CITY OF DOVER PLANNING COMMISSION
July 18, 2016

The Regular Meeting of the City of Dover Planning Commission was held on Monday, July 18, 2016 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh, Ms. Maucher and Mr. Tolbert.

Staff members present were Mrs. Ann Marie Townshend, Mrs. Dawn Melson-Williams, Mr. Jason Lyon, Mr. Bill Cook, Mr. Eddie Diaz and Mrs. Kristen Mullaney. Also present were Mr. Troy Adams, Mr. Doug Liberman, Mr. Shawn Smith, Mr. Dave Kuklish, Mr. Brent Wensel and Mr. Jim Brockton. Speaking from the public were Mr. Jim Burdran, Mr. Stephen Jones, Mr. Ken Richter and Mr. Paul Brooks.

APPROVAL OF AGENDA

Mrs. Townshend stated that there is one amendment to the agenda. Application S-16-13 Revised Dunkin Donuts at 1116-1128 Forrest Avenue has been removed. Staff received something from the applicant today requesting that this item be removed from the agenda.

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

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JUNE 20, 2016

Mrs. Welsh moved to approve the Planning Commission Meeting minutes of June 20, 2016, seconded by Mr. Baldwin and the motion was unanimously carried 8-0.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Monday, August 15, 2016 at 7:00pm in the City Council Chambers.

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop meeting is scheduled for Wednesday, August 17, 2016 at noon in the City Hall Conference Room.

Mrs. Townshend stated that she does not have the update on the regular City Council and various Committee meetings prepared so she can give a two (2) month update at next month's meeting.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW BUSINESS Regarding APPLICATIONS

1) S-16-15 Family Dental Associates at 385 Saulsbury Road: Waiver Request – Review and Consideration of a Waiver Request for the Elimination of Upright Curbing as associated

with the Administrative Site Plan for a 1,615 SF expansion of an existing parking lot to increase the lot by four (4) spaces. The project is located on the east side of Saulsbury Road and south of Walker Road. The property is zoned C-PO (Commercial and Professional Office Zone) and subject to the COZ-1 (Corridor Overlay Zone). The owner of the property is Christopher A. Nacrelli. Tax Parcel: ED-05-067.19-02-02.06-000. Council District 4. *At its meeting of June 15, 2016 the Board of Adjustment granted variance V-16-05 to allow an increase in the number of parking spaces.*

Representatives: Mr. Troy Adams, Mountain Consulting, Inc.

Mr. Cook stated that this application is S-16-15 Family Dental Associates at 385 Saulsbury Road. This is a review and consideration of a waiver request for the elimination of upright curbing as associated with the Administrative Site Plan for a 1,615 SF expansion of an existing parking lot to increase the lot by four (4) spaces. The project is on the east side of Saulsbury Road and south of Walker Road. It is zoned C-PO (Commercial and Professional Office Zone) and subject to the COZ-1 (Corridor Overlay Zone).

There was a Board of Adjustment application in regards to this property V-16-05 approved at the meeting of the Board of Adjustment on June 15, 2016 to allow an increase in the number of parking spaces by four (4) spaces. What the Planning Commission is considering is the upright curbing waiver request. The project itself doesn't come through for a full Site Development Plan approval because it falls under the threshold for impervious surface for review. To the Commissioners that are new, these occasionally come up every few months or so. The only mechanism within the *Zoning Ordinance* to seek relief from the requirement for a curbing is to come to the Planning Commission for a waiver request. In the *Zoning Ordinance*, there is a requirement that parking areas have to have an upright curb of six (6) inches. The existing parking lot at the site does not have a curb so rather than having to retro-fit the entire parking lot with the upright curbing they requested the waiver. Staff has recommended in favor of approving the waiver and they gave the rationale that it would assist in accommodating stormwater runoff from the area. Also consistent with what Staff has recommended in the past, they recommend the approval of the waiver conditional upon the installation of concrete of parking bumpers at the heads of spaces in lieu of the curbing to control vehicle movements.

Mr. Adams stated that he did not have any questions and he agrees with Staff. They are on board to place the parking bumpers as recommended.

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

Mr. Holt moved to approve S-16-15 Family Dental Associates at 385 Saulsbury Road: Waiver Request for the upright curbing and to include the installation of parking bumpers (as a requirement), seconded by Dr. Jones and the motion was unanimously carried 8-0.

NEW DEVELOPMENT APPLICATIONS

1) US-16-03 Outback Steakhouse Restaurant Signage at Dover Town Center - Public Hearing and Action on Review of a Unified Comprehensive Signage Plan application which would

amend the applicant's existing approved Signage Plan (US-15-02) to permit construction and implementation of signage for a pad site restaurant at Dover Town Center. The new signage would consist of five wall signs totaling 219.3 S.F. and a 32 S.F. tenant panel on a previously-approved north pylon sign serving the shopping center. The property is located on the west side of North DuPont Highway between KW Boulevard and Cedar Chase Drive. The property is zoned C-4 (Highway Commercial Zone). The owner of record is Onix Dover LLC. Property Address: 1574 North DuPont Highway, Suite 800. Tax Parcel ED-05-057.00-01-05.01-000. Council District 4. *This application is associated with Comprehensive Signage Plan US-15-02 approved by the Planning Commission on September 21, 2015 with Final Plan approval on October 28, 2015.*

Representatives: Mr. Doug Liberman, Larson Engineering; Mr. Shawn Smith, Outback Steakhouse

