CITY OF DOVER PLANNING COMMISSION
October 17, 2016

The Regular Meeting of the City of Dover Planning Commission was held on Monday, October 17, 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 and Mrs. Kristen Mullaney. Also present were Mrs. Carla Russum, Mr. John Russum and Mr. Joseph Petrosky.

APPROVAL OF AGENDA

Mrs. Welsh moved to approve the agenda as submitted, seconded by Mr. Baldwin and the motion was unanimously carried 8-0.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF SEPTEMBER 19, 2016

Mr. Holden moved to approve the Planning Commission Meeting minutes of September 19, 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, November 21, 2016 at 7:00pm in the City Council Chambers.

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop that is scheduled for Wednesday, November 23, 2016 will be cancelled.

Mrs. Townshend provided an update on the regular City Council and various Committee meetings held on September 26 & 27, 2016 and October 10 & 11, 2016.

Mrs. Townshend stated that a training opportunity is coming up. The Delaware Chapter of the American Planning Association will have its annual meeting and mini conference on Thursday, November 3, 2016 in Milford, DE at the Rookery North Country Club. If anyone is interested in attending, please let Staff know by Thursday so that they can get the paperwork in to get a check cut from the Finance Department. The topics on the agenda are Ethics, Law, and Plan for Health. There was a Plan for Health Workshop held here so Dover is one of the communities that they are focusing the Plan For Health Grant on. The Downtown Development District is one of several of the presentations will directly address some of the things going on in Dover.

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

NEW DEVELOPMENT APPLICATIONS

1) Z-16-05 Lands of John and Carla Russum at 51 Roosevelt Avenue – Public Heating and Review for Recommendation to City Council on rezoning of a 7,675 SF Parcel located on the north side of Roosevelt Avenue west of South DuPont Highway. The property is zoned R-8 (One Family Residence Zone) and the proposed zoning is C-1 (Neighborhood Commercial Zone). The owner of record is John W. and Carla M. Russum. Property Address: 51 Roosevelt Avenue. Tax Parcel: ED-05-077.17-05-72.00-000. Council District 2. *This application is associated with item MI-16-13: Nonconforming Uses in Residential Districts. The Rezoning is proposed in order to comply with City Council action requiring the sunsetting of nonconforming uses in residential zones.*

Representatives: Mr. John Russum & Mrs. Carla Russum

Mr. Diaz stated that application Z-16-05 is a petition to rezone 51 Roosevelt Avenue from R-8 (One Family Residence Zone) to C-1 (Neighborhood Commercial Zone). The property is located on the north side of Roosevelt Avenue a little to the west of South DuPont Highway. It's occupied by the Cuts R Us beauty shop. There are no plans to change the current use. The reason for this rezoning is that the beauty shop is right now a commercial use in a residential zone which makes it subject to the City's ongoing project to sunset non-conforming uses. The Commission should be familiar with this project but just to recap, this started in the summer of 2015 when City Council asked the Planning & Inspection Department to begin enforcing the provisions of the *Zoning Ordinance* Article 7 Section 1.53 which states that any non-conforming use in a residential zone may be continued for twenty (20) years after the effective date of the ordinance or forty (40) years after the building was originally constructed or added to by more than 50%. The effective date of the current *Zoning Ordinance* is April 21, 1975 so all of the non-conforming uses that Staff has found during this project are well past the expiration date set by that provision of the Ordinance. There are a number of options available by Code for the non-conforming uses that would rather come into conformance with the *Zoning Ordinance* rather than sunset. An application for Rezoning is available to some of them. This property is the first of at least two (2) and probably more properties that Staff expects to see coming forward to the Planning Commission with an application for Rezoning that's connected to this project.

For this Rezoning, there are a number of reasons why Staff supports the change to C-1 (Neighborhood Commercial Zone) which would permit the beauty shop as a personal service establishment. One is the Residential Median Density land use classification of the property in the City's Comprehensive Plan which supports a C-1 (Neighborhood Commercial Zone) designation. Another is the zoning of neighboring properties; it's between other areas that are zoned R-8 (One Family Residence Zone) to the west and areas that are zoned C-4 (Highway Commercial Zone) to the east. So a C-1 (Neighborhood Commercial Zone) would be a good one for a buffer between those two zones. Finally, they can recommend a rezoning because it will allow the current use to come into conformance with the *Zoning Ordinance*.

Mrs. Russum stated that she thinks it has only been nineteen (19) years that she has been grandfathered in. Responding to Mrs. Russum, Mrs. Townshend stated that they have had the property for nineteen (19) years but it was twenty (20) years from 1975 was when the expiration of the non-conforming use was supposed to happen. Because that didn't happen, the City is getting to it about twenty (20) years later.

