CITY OF DOVER PLANNING COMMISSION
JUNE 19, 2017

The Regular Meeting of the City of Dover Planning Commission was held on Monday, June 19, 2017 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Ms. Edwards, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh, Ms. Maucher and Mr. Tolbert.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Jason Lyon and Mrs. Kristen Mullaney. Also present were Mr. Ed Ide, Mr. Tolano Anderson, Mr. Nick Tomasi, Mr. Joseph Riley, Mr. Mike Riemann and Mr. Brian Finnegan. Speaking from the public were Mrs. Christine Nicholson, Mr. Charles Martin, Mr. Stanley Richardson, Mr. Charles Durham, Ms. Denise Loftland, Mr. Charles O'Brien, Mr. Sean Mace, Mr. Tolano Anderson and Mr. Edward Manismith.

APPROVAL OF AGENDA

Mrs. Welsh moved to approve the agenda as submitted, seconded by Dr. Jones and the motion was unanimously carried 9-0.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF MAY 15, 2017

Mrs. Maucher moved to approve the Planning Commission Meeting minutes of May 15, 2017, seconded by Mr. Holt and the motion was unanimously carried 9-0.

APPROVAL OF THE PLANNING COMMISSION QUARTERLY WORKSHOP MEETING MINUTES OF MAY 17, 2017

Mrs. Welsh moved to approve the Planning Commission Quarterly Workshop Meeting minutes of May 17, 2017, seconded by Mr. Holt and the motion was unanimously carried 9-0.

COMMUNICATIONS & REPORTS

Mr. Hugg stated that the next Planning Commission meeting is scheduled for Monday, July 17, 2017 at 7:00pm in the City Council Chambers.

Mr. Hugg stated that the next Planning Commission Quarterly Workshop meeting is scheduled for Monday, July 19, 2017 at noon in the City Hall Conference Room. There will be more *Zoning Ordinance* items and some other things to bring to the Commissioners.

Mrs. Melson-Williams provided an update on the regular City Council and various Committee meetings held on May 22 & 23, 2017 and June 12 & 13, 2017.

Mrs. Melson-Williams stated they have done some slight formatting changes to the report that the Commissioners receive from the Development Advisory Committee. One of those changes in particular is a roman numeral numbering system for consistency. What was previously called the section of "Recommendations suggested as conditions of approval to meet Code objectives" has been retitled to "Recommended additional considerations to meet Code objectives." The *Zoning Ordinance* when considering Site Plans has a series of over-arching objectives that the Code

outlines in Article 10 Section 2.2. They have provided the Commissioners the text of that Code for their reference and Staff will be referencing that in the reports from this point going forward.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Melson-Williams 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) S-17-14 Dover Dialysis Center at 107 Mont Blanc Boulevard - Public Hearing and Review of a Site Development Plan application to permit construction of a 10,000 S.F. one-story office building and associated site improvements. 6,500 S.F. of the building to be used as a medical office and the remaining 3,500 S.F. is to be reserved for future commercial/professional office tenants. The property is zoned CPO (Commercial and Professional Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property is located between Mont Blanc Boulevard and Saulsbury Road south of Walker Road. The owner of record is CCD Properties LLC and the equitable owner is MRMS Associates II, LLC. Property Address: 107 Mont Blanc Boulevard. Tax Parcel: ED-05-067.19-04-49.00-000. Council District 1. *Waiver Request: Elimination of Bicycle Parking*.

Representatives: Mr. Ed Ide, i3a Consulting Engineers; Mr. Kent Reisenhauer, American Renal

Mr. Diaz stated that project is to construct 10,000 SF of office space. It was previously known as Dover Dialysis Center and it is now known as Dover Wellness Plaza. The project is to be located on between Mont Blanc Boulevard and Saulsbury Road south of Walker Road and the address is 107 Mont Blanc Boulevard. The site is zoned CPO (Commercial and Professional Office Zone) and is also subject to the COZ-1 (Corridor Overlay Zone). This site has been somewhat pre-prepared for development. There is a large stormwater management pond just to the south of the site as well as an existing curb cut off of Mont Blanc Boulevard. There is also an existing cross assess to the property to the north that's already been developed. The cross assess is one of the requirements of the COZ-1 (Corridor Overlay Zone). The property as a whole has been developed in accordance with the requirements of the COZ-1 (Corridor Overlay Zone) so the requirements of that include parking in the rear and a requirement for forty to fifty feet of front yard setback (in this case forty-five feet). There are required landscape buffers along all sides of the property. That includes trees every fifty feet along frontage and seventy-five feet along non-frontage perimeters. The architecture is in accordance with the requirements of the corridor elevations that must go along the COZ-1 (Corridor Overlay Zone). That includes an entrance feature such as a door or entrance path and functioning windows along the front façade and some articulation which you can see in the watertable. Because of that, Staff is satisfied with the property meeting the COZ-1 (Corridor Overlay Zone). Their only point of uncertainty at this point are the tenants of the building. They currently believe that the larger of the two sections that's 6,500 SF is to be occupied by American Renal Associates which will be operating their dialysis treatment and then the second small section will be the home of a future office tenant.

There was some discussion with the applicant about potentially using that space for retail. Staff let them know that if that was the case it would under the zoning be a Conditional Accessory Use that would have to go before a future meeting of the Planning Commission for approval if they chose to go that route. They might be able to hear tonight if there is anything new on the tenants.

There was previously one waiver request associated with this application that was to eliminate the bicycle parking requirement but as of this morning that request has been withdrawn. The applicant has also told us that all of the exterior mechanical devices on the building will be properly screened so because of that, the Planning Staff did not have any additional recommendations on how this project could better meet Code objectives.

Mr. Ide stated that they have worked with Mr. Diaz and the rest of the Planning Staff regarding the application. They have read through the DAC comments and they've agreed to remove the waiver request for the bike rack. There was also a request at the DAC meeting to make a sidewalk connection to the north side of the project to the child care facility which they have agreed to do as well. As Mr. Diaz stated, the screening of all mechanical systems will be done. Most of the mechanical systems if not all will be placed on the roof and screened by the parapet that is shown on the elevations.

Mr. Holt stated that he noticed that in the Dover area there are a number of dialysis centers that are being used now. Is this going to be like a consolidation of those existing centers into this one area? Responding to Mr. Holt, Mr. Ide stated that he would have Mr. Kent Reisenhauer who is a representative of the owner speak to that directly.

Mr. Reisenhauer stated that it is their intent to take the 6,500 SF on the one end of the building. They have a number of other clinics in Delaware and also in Maryland but they don't have any clinics in this stretch of southern Delaware. In our practice with our physicians, their physicians sometimes have to let their patients go to another clinic so this is a way for their physicians to continue to track their patients in this area. Another thing that they are doing that some of the other providers don't have is providing peritoneal dialysis and home hemodialysis. There's some other aspects to their dialysis that may not be present in the other facilities.

Mr. Tolbert questioned if they could make the Commissioners understand the difference in the technology that was just stated? Responding to Mr. Tolbert, Mr. Reisenhauer stated this clinic is an outpatient clinic so that means that patients will come to the clinic Monday, Wednesday, Friday or Tuesday, Thursday, Saturday to have in center hemodialysis. However, patients who are capable of having dialysis at home, which sometimes provides better outcomes, they can have continuous ambulatory peritoneal dialysis for home dialysis. That's something that is an added benefit in this clinic.

Mr. Tolbert questioned if when they do home dialysis someone does from the center go to the patient's home? Responding to Mr. Tolbert, Mr. Reisenhauer stated that they come to the center to get trained but they do have a tech from their clinic that goes to check their home to make sure that it's adequate. But their employees don't go to the patient's home every time that there is a treatment.

Mr. Tolbert further questioned if the patients could do their own dialysis? Responding to Mr. Tolbert, Mr. Reisenhauer stated that was correct.
Ms. Maucher questioned if there was any idea of what would go in the other part of the building? Responding to Ms. Maucher, Mr. Reisenhauer stated no, it's speculative right now.

Mr. Tolbert opened a public hearing.

Mrs. Christine Nicholson – 134 Matterhorn Drive Dover DE 19904
Mrs. Nicholson stated that she is part of the Four Seasons Homeowner's Association which this property will be part of their HOA with the storm management on the two ponds that they have in their neighborhood. The Realtor that owned the property was very cooperative when they turned the two ponds over to Kent County last year for maintenance. They are a little bit unique in that they have the four commercial properties in their HOA. She has talked to someone about this sale. She is also the Vice President of the HOA. She thinks it's a very good mix for the neighborhood. They are a little concerned about the traffic only because of the day care that is next to it. A few years ago, their neighborhood got the City to not put parking on the south side of the street. When the day care comes and goes during the day it is pretty tight parking and at times hard to get north and south on that street. When she talked to some people who were associated with this, she voiced her concern about that but it's not major. They can either go Matterhorn Drive to get to Saulsbury Road or you can go around to get to it. Her concern as she just got here would be that additional space if it was retail. When she talked to the selling and buying people, they were told that it was going to be a doctor's office. She thinks that it's a good match for their neighborhood. It would bring more traffic to Mont Blanc Boulevard if they put retail there. Mont Blanc Boulevard is only a block long and it parallels with Saulsbury Road. There's four commercial properties at this location. One is a guidance center which is Lot 2, Lot 3 is the day care and this is Lot 4. There is also a pond beside this property and a pond on the other side as well. They are part of the HOA only in the pond maintenance. Like she said earlier, they turned the ponds over to Kent County last year but they still mow and maintain them and they are going to have to do some sort of cooperation with the four commercial lots to keep them maintained.

Mr. Tolbert questioned if she has spoken to the representatives for the development? Responding to Mr. Tolbert, Mrs. Nicholson stated that she talked to the Realtor that represents the seller and the Realtor that lives somewhere south that is the representative of the buyer. They were very friendly and cooperative. She tried to answer their questions about when the ponds were turned over to Kent County and there was an assessment done. They had to get 51% of the entire neighborhood to agree to turn them over to Kent County. They have forty-three (43) homes in the neighborhood and then the four commercial lots. The four commercial lots had a larger vote because of their square footage and also their impact on the two ponds. The Realtor of the selling was very cooperative to sign their petition and they were a joy to work with.

Mr. Tolbert stated that she also had some concerns about parking or traffic. He questioned if she spoke to DelDOT about her concerns? Responding to Mr. Tolbert, Mrs. Nicholson stated that she had not and she had no idea who to talk to. The problem is the parents that are dropping their children off in the mornings and then when they pick them up because they have to park and then walk the children into the day care. It gets a little bit congested. Also, only a couple times a year

like when they had graduation, they park the entire neighborhood but that's what they have to do. In general, it's congested morning and evenings because of the day care. She has never talked to the people that own the guidance office. They do have a sign on their parking that it is for their establishment and she doesn't think that they have any problems with the day care parking there.

Mr. Tolbert questioned if she was part of the HOA? Responding to Mr. Tolbert, Mrs. Nicholson stated yes, she is not representing the HOA; she is speaking for herself. She is Vice President and Treasurer of the HOA.

Mr. Tolbert questioned if the HOA agrees with her and supports what she is saying? Responding to Mr. Tolbert, Mrs. Nicholson stated she wasn't sure because she hasn't talked to anyone else about it. The sign was posted and they all had an equal opportunity to come tonight.

Mrs. Melson-Williams stated that for the Planning Commission and other members of the public, the Four Seasons development is a little unique in that they are participating in a program run by Kent County which is a Kent County Stormwater Maintenance District. A specific area is identified and those properties within that area pay into the cost in repairs of the stormwater facility. This is the first one that has both a residential neighborhood and this series of four commercial lots. We do have at least one other neighborhood if not two that are strictly residential that have become this Stormwater Maintenance District where they pay into a fund to help maintain those areas within their neighborhood. It's a program that the County developed but they offered it to areas within municipalities as well. This is a participating subdivision which has this commercial component. The Kent Conservation District who this applicant will have to be working with in regards to their stormwater management plans, did make note of this Maintenance District obligation in their comments so it is part of the DAC Report.

Mr. Charles Martin – 34 Arlberg Circle Dover DE 19904

Mr. Martin stated that they received the mailing and certainly appreciated the notice on that. The use that these people will have with this property certainly seems to fit with what the original plans were as far as that goes. Retail doesn't fit; they are not doing retail. It's professional offices so he certainly has no objection to it. There was not any formal get together with the HOA that he is aware of so he is speaking just for himself. It seems to fit and they are not asking for any exceptions at this point so he would be in favor of that. He really thinks that government didn't do what they should have done. They make every development have stormwater ponds and then leave it up to the HOA to take care of them. The neighborhoods aren't equipped, whether it's their small association or any other. Finally, the County stepped forward and said they would do what government should have been doing. Stormwater should be handled at the government level not at the individual owner's association as far as he is concerned.