Mr. Cook stated that this application US-16-03 Outback Steakhouse Restaurant Signage at Dover Town Center is for a Public Hearing and Action on Review of a Unified Comprehensive Signage Plan application that would amend an existing approved Signage Plan (US-15-02) to permit construction and implementation of signage for a pad site restaurant at Dover Town Center. The new signage would consist of five wall signs totaling 219.3 S.F. In the Staff Report, he gave a little bit of background. The existing property has a Unified Comprehensive Signage Plan. This is the Dover Town Center site that used to be known as Wal-Mart. The existing plan for the property when it was approved consisted of the signage only for the main large building as well as the free standing pylon signs. The pylon signs are the large ones. One is located north of the site as you come down Route 13 south and there is another located at the intersection of Route 13 and KW Boulevard. Those signs were previously approved and when that plan was approved the Site Plan for the restaurant and a smaller multi-tenant building was not completed yet. At the time, the applicant opted not to include those buildings in the Unified Comprehensive Signage Plan for the center. The restaurant and the small multi-tenant new building to the rear will be subject to the regular provisions of the *Sign Ordinance*. The regular provisions of the *Sign Ordinance* for the restaurant would allow four (4) wall signs. Two (2) of them would be sized for what is called the Urban Principal Arterial. They would also be allowed two (2) more signs because it would be considered a corner lot so they would have two (2) street frontages. They would also be allowed two (2) more wall signs for the frontage of KW Boulevard which they consider an Urban Local Collector. The sizes would vary for an Urban Local Collector. It could be up to a maximum of thirty-two (32) SF each and for the two (2) signs allotted for the Urban Principal Arterial, the maximum is 15% of the wall area. The standard regulations of *Zoning Ordinance* would allow you to place them on any wall so it doesn't really matter what street it faces. It gives you a count and then the applicant can place them anywhere.

The applicant's proposal for this building is five (5) signs total. They want three (3) at a size of 66.9 SF. The display shows that there is a sign that says "Outback" and another which says "Steakhouse". Where it faces DuPont Highway, he believes that one sign says "Outback" and another says "Take Away." On the front elevation which is going to be facing the parking lot to the shopping center, there is one sign at the 66.9 SF limit. Table 3 in the Report gives a comparison of the proposal against what would be allow under normal Code.

A Unified Comprehensive Sign Plan would be for campuses that have multiple buildings on them or in certain situations there is a minimum street frontage which permits an applicant to apply for a

Unified Comprehensive Sign Plan. The design guidelines for this plan should be in harmony with the overall architectural scheme and it should comply with the design guidelines for a Unified Comprehensive Signage Plan; it should be harmony, character and unity of signs.

In terms of the Planning Commission's consideration of a Unified Comprehensive Signage Plan, they will want to look at the criteria from the *Zoning Ordinance*. Planning Commission duties are listed on Page 5 of the Report. They should look at if the size and complexity of the campus warrant it, if the number of entrances and the placement of signage warrant the additional signage and if the proposed signage is adequate to direct traffic safely and guide the public to the use. They should also look at if there is an adverse impact in regards to visibility of adjacent signs and if the proposed signs are of style and color that complement the site. One of the criteria of the Unified Comprehensive Sign Plan is that it does allow for additional signage than what would be allowed under the terms of the standard sign ordinance.

Staff's recommendation was to approve; they found that it was generally in harmony with the rest of the site and what you would expect to see on a property such as this. Also in the rundown that they gave in the packet where they did the comparison, Table 3 Page 7, Staff gave the percentages of the wall area of the proposed signage relative to what they could have. They found overall that the signage was not excessive and that the signage was appropriate.

Mr. Liberman stated that he was with Mr. Shawn Smith from Site Enhancement Solution. He was the one who prepared the signage package; he does a number of these sites for Outback Steakhouse throughout the country. He can help with any technical questions on the site signs or the entire package. They are in agreement with Staff; Staff is supporting the signs that they are requesting on the site. As far as Table 3 goes, he thinks the percentage of the sign wall area is significantly under the 15% maximum for all the signs on the site so he thinks it's a very tasteful signage package that has been presented for the Outback Steakhouse.

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

Mr. Holden moved to approve to US-16-03 Outback Steakhouse Restaurant Signage at Dover Town Center and updates including Staff comments as presented, seconded by Mr. Holt and the motion was unanimously carried 8-0 by roll call vote. Mr. Holden voting yes; it looks like a good signage plan that is well under the maximum percentage and the additional signs are of no concern. He thinks it's fitting for the area. Mr. Roach voting yes. Mr. Holt voting yes; the sign package is not excessive and it will certainly show people the way to get a good steak. Mr. Baldwin voting yes; based on the Comprehensive Sign Plan that has been presented. Dr. Jones voting yes; it is in compliance with the requirements for signage as specified and based upon the review of Staff. Mrs. Welsh voting yes; the package is well within the limits for the size of the signage and it's very tastefully done. Ms. Maucher voting yes; it's not excessive and it improves the visibility of the restaurant which has an impact on the surrounding businesses. Mr. Tolbert voting yes; the signage is not distasteful and it's in compliance with the rules and regulations governing signs.