Mrs. Russum stated that they have been a very quiet, no problem shop and she doesn't think that they have had any complaints. Since commercial is in front of them and beside them and they also have a nice neighbor that is just residential. They haven't seemed to disturb the community.

Mr. Tolbert questioned if after hearing the review of the application they had any comments or concerns regarding it? Responding to Mr. Tolbert, Mrs. Russum stated that Staff wanted C-4 (Highway Commercial Zone) and she wanted C-1 (Neighborhood Commercial Zone).

Mrs. Townshend stated that in the discussion with the applicant, C-1 (Neighborhood Commercial Zone) would also allow her to occupy it in the future as a residence if they choose. It provides a good buffer between the Highway Commercial and the residential for the flexibility to in the future use it residentially.

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

Dr. Jones recommended approval to City Council for Z-16-05 Lands of John and Carla Russum at 51 Roosevelt Avenue to change the zoning from R-8 (One Family Residence Zone) to C-1 (Neighborhood Commercial Zone), seconded by Mr. Holt and the motion was carried 8-0 by roll call vote. Mr. Holden voting yes; it's compliant with the Comprehensive Plan and it follows decades of non-conforming use that hasn't been problematic to the community. Mr. Roach voting yes; he agrees with the Comprehensive Plan and he wishes them success with the shop and the residence as they move toward that day. Mr. Holt voting yes; it is part of the Comprehensive Plan. Mr. Baldwin voting yes; for the reasons previously stated. Dr. Jones voting yes; for reasons previously stated. Mrs. Welsh voting yes; the motion allows us to comply with the sunsetting regulations. Ms. Maucher voting yes; for reasons previously stated as well as supporting small businesses. Mr. Tolbert voting yes; the application is compliant with the Comprehensive Plan and it doesn't breach the integrity of the Plan.

2) US-16-04 Creekstone Development Unified Comprehensive Sign Plan – Public Hearing and Review of a Unified Comprehensive Sign Plan for the Creekstone Center, including wall signage on one existing building and three future buildings and a series of freestanding signs to identify the complex and its tenants. The property consists of 7.64 acres and is located on the west side of South Governors Avenue south of Lynnhaven Drive. The property is zoned C-2A (Limited Central Commercial Zone). The owner of record is Creekstone Development LLC. Property Addresses: 1198 and 1234 South Governors Avenue. Tax Parcels: ED-05-086.05-01-12.00-000 and ED-05-086.05-01-12.01-000. Council District 2. *This application is associated with application S-15-14 for development of the Creekstone Center, granted Conditional Approval by the Planning Commission on November 16, 2015 and Final Plan Approval on May 12, 2016.*

Representative: Mr. Joseph Petrosky, Creekstone Development LLC

Mr. Cook stated that this application is US-16-04 Creekstone Development Unified Comprehensive Sign Plan. This plan is a Sign Plan for the Creekstone Center to include wall signage on one existing building and three future buildings as well as a system of freestanding signs to identify the complex and its tenants. The property consists of 7.64 acres and is located on the west side of South

Governors Avenue south of Lynnhaven Drive. The property is zoned C-2A (Limited Central Commercial Zone).

As they normally do with Comprehensive Sign Plans, he will just give a brief overview of the highlights from the Staff Report. The Planning Commission approved the Site Development Master Plan S-15-14 in November 2015 to propose the construction of the commercial complex in four (4) phases. That construction is ongoing so this Sign Plan supports the entirety of the complex. What's proposed is two identical pylon signs; one is to be located north of the complex entrance and one is to be located south. They are identical in their dimensions. There is a slight error in Table 1 regarding Sign D in terms of the width. Each one has a center name and the address at the top as well as the tenant panels. They are internally illuminated; the center name is illuminated at the top and they have their address numbering on the base. It's got a stone base to match the architecture of the building and the columns and the framing materials are painted in a matching color that matches the building. The proposed height of the sign is eighteen (18) feet, setback fifteen (15) feet from the road with a total sign area of one hundred forty-five (145) feet. This was all outlined in Table 1.

The other components of the plan are the entry wall which is located as you come in the driveway which will direct the visitors amongst the four (4) buildings, where they need to go. The wall is going to be constructed of a foam masonry or stucco material. The total sign area is calculated based on a wall sign because it is actually a wall; it's not a fence and it's not a monument sign according to the regulations. The other features of this signage on the property would be wall signs on the buildings which are allowed by the standard Sign Regulations so really this isn't really under consideration in terms of the Comprehensive Sign Plan but this is just provided for information. They are going to go by Code on the wall signs. The other signage or directional signs for each of the four (4) buildings will be placed in front of each of the buildings at different places which were shown on the Site Plan that has been provided. This will identify Building A-D as well as the different tenants in the buildings.