Mr. Tolbert stated that HOAs are usually lay people with somewhat limited management skills to manage a development but you do have the right to hire professional management. A lot of HOAs will not pay money to hire professional management but sometimes it needed because of the limited abilities of the members of the HOA. He understands because they have quite a few HOAs in Delaware and in this area a lot of them do have problems. You may want to consider the kind of management that may be beneficial to you if you can get it at a cost that you can cover.

Mr. Martin stated that there is no problem managing the HOA and cutting the little bit of grass that they have and collecting dues. The idea of managing stormwater ponds is what is beyond the lay person.

Mr. Tolbert closed the public hearing.

Mr. Roach stated that they spoke about other facilities that they have had throughout Delaware. Are they this size, smaller or bigger on average? Responding to Mr. Roach, Mr. Reisenhauer stated that this is going to be a twelve station clinic so at one time you could have twelve patients maximum. Patients are on for about 3.5 to 4 hours and that's why parking and traffic is not an issue because there are only twelve patients and they are there for 4 hours. For other clinics in the area, twelve is a good size; it's pretty much the median size in this area. There's sixteen or twenty-four but twelve is pretty much standard.

Mr. Roach stated to manage a facility like that on a good day with all twelve seats filled how many employees would you have there? Responding to Mr. Roach, Mr. Reisenhauer stated between six and eight employees.

Mr. Roach stated that on average there would be twenty of the thirty parking spaces taken up. Responding to Mr. Roach, Mr. Reisenhauer stated that most people don't drive to dialysis; they are dropped off.

Mr. Roach stated that when Mrs. Nicholson spoke about the issue in regards to Delaware Guidance having their spaces specifically for Delaware Guidance patients, would it be an issue for the applicant to work collaboratively with Kids Cottage to allow them to use parking spaces for overflow parking to not block Mont Blanc Boulevard? Responding to Mr. Roach, Mr. Reisenhauer stated that he can't really speak to that because he doesn't know who the future tenant will be.

Mr. Roach stated that until that happens could that be something that they work out with Kids Cottage? Responding to Mr. Roach, Mr. Reisenhauer stated that they could probably work something out.

Dr. Jones asked Mr. Diaz to refresh her memory regarding the future condition or requirement for the 3,500 feet. Responding to Dr. Jones, Mr. Diaz stated that currently the proposal is that it would be a future professional office tenant. There are no additional requirements if it is an office tenant. Previously, there was some discussion about using that for retail space and under the CPO (Commercial & Professional Office Zone) retail space is permitted as a Conditional Use if it accessory to another use on the property. That means it has to be clearly associated with the primary use in some way. It can't just be an entirely separate tenant. If the applicants did still want to do retail they would file a Conditional Use application with the Planning Office and that would be presented at a future meeting of the Planning Commission.

Mrs. Welsh moved to approve S-17-14 Dover Dialysis Center at 107 Mont Blanc Boulevard, seconded by Dr. Jones and the motion was carried 9-0 by roll call. Mr. Holden voting yes; due

to Staff comments, public comments and compliance with the Code. Mr. Roach voting yes; due to the fact that we have two residents in the area who aren't opposed to it and he thinks that it's a good addition. Ms. Edwards voting yes; she thinks that it's a fit based on the resident testimony that they are in support of it and the fact that it fits in that area with what they are looking to do. Mr. Holt voting yes; it does seem like a good fit for that particular location. Mr. Baldwin voting yes; based on all previous comments. Dr. Jones voting yes; she thinks it's a great fit and there is probably a great need for these services unfortunately. Mrs. Welsh voting yes; the application complies with the Code requirements and fits in the neighborhood as far as the planned development of the neighborhood and the neighbors who have shown up are in favor it. Ms. Maucher voting yes; for compliance with the Zoning Ordinance and currently the traffic impact should be minimal because of the type of business. Mr. Tolbert voting yes; the building is attractive and he is impressed at all of the patients that they will provide services for will not have to go to the building because you can get dialysis at your own home.

2) S-17-15 Dover Station at 655 West North Street – Public Hearing and Review of a Site Development Plan application to permit construction of a 20,000 S.F. two-story office building and a 6,000 S.F. group home as well as associated site improvements. This project adds to the existing development at 645 West North Street and will share site access. The property is zoned IO (Institutional and Office Zone) and is located on the north side of West North Street east of Clarence Street. The owner of record is Faithworks, LLC. Property Address: 655 West North Street. Tax Parcel: ED-05-076.12-04-08.00-000. Council District 4. *Waiver Requested: Reduction of Loading Spaces, Partial Elimination of Opaque Barrier (Fence Component) and Alternative Format of Opaque Barrier. This property was the subject of Site Development Plan Application S-07-37 for a similar development, granted Final Approval in May 2008; construction was not commenced and the plan subsequently expired. This property is also associated with Site Development Plan Application S-06-40, granted Final Approval in July 2007, for development of the adjacent property at 645 West North Street.*

Representatives: Mr. Tolano Anderson, Faithworks, LLC; Mr. Doug Liberman, Larson Engineering

Mrs. Melson-Williams stated that this is a Site Plan for the property at 655 West North Street. The property is located on the north side of West North Street just west of the railroad tracks, basically between the railroad tracks and Clarence Street which is the signalized intersection with Clarence Street, Banning Street and West North Street. This may look familiar as this property has been before the Planning Commission previously. It's neighboring building that exists there today is a day care center and that went through the plan review process in 2006. There was a plan to develop an office building next to that day care facility in where we see this proposal; that was a plan from 2007. That plan did achieve Final Plan approval but construction was not commenced and that plan expired. We are back at square one tonight for this Site Development Plan.

The proposal actually consists of two buildings. The building closest to West North Street is proposed as a two story 20,000 SF office building. Architecture wise, it is two stories. There are a series of windows and it's basically a masonry building with details at the watertable and also

banding and heavy cornice work. For the project, the second building on the site is in the far northeast corner of the project and it is identified as a group home facility. The building is listed at 6,000 SF. This facility building is for a group home. They did ask for a description of that use in order to confirm that in the IO (Institutional & Office Zone) it would be an eligible use. The applicant described the group home facility as a dormitory style building that would include areas for sleeping, bathrooms and then common areas related to kitchen and dining as well as office and medical service type areas. Utilizing that, they look to the uses that are allowed in the IO (Institutional & Office Zone) and it fits the definition of what is an "emergency shelter". The *Zoning Ordinance* defines "emergency shelter" as a facility providing temporary housing to homeless or transient persons in a dormitory style setting. Such facility may also provide or facilitate other social services including counseling and vocational training.

The architecture for this group home facility is a two-story building a little bit different in its exterior finishes but still following kind of a watertable scenario with a series of windows on all sides and then it has more of a hipped roof configuration to the building. The project itself is located on a piece of land that is a designated Brownfield. There is a Settlement Agreement in regards to this status as a Brownfield which has certain provisions for how they have to address any kind of cleanup activities as well as development of the site.

For the property, they are providing a series of parking lots that surround the building and those meet the parking requirements for the facility. In the IO (Institutional & Office Zone) the parking rate is based on a building floor area calculation. Dormitory style buildings do have a parking rate that's based on a bed count; however, in this case the size of the building actually governs their parking requirement. They have submitted a waiver request for the elimination of the loading space requirement for the office building and Staff is supportive of that waiver anticipating that the types of deliveries would not necessitate that type of facility. They are providing bicycle parking on the site. One of the key elements of this project is how you access the site. Currently, right now there is an entrance that is off of West North Street that serves the day care facility; however, that was considered to be a potentially temporary entrance from West North Street in the previous development plans. Also carrying over into this, there are notes from the Department of Transportation related to the development of an entrance from Clarence Street and then the elimination of this access to West North Street. Establishing that entrance connection to Clarence Street was also predicated on the traffic signal being installed which now exists at West North Street, Clarence Street and Banning Street. This proposed project would take it's main entrance off of Clarence Street. You turn onto Clarence Street and as it makes it's turn to Slaughter Street would be the entrance to this location. The project already has sidewalks along West North Street as required by Code and there may be some minimal sidewalk improvements necessary at the entrance with Clarence Street as its entrance is designed.

The other feature of this site is that it's crossed by what is known as the Tar Ditch or the Meeting House Branch. This is an open channel of ditch area that runs from the northwest to the southeast. On the plan drawing, it's near what looks to be the north arrow and then it progresses down to the lower right hand corner of the drawing. They are proposing to pipe a portion of this ditch system in order to develop on top of it and thus the parking and the access to the group home facility. This drainage ditch is covered by a City of Dover drainage easement so they will need to be working with the Public Works Office in that regard. They are also having to pursue a

jurisdictional determination from the Army Core of Engineers regarding the wetlands area that is designated along that ditch corridor and will also need a subaqueous lands permit from DNREC as well.

They do have tree planting requirements based on the lot area which they need at least thirty-two trees and then the other landscaping component is related to the opaque barrier. This property adjoins several residential properties to its west and thus needs the opaque barrier of the fence and the landscaping component. They are looking to implement the fence for a portion of it; however, are seeking a waiver for relief from the fence and the upper reaches of the project site to just do the landscape component in that area. The other related waiver to the opaque barrier they are seeking is what Staff terms the alternative format of that opaque area in order to allow the fence to be the element that's closest to the residential properties rather than the landscaping. With this project, there are the three waivers to consider which is the waiver request for the loading space and the two elements related to the opaque barrier: first, the elimination of the fence component for a portion of it and then the alternative format for it.

The other comments that Staff have made in regards to the plan are part of the DAC Report. The items for additional consideration would be related first to pedestrian connections. Staff has indicated that improvements could be made to sidewalk connections internal to the site leading from what is the northwest parking area towards where the buildings are located; and, then the architectural component for looking again at careful consideration of where you place your mechanical equipment on the property. The rest of the DAC Report does include the comments from the other agencies including the Public Works Office related to sewer, water and streets because of the connection that's anticipated to Clarence Street and the City's Electric Department. The Fire Marshal's Office has comments regarding each of the buildings because they have to be treated differently because there are different activities within them. The other agencies include DelDOT and the Kent Conservation District rounding out the Report for this location.

Ms. Maucher stated that on the Staff Advisory Comments for the barrier alternative format it makes note that the landscaping can be satisfied for a certain area because it's next to vacant land. How is that parcel zoned? Is it just currently vacant or would it be developed as residential? Responding to Ms. Maucher, Mrs. Melson-Williams stated that immediately to the west of this there are a series of existing buildings with a number of them fronting directly onto West North Street. There is one building that has frontage on Clarence Street and then next property to the north near the entrance is currently vacant but that could be developed residential. Right off hand she is not sure of the zoning. She believes that it may be RG-1 (General Residence Zone) which allows for single family detached houses with some provisions for some other housing types based on a review process.

Mr. Roach stated that he was trying to locate the applicant's name but he couldn't find it. Responding to Mr. Roach, Mr. Tolano Anderson stated his name.

Mr. Roach stated that he didn't know how it worked because he had a conversation with Mr. Anderson where they were basically throwing different ideas back and forth about specific things that could help the City prior to today. So he didn't know if he needed to recuse himself in

regards to this decision.

Mrs. Melson-Williams asked if they had spoken in reference to this property or to the greater good of Dover? Responding to Mrs. Melson-Williams, Mr. Roach stated the greater good of Dover. What they would like to see happen in our City and some needs that need to be met from his perspective as a family crisis therapist in an elementary school.

Mrs. Melson-Williams stated that she doesn't think that would necessitate him recusing himself from this particular application because it was a general conversation.

Mr. Tolbert stated that he has two sets of renderings in his packet. Responding to Mr. Tolbert, Mrs. Melson-Williams stated that they are two different buildings but they look very similar. One is for the office building that has more of a flat roof look to it and then the second rendering is the group home facility building which has a hipped roof.

Mr. Tolbert stated that he was concerned about the flat roof; they usually make an issue about flat roofs because they want the building to look more architecturally preferable.

Mr. Liberman stated that he first wanted to talk a little bit about the group home that's proposed. The primary purposed of the group home is to serve as an emergency shelter for homeless United States Military Veterans. It's to be a dormitory style sleeping area with bathrooms, kitchen, dining room, common area, counseling room, room for administration and staff and a medical services area for them. The emergency shelter will also incorporate on-site counseling services for the veterans in addition to social services, vocational training and permanent housing transition services. The layout that they show for the entrance onto West North Street is what was approved on the original plan with the entrance on West North Street and then the comment from DelDOT. It was on the approved plan that that entrance is to be removed when the entrance to Clarence Street was constructed along with the signal at Clarence Street and West North Street was complete. They have requested a meeting with DelDOT to go over this prior to our application to DelDOT with a couple options on the table. One is leave the entrance as is. Number two is to potentially modify the entrance to a rights in/rights out. Number three is to close the entrance as was previously required. They have to at least discuss those options with DelDOT and see what type of response they get back from them. In the end, what happens with the entrance is DelDOT's call because West North Street is a DelDOT street.