2) S-16-14 Lidl Grocery Store at North DuPont Highway and Kings Highway NE – Public Hearing and Action on Review of a Site Plan application to permit the construction of an approximately 36,185 S.F. retail grocery store and associated site improvements. The project

is to include a Parcel Consolidation Plan to re-subdivide the six parcels on site into three and abandon the unimproved right-of-way known as Midland Road. Construction would involve demolition of all existing buildings on site. The property consists of 6.95 acres (7.275 acres prior to right-of-way dedication) and is located on a site bounded by North DuPont Highway, Maple Parkway, and Kings Highway. The property is zoned C-4 (Highway Commercial Zone) and IO (Institutional and Office Zone) with all site improvements to occur in the C-4 zone. The owners of record are Davis H. Wood, Wells Fargo Bank NA, and Kings Highway Land Partners, LLC. The equitable owner is Lidl US Operations, LLC. Property Addresses: 122, 136, 140 and 162 North DuPont Highway and 321 Kings Highway NE. Tax Parcels: ED-05-068.18-01-20.00-000, ED-05-068.18-01-21.00-000, ED-05-068.18-01-22.00-000, ED-05-068.18-01-23.00-000, ED-05-068.18-01-24.00-000 and ED-05-068.18-01-25.00-000. Council District 2. *Waiver Requested: Partial Elimination of Sidewalks and Consideration of Area Subject to Tree Planting Requirement*

Representatives: Mr. Dave Kuklish, Bohler Engineering; Mr. Brent Wensel, Lidl Operations LLC

Mr. Diaz stated that this project is to construct a 36,000 S.F. grocery store. The chain is known as Lidl. The site is between North DuPont Highway and Kings Highway just to the north of the old Playtex Plant property and it's zoned C-4 (Highway Commercial) and IO (Institutional and Office). There are a couple of things that the developers are doing to prepare the site for the grocery store. The first is that they are proposing to re-subdivide the site. Right now, there are six (6) parcels on-site and they are proposing two (2). One would be the main grocery store parcel and the other would be a residual parcel to the west of the site. The residual area will take up the part of the site that is zoned IO (Institutional and Office Zone). The only part that is developed will be in the C-4 (Highway Commercial Zone). The second thing they are doing is recording easements for the benefit of the adjacent Wells Fargo property which is to the southeast. They don't have a Site Plan for proposed improvements on that property yet but there is a proposal for additional parking in that easement where the drive aisle leading out onto Maple Parkway is. If that parking is constructed, then it will follow the joint maximum parking regulations for the main grocery store parcel and the Wells Fargo parcel.

There is one waiver request for this property and that is to eliminate the sidewalk requirements along the portion of the property that would be in the IO (Institutional and Office Zone) along Kings Highway from the State Office Building to where they are going to add new sidewalk to the north on Kings Highway. Staff recommendation is for approval of that waiver.

They also have several design considerations for the site. First, the applicant is requesting that the tree planting requirements for the site be based just on the parcel that is to be developed and to exclude the acreage of the residual parcel. For those of you who are new to the Planning Commission, the tree density planting requirements of the site are based on the acreage so they would like to exclude the acreage of the part that is not going to be built upon. Staff would like that to be a point of discussion at this meeting. Second, Staff is recommending that the applicant consider removing the proposed fencing that would be along the northeast corner property line separating it from the existing Pay Day Loans property on the corner of Kings Highway and North DuPont Highway and also along the new property line that would separate the grocery store parcel from the residual parcel. Staff's recommendation would be that they consider changing out that fencing for some sort of landscape screening. Finally, Staff is recommending that the applicant add

some additional sidewalk on-site to improve internal pedestrian circulation as well as coordinate better with the outside sidewalk network. Kings Highway is one proposed route of the Senator Bikeway and they would like to see a clear path from where pedestrians and bicyclists would be using this bikeway to the entrances to the site and bicycle facilities on the site. They would at the very least like to see sidewalk along the entrance driveway that leads to Maple Parkway.

Mrs. Melson-Williams stated that she wanted to make sure that it's in the record that the Development Advisory Committee Report also includes comments from other agencies including the City's Public Works Department and Electric and the Fire Marshal's Office. There are comments from DelDOT as this project is in the middle of a Traffic Impact Study. There are also comments from the Kent Conservation District related to stormwater management planning and also comments from the Dover/Kent County MPO.

Mr. Holt stated that's one of his questions. The traffic in that area is very congested now and he thinks that it's really important that they look at the TIS with DelDOT or at least he hopes that they can come up with a plan that would eliminate some of the traffic problems in that area. Responding to Mr. Holt, Mr. Diaz stated that they are still waiting on the results of the Traffic Impact Study. If it comes to the Planning Office, they could see that it has substantially changed the location of the entrances to the site; right now there is one proposed off of Kings Highway, one off of North DuPont Highway and one proposed off of Maple Parkway. If the location of those are changed or the numbers change, then that would be a substantial enough revision to the Site Plan that it would come back before the Planning Commission for a second hearing.

Mr. Kuklish stated that they are acceptable with the removal of the fence behind the proposed store and its replacement with additional landscaping. They are also acceptable with Staff's recommendation for the extension of sidewalk from the store down to Maple Parkway. As mentioned, the TIS is in review with DelDOT; the City had input on the scoping of that. They counted and studied nearly a dozen intersections within the vicinity of the site and that's under review with DelDOT. They know as required that they need to meet those requirements.

Mr. Holden stated that he is not sure if Staff articulated it this way or if they are addressing if Staff did but the sidewalk along the residual parcel of Kings Highway, is there a stance of adding that to the plan? His understanding is that currently they are not showing it. Responding to Mr. Holden, Mr. Kuklish stated that they currently have a waiver request to not have sidewalk along the IO (Institutional and Office Zone) portion of the site.

Mr. Holden questioned if they are seeking that waiver? Responding to Mr. Holden, Mr. Kuklish stated yes, because if and when that parcel gets developed as required they will have to installed sidewalk. In their initial meetings and discussions with DelDOT, they are acceptable with not showing that sidewalk and proposing that sidewalk at this time.

