CITY OF DOVER PLANNING COMMISSION
March 21, 2016

The Regular Meeting of the City of Dover Planning Commission was held on Monday, March 21, 2016 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Cregar, Mr. Holt, Mr. Baldwin and Mr. Tolbert. Colonel Welsh, Dr. Jones, Ms. Still and Mr. Ambruso were absent.

Staff members present were Mrs. Ann Marie Townshend, Mr. Jason Lyon, Mr. Bill Cook, Mr. Eddie Diaz and Mrs. Mullaney. Also present was Mr. Jon Falkowski, Ms. Carol Ohm, Mr. Michael Maupin, Mr. James Burgess, Ms. Dana Sawyer, Mr. Allen Henson, Mr. Dale McCalister, Mr. Joseph Lazorick, Mr. Raymond Harbeson Jr., Mr. Alex Schmidt and Mr. Douglas Barry. Speaking from the public was Mr. Thomas DiSabatino, Mr. Dan Maler and Mr. Richard McKee.

APPROVAL OF AGENDA

Mr. Cregar moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 5-0 with Colonel Welsh, Dr. Jones, Ms. Still and Mr. Ambruso absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF FEBRUARY 16, 2016

Mr. Holt moved to approve the Planning Commission Meeting minutes of February 16, 2016, seconded by Mr. Baldwin and the motion was unanimously carried 5-0 with Colonel Welsh, Dr. Jones, Ms. Still and Mr. Ambruso absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Monday, April 18, 2016 at 7:00pm in the City Council Chambers.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on February 22 & 23, 2016 and March 14 & 15, 2016.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1. Requests for Extensions of Planning Commission Approval:
   A. S-14-08 Woodland Tree Clearing Plan of 560 Bay Road – Request for one year extension of Planning Commission approval granted on April 21, 2014 to the Site Development Plan to permit the clearing of approximately 7.45 acres ± of trees (woodland) on a 12.67 acre ± parcel. This included approval of the waiver request to permit the tree clearing to exceed 50% of the woodland on the property at 560 Bay Road and to accept the Woodland (Tree) Mitigation Plan at the Anne McClements Woodland Tract (Fork Branch Nature Preserve) previously approved by the Planning Commission on April 19, 2010 with Application S-10-03 South Dover Plaza. The Woodland Mitigation Plan was implemented and completed by October 2013. The property is zoned C-4 (Highway Commercial Zone). The property is located on the southwest side of Bay Road. The owner of record is S H E Holdings, LLC.

Property Address: 560 Bay Road. Tax Parcel: ED-05-077.00-01-10.00-000. Council District 2.

Representatives: None

Mrs. Townshend stated that this was a Site Plan application for woodland clearing of property at 560 Bay Road. When this application came to the Commission two (2) years ago, the mitigation associated with this has already been completed at McClements Nature Preserve but the clearing has not yet taken place. The applicant has requested a one year extension.

Mr. Cregar questioned if Staff knew what the hold-up was on this? Responding to Mr. Cregar, Mrs. Townshend stated no, she knows they have talked to the property owner about potential development but the clearing has not yet taken place; the mitigation has taken place.

Mr. Cregar moved to approve S-14-08 Woodland Tree Clearing Plan of 560 Bay Road for a one year extension, seconded by Mr. Baldwin and the motion was unanimously carried 5-0.

2. Revise Plan Information:
   A. C-13-11 Dover Christian Church at 1738 Forrest Avenue – Information on Revisions to Conditional Use Site Plan for construction of a one story 9,600 SF place of worship (church building) and associated site improvements. The proposed Revisions consist of reduction of building size, reduction of number of parking spaces, reduction of impervious coverage, revision to type of stormwater management facility and revisions to building architecture and materials. The existing residence on the property is proposed for demolition. The property is 1.5576 acres and is zoned R-10 (One Family Residential Zone) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the south side of Forrest Avenue and west of Dover High Drive. The owner of record is Dover Christian Church, Inc. Address: 1738 Forrest Avenue. Tax Parcel: ED-05-075.00-01-04.00-000. Council District 1. *The Planning Commission granted conditional approval of the Conditional Use Site Plan on October 21, 2013 and a one year extension on August 17, 2015; Final Plan approval is still pending.*

Representatives: Mr. Jon Falkowski, Becker Morgan Group

Mr. Holden recused himself from this application due to his employer being the engineer on record.

Mrs. Townshend stated that this is a change to a Conditional Use Site Plan for the Dover Christian Church located on the south side of Forrest Avenue west of Dover High Drive. The Planning Commission approved plans for the construction of a one story 9,600 SF church at this location. At this point, they have been working through the application process. They have made some changes to the church. It's a smaller church and they have made some changes to the architecture. They are also requesting an extension as the plan is set to expire in October 2016. The applicant is here and can answer any questions.

Mr. Falkowski stated that as Mrs. Townshend mentioned, there is a significant reduction in footprint. It went from 9,600 SF to just below 4,000 SF mainly due to budgetary concerns and trying to get it down to a reasonable size that the congregation can raise enough money to afford.

There was also some stormwater limitations because they ran into some bad soils so they had to reduce the footprint at little bit and shift the building over slightly. Parking was also reduced mainly to match the assembly size of one hundred twenty-eight (128) seats. They have provided that minimum parking plus 25% extra for a total of forty (40) parking spaces. No other changes to the plan other than that and the exterior materials. They are still keeping some masonry and just adding some siding.

Mr. Tolbert stated that it's a much smaller building. Will they still be able to do all that they intended to do? Responding to Mr. Tolbert, Mr. Falkowski stated yes, it still meets the program. They will just be able to afford it a little better now.

Mr. Holt stated that it's usually the other way around; they normally want to enlarge instead of decrease in size. Responding to Mr. Holt, Mr. Falkowski stated that he thinks one day they would like to expand and they have left some space on either side as money would allow. They would like a few more meeting spaces.

Mr. Holt moved to approve C-13-11 Dover Christian Church at 1738 Forrest Avenue (Revised Plan) for a reduction in the size of the church, seconded by Mr. Baldwin and the motion was unanimously carried 4-0 with Mr. Holden recused and Colonel Welsh, Dr. Jones, Ms. Still and Mr. Ambruso absent.