Next up is their waiver requests. Staff is supporting the waivers that they are looking for. There is a loading space waiver. With an office building of this size, the largest truck that you are going to see going in there is a 30-foot straight body truck. They don't really need a specific loading area. The UPS or FedEx people are the primary people who are going to be using this loading space and those guys are in and out in a hurry. The second waiver request is for the opaque barrier. As Mrs. Melson-Williams mentioned, to the north and west they do not have any occupied property so they are looking to eliminate the fence in that location. Part of the reason for that is as their potential fence along the west side of the site approaches their entrance onto Clarence Street it becomes a front yard setback and they could not have a six-foot fence within that setback area. The fence would have to transition into a four-foot fence per Code requirements. Even in that situation they would not be meeting the requirements for the opaque

barrier so they would like to ask for a waiver of the fence requirement in those locations. Mrs. Melson-Williams talked about the barrier and for an alternative format as far as the fence being located along the property line and plantings to be done on their side of the property. One of the recommendations that Mrs. Melson-Williams mentioned was the sidewalk connections into the site and through the site. They are trying to work with that requirement. He thinks they can achieve what Staff is looking for in the connections through the site from Clarence Street into the site and then down to West North Street so they can make that happen. As far as the HVAC units, those will be placed on the roof of the building so they will be shielded from the public view along West North Street. They are in agreement with the rest of the comments.

Mr. Roach stated that they spoke about the intended uses of the group home facility but do they have any idea what they plan on using the office space for? Responding to Mr. Roach, Mr. Liberman stated that it would just be office space.

Dr. Jones questioned if the group home will house Veterans? Responding to Dr. Jones, Mr. Liberman stated yes.

Dr. Jones asked for a description of those Veterans. Responding to Dr. Jones, Mr. Liberman stated that they would be homeless U.S. Military Veterans.

Dr. Jones questioned if they would be male, female and single? Responding to Dr. Jones, Mr. Liberman stated that they would be any and all.

Dr. Jones stated that in a facility like that she thinks that it's important. How diverse can you be in a group home? Responding to Dr. Jones, Mr. Anderson stated that they are initially just looking at the demographics. The largest portion of the Military Veterans homeless population is primarily male. They assume that males will be the primary focus but at this point they are keeping all options available. It is the Military Veterans that they are focusing on. If there was a need presented to us for females and that would fill the building they would look into it. Right now they are anticipating between twelve and sixteen individuals that would be able to be housed there. If there was a greater need for females then they would work to accommodate that.

Dr. Jones stated that it would be either or. Responding to Dr. Jones, Mr. Anderson stated yes.

Dr. Jones questioned if the Veterans who are going to be served by the facility are they private payers or will they be financially supported by VA? Responding to Dr. Jones, Mr. Anderson stated that this will be supported through organizations that support Veterans. They are actually working through negotiations with Veterans organizations and Veterans support organizations. Some of them are here locally. They are scheduled to meet with the gentleman from the Home of the Brave in Sussex County. They actually tried this several years ago as another project with the Veterans Administration Commission in Dover but there was funding issues. Those belts have been loosened and it looks like there are other opportunities and that's what they are trying to meet here.

Dr. Jones stated that she is glad Mr. Anderson said that because she thought that she had remembered some conversation about that. Responding to Dr. Jones, Mr. Anderson stated that it

was a Veterans home before this body on McKee Road.

Dr. Jones questioned if there was a limit for temporary housing? Responding to Dr. Jones, Mr. Anderson stated that it's not exactly specified. The thing that they are focusing on right now is that they would like to transition every Veteran that is coming into the program within five months to permanent housing. Some will go a lot faster and some may not go so fast but the key is to get them out of the homeless situation and into the housing.

Mr. Tolbert questioned what the limit of time was that a person could stay at this location? Responding to Mr. Tolbert, Mr. Anderson stated that they haven't determined what that actual limit would be. They are estimating that five months would be their average but they don't have a specific limit. They don't have to say that people have to be out within six months or three months. They actually have the latitude internally to determine that.

Mr. Tolbert stated that his understanding is that some of the shelters only allow homeless people to stay in the shelter for thirty days. Responding to Mr. Tolbert, Mr. Anderson stated that unless the organizations that support these groups or the Veteran's Commission or someone else comes up with a determination that would limit it, at this point they don't have a timeframe for a certain number of days.

Mr. Roach questioned if there would be any restrictions as it pertains to anything to do with mental health or physical disabilities? Are the different levels going to be handicapped accessible? In his mind when he hears Veterans, it can be a man who is homeless with his wife and his two kids or it could also be someone with PSTD living right across the hallway. To him that kind of alarms him. In the big picture, is there a direct focus of who they want to serve? He knows that they said that the demographics that is more prevalent is the single male but say someone who comes up with extreme disabilities and asks for somewhere to stay? Would they be housed in the same place as a gentleman who just had a tough spot might be in? How are you going to ensure the safety of those individuals in a group home facility? Is it going to be self-ran? Will there be people working in the group home? Are they going to be volunteers or paid? Responding to Mr. Roach, Mr. Anderson stated that the program facilitators themselves will set all of that criteria. He knows that there is a screening process for them. PSTD is obviously a major concern because you have to look at what their history has been and what their specific issues are. Families would not be allowed. If a person came there with women and children, they would not be allowed; however, the whole point is to refer them to other services available through the Veteran's Administration or other facilities. He thinks that one of the biggest things to look at is that there are so many homeless Veterans; at this point over 100,000 sleeping on the streets under bridges or in alleys.

Mr. Tolbert questioned if these Veterans that he was referring to were in Dover? Responding to Mr. Tolbert, Mr. Anderson stated no; it's a national epidemic. But at the same time also nationally, they are looking at an average of twenty-two Veterans that commit suicide each day. It's really a tragedy. Part of the suicide is that they just have nowhere to go. As a disabled Veteran himself serving twenty-four years in the Army, he gets it. He sees what they have been through and he is basically trying to meet that need.

Mr. Roach questioned if they have looked around the area because like he said before he lives on Slaughter Street and to know that they already have a homeless shelter right on the other side from where they want to place this homeless Veterans facility is kind of concerning to him as being a resident. Obviously, he is not within the 200 feet so he didn't get a letter. He has the sense to know that now they are not only talking about adding another facility but now seeing that DelDOT may pour it right on to Clarence Street which means all of the traffic will be going through Slaughter Street. There is already a traffic issue to get onto West North Street with all of the major developments going on at the Eden Hill location. That just seems like a lot of things in one area that's going to be congested and shooting out of two streets. He has a concern with not only with the traffic but also the close vicinity as it pertains to demographics. There is another group home on the other side of Slaughter Street and it's a lot. It comes right off of Simon Circle. There is another place that used to be a male facility but he is not sure if it's still housing. The house is a yellow two story house. It seems like everything is starting to get thrown towards Lincoln Park and he is kind of concerned about that. Has anyone spoken to Kidz Ink about having a homeless Veterans facility within the vicinity of people dropping off their kids? Responding to Mr. Roach, Mr. Anderson stated that the owners of Kidz Ink are here tonight and they would probably hear from them tonight. He has met with them and spoken with them by telephone as well. The thing is that you have to acknowledge that there has to be concerns because these people have issues and they certainly need help. He wasn't aware of a group home that was just referenced. He knows specifically that this particular property was acquired for the particular reason that it is a permitted use. That was part of the motivation for purchasing the property. In addition to that, you heard Mr. Liberman speak earlier about their preference would be to keep the traffic flow on West North Street as opposed to going down through Clarence Street. That's certainly one of their requests going forward to DelDOT. Other than that he thinks that the sad thing is that we are dealing with serious homelessness and other issues with people and these are needs that need to be met. It has to be able to work with the community and that's what they are trying to do.

Dr. Jones stated that she thinks that she just heard that there could be some treatment going on for Veterans. Responding to Dr. Jones, Mr. Anderson stated that the onsite treatment is only going to be for counseling services but there would be no medical treatment.

Dr. Jones questioned if this changed anything in the zoning? Responding to Dr. Jones, Mrs. Melson-Williams stated that the term as defined for "emergency shelter" includes the living component of the dormitory style setting but it also notes that the facility can provide or facilitate social services including counseling and vocational training.

Mr. Roach questioned that when we are speaking about counseling are we speaking about social workers coming in doing group counseling or are we talking about a psychiatrist or psychologist prescribing medications on site? There are different levels as it pertains to mental health treatment in a facility especially when it's a group home setting. Responding to Mr. Roach, Mr. Anderson stated that he is not a counselor or service provider so he can't really speak to that.

Mr. Roach stated that he is loving the idea but honestly where it's located is concerning. He does agree with Mr. Anderson that it is a major need for Veterans. There are a lot of things that are unanswered right now.

Mr. Holden questioned if we have encountered having to define what "temporary" housing means. He asks because it is important for the applicant to know by what bounds they are going to be held to in the future to confirm that they are in compliance with zoning. We certainly don't want to set them up for a situation where there is going to be a conflict down the road. Responding to Mr. Holden, Mrs. Melson-Williams stated that the term "temporary housing" is not defined by any timeframe in the Code itself. When the definition isn't there then you go to the regular definition of "temporary" that's in the dictionary. She would imagine that it's very general in a statement that it's not long term, it's short in nature but it doesn't say thirty days, six months or anything like that in the Code.

Mr. Tolbert stated that it was sort of broad. Responding to Mr. Tolbert, Mrs. Melson-Williams stated yes, it is sort of broad.

Mr. Baldwin stated that he understands that the applicant is waiting for a meeting with DelDOT to determine the entry so it is possible that they may get the permit to enter from North Street. Responding to Mr. Baldwin, Mr. Liberman stated that his preliminary conversations with DelDOT is that they wanted the entrance to be closed but they are going to at least broach the conversation. They have gotten feedback that they would prefer the entrance remain open. If it can't remain open as a full access entrance because of conflicting movements for the left turn in, then they could limit it to a rights in/rights out entrance. That eliminates the conflict that they were looking to remove but at least it would provide a way in and out that would keep traffic off of Clarence Street.

Mr. Holden asked Mr. Liberman to help him understand the entrance for the existing one story building. Is it the same entrance that he is speaking off of North Street? Responding to Mr. Holden, Mr. Liberman stated that was correct.

Mr. Holden questioned who owns the property underneath that entrance? Responding to Mr. Holden, Mr. Liberman stated that Faithwork, LLC owns it.

Mr. Holden further questioned if they owned the property that Kidz Ink is on? Responding to Mr. Holden, Mr. Liberman stated that they do not. The owners of Kidz Ink access West North Street through an easement and there is also an easement that goes out to Clarence Street for their access.

Mr. Anderson stated that he wanted to point out one thing. This is a Brownfield site so it's quite a process going through the contamination clean-up process and making sure all of the remediation is done in accordance with the all of the rules, regulations and laws. This is over two acres and it's something that he thinks it really needed for the area; the office building as well as the shelter. This property is just sitting there. It's in a somewhat of a partial state of remediation and under the Brownfield Program, it's going to provide a nice boost to the area and he thinks aesthetically it's also going to provide a lot of jobs. It thinks it's going to be something that is significantly valuable. He should also point out that two of the adjacent properties facing on West North Street are also owned by Faithwork, LLC.

Mr. Tolbert opened a public hearing.

Mr. Stanley Richardson – Lincoln Park Dover, DE 19904

Mr. Richardson stated that he lives in Lincoln Park and he did not receive a letter. It's a good idea for it to be a home of Veterans. He is starting to receive phone calls as the President of their Neighborhood Watch as soon as people started seeing the words "group home". They were thinking about the group homes that are already in their neighborhood. One is in back of his property and they have been having problems with them when they first moved in. A lady in the neighborhood got her window busted out. He was threatened to be shot but it's good for Veterans. He applauds the owner for that. But on Clarence Street when he leaves his house to go to his doctor appointments and most of his doctors are right across the street, there are cars parked on both sides of Clarence Street. It's going to be a tight squeeze if people are parked on both sides of the street. He applauds the owner for doing it for the homeless Veterans but which way are the buildings going to be facing? Are they both going to be facing West North Street? Responding to Mr. Richardson, Mr. Liberman stated yes.

Mr. Richardson stated that just as long as it's not going to be a group home for kids. That's the main thing that they were worried about. They don't need young kids in there because they are having problems with young kids now up and down the street. Has the Commission seen some of the homes on Slaughter Street that's close to this area? Responding to Mr. Richardson, Mr. Anderson stated that they have seen them.

