover. The Ordinance requires either hard concrete or asphalt; a hard dust free surface. Upon the granting of the variance, the property would be required to come into compliance within a five (5) year time period. This application is for a Site Development Plan to bring the property into compliance.

There is an entrance off of Fulton Street. The Department of Public Works provided comments in the DAC Report in regards to how that entrance is made; an apron is to be constructed. They also made comment for a stop sign and a stop line when exiting the parking lot at that location. The lot consists of four (4) rows of parking totaling thirty-four (34) spaces. There are code compliant drive aisles which allow bi-directional traffic throughout the parking rows. Concrete parking bumpers are provided for all spaces as shown on the plan.

He made a comment in the report about ADA accessibility and handicapped parking. Typically, the handicapped parking is guided by the Building Code so the expectation would be that required handicapped parking for an individual property would be at the site of that property. This particular parking lot is accessory parking to serve many potential businesses that are in the area that are under common ownership with the property owner of this lot. This lot does not require handicapped parking. There is a requirement for bicycle parking and the bicycle parking requirement would be for one space every twenty (20) parking spaces; therefore, two bicycle parking spaces are required. The applicant has submitted a waiver which will be referenced later.

There is a requirement for screening. At the west side of the site there is a residence next door. Although the property is zoned IPM (Industrial Park Manufacturing Zone) as well, it is a legal non-conforming residential use with an active rental dwelling license. Therefore, the Ordinance does require screening between the proposed use and that residence. The Ordinance requires an opaque barrier, typically meaning a fence six (6) feet in height, accompanied by landscaping. The applicant has also submitted a waiver request since the Ordinance does allow a waiver of the opaque barrier requirement. There is still the requirement to have landscape screening but they can request an opaque barrier (fence) waiver.

As stated in the description, the purposed surface is asphalt to replace the crushed stone. The applicant has also submitted a waiver request in regards to curbing. There will been a change which is not shown in the Site Plan as submitted. The Site Plan that the Commission received does not have any curbing shown. When the curbing waiver was requested, the applicant did reference that curbing would be along the Fulton Street frontage. Also with the Site Plan there was a Lighting Plan submitted for light poles to be installed with dome lighting for the site. Also in terms of zoning requirements, Article 5 Section 18 does require sidewalk to be installed along the public street frontage of the property when that Site Plan proposal is subject to Planning Commission review. There is no sidewalk shown on the property frontage in the submitted Site Plan and the applicant did submit a waiver request for elimination of the sidewalk requirement.

The other thing to mention is a stormwater and sediment plan that's pending; however, the site does show proposed sub-surface drainage and retention which is under the parking lot. There is also a requirement for Landscape Plan; one tree for every 3,000 SF and the Commission did get a landscape sheet that was submitted in the plan set which has five (5) trees shown.

Staff recommendations for the waivers are as follows: They did recommend approval of the waiver to eliminate the bicycle parking specific to this particular lot. They made that in recognition of the applicant's request and their statement in what they believe is a limited demand due to the nature of the property. At this point Staff tends to agree with that; however, in the future if any of the surrounding properties are subject to a Site Development Plan approval the bicycle parking on those individual properties would be considered at that time. In regards to the waiver request of the opaque barrier, Staff recommends approval of that request as well to eliminate the fence component of that requirement and to accept a continuous vegetative screen as satisfying the buffering requirement. He believes that they made in their comments that when the Final Plan comes in for Staff approval they would recommend that those changes be reflected on the Landscape Plan and probably the most likely scenario would be the trees as proposed on the Landscape Plan would end up being substituted for the plants that would be required as the landscape screen between the two properties. Also, the Staff recommendation in regards to the curbing requirement was to recommend approval of the waiver request for partial elimination of curbing. This means that the curbing would still be retained along the Fulton Street frontage but that it could be waived for the perimeter of the lot to allow stormwater sheet flow off of the asphalt to grass. In regards to the request for the elimination of sidewalk, Staff does not recommend approval of that waiver request. There is some existing sidewalk. There is a piece about fifteen (15) feet long on the property that's to the east and there's also a short segment of sidewalk at that residential property at the corner of Fulton Street and Ridgely Street. Indeed the sidewalk network there is discontinuous but Staff recommends construction of the sidewalk along the frontage of this property to allow safe access between the parking lot and the surrounding businesses. Also because it has been the policy of the City to enforce the construction of sidewalk as properties develop so that that infrastructure is in place as other properties adjacent continue to develop over time.

Ms. Maucher questioned if there were other residential properties in the area that are non-conforming? Responding to Ms. Maucher, Mrs. Townshend stated that there is just one.

Ms. Maucher further questioned if it was legal non-conforming and if it would remain? Responding to Ms. Maucher, Mrs. Townshend stated yes, it can remain until it expires for a period of one year. If it were to be vacant for a period of one year then it would no longer be able to be residential again.