NEW BUSINESS

1) S-16-04 Dover Behavioral Health Systems: Phase I, 4-Bedroom Additions at 725 Horsepond Road: Waiver Request – Review and Consideration of a Waiver Request for parking reduction as associated with the Administrative Site Plan for construction of a 1,400 ± sq. ft. addition at the rear of the building to consist of four bedrooms. This Administrative Site Plan review will precede a future Site Plan Application for a 9,800 sq. ft. Phase II addition. The project is located on the east side of Horsepond Road north of Lafferty Lane and is adjacent to the City Lane. The property is zoned IO (Institutional and Office Zone) and is subject to the AEOZ (Airport Environs Overlay Zone). The owner of the property is UHS of Dover LLC. Tax Parcel: ED-05-078.00-01-08.00-000. Council District 2.

Representatives: Ms. Carol Ohm, Apex Engineering Inc

Mr. Diaz stated that this project is Phase 1 and (the total project) is an approximately 12,000 SF addition to the Dover Behavioral Health building at 725 Horsepond Road which is just to the north of Lafferty Lane. This first Phase is 1,400 SF which was small enough to qualify it to come into the Planning Office for Administrative Site Plan review. The size of this addition would require them to construct four (4) more parking spaces than what are currently available on the site. Since they say that they are well served by existing parking they submitted a parking waiver request which cannot be processed administratively. The data that they provided Staff shows that on any given day they are using no more than 60% of their existing parking. They have one hundred sixty-one (161) parking spaces on site and the very maximum number of spaces that they are using is ninety-four (94). They also have some programs that provide shuttle service for their patients so on that basis Staff is recommending that the Commission approve the waiver request.

Ms. Ohm stated that their development plans for the site right now are for a 12,000 SF addition which they have split up into two (2) different phases. The first phase being just shy of 1,400 SF and the second phase being close to 9,800 SF. That was done because of the urgency for four (4) bedrooms immediately. So because of the timing for review and approval, they split the project up into two phases. Phase 1 is before the Commission currently and Phase 2 has been submitted to the Planning Office as well. Their request right now is for Phase 1 but the same request will also be for Phase 2. The site also has the capacity for an area on-site which they have labeled in the last edition that came before the Planning Commission. They showed a future parking area on-site. If in the event in the future parking became needed, they would be an area where parking could be constructed. They have now shown a little bit more information in terms of a parking layout for that area, showing that they could get as many as fifty-six (56) parking spaces if needed in the future. Typically, the parking lot is only 50% full so in order to save on stormwater management and so forth, they would like to leave the parking as is and show the future parking area that they have shown as needed in the event that it ever becomes necessary.

Mr. Cregar stated that in his day job he has had the opportunity to be at this facility at various times throughout the day and there is excess parking currently on that site for morning, afternoons and evenings. He thinks the waiver would be appropriate at this time.

Mr. Holden moved to approve S-16-04 Dover Behavioral Health Systems: Phase I, 4 Bedroom Addition at 725 Horsepond Road: Waiver Request due to adequate parking on-site, seconded by Mr. Baldwin and the motion was unanimously carried 5-0 with Colonel Welsh, Dr. Jones, Ms. Still and Mr. Ambruso absent.

NEW DEVELOPMENT APPLICATIONS

1) AX-16-01 Lands of Capitol Cleaners & Launderers, Inc at 1102 South State Street – Public Hearing and Review for Recommendation to City Council of an Annexation Request and Rezoning Request for one parcel of land totaling 6,331 S.F. ± located at 1102 South State Street. The property is currently zoned BG (General Business District) in Kent County. The proposed zoning for the property is C-2A (Limited Central Commercial Zone). The property is located west of South State Street and north of State Street Road and South DuPont Highway. The annexation category according to Dover's *2008 Comprehensive Plan* is Category 1: High Priority Annexation Area and the land use classification is Commercial. The owner of record is Capitol Cleaners & Launderers, Inc. Address: 1102 South State Street. Tax Parcel: ED-00-086.05-01-46.02-000.

Representatives: None

Mrs. Townshend stated that this is a small annexation application. It's a property that is just over 6,000 S.F. This is actually an interesting circumstance because the property line goes through a building and the two properties associated with the building have different owners. This is the front portion of the building and the property is located at 1102 South State Street. The property is owned by Capitol Cleaners & Launderers, Inc. The current zoning in Kent County is BG (General Business District) and the proposed zoning in the City is C-2A (Limited Central Commercial Zone). Currently, they receive City of Dover electric and water and they are looking to get into the City's sewer system. This is directly south of the dental office that came to the Commission about one year

ago and is currently under construction. Her understanding from the property owner is that they are working with the property owner to the north to secure an easement to get the sewer to their property. It is in a Category 1: High Priority Annexation Area with the land use classification as Commercial. The property immediately north is zoned C-2A (Limited Central Commercial Zone) and that is consistent with the zoning requested by this property owner. Staff would recommend in favor of the annexation and the zoning classification noting that this is one of the enclave areas of high priority annexation area.

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

Mr. Cregar stated that do we want to attach C-2A (Limited Central Commercial Zone) at this point in time? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Cregar moved to recommend approval to City Council for AX-16-01 Lands of Capitol Cleaners & Launderers, Inc. at 1102 South State Street. They recognize that this property is in a high priority area and he would move that they recommend that this annexation be approved and that it be recommended for C-2A (Limited Central Commercial Zone) upon its inclusion into the City, seconded by Mr. Holden and the motion was unanimously carried 5-0 by roll call vote with Colonel Welsh, Dr. Jones, Ms. Still and Mr. Ambruso absent. Mr. Holden voting yes, due to Staff comments and its positioning in a high priority annexation area. Mr. Cregar voting yes, for the same reasons. Mr. Holt voting yes; it is in a high priority area and he thinks it's going to be good for City. Mr. Baldwin voting yes, for the reasons previously stated. Mr. Tolbert voting yes; it's consistent with what they want to accomplish.