Mr. Charles Durham – 145 Irma Street Dover, DE 19904

Mr. Durham stated he has been living at this location since 1964 and they have had a problem with conditions in that area in reference to Clarence Street and Simon Circle since 1964. Sometime ago there was a word that the entrance from North Street to Clarence Street at the traffic light in front of Banning Street that the street was to supposed to go all the way through Lincoln Street. Lincoln Street goes to Forest Street where the old Boulden Motors used to be many years ago. Is that still in existence? If it is then that's going to be another entrance into the neighborhood. That is going to cause congestion from Forest Street into this area. He applauds these gentlemen in reference to the Veterans home; he is a Veteran himself and he knows that they need housing and it's a wonderful idea. But he doesn't think that the neighborhood is conducive especially for an office building. If he would have to work in that office building and look down Clarence Street out his window he would likely miss several days from work each week. It's deplorable; it's not conducive to an office building as shown here and also for the group home. If that street that goes from the traffic light to Forest Street is still in existence then it's a bad idea as far as traffic is concerned and the personnel that is coming through. It's something for the applicants to look into. Then again, they are speaking about a fence between the properties at the south side of the proposed office building. There is a house next to the day care that needs to come down. There's only one property on the corner that is decent enough to live in. The rest of those places look like a row of chicken houses. We all know who owns those houses and there needs to be something done about those. To put up a nice facility like this in a condition such as that is just not plausible. It's not a good idea and they are having problems. In the neighborhood that he lives in Simon Circle, a little over one year ago he had his windows shot through. It came from Simon Circle and they have a problem in Simon Circle with drugs.

Mr. Tolbert asked if the problems were from Veterans. Responding to Mr. Tolbert, Mr. Durham stated he didn't know if the people were Veterans or not. He is not downing the Veterans; it's a good idea and he is a Veteran himself. They are trying to clean the neighborhood up. They have a neighborhood watch and meetings. They are trying to do the things that are good for the people in the area. There was also another word that the day care center there in Lincoln Park was supposed to put homeless people in there as well. So that's another fight that they are going to be fighting in the near future if that be the case.

Mr. Tolbert questioned if Mr. Richardson was speaking for himself or the whole neighborhood? Responding to Mr. Tolbert, Mr. Richardson stated that he was speaking for himself.

Mrs. Melson-Williams stated that the last speaker mentioned the continuation of Clarence Street to the north. There have been some plans that have looked at the continuation of Clarence Street to the north to connect to the Lincoln Street and Forest Street area. There's not a defined alignment for that. There was some study done of the conditions of the area but there are no plans at this point in time that place that road or funding for that project. It was identified in some studies of the west side of Dover in the early 2000s but it's not an active project at the moment.

Ms. Denise Loftland – 4-6 Clarence Street Dover, DE 19904

Ms. Loftland stated that she was here with her sister Ms. Cheryl Short. She lives on the corner of Clarence Street and she has been there for over twenty years. She was there before they put the light in and there were a lot accidents. When the light was installed there weren't as many accidents but now there are still accidents; there was one last week. Her concern is the flow of traffic that's coming in off of West North Street onto Clarence Street. If they close that entrance to the day care center, it's going to push all of that traffic down Clarence Street. You are going to have community traffic, people going to the group home, people trying to get to the day care and you are going to have foot traffic. Where are they going to park? She has nothing against the Veteran's home because she is a Veteran herself. But her main concern is the heavy influx of traffic that is going to flow down Clarence Street and the foot traffic that's going to go into the group home. They said that they are going to put sidewalks there but they are still going to have that traffic there. How is the parking going to be on that street because right now there is a bus that comes down that street? There is no space on that street. If there's parking on one side and the other side the bus almost hits the cars when it comes through there. She has a driveway but she also has three cars. Each house has three cars so they park on the street as well. How is this going to affect parking on the street? If they close the entrance to the day care then it's coming down Clarence Street and the street can't hold it.

Mr. Roach stated that that's what they are looking at as far as the parking lots; the two acres is a lot of parking spaces but they don't know whether the entrance will be on Clarence Street or stay on the day care side. As far as parking, he doesn't think there will be any parking on the street because they have ninety-seven parking spaces when they are only required to have eighty-seven parking spaces. They are going to add a lot of parking spaces in that area. It should reduce people having to park on the street but he doesn't know how the entrance is going to be.

Ms. Loftland stated that is a concern because you are going to have the traffic coming down the

street and the street can't hold traffic.

Mr. Lyon stated that the City is kind of at the mercy of DelDOT at this point in time based on the fact that they may close that intersection. If they do close that intersection they are going to take a look at the on-street parking on Clarence Street going northbound and they will try to limit the potential conflicts. But it all depends on what is going to happen with DelDOT. They are aware of the fact that they have parking allowed on both sides of Clarence Street and it could potentially be a problem. Once the DelDOT decision comes through the City will make their decision based on that. More than likely there will be limited parking on one side of the street or the other.

Ms. Loftland questioned if you have limited parking on one side of the street then which side will it be? Responding to Ms. Loftland, Mr. Lyon stated that they will have to evaluate that.

Ms. Loftland stated that her sister is handicapped; will they put in speed bumps? Responding to Ms. Loftland, Mr. Lyon stated that speed bumps are not allowed in the City. If there is handicap need you can contact the Public Works Office and they will make a placard for that location. They have to verify the handicapped sticker every year.

Ms. Loftland stated that there are children in the area at her house.

Mr. Charles O'Brien – Gordon, Fournaris and Mammarella at 1925 Lovering Avenue Wilmington, DE 19806

Mr. O'Brien stated that he represents the owners of the adjacent parcel directly to the east which is Dover Kidz LLC. The principals Phil and Aretha Kitson are here as well. For the record, his clients bought the property to the east in 2012. He heard reference of a previous Site Plan with respect to the subject parcel earlier today but they knew nothing about that at the time. The first time that they actually saw this Site Plan was in connection with this hearing. They had to request the materials through a FOIA request in order to get the Site Plan materials. As you can see from the plan, their property is greatly affected by this Site Development Plan. They have a shared common access to North Street currently and you can see that there is parking, traffic flow and all kinds of other issues. The plan was never brought to their attention and they never had any input or discussions with respect to this plan with the owner.

Before ten minutes ago he just saw group home facility in the materials and he wasn't sure what that meant. Obviously as noted, the Dover Code doesn't define "group home". The Kent County Code does which obviously would only be illustrative in nature. In looking at those definitions he thought that there was no way that this proposed use would be permitted in the IO (Institutional and Office Zone) in the City of Dover. Obviously, hearing now that it's going to be a shelter for homeless Veterans, he applauds the intention but they have some issues with respect to the use. He acknowledges that it's a permitted use but it's near a day care facility on the adjacent parcel that has about one hundred forty-five kids at any given time. Just based on the fact that they have this day care facility, they are concerned that the parents are going to be concerned with a homeless shelter being within throwing distance of our property. He also notes, which he thinks has been picked up on, that it was either transitional housing or an emergency shelter. "Transitional housing" obviously doesn't work because it's defined as a residential

facility developed in a one family dwelling unit so that doesn't really work. The "emergency shelter," which he thinks is what we are relying on in connection with the potential proposed use, does say that a facility providing "temporary housing" to homeless and transient persons. He thinks that it was noted accurately here today that temporary housing doesn't seem to be defined in any manner so that is a concern for them. It's also a concern that he doesn't think that anything on record shows that this actually would be limited to Veterans. It just says group housing facility so they see no limitation with respect to that.

If you look at the Site Plan displayed, they have a handful of issues with respect to parking, traffic flow and other items. Specifically, you see fifteen parking spaces that abut the common property line between the two parcels. Implicitly in connection with having those spots listed on this Site Plan is the right of the applicant to access their property to be able to get to those parking spaces. Nothing on the Site Plan addresses where that access would be granted of record. Their position is that it is not. They also worry about the safety issues with respect to people reversing onto a heavily trafficked foot area with little kids accessing the day care facility. There are twenty-five parking spaces to the west of side of the property. It's difficult to tell on this Site Plan how traffic flows, seeing no sort of arrows directing which way traffic would flow. Assuming that traffic has to loop around and access his client's property in order to get back out to Clarence Street to the extent that North Street is closed is another safety and major issue for them in that the potentially highly increased traffic through and over our parcel with respect to the two buildings. Specifically, the office building would cause a safety issue in connection with the one hundred forty-six kids that come to the day care every day. For the record again, they are of the position that they is no access with respect to their property in connection with those parking spaces or traffic flow patterns.

To the extent that North Street is closed and DelDOT does have the right to do that. It's not mandatory; he thinks that the notes on the plan say that DelDOT has the discretion to close to the extent that Clarence Street is opened. To the extent that North Street is closed and their only access is to Clarence Street, if you look at the Site Plan it almost looks like you will have to maneuver through the parking spots in what appears to be a concrete island in order to have ingress and egress from his client's parcel to Clarence Street. Specifically, if you look at the four diagonal parking spaces it's almost like those people would be pulling out in reverse blindly. Again, having a day care that has one hundred forty-six kids in and out every morning and every afternoon, they are very concerned with the way that this Site Plan is drafted in connection with simple flow of traffic and parking from their property to the Clarence Street exit.

He thinks that Mr. Liberman mentioned the DelDOT was considering leaving the North Street exit as is which obviously is not in control of the City; however, that would obviously be their preference. He thinks that it would eliminate some of these other more major issues if Clarence Street was sort of this access B point. He drove down Clarence Street today on the way here and did note that it was fairly obvious that there was off-street parking on both sides. It's a very narrow road and he thinks that to the extent that traffic flows from the day care center, a 20,000 SF office building and another 6,000 SF building and it all funnels through Clarence Street. He does think it's a problem. He doesn't know that Clarence Street can handle it, not only for the residents there but also the people that want to access their business. If it becomes problematic, then they are going to find another day care to go to.

Just in quick summary, they do have an issue as a day care center that shares a common property line with the proposed use of a group home. They think that it just doesn't fit at least with respect to their permitted and continued use. They think that there's questions with respect to the temporary nature of the housing that's permitted under the Zoning Code with respect to emergency shelters. He also sees nothing in the record that makes it so that the proposed use would be limited to strictly homeless Veterans. With respect to parking and traffic flow in the Site Plan, they did not have any input on prior to reviewing it in connection with this hearing. They think that there's major issues and access rights with respect to the implicit use of their property in respect to not only parking but traffic flow. With respect to ingress and egress from Clarence Street to the extent that their property ends up having, in connection with trying to have safe access from their property to Clarence Street in connection with all of the parking spots that they would be navigating through. For confirmation purposes, the fact is that Clarence Street seems incapable of handling the increased traffic flow.

Mr. Holden questioned if the client was approached regarding a cross access easement? Responding to Mr. Holden, Mr. O'Brien stated that there is a current cross access easement.

Mr. Holden questioned if it was to allow the current project to access their property to get to the fifteen parking spots that were mentioned? Responding to Mr. Holden, Mr. O'Brien stated no.

Mr. Sean Mace – Eden Hill Medical Center 200 Banning Street Dover, DE 19901

Mr. Mace stated that he was the Vice President and Chief Operating Officer of Eden Hill Medical Center. He is also a Veteran. For the record, he doesn't have any opposition nor does Eden Hill Medical Center to the group home or the 20,000 SF office building even though they do not know what the use of that office building will be. This is contrary to what a lot of other people are saying here but he understands that there is issues both ways. He will take them back to 2006 and 2007 timeframe when it was contingent for Eden Hill Medical Center to put up a substantial amount of money for a traffic signal and a left-hand turn lane into Eden Hill Medical Center on Banning Street and signalization, and the Norfolk Southern Train lines that are very close to the day care center and the area that we are talking about. His concern is that on any given day, one hundred forty-six children are coming in and out of the day care center and if you look at the parking requirements for a 20,000 SF office building with at least three per thousand plus another building at the back, there is a lot of traffic already on North Street. Everybody knows that there is a lot of traffic in this area. They know that the train track is very close to where we are at and there is a safety concern there. Every given day, the left-hand turn lane that is paid for and meant only to go left into Eden Hill Medical Center is backed up morning and afternoon by the people that are dropping off and picking up those one hundred forty-six children and the employees there. When Eden Hill Medical Center was opened and they did the improvements to the road there, they were told by DelDOT that the entrance into that day care center was only temporary. It was a temporary fix and that the entrance to that location was going to be off of Clarence Street. How that gets done and what improvements have to be made that's not something that he can answer. He understands that because with all of the construction on North Street he has come down through Slaughter Street, Cherry Street and those other areas and believe him, him understands it. He couldn't believe the first time that he saw a City bus coming through there. He was thinking wow this is tight. He feels for everybody in this area but he also knows that he's got on any given day a lot of people

coming in and out of Eden Hill Medical Center. All of the physicians that are coming from the hospital doing morning rounds to come to their office to see morning patients, there is not a week that goes by that he doesn't get an email or a phone call saying that he has to get these people out of that left-hand turn lane because they almost had a head-on collision there. They did have yet another accident there at that intersection or just beyond the intersection last Friday as was referenced. He doesn't know if it was at the signal light or if it was just south of there. It was in the afternoon and it could very well have had to do with in and out from the day care center in that area. Not picking on the day care center but understandably that was meant to be a temporary entrance and exit. Does it make sense to have a right-hand egress? It probably does if they make sure that you can't come out of there and turn left. If it's a right hand exit only then that probably could be a good compromise. He is going back to when this was all laid out back; this was a temporary entrance. He would like nothing more than to see this plan not showing that as even an option knowing that DelDOT has said it was only temporary. It's a big concern not only for the safety of people coming and going in and out of the property that he manages but also with all this added traffic we are going to have a lot more queing up closer to those train tracks. We just don't want to have anything happen there because that would be catastrophic.