Mr. Tolbert opened a public hearing.

Mr. Jim Burdran – Dover DE

Mr. Burdran stated that he lives right across the street. He is delighted to see something happening with this property after so many years of deteriorating blacktop and rusty fence. He is concerned about a barrier between the back of the property to his house. Is the entrance in front of Dunkin

Donuts and the exit near the bank on Maple Parkway? He is delighted to hear that this is happening. Responding to Mr. Burdran, Mr. Kuklish stated that there is an entrance on Kings Highway and a proposed entrance on Maple Parkway within the existing Wells Fargo entrance. All of these existing curb cuts (on Route 13) are going to be consolidated into one curb cut. Obviously that is a big safety upgrade.

Mr. Burdran questioned if there was going to be two separated entrances and exits or will they be in the same location? Responding to Mr. Burdran, Mr. Kuklish showed where the right in/right out would be located (on Route 13). He also showed on the display where there would be a full movement entrances and exits.

Mr. Burdran stated that the only other question that he had was regarding retention plan. As he understood from looking at the plot plan briefly is that there is one by Maple Parkway. Is there any consideration for one on or near the IO property that they are not going to address right now? Responding to Mr. Burdran, Mr. Kuklish stated that all of it currently drains to the back. As required, they have to reduce post development runoff. They are required to capture everything within their parcel according to DNREC regulations. The resulting runoff to the existing portion which is significantly less than what is currently going there. This area is impervious which is also going to further reduce the runoff.

Mr. Burdran stated that they are going to re-route it so that the water will come over towards Maple Parkway and be cleaned there before it runs off as clean water. Responding to Mr. Burdran, Mr. Kuklish stated that was correct. They have met with Kent Conservation District and reviewed that approach with them.

Mr. Stephen Jones – 290 Kings Highway NE Dover DE 19901

Mr. Jones stated that they are happy to see that a grocery store is going to be right across the street from them. That makes it really nice. One question that they have is regarding the sidewalk, especially in the non-developed area. The bus stop for DART is right at the entrance to the Probation and Parole and there is no shoulder on that road. It's not a safe area to be walking down. There is no cross over for pedestrians until you get down to Route 13. Without having a sidewalk there, people could get hurt. About a month ago, a car came around the corner just pass the Silver Lake entrance and ran up on the curb sidewalk. The speed limit is 25 MPH. There is no police patrol and there is excessive speeding down that road. Police officers, fire apparatuses speed down that road. It's already a safety concern as it is now and now they are going to add a grocery store into that mix. He understands that DelDOT is doing a Traffic Impact Study. Right now at peak hours during rush hour, the traffic can back up all the way to the entrance of Probation and Parole from the Route 13 near the Dunkin Donuts. That is going to cause concern with a new entrance going into a shopping center where it's already hard enough to get into that intersection and out of the Dunkin Donuts intersection. He is just trying to figure out what can be done with that and of course the Traffic Impact Study will help to figure out where it's going to go. Right now, it's just an unsafe area especially for pedestrians to be walking down with no sidewalk.

There are a couple of businesses in Dover that the police have decided to close in the after midnight hours to make sure there is no loitering as well as rubbish and trash. At the current Edgehill Shopping Center, if you go behind that building the trash is insane. The dumpsters behind that building are not policed well and they are not emptied well. If you go to the Target shopping center,

the retention ponds are filled with trash. He has a concern with living at the back of this proposed store. Will he be picking up trash out of his yard? He already picks up trash now when people walk from Dunkin Donuts and throw their trash in his yard. Everyone is going to get that no matter what street they live on but with an added grocery store there could be more rubbish in his yard.

Mr. Ken Richter – Luther Towers 430 Kings Highway NE Dover DE 19901

Mr. Richter stated that he is here as a member of the Board of Directors for Luther Towers. This facility is certainly a welcomed project in the area. As the owners of the property across the street that houses a lot of old people, they are going to be tickled to death to be able to get their groceries and meet that need. At the present time, they bus them around town and this is going to be a real blessing for them. The concern that he has is that there would be an ingress and egress on Kings Highway close to the entrance to Dunkin Donuts. There is already an issue with the entrance into Dunkin Donuts at that location. Responding to Mr. Richter, Mrs. Townshend stated that proposed entrance is off set about fifty (50) feet.

Mr. Richter stated that traffic backs up going onto Route 13 on Kings Highway a lot at the present time and for someone coming off the highway and trying to get into this parcel by having to cross the exiting traffic is going to cause a lot of congestion. He really doesn't think that's a good access to the property. He is concerned also about the sidewalk situation because they are going to have a lot of pedestrians walking across the street and going into this property. He thinks that sidewalks are very important. He knows that DelDOT was considering some changes to the property adjacent to them where the car wash is now and one of the issues that came up there was having access in and out of the car wash there by Dunkin Donuts which they still have. He is really quite surprised that DelDOT would permit that. He is not sure if that's been addressed or not. Responding to Mr. Richter, Mr. Diaz stated that it has not been addressed yet. It will be subject to the Traffic Impact Study and that may result in the movement of that particular entrance.

Mr. Richter stated that the DART bus route goes into Luther Towers just at the entrance of Luther Towers and then back out on Lakeview Drive. He is just concerned that this will cause a lot of congestion in that area. Other than that he thinks it's a wonderful idea and is looking forward to having a store close by.