2) C-16-03 Duplexes at W. Reed Street and South Kirkwood Street – Public Hearing and Review of a Conditional Use application to construct three duplex buildings for a total of six dwelling units. The project includes a Minor Subdivision Plan to reconfigure the existing lot fronting on Reed Street and the two lots fronting on South Kirkwood Street into six lots fronting on Reed Street. Each of the six main lots is proposed to be between 1,673 S.F. and 2,345 S.F. in area. The total property area is 10,871 S.F. (0.247 acres) and is zoned RG-1 (General Residence Zone). The property is located on the east side of South Kirkwood Street just south of Reed Street. The owner of record is Mautiste Investment Group. Property Addresses: 420 West Reed Street, 105 South Kirkwood Street, and 107 South Kirkwood Street. Tax Parcels: ED-05-076.12-02-65.00-000, ED-05-076.12-02-64.00-000, and ED-05-076.12-02-63.00-000. Council District 4. *This application is associated with Application V-16-01 variance requests related to RG-1 bulk standards as approved by the Board of Adjustment on February 17, 2016.*

Representatives: Mr. Michael Maupin, Mautiste Investment Group; Mr. James Burgess, Elite Homes LLC

Mr. Cook stated that this application is for duplexes at West Reed Street and South Kirkwood Street. This is a review of a Conditional Use application to construct three (3) duplex buildings for a total of six (6) dwelling units. The project includes a Minor Subdivision Plan to reconfigure the existing lots fronting on South Kirkwood Street into six (6) lots fronting on West Reed Street. There are three (3) existing parcels that go east and west and the Minor Subdivision Plan would create six (6) parcels that go north and south and front on Reed Street. Each of the six (6) lots is purposed to

be between 1,673 SF and 2,345 SF in area. Lot property is 10,781 SF and is zoned RG-1 (General Residence Zone). The property is located on the east side of South Kirkwood Street and just south of Reed Street. Owner of record is Mautiste Investment Group.

This was a rather complex application that they have been working with the developer on for several months now. The property to note is within the City's Downtown Development District so a variety of incentives are available for construction projects that promote investment within that District. One of the goals of the Downtown Development District program as well as other City goals pertain to the promotion of homeownership opportunities in the Downtown area as well as improved housing stock generally in the Downtown area. This project did receive a Large Project Grant reserve through the Downtown Development District program.

On the next block north on Kirkwood Street, Central Delaware Habitat for Humanity has constructed three (3) homes at this time. All three (3) of those homes are occupied by homeowners and an additional home is under construction and there is an additional lot that they have not received plans for yet but it's anticipated that that additional lot will be built on as well.

The project is a Conditional Use because duplex one family dwellings are a Conditional Use housing type in the RG-1 (General Residence Zone). The Commission may recall back in October there were amendments to RG-1 (General Residence Zone) and RG-2 (General Residence Zone) to allow townhouses and duplexes to be Conditional Uses in those zones.

The way the houses are sited, they have parking in the front. They basically have two (2) spaces together which strattle the common property line between the two (2) units. There is one (1) parking space per dwelling unit which is the requirement for duplex dwellings within the RG-1 (General Residence Zone). The homes are sited towards the front with parking in the front. For Conditional Uses in the RG-1 (General Residence Zone), one of the stipulations for duplex dwellings would be that duplex dwellings shall be designed to minimize points of access to the public street and to take access from an alley or other shared access where such access is available. An early version of this plan did have an alley or driveway in the rear of these properties. It was a twelve (12) foot right-of-way which would have been dedicated to the City and the houses were out close to the front. The original plan had the parking in the back which was sort of the design intent of the RG-1 (General Residence Zone) to sort of minimize having parking in the front of the houses. But for various reasons among City Departments such as the Planning Office, Fire Marshal's Office and Public Works there was agreement that placing the parking in the front in this instance was a better solution. It had to do with the width of Reed Street and the ability to have fire access on Reed Street and the fact that there will not be parking on Reed Street. For a variety of reasons as well as maintenance of the proposed driveway in the back, the plan came to the conclusion that this was the better solution for this case.

The project did have an application through the Board of Adjustment for variances. The variances related to lot size because the lots would be undersized for the RG-1 (General Residence Zone) dimension standards, setbacks as well as lot coverage. Those variances were granted. Because of the change in the layout, the project will have to go back to the Board of Adjustment as an item of Old Business. Staff will take it back and modify the variances based on the changes in lot configuration. The trash pick-up is going to be from Reed Street and there will be fenced screening enclosures on

the fronts of the houses to contain the containers. Those will be accessible right off the driveways in the fronts of the houses.

Mr. Cook used a display to show a proposed rendering of one building with two dwelling units. There will be three (3) of these buildings with similar overall style and form. One of the recommended conditions of approval was to have some variation of the siding colors and minor architectural details when possible. There is sidewalk required which would be on the Reed Street frontage as well as the South Kirkwood Street frontage. There is existing sidewalk there but that will have to be improved in accordance with the requirements. There also is a proposed amendment to the *Zoning Ordinance* that will be going to City Council for first reading on Monday, March 28, 2016. That change relates to a provision within Article 6 Section 5.3 which is a supplementary set of regulations related to parking in multi-family dwellings. For whatever reason that particular provision is the only place in the *Zoning Ordinance* where duplexes are referred to as multi-family dwellings. Everywhere else, duplexes are considered one-family dwellings. That change is proposed to make the parking in the front possible and also to eliminate the inconsistency that was found. That's a part of the *Zoning Ordinance* that doesn't get looked at very much because they don't get that many situations where it comes up.

A landscape and tree planting plan will be received and that is considered part of the Final Plan approval. The recommendations suggested as conditions of approval are as follows: Staff recommended that three (3) foot sidewalks connect the driveways to the front steps of each unit. As mentioned, they also recommended that an enclosure be added to the front of the units to screen the trash receptacles. They recommend that siding colors vary among the structures. They recommended that the Landscape Plan to be submitted consider additional plantings in the yard of the lot that's farthest to the west that faces South Kirkwood Street. Plant materials should vary in height be hardy and low maintenance, include a mix of evergreen and deciduous plants. They also further recommended that driveways and sidewalks be surfaced in concrete.

Mrs. Townshend stated that she wanted to add that Staff did receive electronically the Landscape Plan. They do have a Landscape Plan that shows the required tree planting and landscaping. It came in on Friday afternoon.

Mr. Maupin stated that they didn't talk a lot about the construction of the inside of the units and the layouts. It's going to be approximately 1,200 SF of living space with one (1) full bath and two (2) half baths. There will be a half bath on the first floor and then a full bath and a half bath on the second floor. They do a lot of these types of projects; this is their first one in Delaware. Traditionally, they have done these in a modular fashion but he was happy to find a local builder that could build these on-site stick built.