Mr. Tolbert closed the public hearing.

Mr. Tolbert stated that after hearing what the public had to say about this application the Commissioners may want to consider deferment of this application until this parking and traffic situation can be better resolved.

Mr. Holden stated that in outlining their potential paths forward there seems to be fifteen parking spots that the Site Plan or owner doesn't appear to have the legal ability to access which puts them under required parking counts. If that's an accurate read of that situation, the Commission can certainly vote on the application, they could table the application or the applicant could pull the application. He is asking Staff to weigh in on if that's the appropriate paths forward. Responding to Mr. Holden, Mrs. Melson-Williams stated that they could if there are a number of items or a specific item that the Commission would like additional information on before they make a decision, they could defer action and specific what kind of information that they are looking for. It could be related to parking, the entrance, or for traffic and ask that the information be provided before the Commission takes formal action on the application. Is it a Site Plan; the Commission cannot flat out deny the application. The uses are allowed by zoning but if the Commission feels that there is information that after hearing all of the testimony tonight they think that they need to have or they think that they need to have a better understanding of then the Commission is certainly within their rights to defer action to a future meeting seeking receipt of that information.

Mr. Liberman stated that these two plans that they are showing match the original layout that was approved in 2007 when both of these properties were approved together. That's why it was their understanding that there was a cross access easement in place to do the parking and the drive aisles exactly as they are showing it on the plan because it matches what was previously intended to go on this property. Mr. O'Brien had some questions about flow directions of traffic. Everything on there is a legal two-way drive aisle on their site. They can work with them to true up so of those drive aisles from the day care onto their site. This is something that they have

actually been working on. They just didn't want to present new information that could potentially be confusing between the two plans.

Ms. Maucher questioned if there was a determination contingent upon approval of a Site Plan for DelDOT? If this plan is not developed or not approved will they defer the decision on the North Street entrance? When is the decision from DelDOT expected about what's going to happen with the North Street entrance and whether or not it will be routed onto Clarence Street? Responding to Ms. Maucher, Mrs. Melson-Williams stated that in order to ultimately get Final Site Plan approval there will have to be some indication of DelDOT's approval of the plan, whether that's keeping the entrance, changing or eliminating it. It sounds like the applicant has reached out to DelDOT to start that conversation about that access point/exit point to West North Street. It may take some time in order for an ultimate decision to be made regarding that entrance from DelDOT. She is not sure if the applicant actually has a meeting scheduled yet.

Mr. Liberman stated that they do not have a meeting scheduled but they requested one more than two weeks ago. They are trying to get that resolved with them. They would be open to having someone from the City of Dover at the meeting also to address the concerns of the homeowners in the adjacent area.

Dr. Jones stated that she has a couple of concerns that she would like to address. She does have a great deal of concern about the issues raised about the traffic patterns and the safety and so forth in that area. She also has a concern about what she views as a preponderance of group homes in an area that may be about a 5 mile radius if you go out on Forest Street and Saulsbury Road. It just seems as though in her mind there's a preponderance in a small area. These types of facilities are very much needed but she guesses that the question would be is do they all have to be right together? These neighborhoods are then going to be defined by these types of facilities and they are very much needed. Her third concern is that she is not comfortable with a stated stipulation that this facility will serve only Veterans.

Mr. Holden moved to defer application S-17-15 Dover Station at 655 West North Street, pending further information about cross access and access to the parking spots, information from DelDOT gathered in the requested meeting from them and any other information that the City of Dover can provide for how we will address traffic if that entrance is closed, seconded by Mr. Holt and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; for the reasons stated, for public comments and for the outstanding questions. Mr. Roach voting yes; due to the public comments and also to have further clarification in regards to "group home" and the specificity in regards to who it's going to be servicing and what it's going to be doing and the communication with Dover Kidz Ink to rectify the existing parking situations in regards to this existing Site Plan. Ms. Edwards voting yes; based on all the reasons previously stated. Mr. Holt voting yes; based on the testimony and information that they need to receive from DelDOT. Mr. Baldwin voting yes; based on the fact that they need some clarification from DelDOT and also to give the applicant and opportunity to work with the day care center to clarify the transition between the two. Dr. Jones voting yes; based upon all of the previous comments. Mrs. Welsh voting yes; due to the necessity to have further information as well as to get clarification on the property line parking as far as understanding the conditions between Kidz Ink and the applicant. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; as much as he

is in favor for living arrangements for homeless Veterans the concerns that have been raised regarding this application cannot be overlooked or neglected. They need to be given some considerable attention; specifically the remarks that were just made by Dr. Jones.

3) S-17-16 Eden Hill Farm TND - Professional Office, Medical and Financial District: Revised Implementation Plan – Public Hearing and Review of a Revised Implementation Plan for the Professional Office, Medical and Financial District component of the Traditional Neighborhood Design project known as Eden Hill Farm. The District is located on two parcels of land consisting of 25.47 +/- total acres. The Revision is for the area east of Banning Street (known as Lot 2B) consisting of 7.33 +/- acres. The proposed overall plan for the District consists of six buildings, parking areas, open space areas, and the street layout. The parcel is zoned TND (Traditional Neighborhood Design Zone) and is located at the southeast corner of West North Street and Banning Street. The owner of record is Dover Medical Properties LLC. The property area is unaddressed. Tax Parcels: ED-05-076.00-01-13.05-000 and ED-05-076.00-01-13.02-000. Council District 2. *This Revised Plan is to supersede the initial Implementation Plan, S-06-26 Eden Hill Farm - TND Professional Office, Medical and Financial District, reviewed by the Planning Commission during 2006 with its conditional approval granted August 2006. Phases 1 and 2 of development were subject to plans S-06-42 and S-16-16.*

Representatives: Mr. Nick Tomasi, BBL Construction Services; Mr. Joseph Riley, HCP Architects

Mrs. Melson-Williams stated this is a Revised Implementation Plan associated with the Eden Hill Farm Traditional Neighborhood Design Project specifically the Professional Office, Medical and Financial District which is located on the south side of West North Street basically from the railroad tracks to just past the large medical office that's been there for a number of years now. The area of the Professional Office District is just over 25 acres of land. As you can see on the screen, the far left is the existing medical building that was the first phase of the project. Another building is actually under construction now which is included on the southern end of the property adjacent to Banning Street. The overall area of this District is accessed by Banning Street which was part of the initial phase of construction. Banning Street is a City street. There is also access from the west through what is a traffic circle that comes off of West North Street through what is called Garrett House Circle that comes in at the north end of the medical center building. Then Banning Street ultimately is planned to continue to the south where it will link up with the Residential District of Eden Hill when they get to building that portion of it.

The process for a TND is somewhat unique in how the process works. There is a specific process for zoning of a property to a TND and then the next step is what's called an Implementation Plan for each district. This project for the Office District has an Implementation Plan in place. Their report kind of summarized its chronology of activity. The Implementation Plan for this District dates back to 2006. That original Implementation Plan called for a series of buildings with ultimately a build out of nine buildings over a series of six phases and also included information on parking, landscaping and development in general. There are specific uses that are allowed in the Professional Office, Medical and Financial District that are outlined by Code. How you develop in a TND is actually governed in part by what is known as the Comprehensive

Development Standards Manual or the Pattern Book. There is an established Pattern Book document for this District that really lays out the guidelines and standards for design of the buildings, the parking areas, landscape areas and the construction of those elements and how you focus on development of the land and the buildings specifically. Once a TND has an Implementation Plan in place then each of the buildings is then subject to an Administrative Site Plan review process in order to build that building.

What is being presented tonight is request to make some revisions to the Implementation Plan that is currently in place. Staff in their report starting on Page 6, outlines the series of revisions that they are proposing to the Implementation Plan. Specifically, those items include a change in the number of phases. Currently, it is established as a total of six phases; they are looking to make it a five-phase project. They are also proposing changes to the number of buildings and the size of buildings. This Revised Plan would bring it to a total of six buildings rather than nine buildings. They are also showing improvements to the intersection of Banning Street specifically as it approaches West North Street. This proposal is showing the addition of a dedicated right turn lane. Currently as you come northbound on Banning Street, everyone exiting the property through that intersection if you want to turn left, turn right or go straight is in one lane. It has been noticed by Staff and DelDOT that the addition of a dedicated right turn lane would give some relief in how that intersection functions so they are proposing that. In doing so there is the right-of-way available on Banning Street to implement that turn lane. They believe; however, there will be some on-street parking and some tree plantings that obviously will have to be given up. The main part of this project really focuses on revisions to the east side of Banning Street. That's where we see the reduction in the number of buildings and then we also see a change in how you access the east side of Banning Street. They are proposing one entry point. Previously, the plan had a one-way circulation pattern that was anticipated to access and then exit from the east side of Banning Street. They are looking to consolidate to one entrance point and that gets flanked by green space. Basically, on the map it's kind of between the two buildings on the east side of the street.

With this project revision, they are also looking to solidify how the parking is calculated for this District. They are wanting to establish the rate of parking at one parking space per 300 SF of floor area. The previous plan made some references to a different parking rate but is not well documented in the approved plan. The last element of the Revised Implementation Plan has to do with the community walking trail. There is trail system that has been partially constructed leading from West North Street and wraps itself around the west side of the stormwater management pond in that area and then currently it terminates because construction has stopped. The plan itself would continue that community walking trail to the south and it would ultimately interconnect with the similar trail system that is to be in the Residential District.

With this proposal for revision, they are also proposing a change to the Pattern Book and that is related to the landscape guidelines. There currently are provisions that deal with the establishment of a landscape buffer when the resulting design brings parking and service areas adjacent to a roadway. Currently, the Pattern Book talks about when this occurs next to major roadways that this buffer to be implemented of thirty feet in width and there's berms and tree planting requirements. They are finding that looking at this east side of Banning Street that they need to address what happens if parking or service areas are in relation to a street such as

Banning Street which is a very different type of street than West North Street. The current Pattern Book revision clearly gives guidelines with how to approach that situation. The Planning Office has provided comments. In this case, it's kind of looking at kind of like a Master Plan for the project district and setting forth kind of a phasing and future building out scenario for it and making the change to the Pattern Book related to the landscape provisions. In their Report, they recommended additional considerations to meet Code objectives. They do find that the proposed Implementation Plan was evaluated for compliance with the intent of the overall Eden Hill Master Plan and Staff finds that it does strive to meet the purpose and intent of the TND. They have also commented on all of the proposed changes. They think that allowing some flexibility in the phasing of the order of development would also be appropriate. In regards to buildings, the Code requirements for a TND actually limit the footprint size of any one individual building. Their proposal would continue to meet that requirement. As mentioned, Staff is supportive of dealing with the turn lanes there at Banning Street. They also think that the consolidation to one entry point to the east side is appropriate as well as establishing how you calculate parking. They are recommending that there be the opportunity to look at parking based on a building's specific use which is what had to occur with the Skilled Nursing Facility that is under construction now. They looked at it more operationally versus square footage when looking at the parking for that building. That was something that Staff brought to the Planning Commission to weigh in on. Other agencies have also provided comments. A lot of the more detailed technical review of any development of any phase or specific building in this project would be subject to an Administrative Site Plan process and that's where the agencies ultimately have a lot more weigh in on their requirements in that case. There are some advisory comments from DelDOT and the Kent Conservation District notes that there is a regional stormwater facility that was in place to manage the entire district from its initial inception.