Mr. Paul Brooks – 302 Kings Highway NE Dover DE 19901

Mr. Brooks stated that he wanted to voice support for this project. He thinks whether or not there is a sidewalk on the other side because there are currently sidewalks all along Kings Highway on the house side and if there was at least one designated crossover, he thinks that would address possibly eliminated the need for the other sidewalk because it's already there on the housing side. It would be nice to have something versus a bunch of deteriorating properties in front.

Mr. Tolbert closed the public hearing.

Mr. Holden questioned if DelDOT was in favor of not requiring the sidewalk along Kings Highway? Are they asking for fee in lieu monies? Would that be done here or an easement currently along that parcel? Responding to Mr. Holden, Mr. Kuklish stated that it's part of the TIS. They are looking at pedestrian circulation and two questionable cross walks and how pedestrians make it to the site.

Mr. Holden stated that he saw the letter from Mr. Brockenbrough. Have they gotten any comments back form them or any expectation on the timing there? Responding to Mr. Holden, Mr. Kuklish stated that they have not received a response.

Mr. Holden stated that he has been remiss here in this parcel overall in the past that they have offered or allowed sidewalk waivers. He is curious about Staff comments because they thought that they might be unpractical at this location. They have heard some comments from the residents about concern over the bus stop and having people who get off the bus get somewhere. He knows that's an issue and he knows there are a number of people that visit the State office and are left to walk or get themselves elsewhere without a vehicle. He thinks that they should strongly consider the sidewalk along Kings Highway. Relative to the trees, the trees are an issue that Staff has authority to offer some leeway. Responding to Mr. Holden, Mrs. Townshend stated that they would only be subject to the tree planting for the development portion and then that residual area would subject to tree planting when it comes through.

Mr. Holden questioned if that was something that the Planning Commission was tasked to act on or is that something that Staff handles? Responding to Mr. Holden, Mrs. Townshend stated that she thought that was something that Staff was able to delineate.

Mrs. Melson-Williams stated in this case, the Planning Commission should probably recognize it; it's not a formal waiver in the Code as it's setup. The Commission has in the past with projects that designate a specific area to exclude pending the future development of that area to have it be subject to the tree planting at the time of that future development rather than with the immediate project. It should be recognized by the Planning Commission as part of any motion.

Mr. Holden stated that he thinks the removal of the residual parcel in terms of the tree count makes sense and it makes sense because you don't know how that site might develop in the future. If you could plant trees throughout the bulk of that site, there's a great likelihood that they would have to come out to reflect a parking lot layout or other. He would personally like to see the sidewalk go in on Kings Highway with street trees along it and not necessarily needing to meet the overall project area or site area tree requirement, but for that corridor it would be a very nice component that adds value to the residual parcel.

Dr. Jones questioned if the Traffic Impact Study has already begun? Responding to Dr. Jones, Mrs. Townshend stated that the way it works is that the applicant has their engineer do the Traffic Impact Study and then it gets submitted to DelDOT for review. At this point, it is submitted to DelDOT for review.

Mr. Kuklish stated that they agreed upon the scope of where they were going to do the study and what intersections need to be counted. They counted those intersections and submitted that count information to DelDOT for review. That process takes months to complete.

Dr. Jones questioned if there have been conversations with businesses in that immediate area like Dunkin Donuts or Luther Towers for any feedback other than what they have gotten tonight? Responding to Dr. Jones, Mr. Kuklish stated no they have not spoken with any businesses.

Dr. Jones stated that this area is very congested and it's congested an awful lot. You go in to get a cup of coffee and you might not get out for a while. Also, there is the idea of the safety issue for the pedestrians; Dover is quickly becoming a walking community. She has a real concern about the pedestrians and the sidewalks.

Ms. Maucher stated that she saw the MPO was recommending a bus stop inside the property. Is that something that the applicants will consider so that they are not impeding traffic since there is no sidewalks? Responding to Ms. Maucher, Mr. Kuklish stated that they are reviewing that now.

Ms. Maucher stated that she thinks that's important. Also, there's an entrance to the City park in that vicinity as well so she thinks pedestrians need a central crosswalk.

Mr. Roach questioned if there would be any way possible to be able to have a crosswalk near the State office building along the side where the trees are? That may help some of the traffic as far as the pedestrian aspect. Responding to Mr. Roach, Mrs. Townshend stated that she tends to be very adamantly opposed to sidewalk waivers because she is very much in favor of a walkable community but there's a lot that's going on here. They have talked about the TIS and some mention was also made of the Senator Bikeway. DelDOT and the City and the MPO are working on plans for a multi-use path that will go across the City. It will be on low stress routes such as Fulton Street but then also have some off-road components on some of the major roads. This is one of the areas that they are really looking at. When you look at Lewis Mill Drive where park entrance is, her only concern with doing a sidewalk now is will it invite more people to cross before we have the traffic controls that go with crossing? She is wondering if it might be better to wait to see what the results of the Traffic Impact Study are and the Senator Bikeway plans so that they can best plan for the safe passage. The reality is that if you put the sidewalk all along there we may end up having people cross where we don't want them to cross so there is some benefit to the pedestrian facilities being planned together. She is not in favor of a sidewalk waiver but she also knows that they have dealt with areas where people are making unsafe crossings and sometimes the sidewalk encourages that.