Ms. Maucher questioned if the lighting on the lot and the opaque barrier were taken into consideration with the residential property? Responding to Ms. Maucher, Mrs. Townshend stated yes.

Mr. Adams stated that they agree with the DAC comments and Mr. Cook accurately described this project. They are planning for thirty-four (34) parking spaces but that may shift a little bit. It could be less potentially by the time they take into account all of the landscaping comments that they need to address. One of the things that he would like to have stated for the record are the dates that this

parking lot has to be paved, taking into account the Board of Adjustment variance from March 2015.

Mrs. Townshend stated that the variance provided five (5) years. This Site Plan has a two (2) year life plus the ability to extend for a third year so you really have three (3) years from now.

Mr. Harrington stated that on Fulton Street from the railroad tracks all the way down including the house that is being discussed, he owns all of that property. Across the street where Gede Insulation is located and that whole block he owns as well. He is not bothering anybody and it was a service to the City that he decided to do this lot because Gede Insulation probably has seventy-five (75) employees with at least fifty (50) cars a day parking all over the streets. Prime Care is also on Fulton Street; it's the City's ambulance service. He was seeing a hazard to people parking all over the streets and he could see a hazard in slippery conditions. That's why he stepped forward and put the lot where it is. It's really cleaned up the area and it's needed. He hates to have to spend the money to black top it but he will do it.

Mr. Holt questioned if there would be assigned parking spaces for each business in the lot? Responding to Mr. Holt, Mr. Harrington stated that the parking for the ambulance service on their property is plenty for them so they don't need to use this parking lot. The only tenant there that has any use of the parking is Gede Insulation so he doesn't need to assign it.

Mr. Tolbert questioned if there were any fees to park in the parking lot? Responding to Mr. Tolbert, Mr. Harrington stated no.

Ms. Maucher questioned if people needed the sidewalk in order to get to a certain place? Responding to Ms. Maucher, Mr. Harrington stated that they really don't but Gede Insulation walks across the street. The sidewalk is not really needed for pedestrians but he is willing to agree with the City in that it makes it look more uniform and much more pedestrian friendly. He thinks it's the right thing to do.

Mr. Baldwin questioned if this parking lot was going to be available to anyone? Responding to Mr. Baldwin, Mr. Harrington stated yes, Gede Insulation is really filling the lot up but anybody could use it. The problem is that there is nobody in the area that had the need to be in the area. He owns a house near the parking lot and there is plenty of parking near the house.

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

Mr. Holden moved to approve S-16-17 Parking Lot at 623 Fulton Street to include approval of the elimination of bicycle parking waiver request, the elimination of the opaque barrier waiver request, the partial elimination of curbing waiver request and following Staff recommendations in denying the elimination of sidewalk waiver request, seconded by Mr. Holt and the motion was carried 8-0 by roll call vote. Mr. Holden voting yes; it's a welcomed improvement to the area and in line with City Code. Mr. Roach voting yes; for the reasons previously stated. Mr. Holt voting yes; it is a good improvement for the area. Mr. Baldwin voting yes, for all of the reasons previously stated. Dr. Jones voting yes; it's a welcomed improvement. Mrs. Welsh voting yes, for the reasons previously stated and she commends Mr. Harrington for doing it. Mrs. Maucher voting yes, for the reasons

previously stated. Mr. Tolbert voting yes; the parking lot will improve the area and also give additional parking in the area which is needed.

2) S-16-19 Schutte Park Public Works Yard – Public Hearing and Review of a Site Development Plan to permit construction of a maintenance building, a greenhouse, a salt barn, two truck wash stations, material storage and other improvements at the City Department of Public Works Yard in Schutte Park. The total area of proposed new building is 7,855 S.F. The property consists of 104.33 acres and the project area consists of approximately 15.61 acres. The project site is located at the end of Electric Avenue inside Schutte Parl. The property is zoned ROS (Recreational and Open Space Zone) and is subject to the SWPOZ-3 (Source Water Protection Overlay Zone – Tier 3 Excellent Recharge Area). The owner of record is the City of Dover. Property Address: 10 Electric Avenue. Tax Parcel: ED-05-076.00-01-06.00-000. Council District 2. *Waiver Request: Reduction of Parking Requirement; Elimination of Sidewalk Requirement; Consideration of Area Subject to Tree Planting Requirement; and Construction of a Tree Mitigation Plan*

Representatives: Ms. Kate Mills, Public Works; Mr. Chris Curran, AE Com

Mr. Diaz stated that this project is to renovate the existing Public Works Yard that is located in Schutte Park used by the City's Department of Public Works. It's located at the very south end of the park at the end of Electric Avenue, quite far from the Hazlettville frontage and right next to the Dover Little League fields. There are two major parts to this renovation. The first is to build some new buildings. Those include a new storage building, a greenhouse and a truck wash station. The second major part is to re-configure the material storage areas that's geared more towards storing things in bins than storing them in stock piles. The site is zoned ROS (Recreational and Open Space Zone) and is partially subject to the SWPOZ-3 (Source Water Protection Overlay Zone – Tier 3 Excellent Recharge Area).