Mr. Tomasi stated that he and Mr. Riley are the design-build team that is representing Eden Hill Medical Center. They were involved in the construction of the original 140,000 SF Eden Hill Medical Center and they are currently under construction with the Skilled Nursing Facility. That kind of stemmed the decision of revising the Implementation Plan to work better with how development could potentially occur on the east side of Banning Street. They are in agreement with the comments that were discussed at the Committee. The one specific item that he would make reference to is the timing of the community walking trail. Due to the stabilized material that is currently on what is noted at Phase 5, they would prefer to do that walking trail extension then (which is about seventy yards). The vast majority of that trail is in place. They would prefer to do that at the time of Phase 5 due to the material that is in place there. That would be the most logical time to do it but in discussions at the Committee they would agree to bring up that as a discussion point during the individual Site Plan approvals depending on what sequence they end of up going in.

Mr. Holden questioned if there was a dirt pile in the way of the walking trail now? Responding to Mr. Holden, Mr. Tomasi stated that it's a stabilized amount of overburdened fill that was leveled off and it's just at higher elevation than the rest of the site. Upon development of that site, it would get you more to the grade where you would have to be to extend that trail.

Mr. Holden further questioned what would be involved to do that concurrent with the next phase of the project? Responding to Mr. Holden, Mr. Tomasi stated that just to back up the intention of

this submission is really to create a little bit more flexibility with a few points, one of them being the phasing. Their client can't necessarily predict what site is going to become marketable and potentially the next phase of construction. They identified these as Phase 1, Phase 2 which are obviously in place or under construction and kind of their best guess at how they think the other phases could go. Phase 5 could become Phase 3; they don't know. They are leaving that as an open starting point for each individual Site Plan approval submission. That's why they thought the fairest way to approach it would be that their intent is to do it during Phase 5 but it could be a topic of discussion during each of those events.

Mr. Holden questioned if there was a reluctance to do it during the next phase? Responding to Mr. Holden, Mr. Mace stated that it's not necessarily reluctance. He wishes that they had some colored pictures or aerials because they built it originally back in 2006 and 2007. They did the overwhelming majority of that walking trail and it comes all the way to the end of the stormwater management pond that is there. There is literally about seventy yards that go from there to the end. They understand and they intend to build it and have no reluctency. Right now, he kind of jokingly calls it the walking path to nowhere. If you were to go out there with him and walk it, where it ends there is that stabilized dirt pile that's been there. They will be using it for future construction but there's really nothing beyond there until you get into the tree line where Water Street is. The idea behind it is that it is to eventually extend down through the rest of the Eden Hill residential area and then he believes it is to connect to the Kesselring Farm and so on. To take something and extend it another seventy yards now not knowing when development in the residential phase will occur, it doesn't seem to make sense. However, in conversations that they have had with Mrs. Melson-Williams and Mrs. Townshend, they are not reluctant to do it at all. If they say they are going to start on a certain phase next and they are going to start the residential piece, then they will absolutely move that timeline up on that. There is no objection whatsoever. They understand that it's their responsibility. Right now, it's nine years old and to add on and not know when the next section will take place that it will connect onto to be beneficial to the community just gives them seventy more yards of aging blacktop and then they just end up with these phases of different ages of a path. But again, there are no objections to doing it and as Mrs. Melson-Williams said the phasing on this is depending on whose coming next. They have twenty-five acres. Eden Hill Medical Center was Phase 1; they are building Phase 2 on which was initially Phase 4. It's just not perfect because they put these labels on there as phases. They did so at the time because back in 2008 before the crunch, there was someone who wanted to put a 40,000 SF medical professional mixed building there. When that didn't happen, the labels stayed on there so they are just looking to make it a little bit more clearer when it comes down to if somebody were to come to him today and say that they want to build in a certain place and they find out that it's Phase 5, essentially it becomes Phase 3 in the logical sense of order. Getting back to Mr. Holden's question, it's seventy yards. Does it make sense to move a stock pile of dirt and extend the walking trail seventy yards to nowhere, that is not his call but logically he doesn't think that makes a lot sense at this time.

Mr. Holden stated that he appreciates the description. He did understand that there was a remaining piece between that and the residential that was not yet completed. He thinks that if the Commission has the opportunity to review it at every Site Plan, then he thinks that is satisfactory.

Mr. Tolbert opened a public hearing.

Mr. Tolano Anderson – Faithwork, LLC 50 Dove Terrace Drive Dover, DE 19901

Mr. Anderson stated he is just commenting at this point with a little concern. Most of the questions or issues concerning his application center around the entrance off of North Street onto his property. Also, the traffic flow and the concerns that Mr. Mace raised concerning the actual backing up of traffic and the left turn; he even referenced an accident that happened recently. His concern is after reviewing the plan earlier today he came up with a question. He has a requirement on his plans by DelDOT to close that entrance (his North Street entrance) within twelve months after they begin construction at his site. The primary reasoning for that is because of this site's impact on North Street as it relates primarily to that intersection. When he looked at the plan and saw the building that was under construction now at 65,000 SF and another building at 29,000 SF and another building that he estimates by the plan since it wasn't on there for another 75,000 SF and he is looking at over 250,000 SF when you add it all together of new construction at Eden Hill Medical Center. But he also wants to see what the DelDOT notes are for it because this could adversely impact his application as well, as it pertains to North Street, as it pertains to Clarence Street and the intersection there, the closing of his entrance and the forcing him to use Clarence Street. He is looking at the load that is going to be coming into that intersection by Mr. Mace's own admission that was already dysfunctional. It is already inadequate to support what already exists just from the Eden Hill complex itself. He has no problem with the project there and the phased integration and the implementation of all of that. But ultimately at some point in time when they are dumping three hundred and ninety parking spaces, if he is not mistaken, what is the traffic count? Maybe there are Impact Studies but he will say that for his little two acres across the street, his little entrance and trying to negotiate a way to get traffic in and out there to protect an intersection that's going to be inundated by all of this additional traffic, it feels like they should take a closer look at it. Maybe there's plans for it but he doesn't want to have his project as they have been tabled, adversely impacted by all of this additional traffic coming in there and the forcing of his project to take an additional route to create additional space.

Mr. Tolbert questioned if he had brought his concerns to DelDOT's attention? Responding to Mr. Tolbert, Mr. Anderson stated no, he actually just saw the plans today but he does plan to address it with DelDOT in addition to the closing of the entrance that they placed on his plans.

Mr. Tolbert closed the public hearing.

Dr. Jones stated for that the issue of the traffic as they are talking about, are there any implications for the day care center? What phases are implemented? Responding to Dr. Jones, Mrs. Melson-Williams stated that this property has access to Banning Street which is a City street and then how that City street of Banning Street meets West North Street which is a DelDOT street, the control of that intersection and how it's designed lies with DelDOT. When they look at traffic planning they look at traffic generation by where that traffic is being generated. There is a burden related to the traffic generation of your individual project in how then you need to participate in what would be the off-site improvements. Some of that may have already occurred with the Eden Hill project related to the construction and initial build of that signalized intersection. There may also be other parties that may have to participate in what may be off-site improvements in order to accommodate their own access to adjacent roadways.

Mr. Holden stated that when Eden Hill was developed originally or the development that has occurred to date it incurred a fair amount of costs for a traffic light, a turn lane and there's a proposed additional right turn lane in and a right turn lane out. He doesn't want to leave the perception that Eden Hill and the development that has been approved and this is a modification to the already approved plan, gets away without any traffic implications or costs thereof. There has been quite that implication on the project and quite a cost incurred. Traffic is a challenge and as development occurs we are going to have greater traffic issues and so there are issues that require individuals to reach out to Council people, Council people to reach out to DelDOT and a lot of conversation to go on to make sure that we develop our community in a way that's going to function well. It's a difficult challenge but he doesn't think that it would be correct to leave this with the perception that Eden Hill isn't held to the same level of scrutiny as other developments are.

Mr. Holden moved to approve the update to S-17-16 Eden Hill Farm TND – Professional Office, Medical and Financial District: Revised Implementation Plan as submitted, seconded by Mr. Holt and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; for the reasons previously stated, and Staff and DAC comments. Mr. Roach voting yes; to provide flexibility in regards to the future growth and development on the property. Ms. Edwards voting yes; based on Staff recommendation of the Revised Implementation Plan. Mr. Holt voting yes; based on Staff comments. Mr. Baldwin voting yes; based on the reasons previously stated. Dr. Jones voting yes; in view of the aforementioned comments. Mrs. Welsh voting yes; in agreement with all previous comments. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; he has no reason to not confirm the application.

4) S-17-12 Capital Station Dover at 50 North DuPont Highway (Revised) – Public Hearing and Review of a Site Development Plan application to permit construction of 65,000 S.F. of commercial development to be known as Capital Station, at the northwest corner of North DuPont Highway and Division Street and also adjacent to Maple Parkway. The development is proposed to include a 24,197 S.F. retail and restaurant multi-tenant building, a 6,625 S.F. retail and restaurant multi-tenant building, a 6,100 S.F. retail or restaurant building, a 6,080 S.F. restaurant building, and a 21,998 S.F. grocery store. Related site improvements include demolition of the former Playtex factory and provision of parking, landscaping, and pedestrian and bicycle facilities for the shopping center. The property is zoned SC-1 (Neighborhood Shopping Center Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 1: Secondary Wellhead Protection Area). The owner of record is Capital Station Dover LLC. Property Address: 50 North DuPont Highway. Tax Parcel: ED-05-077.06-01-02.00-000. Council District: 2. *Waivers Requested: Partial Elimination of Sidewalk, Reduction of Arterial Street Buffer, and Floodplain Requirement to Reduce Impervious Area. This property was the subject of Site Development Plan S-14-03 Watertower Place aka "Tower Commons" granted conditional approval by the Planning Commission on April 21, 2014; construction was not commenced and the plan subsequently expired.*

Representatives: Mr. Mike Riemann, Becker Morgan Group; Mr. Blair Finnegan, Capital Station Dover LLC

Mr. Diaz stated that this project is to construct 65,000 SF of retail and restaurant space in a new shopping center to be known as Capital Station. The project is to be located on the site of the old Playtex Factory at the corner of North DuPont Highway and Division Street. The site is also adjacent to Kings Highway and Maple Parkway. The site is zoned SC-1 (Neighborhood Shopping Center Zone) and it is partially subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 1: Secondary Wellhead Protection Area) as well as also being a Brownfield Site and partially within the Flood Plain. The site has been proposed for re-development before in 2014. That proposal was for 31,000 SF of retail space and that was going to be just on the front half of the property with the rear half of the property going to be in a second phase. This application differs from that one in that the proposal is to develop the entire site at once with the aforementioned 65,000 SF. The current proposal is for five buildings. The first is proposed to be a 24,200 SF retail and restaurant building in the northwest portion of the site known as Building 1. Building 2 is a 6,600 SF retail and restaurant building located in the northeast portion of the site. Building 3 is a 6,100 SF retail and restaurant building in the southwest portion of the site. Building 4 is a 6,080 SF restaurant building also located in the northeast portion of the site. Building 5 is a 22,000 SF grocery store located in the southeast portion of the site. The grocery store is to be an ALDI. That is the only tenant currently known at the time.

Because this is a large development on a significant site there were a fair number of considerations that they looked at while reviewing this plan in detail. The plan was originally submitted for the May meeting of the Planning Commission and they used that extra time to work with the applicant to make some changes to the plan to improve its readiness for the Planning Commission meeting tonight. He will take the time to review the elements of the Site Plan that we reviewed in detail with the applicants. The first of those is the zoning and the other area requirements including the flood plain. The second is the building architecture. The third is the access and parking considerations. The fourth is the landscaping considerations. After those four considerations, he will also talk about some items that they would like to bring to the Commission's attention to help the project meet the broader objectives of the *Zoning Ordinance*.

As he has mentioned the zoning is for SC-1 (Neighborhood Shopping Center Zone) and a shopping center is what's proposed. A variety of retail and restaurant uses are permitted in the SC-1 (Neighborhood Shopping Center Zone) including grocery stores. The zone does have a few design requirements that are not present in other commercial zones. All which have been met here. Most notably is the requirement for a ten-foot-wide landscape buffer along all of the property lines. Moving onto the SWPOZ (Source Water Protection Overlay Zone – Tier 1: Secondary Wellhead Protection Area), a small part of this parcel to the west of the site is within the SWPOZ because of a well on City property to the west. Within that area, there are certain prohibited uses that are prohibited because of their potential of stormwater contamination. Almost all of them are pretty unlikely for a shopping center but they will never the less review the affected building (Building 1) as tenants come into it to make sure they are compliant with the SWPOZ (Source Water Protection Overlay Zone). The third sort of area that is not quite zoning that the site is subject to is the Flood Plain. About 6% of the site is within the Flood Plain in the southwest corner of the site. That will impact Building 3. Generally speaking, new development is not permitted in the Flood Plain but re-development is permitted if certain thresholds are met for reduction of impervious surface coverage and that threshold is usually a

15% reduction. That's something that will be discussed later in the waiver requests. The only other requirement of the Flood Plain is that anything built in it, for example Building 3, will have to meet the requirements of Chapter 50 of the *Dover Code of Ordinances* about floods and that affects the construction of the building.