Mrs. Townshend stated that this property is the location of the old Square Club which is very old dilapidated building. One of the things that has been appealing about this application is that it would replace that with new housing that would be targeted toward homeownership. Mr. Maupin came to Staff shortly after Dover received the Downtown Development District designation. He has looked at a number properties and has worked very closely with Staff. He has pretty much done anything that Staff has asked including initially designing the site to have alley access. Then after going through the DAC process and seeing that the alley access created challenges with stormwater, with the Public Works service delivery and a number of other issues, they very quickly changed the site

layout. This had been a very collaborative process to improve this property in this area of the City that is in great need of investment.

Mr. Tolbert questioned if Staff had recommended that each building be a different color? Responding to Mr. Tolbert, Mrs. Townshend stated not within the buildings. So if there are three (3) structures with two (2) units each then each set kind of has different siding so that it's not all one strip of one color.

Mr. Tolbert questioned if the applicant would have a problem with that? Responding to Mr. Tolbert, Mr. Maupin stated that there was no problem at all with that. That was already in the original plan. They've done it a couple of different ways in the past; this particular design doesn't warrant having color change in the middle of those two duplexes but they have done it that way. In this particular case, they are going to have three (3) separate colors of siding.

Mr. Tolbert further questioned if they knew what those colors were going to be at this point? Responding to Mr. Tolbert, Mr. Maupin stated no, he and Mr. Burgess (the builder) are going to talk about that. He is sure one of them will be a beige color. They tend to go with neutral colors most of the time.

Mr. Maupin stated that the old Square Club will be demolished and one of the things they look to do when they have to demolish a building is to try to give some development density to make the project work for them. As Mrs. Townshend stated, they worked pretty closely with the City to try to make a design to allow these three (3) duplexes to work on that footprint. He is very confident that it's really going to beautify the area.

Mr. Holt congratulated the applicant for what they have done with this property. The old Square Club going down is a big win for Dover in a lot of ways. It's been an eyesore for years.

Mr. Cregar stated that he is being challenged by the requested recommendation by the Planning Commission to put these recycling and dumpster bins on the front of the house. Responding to Mr. Cregar, Mrs. Townshend stated that trash collection was one of the issues that they had a lot of discussion about at DAC. If they don't have the enclosures in the front, the property owners would have to take the units behind the houses which unfortunately their experience in the Downtown areas and other areas throughout the City is people frequently do not do that. The concern was that if they did not have them provide enclosures that they would end up with a constant enforcement and complaints about trash cans being stored in the front.

Mr. Cregar questioned why the trash cans can't go on the sides of the duplexes? Responding to Mr. Cregar, Mrs. Townshend stated that there is only five (5) feet between the structures so the concern was that it would fill that area pretty quickly and not give very much room to move between the structures.

Mr. Cregar stated that he is trying to visualize how these enclosures are going to look on the front. Responding to Mr. Cregar, Mr. Maupin noted that the buildings are going to site twenty-four (24) feet off of the street. This will allow for the steps coming down and the sidewalk to make an "L" into the driveway. They will have a little bit of a front yard there; it won't be on the curb as the existing structure is today. They have kind of what back and forth with this amongst themselves but

after talking to his builder and architect, they believe that they can accommodate this request. The other issue with having a trash pick-up on the shared driveway in the rear making that a common drive was going to present some other problems. They were going back and forth on this from a design prospective to figure out which one looks the best. Mr. Burgess thinks this is going to look better than the original plan that they had.

Mr. Burgess stated that as far as the trash enclosures, he is thinking that the size was specified but it's probably going to be like a PVC type white fence area that can be opened and closed. So when the trash cans are taking care of they will just push both cans for each unit and close it up. The way that they designed it the driveways to be right in the center. He envisions the enclosures to be right in between the two center twin windows. Once you come out of the steps because they expanded the entryway and changed it so that the parking isn't right in front of the door and will have the steps and the three (3) foot sidewalk that was requested going to the driveway and then right in the center will be the enclosures. He thinks on the three (3) different buildings it will actually be a pretty nice looking unit.

Mr. Cregar questioned if the applicant was okay with the recommendation for the driveways to be concrete? Responding to Mr. Cregar, Mr. Maupin stated that maybe he read it wrong but he thought the sidewalk leading to the driveway is concrete.

Mrs. Townshend stated that it states both in the report.

Mr. Maupin stated that the only issue that he might have with it is that they were discussing pervious versus impervious type of paving and obviously with concrete they won't be able to do that. Asking for the driveway to be concrete, was that aesthetics? Responding to Mr. Maupin, Mrs. Townshend stated that it was aesthetics and maintenance. They find a lot of areas where the asphalt driveways get kind of chewed up by the grass and the weeds. Just because this is such a tight area, the concern was that if you have one property owner who doesn't maintain their asphalt then it could significantly change the whole project.

Mr. Maupin stated that they see no issue with that at all.

Mr. Holt stated that he had an asphalt driveway for a long time and they finally took it out and put in a concrete driveway. It has been such a big an improvement that he would never have another asphalt driveway if he had a choice. He always had to patch or seal the asphalt driveway. It actually makes the property look 100% better.

Mr. Holt questioned if this was going to be like a condo association? Responding to Mr. Holt, Mr. Maupin stated no, these will be six (6) individual lots, all separately owned and no condo association. With the proposal they are going to have a little bit more grass in the front so from a lawn care perspective, a little more is going to be on the homeowner with this design instead of having just a big open grassy area in the back yard. There will be more front maintenance required for the homeowner.

Mr. Holt further questioned if each homeowner would be responsible for his owner property? Responding to Mr. Holt, Mr. Maupin stated that was correct.

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

Mr. Holden moved to approve the Conditional Use application C-16-03 Duplexes at W. Reed Street and South Kirkwood Street, seconded by Mr. Holt and the motion was unanimously carried 5-0 by roll call vote. Mr. Holden voting yes; he thinks it's a good addition for Downtown and it appears to comply with Conditional Use and infill standards of the Zoning Ordinance and he is looking forward to revitalization of that area. He thinks residents in that area is a good thing. Mr. Cregar voting yes; this supports the Downtown Development District and Restoring Central Delaware and he concurs with Mr. Holden's reasons also. Mr. Holt voting yes; it's a win-win for the City of Dover and the removal of the old Square Club is a real plus. Mr. Baldwin voting yes; he is glad to see that green building leave. Mr. Tolbert voting yes; it's something that should have happened at that particular site. The old Square Club building was a terrible eye sore and this will be a dramatic change to the site and he is glad to see that.