A Code comparison was provided of the standard Sign Regulations for this property. The property is located on an Urban Minor Arterial; it's a non-residential use and not adjacent to residential by the terms of the *Zoning Ordinance* and how it considers roadway frontage. Staff did a summary of the standard Sign Regulations under the *Zoning Ordinance* in Table 2. Typically for this location, the property would be permitted to have one monument sign per entrance. The functional difference between a monument sign and a pylon sign relates to height. A monument sign is limited to seven (7) feet in height and a pylon sign is taller and would typically not be permitted on an Urban Minor Arterial street. A little bit a background was provided on what they are allowed for wall signage based on the Code.

The important thing with Comprehensive Sign Plans is there are some design guidelines that the Planning Commission has obligation to follow. One is that unified campuses or complexes that have multiple buildings and qualify for a Unified Comprehensive Sign Plan do not necessarily need to be held to the height, size, number and area regulations of the regular sign regulations. There is the flexibility to increase that if desired. However, the number, type and size of signs proposed may not be excessive and must be in proportion to the scale of the buildings and the uses on the site. This information is outlined on Page 5. There are design guidelines for the standard sign guidelines for other parts of the Ordinance. They don't really cover that but some of the other general things are that the signs should be in harmony with the overall architectural concept of the site and that

freestanding signs identifying shopping centers or other unified campuses shall identify the name of the campus or complex and no more than three (3) separate tenants within the campus or complex unless otherwise approved by the Planning Commission. That is something that the Commission has flexibility in too. Typically, on taller signs the guidelines don't like to have more than three (3) tenants but the Commission has the flexibility to consider that. Table 3 is a Code analysis just to sort of compare what's proposed, the different dimensional characteristics of it versus the standard Ordinance.

In terms of Staff recommendations, they recommended approval of the entry wall sign even though the total area of that was over what the Standard Sign Ordinance would recommend for a wall sign. They thought that the size of it, the placement of it and everything about it was appropriate to the way that it's intended to be used. They really didn't have any issues with that at all; they thought that it was complimentary to the project. They also recommended approval the directional signs as they were proposed. They did have comments in the DAC meeting about possibly re-orienting those for visibility but they thought that the size and everything of those was appropriate and not excessive for the use. The one area where they did not recommend approval of the proposed signage was related to the pylon signs. They laid that out in terms of the comparison that was given in Table 3 against the Standard Code. The main concern that they have was the Commission's input as to whether or not the proposed signage was "excessive". Staff knows that the applicant is going to have more graphics to show the Commission tonight so that's where they wanted to get the Commission's feedback on whether or not this would be appropriate for an Urban Minor Arterial such as South Governors Avenue. There really hasn't been anything else quite like this project in this part of town so they wanted to have a little more discussion about whether or not the proposed signage was excessive or not. The two main criteria that would be different from the Standard Code would be that two signs are being requested whereas under the Standard Ordinance they would only be permitted one. Then they would only be permitted the lower monument signs and not the taller pylon signs under the Standard Ordinance. The proposed height of this is eighteen (18) feet. The standard monument sign would be limited to seven (7) feet. The proposed sign is eleven (11) feet taller which is a bit of an increase over what would be allowed. The sign area is also a bit greater too. If it were a monument sign permitted by Code, they would be looking at sixty-four (64) square feet in area whereas this proposes one hundred forty-five (145) square feet total. There were changes made and he believes it was mentioned in the Report. It initially came in larger; it was 22.5 feet tall and a bit bigger in area. They did come down in size but Staff still felt that there might be a little bit of a scale issue.

Mr. Petrosky stated that he has a few comments. They need to determine what "excessive" is and what it is not. This project was annexed into the City of Dover almost ten (10) years ago and got in under C-2A (Limited Central Commercial Zone). The complex has three (3) 18,000 square foot office buildings in Phase 1 through 3 and then a large five (5) story building which is Building 4 with a combination of commercial/retail on the first floor and offices on floors 2 through 5. The complex has one entrance so it's a pretty large commercial entrance as dictated by the amount of traffic expected at this location. On Governors Avenue, although it's designated as a Minor Arterial, that section of Governors Avenue is a lot of commercial uses with similar size and height signage presently there. Some of it is older and in disrepair but they are commercial signs. In fact, there is a sign right across from the entrance that is twenty-five (25) feet tall. He would argue that what he has requested and actually reduced in size is by no means "excessive" for this size project. He thinks Mr. Cook correctly said that they are not aware of any project of this size in magnitude in that area