The second item to talk about is the building architecture. The buildings are all one story with short tower elements to articulate the tenant spaces. The public faces of the buildings are generally out onto North DuPont Highway although there are also some window areas out onto Maple Parkway and Division Street. The employee accesses are generally towards Kings Highway and the City's Electric Substation. As he mentioned, the architecture is one of the areas where they have been working with the applicant for certain changes to what's presented. There have been changes to the architecture of Buildings 1-3 to improve the articulation of the elements on the façade. For the ALDI building, there have been changes to the façade on the North DuPont Highway frontage to increase the number of windows that are facing that road. At this point, they are currently only missing the architectural elevations for Building 4 which can be reviewed at a future meeting of the Planning Commission.

The third item is parking and access. The applicant has been working with Staff to address their concerns about parking, vehicle access and pedestrian access. They previously had a concern about the project potentially, depending on the tenant mix, exceeding its maximum parking allowance but that was addressed by adjusting the number of spaces slightly downward as well as increasing the square footage of the buildings so that the parking requirement was actually higher. The site entrance onto Division Street was moved as part of the development review. It was previously in conflict with a power pole associated with the Electric Substation that would have been very difficult to move. The Fire Department and also the Public Works Department had concerns about the exit only access onto Maple Parkway that is closest to North DuPont Highway but the applicants persuaded Staff to accept that exit only. Also at Staff's request, the applicants added some more pedestrian paths on the site to make some of the routes to the buildings from some of the street frontages more direct and logical. Staff does still have some concerns about bicycle access to the site which will be addressed later. The last thing he will note in terms of access is the entrance designs on the State roads are subject to DelDOT review and the project's Traffic's Impact Study.

The fourth area for review is landscaping. In addition to the site's standard tree planting requirement for one hundred thirty-two trees on the interior of the site, the site is subject to a few other landscaping requirements. First, there is the shopping center buffer requirement that is for ten feet of landscape buffer along all property lines. Second, there is another buffer requirement specifically for the arterial street, North DuPont Highway. That is supposed to be a wider buffer of thirty feet although there are waiver provisions for that width which the applicants would like to take advantage of. Finally, there is a requirement for a parking lot screening along Division Street because there will be parking spaces that face across the road onto residential property so that parking lot screening is intended to screen the cars and their head lights from the people living in those areas. We were not able to come to a consensus with the applicants over the property landscaping for some of the buffering and screening so that is something that he will be addressing in a moment.

As discussed at the very beginning of the Planning Commission meeting tonight, they do need to make sure that this project meets the intent of the *Zoning Ordinance* and they have included a number of items of consideration in the Report that could potentially be addressed by the Planning Commission tonight in order to meet the Code objectives. They are basically drawn from what is reasonable to ask in that the project does meet the letter of the Code already. Staff recommends approval of the request to waive the sidewalk requirement on Kings Highway. Providing sidewalk here will not provide meaningful access to neighboring properties and Staff agrees with the applicant that it will be safer to cross over to the existing sidewalk on the other side of Kings Highway than to provide pedestrian access on Kings Highway. Whether that crosswalk can be made or not is up to DelDOT's review requirements. Staff recommends approval of the waiver request to eliminate impervious surfaces or reduction that's required by the properties partial position in the Flood Plain. As previously mentioned, only 6% of the property is within the Flood Plain and they believe that reducing the amount of impervious area on the site would not appreciably reduce the flood hazard within the Flood Plain that is sort of incidental to the site. Staff recommends approval of the waiver request to reduce the width of the arterial street buffer from thirty feet. The applicants are asking for an eleven-foot-wide buffer. Staff does not have a specific recommendation on what width the buffer should be narrowed to. Staff recommends that the Commission examine the building architecture closely particularly that of the ALDI grocery store to determine its acceptability. The particularly important factor to consider here is the need for an attractive and unique face for the gateway intersection of North DuPont Highway and Division Street because that road is one of the primary routes to the City's Downtown. Staff recommends that the Commission ask for some further improvements to interior pedestrian circulation of the site; particularly with regard to access to Building 3. Looking forward to the applicant's presentation, it looks like some further improvement has been made in that area. Staff recommends the Commission endorse the use of multi-use path instead of frontage sidewalk along Division Street and North DuPont Highway. Providing multi-use paths along those two frontages is a recommendation of the City's *2015 Bicycle Plan* and it would improve safe access to the site for bicyclists. It will be ultimately up to DelDOT whether or not to require multi-use path but they have not made up their mind yet whether to require it as far as Staff is aware at this point. An endorsement by the Planning Commission could be favorable to them deciding to require it. Staff recommends the Commission examine the landscaping of the arterial street buffer along North DuPont Highway again to determine its acceptability. Staff has some concerns about the visibility of the interior of the site given the perceived density of the vegetation on the Site Plan. Again, looking forward to their presentation, the applicant shows a rendering of the Landscape Design which is much less dense than the one shown on the Landscape Plan. Staff will need some clarification as to which is the more accurate representation. Staff recommends the Commission examine the landscaping of the parking lot screening along Division Street to determine its acceptability. Staff concern is also with the visibility of the interior of the site. The proposed evergreen trees near the corner of North DuPont Highway and Division Street would screen the parking lot as they are supposed to but also screen the buildings which is not part of the intent of that section of the Code. Tonight, the Commission will need to take action on at the very least the waiver requests which are Items 1-3 and then the list of eight that he just gave. Again, those waivers are related to sidewalks, the Flood Plain and the arterial street buffer. The Commission may also choose to take action on the other five Staff recommendations or take some other or no other further action other than approval.

Mr. Riemann stated that they had a PowerPoint presentation to share with the Commission. They are here to talk about the Capital Station project. The site is about 9.3 acres. It has contained for quite some time a manufacturing facility that's been shuttered for probably seventeen to twenty years. It's been quite an eyesore in the City, especially with Division Street being the gateway into the town. Kings Highway is to the south and then they are bound by remaining lands to the north which he believes is a subject of some other land-use applications. The majority of the site is impervious as shown in the plan. A large of the portion of the site contains a large building, parking, paving, etc.

He shared current views of what the site looks like when looking from the intersection of Division Street and Route 13. You can see the water tower that's there, the building and all of the paving.

He shared a view from Kings Highway showing the City's Substation which is located behind a portion of their project. You can kind of see the red brick building in the background which is the existing facility.

One question might be why has it taken so long to get this property developed? It's on a highway; it's on Division Street. It's in an area with a lot of traffic. Why would this property sit for so long and so vacant and be such a blight on our gateway into the City? The answer to that is that the project has a lot of environmental clean-up that is necessary to facilitate the project. It is in the Brownfield Program and there have been a lot of studies. What you are seeing here are kind of cover pages and excerpts from a number of the reports and things that are required by DNREC to facilitate clean-up of the property and that clean-up was initiated by the previous owner of the property and carried through by the current developers of the property. Currently, what is in place and been approved by DNREC is a Remedial Action Plan. What that Remedial Action Plan does is dictates how the property can be developed, how construction can occur, what uses can be on the property, what uses can't be on the property, etc. Essentially, the property is restricted to be a non-residential use; it can't be a residential use. What that all translates to at the end of the day is dollars. The cleanup of the site is literally millions of dollars. He believes that they actually have the Demolition Permit in hand and are starting execution of that clean-up in conjunction with DNREC who is with us all along the way through that process.

Why is that important? That is important because in order to be able to develop this site and pay for all of the clean-up that is necessary to demolish the building, go through the clean-up process, and implement DNREC's Remedial Action Plan they need to develop the property to its highest and best use and maximize the development of the property as much as possible. That is what is going to pay for this property to be cleaned up. They appreciate the opportunity to work with Staff. They have done that over the last couple of months. They have had a lot of discussions and he thinks they have made some improvements to the plan in working with the Planning Department.

The plan consists of a number of buildings. Their main anchor tenant is the grocer which is on the corner. It's the large box shown on the display that is 22,000 SF. That tenant has been identified as an ALDI. They are also looking to include a couple of pad sites towards the front.

There are two smaller buildings fronting on Route 13. To the north is currently a restaurant pad and the middle building is a mix of restaurant and retail. There are also some opportunities for some outdoor seating. They created sort of a green space between the buildings so that there is a nicer outdoor seating element as opposed to just outdoor seating fronting on a parking lot. The middle building does anticipate a drive through. Right now, they believe that it would be a coffee shop tenant. For the rear building, the majority of the rear potion of the building is really blocked by the substation so they had some conversations about architecture but the majority of that building is not visible by the substation. That large building is in-line retail. They believe that it would be a mix of retail spaces and restaurants. The smaller building to the south closer to Division Street is retail. It could be a bank, retail or a restaurant. They do show a potential small drive through there. The total gross square footage is about 65,000 SF. They have worked with DelDOT on access. The Commission may recall that this site has had previous applications as Mr. Diaz mentioned. There's been a Traffic Study completed. The access points that they show are consistent with the Traffic Study that was completed and of course DelDOT is part of the DAC process so those access points are consistent. The access on Route 13 is contemplated as a right in/right out only; clearly not a full movement access there. The access on Division Street is a full access movement. It would have separate right out/left out lanes. Maple Parkway is a City street and there's a full access on Maple Parkway at the center of the site. They have an access way that connects from Division over to Maple Parkway. It sort of bi-sects what they call the front of the project or the Route 13 side of the project. Then there is a right out/left out access onto Maple Parkway closer to Route 13. Their access is very important to this project in terms of circulation. For example, the coffee shop user that they are anticipating that would likely be in the middle building as a drive through, those customers want to come in, get their coffee and get back out to head to work. They would not be an entrance. He knows that there was some concern by the City that there could be cueing onto the highway if it was an entrance but it's not an entrance; it's an exit only.

They have significant landscaping. It exceeds the Code requirement of landscaping. They have a number of pedestrian connectivities; it's hard to point them all out without the laser pointer. They do have sidewalks throughout the entire center. You can see the crosswalk areas but they have sidewalks on the main access way that divides the site east/west and then they have sidewalks on the main access way that divides the site north/south. They have sidewalks along Division Street. They have sidewalks along Route 13. They have sidewalks along Maple Parkway. They are going to talk about a waiver for sidewalk that Staff has recommended approval of along Kings Highway that's really because with the substation being located where it is and all of the sidewalk facilities located on the south side of Kings Highway and the south side of Park Drive. There is a good crossing at Division Street. There are pedestrian signals there, crosswalks and what have you to protect pedestrians. Actually, getting those pedestrians on the south side of Kings Highway they think is a better situation than constructing a short segment of sidewalk on their Kings Highway frontage that would really not go anywhere and with the substation being there, not have potential for future connection. Pedestrian connectivity was something that they did make some significant improvements on at the recommendation of Staff by adding additional sidewalks and connections all throughout the center so that the site is multi-modal.

They think that the future view of the site is much improved. There is lots of green and lots of

landscaping opportunities. There is a mixture of lower landscaping shrubs to screen parking and then some higher canopies. They do have some evergreens mixed in because in the wintertime they would like to have some green on the site. They think that they are obviously willing to work with the Planning Office to continue to refine the Landscape Plan moving forward. He doesn't think that they have any objection to that but they think that what they show here looks great and is representative of what they are proposing.

In another view looking south from Route 13, you would see the right turn lane that's coming into that right in/right out entrance that's in the center of the site. What you see on the right with the red awnings is a conceptualized restaurant. This would be the building that they would actually need to bring back to the Commission once they secure a tenant. What they are showing there is conceptual in nature at this point because they don't have a tenant and they are happy to come back when they do and show the Commission that plan. This does give you the idea of what that would look like traveling down Route 13. You can see lots of green space and buffer along that corridor.

He has already talked about the partial elimination of the sidewalk. Staff did recommend approval and they would ask for the Commission's support of that sidewalk. That's just a small piece because really their property has a very short frontage on Kings Highway and again with the substation it doesn't make sense. They think getting the people to the other side of Kings Highway is a safer maneuver and they agree with Staff on that.

The site is in the Flood Plain by just a smidgen. It actually comes up into the site just in the vicinity of the smaller building known as Building 3. That's if you actually overlay the map. If you use the elevation of the map, it actually really just skirts along the property line of the substation. They are actually reducing the impervious coverage within the mapped Flood Plain by 40% from what's there now. He thinks that the Code is requiring 15% of the overall site which as Mr. Diaz stated doesn't really lend a lot of benefit. They are actually reducing impervious in the Flood Plain where it actually matters to reduce impervious. Reducing impervious of the overall site really doesn't provide any benefit to the Flood Plain. That being said, the total site impervious is slightly increased by a couple percents. It's really very similar to the impervious that is there today so it's a minor increase.