3) US-16-01 Delaware Technical Community College Comprehensive Sign – Public Hearing and Review of a Unified Comprehensive Signage Plan application to amend the applicant's existing approved Signage Plan (US-13-02) to permit additional banners totaling 418 S.F., to be placed on multiple buildings on the Delaware Technical Community College campus. The property is zoned IO (Institutional and Office Zone). The property is located on the west side of North DuPont Highway between West Denney's Road and Scarborough Road. The owner of record is State of Delaware – Delaware Technical & Community College. Address: Delaware Tech Terry Campus, 100 Campus Drive. Tax Parcel: ED-05-057.00-01-00.000. Council District 3. *This application is associated with US-13-02 approved by the Planning Commission on December 16, 2013 with Final Plan approval on January 14, 2015.*

Representatives: Ms. Dana Sawyer, Delaware Tech; Mr. Allen Henson, Delaware Tech

Mr. Cook stated that this case is an amendment to approved Sign Plan US-13-02. This was a Comprehensive Unified Sign Plan for their entrance signage that the Commission approved a couple of years ago and was constructed not that long ago. This case is one of those cases where you think something should be simple and it isn't. The applicant approached us wanting to put up some banners to commemorate the 50 year anniversary of the institution. As stated in the report, the City has a Temporary Sign Permit program to allow placement of temporary signs for special events, sales and things of that nature. The applicant wanted to be able to display these signs for the duration of the calendar year of 2016. Unfortunately, the Temporary Sign provisions of the *Zoning Ordinance* only allow for display up to ninety (90) days in a calendar year on a property. Additionally, the Temporary Sign Permit provisions only permit two (2) signs per property up to a total of one hundred (100) SF. There are special provisions in the *Zoning Ordinance* for a grand opening but this isn't a business so they couldn't really go that angle. What they decided was that the best way to accomplish this was to amend the existing Unified Comprehensive Signage Plan to allow for the placement of the banners to commemorate the anniversary of the institution. However, in the future the applicant can change these banners around and use the space for whatever they want to use it for up to the size that the Planning Commission approves. So they would be able to use that space forever without having to apply for Temporary Sign Permits for any reason. There are three (3) different banners. In the packet there is a Site Plan and what they look like. They are on three (3) different buildings on the campus. There were a lot of gray areas and sort of holes that

this fell into that unfortunately just didn't work out favorably so that's the reason they have to go through this process. Normally on a campus such as this, if a sign isn't visible it doesn't even require a permit. The sign that's going to be on the building closest to Scarborough Road, because of the angle of the wall he isn't sure that it's going to be visible from the public right-of-way. It will be visible from the Campus. If you struggle to look for it from the right-of-way you might find it. The most visible sign is going to be on Building 200 which is on North DuPont Highway. It's a smaller building that's fairly close to Route 13. The other banner is going to be on a building off of Scarborough Road and then the third banner is going to be facing West Denney's Road. Staff recommends approval of the plan; it represents harmonious concept incorporating colors of the university and the college logo. The number, type and the size of the signs are appropriate to the building size, the distances from the public roadways and the different street classifications as we define them in the Sign Regulations of the *Zoning Ordinance*.

Mr. Tolbert questioned if they remove these banners with 50 year anniversary can they put anything up there? Responding to Mr. Tolbert, Mr. Cook stated that's the idea of putting in this plan. They would be limited to the size that this plan approves for them. The design can change but the size would have to stay these sizes or under and the locations approved as well.

Ms. Sawyer stated that they have nothing else to add. They are in agreement with everything stated by Mr. Cook.

Mr. Cregar questioned if they are amending what was really their Master Sign Plan before to allow these additional signs? Responding to Mr. Cregar, Mr. Cook stated that was correct.

Mr. Cregar stated that once they receive approval and the 50 year celebration is over, is there any thought as to what might go there at this point in time? Responding to Mr. Cregar, Ms. Sawyer stated that they may put up something like "Register Now, Classes Beginning" or something of that nature.

Mr. Cook stated that he believes that the signs are up at this time. They did find a loop hole within the Temporary Sign Ordinance to allow the signs to be placed up to the ninety (90) days. Basically, they started on January 1 and they are on their ninety (90) day clock and when that clock runs out it reverts to this plan assuming that it is approved.

Mr. Holt questioned if along with the signs is the school planning to have any kind of celebration or function to celebrate 50 years? Responding to Mr. Holt, Ms. Sawyer stated yes, they have numerous activities planned throughout the year and it's all listed on their website.

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

Mr. Holt moved to approve US-16-01 Delaware Technical Community College Comprehensive Sign Plan, seconded by Mr. Cregar and the motion was unanimously carried 5-0 by roll call vote. Mr. Holden voting yes; it makes sense, seems visually appealing and it seems to follow the Sign Ordinance. Mr. Cregar voting yes; he agrees with Staff in that he thinks the size and the location will be harmonious with the area and certainly represent the college very well. If we would have had these as part of the original Unified Sign Plan they would have probably approved them at that

point in time so he thinks this is fitting. Mr. Holt voting yes; he is sure this is going to be a real plus for the college and it helps them show off their 50 year anniversary. Mr. Baldwin voting yes, for all of the previously stated reasons. Mr. Tolbert voting yes; he has no problem with the application.