There are a few issues with this project that they were able to work out during the DAC process. One is that the plan shows the location for a salt barn but that is not part of the current application. Staff will be getting a separate plan later for the administrative review for that building. Another one is that we discuss the use of the storage building to make sure there would be no uses going on in it that are incompatible with the SWPOZ-3 since that building is the only new one that is in the overlay at the very north end of the work yard. He believes that this project still needs to go to the Kent Conservation District for a full stormwater review especially considering its somewhat sensitive location next to the streams in this area.

The new buildings are similar to the existing buildings in the work yard. They have pre-finished insulated metal wall panels and low pitched standing seam metal roofs. The exception is the greenhouse which will be made out of polycarbonate panels that are translucent.

There are a number of waiver requests that are associated with this application. The first is for parking. There is no formal parking lot at the work yard. There is an exhibit in the packet that the applicant submitted showing that there is space to park fifty (50) vehicles in the existing paved area near the existing buildings. They are seeking a waiver from constructing forty-one (41) additional spaces because according to them, the renovations are not going to increase the number of vehicles that need to actually park in the work yard or the number of employees that will need to go there

during the day. Staff is recommending approval of that waiver request because based on the use they concur that a large number of standard parking spaces in a traditional lot would not be an appropriate solution for parking the variety of trucks, construction vehicles and other wide variety of non-standard vehicles that use the Public Works Yard. The second waiver request is for sidewalk. As he previously mentioned, the work yard is at the end of Electric Avenue placing it far from the main road frontage of the park on Hazlettville Road. There is a multi-use trail that extends partly down Electric Avenue to a gravel parking lot that's mainly used by the softball fields but from there it's almost another 0.5 mile from where the sidewalk ends to where the work yard is located. To connect to that trail, the applicants would have to build sidewalk well outside of the work yard project area. That's the reason they are requesting the waiver and also the reason that Staff is recommending granting it. Finally, there is a request for alternative tree planting requirements. If the tree planting requirements for this project were to be based on the area of the parcel that the work yard is located on the requirement would be three hundred ninety-one (391) new trees. The applicant would like to base their requirement just on work yard area which is 14.9 acres as opposed to the 104 acre size of the parcel, so that would be one-hundred seventeen (117) trees. In addition to seeking that reduction, the applicants would like to avoid planting the trees inside the work yard itself to avoid there being conflicts between the trees and the vehicles using the work yard. Staff has prepared a Tree Mitigation Plan showing where else in Schutte Park the trees could go. Most of them would be along the Wyoming Mill Road frontage similar to some other trees that were planted as part of a Tree Mitigation Plan for the Garrison Energy Center along Hazlettville Road and some more would be located outside the work gates of the yard near the Little League fields. Staff is recommending approval of the alternate tree planting requirements because they do think it's inappropriate to hold the applicants accountable for planting trees for large amounts of park land outside the work yard area and because the trees that they are proposing would be in locations that are more beneficial to park users being in areas of the park outside the work yard.

Ms. Maucher stated that for the truck wash are there wastewater regulations for the run-off? Responding to Ms. Maucher, Mr. Curran stated that he is from AE Com and he is helping the City with this project. As far as the wash water from the truck washing station, it will go through a sediment trapping device kind of like a septic tank area before it's discharged to the sanitary sewer.

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

Dr. Jones moved to approve S-16-19 Schutte Park Public Works Yard to include approval of the waiver requests for the reduction of parking requirement, the elimination of sidewalk requirement, the consideration of area subject to tree planting requirement and the consideration of a Tree Mitigation Plan, seconded by Mrs. Welsh and the motion was unanimously carried 8-0 by roll call vote. Mr. Holden voting yes; it's well put together plan and a needed expansion capacity for the City. Mr. Roach voting yes; he thinks that it would be unnecessary to try to plant trees where there is no reason to have them and put them somewhere where they would have a good use. Mr. Holt voting yes; he thinks it's a good plan and it's going to be an asset to the City. Mr. Baldwin voting yes; it's going to be a great improvement for the area. Dr. Jones voting yes; it's going to be a great improvement. Mrs. Welsh voting yes; it's a good plan. Ms. Maucher voting yes; it's a great addition to the City of Dover. Mr. Tolbert voting yes; with the understanding that the applicant is going to keep this yard in good condition and in no way become an eye sore to the community.

NEW BUSINESS

Meeting adjourned at 9:23 PM.

Sincerely,

Kristen Mullaney
Secretary