One of the major things that they want to talk about today is the arterial buffer. Staff has recommended approval of narrowing the buffer requirement. Back when the previous application for the site came through, they were granted a reduction to the buffer. Now they weren't granted as much of a reduction as then but there was one difference between that application and this application. This application, due to changes in the way that DelDOT requires right-of-way between that time and today, DelDOT now requires about twenty feet of additional right-of-way. If you look at the orange line that's on the plan, that is the existing right-of-way. The yellow thick line is the proposed right-of-way. It's a significant dedication. If they were required to make thirty feet off of that line, it would eliminate a significant amount of parking which would reduce a lot of their square footage on the site. As mentioned earlier, they need to try to maximize this site as much as possible so that they can try to clean it up and put something in here that's productive for the City. What they had proposed was a forty-foot arterial buffer from the existing right-out-way. If DelDOT had not requested them to provide any right-of-way, the

thirty feet that they do provide is off of that existing right-of-way and that line is exactly the same line that was approved with a previous application. Essentially, what they are proposing in terms of a buffer line is in the same position as what was approved when the prior Site Plan for a different project came through. They actually exceed it in many locations. If you look to the top, they have forty feet in some locations. He thinks that Staff mentions forty to forty-four feet in various locations throughout the site. That is an important waiver that they would request the Commission's approval on.

The architectural plans show lots of brick, vertical articulation, awnings, variations of materials, colors, etc. and architectural relief. The ALDI grocery store is brick on all four sides of the building. It's certainly consistent with the architectural character in this area. They did work with ALDI and the City to add additional windows. If you look at the third elevation down, that is the elevation from Route 13. Those windows weren't originally there so they did work with ALDI to have those windows put in just to provide yet another architectural variation and to improve the façade. As you can see, they have vertical relief and various changes in brick but it is an all brick building on all four sides of the building. The middle building that is closest to Route 13 has a coffee shop on the left and maybe a pizza shop on the right and some outdoor seating. It certainly blends with the architectural character of the other buildings. The smaller building that is closest to Division Street is very similar with a lot of brick and variation in materials such as awnings, vertical relief, etc.

The parking lot screening on Division Street is a lower shrub type screening that would screen cars. They are fine with that; it makes sense to them. They did meet with DelDOT regarding the shared use path and completed a Traffic Study. The Traffic Study does say that a five-foot sidewalk is what is requested along Division Street and Route 13 which they think is acceptable and meets the Code; that's what they are proposing with this plan. As Mr. Diaz stated, the plan does meet the letter of the Code and he looks forward to answering any questions that the Commission may have.

Mr. Tolbert questioned what kind of toxic material was there that has to be cleaned up? Responding to Mr. Tolbert, Mr. Finnegan stated that he is by no means an environmental expert so he refers back to DNREC's documentation that they provided on the site. The soil contamination was what they call polynuclear aromatic hydro comments (PAH's). He would be remiss to try to explain to the Commission what specifically those are. In DNREC's paperwork, when they determined this it was entered into the program back in 2013. They did an extensive investigation and came up with underground storage tanks that were there were removed and closed down in place. Those that had a leaking problem on the site were removed.

Mr. Tolbert questioned if they were gasoline tanks? Responding to Mr. Tolbert, Mr. Finnegan stated that they were heating oil tanks; there was fuel oil and ethanol on the site. Additionally, the paperwork from DNREC states that the former owner addressed what they call minor petroleum and VOC contamination in both soil and ground-water on the site due to former historical operations. To go into the details of it, you really want a scientist up here explaining what the risks are of that. That they were minor on the site, he thinks is a testament to the amount of work that they did in studying the site.

Mr. Tolbert stated that the only reason that he raised that question is because it was a great cost to get cleaned up. Responding to Mr. Tolbert, Mr. Finnegan stated he thinks that was the struggle by which the site was left vacant for twelve years. He thinks that they shut down operations in 2005. He thinks that they went twelve years without any takers willing to involve themselves in the site because of the vast unknown that the clean-up posed to the site.

Mr. Tolbert questioned if they were comfortable that they are going to have a grocery store at this location? Responding to Mr. Tolbert, Mr. Riemann stated that they are comfortable that they will have a grocery store here.

Mr. Tolbert further questioned what other businesses are they comfortable that they are going to have at this location? Responding to Mr. Tolbert, Mr. Riemann stated that he believes that as they go forward with the project and once the demolition is realized at this site then people can see that someone is finally moving forward with this. He believes that their leasing people will have substantial success because of the location and the proximity; that it is the gateway to Downtown.

Mr. Tolbert stated that the reasons he raised the question is because according to what he is reading it states that they may have four restaurants at the location. Responding to Mr. Tolbert, Mr. Riemann stated absolutely, which he thinks they would very much service the area that is right down the street.

Mr. Tolbert stated that he thought that was a bit much for the site given all of the restaurants that we have in Dover. Responding to Mr. Tolbert, Mr. Riemann stated that they have had interest from various restaurants. There are some restaurants that are still looking in other areas within Dover such as the Mall area. They have also been approached by some sporting goods stores and fashion stores. There is interest in the site; it is very speculative at this time until they see the demolition move forward. He thinks that is when there will be a lot more serious conversations about the type of clients that would be at this location.

Ms. Maucher stated that the Planning Staff is expressing a desire for a multi-use path and sidewalks. Is there a disagreement? Responding to Ms. Maucher, Mr. Riemann stated that typically DelDOT would dictate what those paths would be. They would require a fifteen-foot easement that would be provided off of the right-off-way that they would either require a multi-use path or a sidewalk.

Ms. Maucher questioned if the applicant cared which one it would be? Responding to Ms. Maucher, Mr. Riemann stated that he didn't know if they much care what it is. The documentation that they have from DelDOT to date says a sidewalk. They don't want to be in a position where DelDOT wants a sidewalk in their easement but they have an approval from the City that says it has to be a multi-use path and there's a conflict.

Mr. Diaz stated that just to be clear, there is documentation from DelDOT in the DAC Report. Their comments say that they would like to see a multi-use path there. Between that and the TIS there is a conflict on their end. Staff's recommendation was that the Planning Commission can't really require a multi-use path but they were recommending that the Commission endorse the

multi-use path in hopes of resolving the discrepancy at DelDOT in favor of the multi-use path. Mr. Tolbert questioned if that had to be part of the motion that would be made? Responding to Mr. Tolbert, Mr. Diaz stated that it does not have to be. The Commission could decline to make a recommendation one way or the other.

Mr. Tolbert opened a public hearing.

Mr. Edward Manismith – 766 East Loockerman Street Dover DE 19901

Mr. Manismith stated that he thinks that what they propose is good. The old Playtex should go. It's been many there for so many years; it needs to be torn down. He goes past it every day and it's an eye sore. He thinks what they propose and what you see on these plans should be built.

Mr. Tolbert closed the public hearing.

Ms. Edwards stated that in reference to the water tower, what are the plans with that? Responding to Ms. Edwards, Mr. Riemann stated that the water tower is going to be removed.

Mrs. Welsh questioned if the motion would need to include the nine items that are listed? She sees that it says in some of them for the Commission to address certain things. Responding to Mrs. Welsh, Mr. Diaz stated that the motion has to include action on the three waiver requests. The other items four through nine, those are things where they recommend the Planning Commission take a look at what's been said here tonight. If a motion is needed based on the acceptability of the architecture or the acceptability of landscaping or anything needed on the multi-use path or the other issues listed there, then those can be part of the motion if you so choose.

Mr. Riemann stated that as it relates to those additional items that are recommendations, they are not Code requirements. Of course, they obviously need to include a motion on the waiver requests and they agree with Staff support on each of those. The architecture as it relates to ALDI, basically one of the comments is that it should look different than the store in Camden, Delaware. It already looks different than the store in Camden by adding the additional windows. But that architecture, that style and brand is important to that particular tenant and they are our anchor tenant. They are the key to getting this momentum going and getting this project moving so they would ask that the architecture that they have presented which includes a modification working with the Department already be accepted. For the pedestrian facilities, they have already talked about and he thinks they have made changes to that affect already. Mr. Diaz is shaking his head yes so he is not sure that they have an issue there. The multi-use path, again he thinks that they are indifferent to whether it's a ten-foot path or a five-foot sidewalk. They do have a conflict with DelDOT and ultimately, he thinks they (DelDOT) are going to have some say over that. They are open to resolution based on DelDOT's acceptance. On the arterial street buffer landscaping itself, he thinks that they would want to work with Staff on that moving forward and he thinks they are okay with reducing some of the landscaping. When you look at plans in a vertical view with landscaping you can see that it looks dense. He thinks that Staff's concern is that there's too much landscaping, it's dense and if there are evergreens you are not going to see it. The evergreens that they are proposing are smaller, lower, narrower; they are not going to put Leyland Cypresses in across the frontages and block the view of all of their retailers. That is not

their intent; their retailers won't like that. It's got to be a combination of something that looks great on the corridor but also allows visibility of their tenants. That's as important to them as it is to the City. They would like to just continue to be able to work with the City on that moving forward if the Commission accepts that. They are fine with the lower landscaping along Division Street blocking the parking; he thinks that's fair and it's a good idea. They are fine with screening the HVAC equipment. Some of it may be on the roof anyway which is a nice benefit of the flat roofs because it allows you to put HVAC equipment up there so they are not as visible. He did just want to go through each of those so that the Commission understood what their thoughts were.

Mr. Tolbert questioned what Mr. Riemann said about the flat roofs? Responding to Mr. Tolbert, Mr. Riemann stated that they are not flat.

Mr. Tolbert stated that they have been trying to get away from flat roofs altogether. Responding to Mr. Tolbert, Mr. Riemann stated that they are up and down. There is a lot of variation. They won't look flat from the street.

Mr. Hugg stated that he thinks that Staff is clearly willing and looks forward to working with the applicant on the Landscape Plan. What you show on your presentation tonight, those appear to be different from what's on the plan. That may just be the rendering but he thinks they may be certainly willing to do that. He wants to commend the applicant and their architects and engineers. They have met with Staff a number of times to work out a lot issues and he appreciates the give and take that they've had.

Mr. Tolbert stated that the buildings are attractive buildings.

Mr. Hugg stated that they are attractive and the willingness of ALDI to add windows and treat that building in the way that they have is also a major concession on their part.

Mr. Holden motioned to approve S-17-12 Capital Station Dover at 50 North DuPont Highway (Revised), inclusive of the three waivers requested that are partial elimination of sidewalk, the requirement to reduce impervious area in the Flood Plain and the reduction of the arterial street buffer as requested by the applicant. Also, including the requirement that the applicant work with Staff on the arterial buffer street landscaping, parking lot screening and that they comply with screening the HVAC equipment, seconded by Mrs. Welsh and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; for the reasons stated. He thinks it's a great plan and he is looking forward to development on this site. It's been abandoned a long time and it's going to be a nice addition. Mr. Roach voting yes; it's beautiful. He has gotten tired of riding by there seeing that parking lot almost every day. It's a beautiful plan and we appreciate your cooperation with everything. Ms. Edwards voting yes; she thinks that it will definitely add to the beautification of the City and it will certainly create additional jobs for the City of Dover. Mr. Holt voting yes; he thinks that it's going to be a great plus for the City. It's been a long time coming and he is looking forward to seeing the project get on the move. Mr. Baldwin voting yes; for all of the reasons stated. Dr. Jones voting yes; looking forward to some upscale restaurants. Mrs. Welsh voting yes; for all of the reasons previously stated. She also thinks that it's a great plan and it's very appealing and she thinks that it will be a great asset to that site. Ms. Maucher voting yes;

for reasons previously stated. She has a little angst and she hopes that the "build it and they will come" works. She is hopeful that people will come and it's a good location. Mr. Tolbert voting yes; he is anxious to see that site develop. It has been vacant for a long time and it is in a very important area of the City. She is obligated just for the sake of Dover that the site be developed and it's nice looking plan.

NEW BUSINESS

1. Update on Project Research for *Zoning Ordinance* Text Amendments

Mr. Hugg stated that Staff has been going through the *Zoning Ordinance* focusing on Article 5 and 6 of the Ordinance. They have identified a number of "house-keeping" amendments which they will create an Ordinance form to be submitted to the Mayor and Council during the first meeting in July for the first reading which would then mean that they would come to the Planning Commission for consideration after. During the Quarterly Workshop Meeting in July, we will talk about some other amendments that we might want to consider.

Meeting adjourned at 10:30 PM.

Sincerely,

Kristen Mullaney
Secretary