4) US-16-02 Winner Ford Comprehensive Sign Plan – Public Hearing and Review of a Unified Comprehensive Signage Plan (US-02-01) and permit the construction and implementation of new signage for multiple buildings of the motor vehicle sales and service facility. The subject property is a total of 9.94 acres ± and is zoned C-4 (Highway Commercial Zone). The property is located on the east side of South DuPont Highway just to the north of Public Safety Boulevard. The owner of record is 591 DuPont Highway LLC. Property Address: 592 South DuPont Highway. Tax Parcel: ED-05-077.00-01-12.05-000. Council District 2. *This application will supersede US-02-01 approved by the Planning Commission on January 22, 2002.*

Representatives: Mr. Dale McCalister, First State Signs; Mr. Joseph Lazorick, Montchanin Development Group

Mr. Cook stated this is a review of Unified Comprehensive Signage Plan US-16-02 that would supersede the applicant's existing approved Signage Plan which was US-02-01 that was approved about fifteen (15) years ago. It will permit the construction and implementation for new signage for multiple vehicles (brands) of the motor vehicle sales and service facility. The new signage would consist of an additional pylon sign, wall signs and post and panel directional signs. The subject property is 9.94 acres and is zoned C-4 (Highway Commercial Zone). The property is located on the east side of South DuPont Highway and north of Public Safety Boulevard.

The Commissioners have a Plan Book in their packets as well as a Site Plan but all the information needed for tonight is in the Plan Book. There was a recent Site Development Plan S-14-02 for the new Ford showroom and Final Plan approval was done in October 2014. Building Permits are issued and construction is almost done on that project. This plan is going to replace US-02-01, a previously approved Comprehensive Signage Plan. The reason this plan came about is because there has been a lot building changes on that property subsequent to when the US-02-01 was approved. He thinks the Hyundai building was new. There have also been changes in the brands that were offered on the property. Formerly, there was Mitsubishi and Kia so that has all changed. Some time ago a former Planner made a suggestion that at some point the whole property should be brought back for a new plan to encompass the changes to the site. In the Plan Book submitted by the applicant, the first ten (10) pages were provided to demonstrate how the site has changed and then the fact that overall this Plan is a net reduction in signage in terms of the number of signs on the site. Going through the application, Staff gave an overview of the rationale for a Unified Comprehensive Sign Plan and what qualifies. This one qualifies because it has the street frontage on Route 13. There is a minimum that you have to apply for a Unified Comprehensive Signage Plan and of course as you know a Unified Comprehensive Signage Plan allows for the ability to increase the number area or type of sign versus the standard Sign Ordinance. The Plan Book has the designs for the different signs and the locations and then Table 2 on page 5 has a summary of the signage area for each building by type and the dimensions of each sign.

Staff recommends approval of US-16-02 to include 1,139 SF of total signage as described in the submitted plan. There is one pylon sign which is proposed at the corner near Public Safety Boulevard and Route 13 and this is going to be a sign advertising their multi-brand servicing

meaning that they are going to service any kind of vehicle not just Ford or Hyundai. They feel that the property has the significant frontage to allow for this and also they note that not too far from where this sign is proposed to be, there used to be a Mitsubishi pylon sign in the past which was subsequently removed. The use of pylon signs in the proposed scale is appropriate for the use of property as a car dealership representing more than one brand. Also, the three (3) other pylon signs on the site are existing so there's no change there. In terms of the wall signage, most of the wall signage on this plan relates to the Ford building so it will be four (4) signs on the wall facing Route 13. The Hyundai building is not changing. The wall signage that's on the service and body shop in the back really isn't going to be visible from the public right-of-way but it's included with the Signage Plan. In terms of directional signs, there's a new design of directional signs which is consistent compared to the previous assortment of directional signs that used to be on the site. Staff feels that it's a visual improvement that will guide way-finding on the property.

Mr. McCalister stated that they agree with Staff. When they brought the plan in they were working off the old plan. They are tearing down the old Mitsubishi building and those two (2) pylons were already gone. They had one in the pond and another one by the building so it's a reduction from what they did last time and is pretty clean.

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

Mr. Cregar moved to approve US-16-02 Winner Ford Comprehensive Sign Plan, stating that having reviewed the DAC Report and having been to the site it seemed like there were a lot of signs when looking at the plan but when you look at it in its concept and how it's going to blend together and pull those buildings together, he believes that it's in the best interest to approve this Unified Sign Plan, seconded by Mr. Baldwin and the motion was unanimously carried 5-0 by roll call vote. Mr. Holden voting yes, due to Staff comments and other comments offered. Mr. Cregar voting yes, based on Staff comments and actually seeing the site. Mr. Holt voting yes; he feels like it will be a big improvement for the site. Mr. Baldwin voting yes. Mr. Tolbert voting yes; the signs are consistent with what they are all about and there are no problems with the plan.

5) S-16-06 Grace Presbyterian Church Site Development Master Plan at 350 McKee Road – Public Hearing and Review of a Site Development Master Plan application to permit construction in six phases consisting of three building additions and a parking lot expansion. The building additions would total 20,857 S.F. ±. The Plan also proposes demolition of a 1,485 S.F. ± building near the western edge of the site. The total building area on site after completion of the Plan would be 43,307 S.F. ±. The property is zoned IO (Institutional and Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the west side of McKee Road south of College Road. The owner of record is Grace Presbyterian Church, Inc. Address: 350 McKee Road. Tax Parcel: ED-05-067.14-01-70.01-000. Council District 4. *Waivers Requested: Elimination of Opaque Barrier Fence Component and Partial Elimination of Curbing. This application is associated with Application V-15-15 a variance request to exceed the maximum number of parking spaces as approved by Board of Adjustment on December 16, 2015.*

Representatives: Mr. Raymond Harbeson Jr., Grace Presbyterian Church

Mr. Diaz stated that is a Site Development Master Plan. It proposes adding about 20,000 SF onto an existing 22,000 SF church building over six (6) separate phases. The property is zoned IO (Institutional and Office Zone) and is subject to the COZ-1 (Corridor Overlay Zone) and is located on the west side of McKee Road south of College Road. The City and the church have worked together a couple of times in the past on this property. In 2010 they went before the Planning Commission and City Council to get their current zoning classification and in 2011 the Planning Office approved administratively a Parcel Consolidation Plan that turned the four (4) parcels on their property into one (1) parcel. The City records still show the property as four (4) parcels but they have been moving forward with this Site Development Master Plan under the assumption that the deed was successfully recorded at Kent County. Most recently in 2015, they went before the Board of Adjustment to allow more parking on-site than the *Zoning Ordinance* allows. They need that Variance because they plan to build most of the parking that they need on-site in an earlier phase than the buildings that would allow that parking.