Mr. Holden stated that currently we have an issue where the people who visit the State office building or people who get off at the bus stop don't have a route. It would be his motion to install the sidewalk unless DelDOT came up with a plan to resolve pedestrian access from the State building and from the bus stop. He would like to resolve the issue that they have now but allow for a financially reasonable path if DelDOT comes up with a better plan. He thinks better than what they have now is sidewalk along both sides of Kings Highway. How can we add it if Planning Commission felt that way as a whole, how would we adequately convey that but allow the builder a better financial path and not require the sidewalk if DelDOT came up with a better plan that resolved those issues? Responding to Mr. Holden, Mrs. Townshend stated that you could refuse the sidewalk waiver with the caveat that if something additional comes up during the Traffic Impact Study or the Senator Bikeway Study then we would then bring it back to the Planning Commission to reconsider the sidewalk waiver.

Mr. Holden moved to approve S-16-14 Lidl Grocery Store at North DuPont Highway and Kings Highway NE to include all Staff comments and denial of the elimination of sidewalk and adding the caveat that if DelDOT or the Senator Bikeway Plan comes back with a project that would remove the concerns that they have over the pedestrian's access to other pedestrian ways from the bus stop or from the State facility that the developer could return to remove the requirement for sidewalk

along the residual parcel. He would like to petition Staff to consider requiring street trees along that sidewalk; not to satisfy the overall site tree count but to provide an aesthetically pleasing element and value to both the parcel and the residents, seconded by Mr. Holt and the motion was carried 7-1 by roll call vote. Mr. Holden voting yes, for the reasons stated. Mr. Roach voting yes; considering the fact that they are still keeping account of the Traffic Impact Study and also the concerns for traffic by the Dunkin Donuts. Mr. Holt voting yes; for the same concerns about the traffic and waiting for the TIS. Mr. Baldwin voting yes, for all of the reasons previously stated. Dr. Jones voting no; she would rather have benefit of the Traffic Impact Study regarding congestion. Mrs. Welsh voting yes, for the reasons previously stated. Mrs. Maucher voting yes, for the reasons previously stated. Mr. Tolbert voting yes; particularly because of the recommendation Mr. Holden gave regarding this application.

3) MI-16-06 Abandonment of Topaz Circle Stub Street at Emerald Pointe – Public Hearing and Review for Recommendation to City Council of a proposal to abandon the stub street connecting Topaz Circle and planned street Senior Way. The abandonment would result in the Emerald Pointe subdivision having only one connection onto a major road, McKee Road and would eliminate the interconnection to The Arbors via the planned street of Senior Way and to College Road. This matter was referred by the Safety Advisory and Transportation Committee of City Council to the Development Advisory Committee and Planning Commission for a recommendation. Council District 1. *Emerald Pointe Subdivision (SB-02-01) was approved by the Planning Commission in 2002 with Final Plan approvals in 2003-2004 and has since been developed. Application S-16-07 The Arbors Senior Garden Apartments was conditionally approved by the Planning Commission on March 21, 2016. This Abandonment proposal is as a result of its referral for review from the City Council on June 27, 2016.*

Representatives: None

Mrs. Townshend stated that following the Commission's approval of The Arbors on March 21, 2016, members of City Council heard from a number of constituents particularly in Emerald Pointe about concerns with the interconnection of Topaz Circle and Senior Way. The topic of interconnection was brought to the Safety Advisory and Transportation Committee for discussion on April 26, 2016. At this meeting, Staff provided a history of The Arbors and the interconnection between Emerald Pointe and The Arbors. Ultimately, following that discussion and the Minutes are in the packet the Committee approved a motion that asked that the process for abandonment of the stub street at Topaz Circle be considered. On June 27, 2016 at the City Council meeting, Council took action to waive portions of the process for street abandonment and refer the proposal for abandonment of the Topaz Circle stub street to the Planning Commission for public hearing this evening. The display on the screen is showing where the interconnection is between Senior Way in The Arbors and Topaz Circle stub street. This was referred to the Development Advisory Committee in preparation for the Planning Commission. The Planning Commission's role is to make a recommendation to the Council Committee of the Whole Utility Committee who will then consider the matter on August 9, 2016. They will then report out to City Council.

The recommendation of the Planning Staff as well the other departments on the Development Advisory Committee, in particular the Department of Public Works, the Fire Marshal's Office, DelDOT and the Dover/Kent County MPO was not to recommend in favor of the abandonment of

the stub street. The *Land Subdivision Regulations* provide language on the requirement for interconnection for subdivisions that contain twenty (20) or more lots or site developments that contain one hundred fifty (150) or more dwelling units. The Emerald Pointe Subdivision Plan was approved in 2002 by the Planning Commission and included two points on interconnection. One connecting to what is now The Arbors and then one connecting to another piece of property to the west that is not very easily developable. This is the major way that they can connect to another roadway. The cross access between The Arbors has been in place during all previous iterations of review of The Arbors and Senior Way was actually recorded in June 2009. We have seen throughout the City many cases where we have not in the past done interconnection and it creates challenges for both daily travel; there is one way in and one way out. It also is not ideal for emergency access. The idea is that once this interconnection is built there will be multiple accesses to public roads. Not having those accesses could increase response times in cases of emergency and it also is less than ideal for traffic flow. There are a number of developments on the west side of town for example the neighborhood across from Dover High, where you have one way in and one way out. If your children are friends with someone in the neighboring development you have to go out onto Route 8 to turn back into the development. It's inefficient and puts more traffic out on the roads and provides fewer alternatives for travel.

The comments from the Planning Office as well as the other departments are located in the packet. A public hearing is required this evening. The minutes of when this was discussed at the Safety Advisory and Transportation Committee are also included in the packet. At that point, there were a number of members of the public who shared concerns.