that's been approved, proposed or developed in the City of Dover. They have one hundred thirty-two thousand (132,000) square feet of commercial space in this complex. The signage that they propose is not only non-excessive, it's needed. It's needed for the tenants that they are trying to attract to this complex. It's needed for the customers to be able to find their doctor's offices or whatever other uses they might have in the complex. If you notice in the Site Plan, two of the buildings don't have any frontage on Governors Avenue. They need these directional signs and perpendicular signs so that people know where to go. In addition to that, Mr. Cook quoted the Code as stating that sixty-four (64) square feet is what the Code permits for this complex which to him is completely inadequate. His neighbor to the north had a one-acre parcel and a five thousand (5,000) square foot office building would be permitted sixty-four (64) square foot sign. With this size complex, there is obviously more signage needed than sixty-four (64) square feet. The panels of each sign currently are four (4) feet by ten (10) feet. The intention is in this three (3) unit complex, those signs will potentially have up to six (6) major tenants. It could possibly be one major tenant that occupies the whole building but each of those panels per building is representing forty (40) square feet. His neighbor to the north or south who gets sixty-four (64) square feet, a one-acre parcel and a 5,000 square foot building or less. They thought that forty (40) square feet per building, possibly divided into twenty (20) square feet per tenant was not excessive.

The first floor of the five (5) story building will hopefully house some comparable retail that could accommodate the office tenants and the general public and the upper floors would be office. The signage that they are proposing are eighteen (18) feet tall in order to accommodate the tenant requirements for who might locate there. As far as scale, they feel that eighteen (18) feet is very much in scale and proportioned to this size building and this size complex.

His sign person attempted to show the location and best of a perspective that could be made by computer to show the size comparative to the roadway and how it will look in real life. The picture shows that right across the street there is an existing sign that's taller than what they are proposing. To him, the signs are appropriate and to scale.

They believe that their request is a well designed sign package, not excessive and quite frankly needed for the type of business that they would hope to attract to this location for the square footage of the complex. They would also ask the Planning Commission to approve up to potentially six tenant panels on each of those signs rather than the three. It's his understanding that it's the Planning Commission's authority in order to permit that or not permit that.

Mr. Holden stated that on first reading and the differences from Code for an Urban Minor Arterial maybe excessive but it seems reasonable but when you look at images of the adjacent signage. He is curious to know the speed limit of Governors Avenue in this area. Responding to Mr. Holden, Mr. Petrosky stated that the speed limit is 35 MPH.

Mr. Holden stated that he recognizes that it's in an area that is merging with Route 13 so it's certainly of a more commercial and speedy environment. He thinks that the comments from the applicant relative to the scale of the sign and the scale of the development of buildings is appropriate.

Mr. Holt questioned if there were going to be anymore buildings in the complex? Responding to Mr. Holt, Mr. Petrosky stated no.

Dr. Jones stated that the applicant is suggesting six (6) panels versus three (3) panels, is that correct? Responding to Dr. Jones, Mr. Petrosky stated that the intention is to have the panel which is 4'x10' which is forty (40) square feet available for each of the buildings. The first building is currently occupied by the VA Clinic and ReMax so it would be split in two. Building B actually has two tenants. Building C could potentially be one major tenant taking the whole building so the sign could be one panel but he would like to get approval for up to six (6) individual panels in order to split the large panel to two (2) major tenants.

Dr. Jones questioned if the existing building has a directory on the inside already? Responding to Dr. Jones, Mr. Petrosky stated that they do not. There's two (2) tenants; one on the first floor and one on the second floor.

Dr. Jones further questioned if Mr. Petrosky foresees that the larger building will have a directory? Responding to Dr. Jones, Mr. Petrosky stated that he would expect it to.

Mr. Tolbert questioned if Mr. Petrosky had any idea what businesses would be coming to this building? Responding to Mr. Tolbert, Mr. Petrosky stated that Building B is two medical users within the appropriate zoning. It could be any type of professional office or medical office.

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

Mr. Holden moved to approve US-16-04 Creekstone Development Unified Comprehensive Sign Plan inclusive of his request to have up to six panels on the pylon signs due to the fact that they are in harmony of the overall architectural concept for the site and they are in harmony with the overall development within the area, seconded by Mr. Holt and the motion was unanimously carried 8-0 by roll call vote. Mr. Holden voting yes; for the reasons previously stated. Mr. Roach voting yes; he feels that it's very necessary. It's the worst when you are trying to see where the buildings are and he thinks that it's beautiful and will bring more business to the City of Dover and it's necessary as far as the visibility of the signs. Mr. Holt voting yes; he feels like the signs are necessary as far as direction to tenants that come into the area. Mr. Baldwin voting yes; for the reasons previously stated. Dr. Jones voting yes; she thinks that visibility from a distance is really important for seniors. Mrs. Welsh voting yes; for the reasons previously stated. Ms. Maucher voting yes; for visibility needs. Mr. Tolbert voting yes; he is not a person that really likes signs and sometimes a City this size can be overwhelmed with signs. But sometimes signs are needed to help people find what they are looking for.

NEW BUSINESS - None

Meeting adjourned at 7:45 PM.

Sincerely,

Kristen Mullaney
Secretary