The first phase consists of most of the site work. They are expanding the parking lot and also adding some stormwater management facilities. The second phase is a hospitality addition that is essentially an expansion of the connection between the two (2) halves of the existing building. The third phase is a new sanctuary that is about 10,000 SF. The fourth phase is the demolition of an existing house that's on the west side of the property. The fifth phase is interior renovations to the old sanctuary that would turn it into two (2) floors so that would without extending the footprint of the building, add about 3,200 SF. The sixth phase would be adding a new multi-purpose room that's about 3,500 SF. Since this is a Site Development Master Plan, what Staff will be asking the Commission to do tonight is approve the overall Master Plan and then the individual phases would go through Staff for individual Administrative Site Plan reviews.

There are a couple of things that Staff asked the applicant to change during the DAC meeting. Most importantly, the Fire Marshal wants the fire lane to come up around the northwestern side of the site so that they would be able to access the addition. The applicant has assured Staff that they can make the changes that are being asked. There are a couple of waiver requests attached to this application. One is a waiver request for upright curbing around portions of the edges of the parking lot and they are requesting those to allow better stormwater flow to their stormwater management facilities. The other request is for a waiver of the opaque barrier requirement along the southern edge of the property. That barrier would ordinarily be required because it's zoned residential on the other side but it's actually another church there and Liberty Church sent a letter concurring with the applicant's waiver request. It is also a forested property line so it's partially opaque already.

The architectural drawings are particularly important because this building is in the COZ-1 (Corridor Overlay Zone) so the building side that faces McKee Road is the corridor elevation. It has more strict requirements for architecture than the base zoning. They look for functioning windows and architectural features on the façade but based on the drawings that the applicant gave, Staff is satisfied that it would meet the requirements of the COZ-1 (Corridor Overlay Zone). When the individual phases come back through to Staff, they will be reviewing the architecture in more detail. Staff is recommending approval of the Master Site Development Plan and they would also ask the Commission to act on the two (2) waiver requests for upright curbing and for the opaque barrier.

Mr. Harbeson stated that as Mr. Diaz stated, in addition to the advertisement requirements for this public hearing they did meet with the property owners adjacent to their church and explain their plans to them. They did get a letter from Liberty Church supporting their waiver request and just today he was handed a letter from the Hamlet Homes Association which is the other residential community supporting their waivers as well.

Mr. Harbeson presented a copy of the letter from the Hamlet Homes Association.

Mr. Tolbert stated that Phase 5 says it's an interior church addition. Are they enlarging the church? Responding to Mr. Tolbert, Mr. Diaz stated that the sanctuary is two stories tall but because it's a church it's an open interior two story space so the renovation would actually add a floor inside the building.

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

Mr. Cregar questioned if the applicant agreed with all of the DAC comments and recommendations that were brought forth by Staff? Responding to Mr. Cregar, Mr. Harbeson stated that they agree with everything and they have worked very closely with Staff for about five (5) years on this Master Plan and they have been very helpful.

Mr. Cregar stated that it's very ambitious; it's going to be a great site.

Mr. Cregar moved to approve S-16-06 Grace Presbyterian Church Site Development Master Plan at 350 McKee Road to include the waivers for the elimination of curbing and the opaque barrier that would be required under normal conditions, seconded by Mr. Holt and the motion was unanimously carried 5-0 by roll call vote. Mr. Holden voting yes, due to near resident support for the project, Staff comments, the applicant's acceptance of Staff and DAC comments. He also thinks that it's a well thought out Master Plan. He appreciates all of the hard work that it takes to get to that point. Mr. Cregar voting yes, for the reasons given by Mr. Holden and it meets the City's Master Plan requirements and it will be a really great site. Mr. Holt voting yes; he feels that it's a very nicely laid out Master Plan and it's going to be a plus for the church. Mr. Baldwin voting yes; it's a very good plan that's going to be a beautiful addition to the church. Mr. Tolbert voting yes; due to Mr. Diaz's thorough review and clarification on some questions that he had.

6) S-16-07 The Arbors Senior Garden Apartments at 1051 College Road – Public Hearing and Review of a Site Plan application to permit construction of a 48-unit senior garden apartment complex. The project consists of a proposed three-story 55,350 S.F. residential building and associated site improvements, including construction of an improved public street (Senior Way) on existing right-of-way connecting College Road and Topaz Circle. The parcel is divided into two discontinuous areas on either side of the right-of-way and totals 3.77 acres. It is zoned RG-2 (General Residence Zone). The property is located on the north side of College Road and west of McKee Road. The owner of record is Shree Ganesh LLC. Address: 1051 College Road. Tax Parcel: ED-05-067.00-01-35.03-000. Council District 1. *Waivers to be Requested: Partial Elimination of Curbing. Project includes review of an Active Recreation Plan. A previous Conditional Use Site Plan C-10-02 The Arbors Condominiums was reviewed by Planning Commission in August 2010 but has since expired.*

Representatives: Mr. Alex Schmidt, Century Engineering Inc; Mr. Douglas Barry, T&M Associates

Mrs. Townshend stated that this property is known as The Arbors Senior Garden Apartments. It's located on College Road just west of McKee Road. This project has been before the Planning Commission on three (3) other occasions. First back in 2005 as College Road Garden Apartments, it was a Planned Neighborhood Design Senior Citizen Housing Option. After it expired, it came back again as The Arbors Planned Neighborhood Design Senior Citizen Housing Option. At that point in time the road right-of-way for Senior Way was platted as part of that plan so the road right-of-way for Senior Way was recorded in 2009 but then the Site Plan expired and The Arbors Condominiums came back to the Planning Commission in 2010. That plan has also since expired. The proposed plan has forty-eight (48) dwelling units on 3.77 acres.