Ms. Maucher stated that as a member of the Legislative Finance Committee, previously she was present during that public hearing at the Safety Advisory and Transportation Committee meeting.

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

Mr. Holden questioned if this request initiated by Council needs to be a recommendation, approval or denial by the Planning Commission? Responding to Mr. Holden, Mrs. Townshend stated that the Commission would make a recommendation.

Mr. Holden stated that he thinks Mr. Koenig stated that the City has been moving in the path of having interconnected neighborhoods for decades and that they bring pros and cons but that they have decided as a City that the pros outweigh the cons. When you have over one hundred (100) homes and only one way a traffic accident or something else could block access. The main driver to go cut through this neighborhood to him doesn't seem to be there. He doesn't think it makes an easier path if traffic is busy on either one of the roads. That cut through traffic can be addressed. He thinks that there is great reason to have interconnection. It's tough when it happens after the fact because people are used to the reality of what they see today expecting that it's always going to look like that. He thinks there is a really strong basis to keep the interconnection and he is supportive of it.

Ms. Maucher questioned if the connection to the other property would be a straight cut through from Emerald Pointe to the next road or are there going to be turns that you have to make to get to

the other entrance? Responding to Ms. Maucher, Mrs. Townshend stated that the Exhibit shows that Senior Way curves so it's not a straight road but there are not intersections.

Ms. Maucher stated that having been present for the larger public comment, she does appreciate that there are concerns about people cutting through the development to get from one main roadway to another to avoid traffic. Is there anything else that can be done? She knows that for Independence Boulevard she was present for a discussion regarding bump outs and things like that to slow down the traffic. Responding to Ms. Maucher, Mrs. Townshend stated that there could be traffic calming measures that could be put in place but typically the traffic calming comes into effect when you have more of a straightaway. With Independence Boulevard, part of the challenge is that you have a straight road that goes right through that neighborhood. Here this is somewhat of a circuitous route if you were going to try to cut through it. It's not really going to save you much. It certainly could be something that if problems were to arise that there could be traffic calming measures but she thinks that just by virtue of design they wouldn't anticipate those types of problems.

Mr. Holden moved to recommend denial to City Council for MI-16-06 Abandonment of Topaz Circle Stub Street at Emerald Pointe and following the recommendations of the Department of Public Works, the Fire Marshal's Office, DelDOT, Dover/Kent County MPO and Planning Staff, seconded by Dr. Jones and the motion was unanimously carried 8-0 by roll call vote. Mr. Holden voting yes, for the reasons stated. Mr. Roach voting yes, for the reasons stated and due to the fact that emergency vehicles need different ways to enter and exit. Having one way in and out is a lot more dangerous than having people who just want to kill time and pass through the neighborhood. But to have access for someone in need is more important than trying to make it to work on time. Mr. Holt voting yes, for the reasons previously stated. Mr. Baldwin voting yes, for the reasons previously stated. Dr. Jones voting yes; based upon the recommendations of Staff and others who have involvement. Mrs. Welsh voting yes, for the reasons previously stated in regard to the safety issues. Ms. Maucher voting yes, for public safety reasons. Mr. Tolbert voting yes, for all of the reasons stated and it seems to be in the best interest for the City of Dover.

4) MI-16-10 Text Amendments: Manufactured Homes – Public Hearing and Review for Recommendation to City Council of Text Amendments to the *Zoning Ordinance* and the *Dover Code of Ordinances*, principally *Zoning Ordinance* Article 3, Section 8 – Mobile Home Park Zone (MHP) and *Dover Code of Ordinances*, Chapter 66 – Manufactured Homes and Trailers. Article 3, Section 8 is proposed to be renamed "Manufactured Housing Zone (MH)" and Chapter 66 is proposed to be renamed "Manufactured Homes, Mobile Homes, and Land Lease Communities." The purpose of the text amendment is to update standards and terminology throughout the Dover Code as they relate to manufactured homes, and to implement standards for management and maintenance of land lease communities. Ordinance #2016-16. *Public Hearing before the Planning Commission is scheduled for July 18, 2016, and Final Reading/Public Hearing is scheduled before City Council for August 8, 2016.*
   A. A copy of the Proposed Ordinance #2016-16 is available on the City's website www.cityofdover.com under the Government Heading: Ordinances, Resolutions & Tributes

Representatives: None

Mrs. Townshend stated that this is a series of text amendments, some to the *Zoning Ordinance* but also to other sections of the Code that are part of a comprehensive review of the Code of Ordinances as it relates to manufactured housing. Commissioners may recall that Staff brought a piece of this forward back in December 2015 with some definitions for "manufactured home" and "dwelling, one family". This is kind of a second piece of that. This started when there was a Building Permit issued for the construction of a manufactured home within the One Family Residence Zone. After receiving feedback from several residents and several members of City Council, Staff brought forward a plan for changing the Code that included the immediate change of some definitions and then a thorough review to bring all of the terminology and requirements up-to-date. There are a number of things that are completed in this Ordinance. In looking at Page 3 of the DAC Report, the key components being the update of the related terminology, taking out mobile home when the intent is manufactured home because definitionally they are different, updating the definitions, defining and establishing regulations for land-lease communities, limiting placements of recreational vehicles in the Floodplain; and the licensing, taxation and placement provisions in Chapter 66 which is really the licensing of manufactured homes. There were some places where manufactured homes, mobile homes and recreational vehicles were even used interchangeably so Staff kind of broke that out. They are looking to rename the MHP (Mobile Home Park Zone) to the Manufactured Housing Zone. It would update the Land Use Compatibility Table in the AEOZ (Airport Environs Overlay Zone). It would also add definitions for condominium, land-lease community, mobile home, and modular home. Modular homes are stick built off-site and assembled on-site and a lot of people use that terminology interchangeably with mobile homes and manufactured homes and they are different. It also establishes a Business License and associated fees for a Land-Lease Operator. It really is a very thorough review of anything in the Code that touches manufactured housing or mobile homes to bring the terminology up-to-date. One of the effects of this is that it would phase out mobile homes. Mobile homes being those that are pre-1976 that are not built to the current HUD specifications. They have fewer safety standards so obviously they would want to phase them out.

There were a couple of agency DAC comments. One from the Electric Department to add a requirement that land-lease community owners and occupants of manufactured homes coordinate with the City Customer Service regarding electric services and to clarify the approving authority in regards to NFPA Publication 501A from the Fire Marshal's Office. She thinks that Staff can come up with simple fixes to take forward to the City Council as amendments for the Final Reading.

Mr. Holden questioned what drove the changes to the placement of recreational vehicles in the Special Flood Hazard Zone? Responding to Mr. Holden, Mr. Diaz stated that the original text of the *Dover Code of Ordinances* stated that if a recreational vehicle was to be situated in a Special Flood Hazard Area it would have to be upgraded to the standards of a manufactured home but unfortunately that wasn't really something that physically can be done because a recreational vehicle is a vehicle. A manufactured home may be transportable but it's really supposed to be a building. There isn't really a way to do that sort of retrofitting.

Mrs. Townshend stated that if you look at the Ordinance lines 26-31, it says that recreational vehicles in Special Flood Hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than one hundred eighty (180) days. The idea is on the next one where they are prohibiting them is that there are not fully licensed and ready for highway use or being

used as living quarters for longer than one hundred eighty (180) days. Other sections of the Code would prohibit people from using recreational vehicles as living quarters.

Mr. Holden questioned if a mobile RV would fit this definition? Responding to Mr. Holden, Mrs. Townshend stated yes.

Mr. Holden further questioned that if you are fully licensed and ready for highway use, does that mean that you have to park it in a different spot for half the year? Responding to Mr. Holden, Mrs. Townshend stated that for the Floodplain Regulations that the City has adopted what FEMA and DNREC have put forward as model ordinances. The ability to deviate too much from them could put the City out of compliance with the National Flood Insurance Program. The way that it reads currently without the revision is that if it's not for highway use or if it's going to be there for more than one hundred eighty (180) days then it would need to be flood proofed or it would need to be above base flood elevation. If there's a house where they store a recreational vehicle that's in the driveway and it comes and goes as they travel, she does not believe that they would look at it under this. The way that the model ordinance for the Floodplain is developed kind of makes it look like people will be living in them.

Mr. Holt stated that it looks like Staff has covered a lot of ground with this. Responding to Mr. Holt, Mrs. Townshend stated that she wants to make sure that Mr. Diaz gets all of the credit. He really did a lot of work to put this together and did just a comprehensive sweep of the Code.

Mr. Holt stated that Mr. Diaz did a good job; it's very inclusive and covers a lot of ground.

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

Mrs. Welsh moved to recommend approval to City Council for MI-16-10 Text Amendments: Manufactured Homes, seconded by Ms. Maucher and the motion was unanimously carried 8-0 by roll call vote. Mr. Holden voting yes; it seems to be a well thought out update to our current regulations. Mr. Roach voting yes; it looks like a lot of work was done and it makes it a lot easier. Mr. Holt voting yes; a lot of work went into this and he thinks that it's going to be a big improvement for the City of Dover. Mr. Baldwin voting yes, for the reasons previously stated. Dr. Jones voting yes, for all of the aforementioned reasons. Mrs. Welsh voting yes; the text amendments are well thought out and very extensive. Ms. Maucher voting yes; she is a strong proponent of going through regulations to make sure they are consistent, clean and understandable. Mr. Tolbert voting yes; this amendment is very sorely needed and he is glad to see that the job has been done to bring it together.

NEW BUSINESS

1) Nomination and Election of Officers (Chairman and Vice-Chairman)

Nominations for Chairman were opened to the floor.

Dr. Jones nominated Mr. Tolbert to serve as the Chairman.

Mr. Baldwin moved that the nomination for Chairman be closed on the said name, seconded by Mr. Holt. Mr. Tolbert will serve as Chairman.

Nominations for Vice-Chairman were opened to the floor.

Dr. Jones nominated Mr. Holden to serve as the Vice-Chairman, seconded by Mr. Roach.

Mr. Roach moved that the nomination for Vice-Chairman be closed on the said name, seconded by Mr. Holt. Mr. Holden will serve as Vice-Chairman.

2) Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance,* Article 10 §2.28)

Mrs. Melson-Williams stated that the current two (2) Planning Commission members are Mrs. Kathy Welsh and Mr. Dean Holden. In addition, there is Ms. Sarah Kiefer, Director of Planning Services for Kent County and Dr. R. G. Chandler, Director of Architecture at Del-Tech Community College as the outside design professionals. The Mayor has an opportunity to either sit himself on the Committee or his own designee and then there is also the opportunity to appoint alternates to the design professionals.

Mr. Holt moved to continue with the existing members of the Committee, seconded by Ms. Maucher. Mrs. Welsh and Mr. Holden will serve as the Planning Commission members of the Architectural Review Oversight Subcommittee.

Meeting adjourned at 8:34 PM.

Sincerely,

Kristen Mullaney
Secretary