There is a revised plan sheet that is on the Commissioner's desks that shows some of the changes to the plan. Most notably is the removal of ten (10) parking spaces. There were ten (10) parking spaces that were within or partially within the front yard of the property as it relates to Senior Way. There is a written request for a reduction of ten (10) spaces to bring the parking down to ninety-eight (98) spaces instead of one hundred eight (108) spaces. As a part of that, they will need to on their Final Plan, show where that parking would be accommodated in the future if they were to need it. Part of that justification for the parking reduction is that these will be senior apartments. This is not however coming to the Commission as a Senior PND. The other waiver request that is requested by the applicant is the partial elimination of curbing and that again is to facilitate stormwater. There is an Active Recreation Plan because of the size and the density being proposed. There is a minimum Active Recreation Area of 150 SF per dwelling unit required or a minimum per project of 10,000 SF. Therefore, 10,000 SF is required. The Commission does have the Active Recreation Plan on the sheet in front of them. The report indicates that there is about 21,000 SF of active recreation based on the calculation of 150 SF per dwelling unit or 10,000 SF total; 10,000 SF is what is required. What they did is changed the calculation to incorporate the path but not a lot of the lawn area around the path. The Active Recreation Area proposal submitted includes a walking path on the west side of Senior Way along with a gazebo in that area. That was reviewed by the Parks, Recreation and Community Enhancement Committee last week at their meeting on the March 15, 2016.

Renderings of the building are consistent with what was approved before. The building is three (3) stories and the height is listed as 38 feet and 6 inches to the mean height between the eave and the ridge which is how they determine height for things with this type of roof. They do have bicycle parking proposed; they have a bicycle rack proposed near the front entrance sidewalk. They will need to install sidewalks along the public street frontages including Senior Way. They have provided the emergency rear access that is required for apartments. The other DAC agencies have reviewed this and offered their comments as well. The stormwater management plan is still active from its prior approval so at this point they would be working through the City's process and DelDOT's approval for the final approvals.

Mr. Tolbert questioned if the pathway was a walking pathway? Responding to Mr. Tolbert, Mrs. Townshend stated yes, it's a five (5) foot wide walking path.

Mr. Tolbert questioned how long the pathway would be? Responding to Mr. Tolbert, Mr. Barry stated two hundred (200) yards; it circulates through the site so it's continuous path.

Mr. Holt stated that it looks like the walking path will be concrete. Responding to Mr. Holt, Mrs. Townshend stated yes.

Mr. Barry stated that he just wanted to reiterate since this project has been approved twice but expired because it was never constructed. The first time it was approved it was senior only, the second time it was approved it was non-senior. This time it is definitely going to be deed restricted to seniors.

Mr. Tolbert opened a public hearing.

Mr. Thomas DiSabatino – 346 Topaz Circle Dover, DE 19901

Mr. DiSabatino stated that he is a five (5) year resident in Emerald Pointe which is property adjacent to this project. He is here basically to voice concerns of some of the neighbors considering the concern about joining Topaz Circle with Senior Way and the traffic situation that would result from it. The intersection at McKee Road and College Road is a high traffic area. A lot of traffic goes through there during the daytime, he guesses to get to Kraft and the Edgewell factories. It's pretty much very busy for twelve (12) hours a day. Emerald Pointe only has one entrance into it at the moment and that entrance is on McKee Road and for approximately twelve (12) hours a day it's very difficult to make a left turn out of there to head in the direction of Del-Tech. A right turn from that entrance is not so bad. He thinks there has been one fatality at that location since he has been living in the development for the past five (5) years. The residents are concerned since that is such a high traffic area that people making a left turn at College Road and McKee Road might start to use Senior Way and Topaz Circle to avoid the long wait to make a left hand turn during rush hour. He thinks the signal at this location is about thirty (30) seconds long which allows about five to six (5-6) cars through to make that left turn. They are also concerned that they may be missing that intersection completely by coming off of McKee Road into Emerald Pointe and exiting Senior Way onto College Road. Frankly, he doesn't see the benefit of all that extra traffic through the neighborhood to the residents of this proposed complex and their residents. It seems to him that over time it's going to become a cut-through to try voiding that intersection at College Road and McKee Road.

Mr. Dan Maler – 16 Inverness Court Dover, DE 19904

Mr. Maler stated that his concerns are basically the same as Mr. DiSabatino but from the College Road viewpoint. Coming out of Fox Hall right now making a left hand turn is very difficult. He has measured it since he has heard about this meeting from the entrance of the Woodlands of Fox Hall to the exit of the shopping center on the east side of the corner is approximately 2/10 of a mile. You already have three intersections in this area, the Woodlands, Hidden Oaks and the Shopping Center and on the opposite of the road you have two (2) churches and the business center on McKee Road. The traffic is just ridiculous now and to add another street he thinks it's just an accident waiting to happen unless there is going to be improvements to that intersection and that road. If you go out there in the mornings and the evenings, the traffic is backed up halfway to Hidden Oaks because of that light. He doesn't have any problem with the Senior Apartments, he just has a major problem with the extension of the road out to State College Road. He doesn't think they need another

intersection there at this point in time. Responding to Mr. Maler, Mrs. Townshend stated that DelDOT reviews the entrances.

Mr. Maler questioned if DelDOT had approved the entrance or if they were still reviewing it? Responding to Mr. Maler, Mrs. Townshend stated that they are in the process. It had been approved in the past. DelDOT says that it was received for formal review in February and that they would be issuing comments and then the applicant would address them. We do not have the detailed comments from DelDOT at this time.

Mr. Maler stated that the road has not been approved at this point. Responding to Mr. Maler, Mrs. Townshend stated that Senior Way has been recorded; that was recorded back in 2009 after the plan went to the Planning Commission in 2007.

Mr. Maler stated that he understands that but they are now talking about seven (7) years later and the traffic conditions were very much different from when it was originally approved. So he is wondering where they stand now. Responding to Mr. Maler, Mrs. Townshend stated that DelDOT will be doing a full review of the entrance at College Road with the traffic generation that would be expected from both this and any traffic associated with Emerald Pointe.

Mr. Maler stated that he is anticipating at least sixty (60) vehicles if there are forty-eight (48) units even if it's senior center because more people have two (2) cars today. If you add the traffic from Emerald Pointe, you would be talking about one hundred (100) cars a day.

Mr. Tolbert questioned if Mr. Maler had talked to DelDOT about his concerns? Responding to Mr. Tolbert, Mr. Maler stated no because he just recently found out about this project. He has concern about the traffic; he thinks there are too many outlets on State College Road in 2/10 of a mile.

Mr. Tolbert stated that DelDOT was aware of this situation. Responding to Mr. Tolbert, Mr. Maler asked if there was a contact person at DelDOT for him to contact?

Mrs. Townshend stated that the entrance permit is only granted after the DelDOT Planning Section has coordinated the development review with all of the sections in DelDOT. So at this point what they are looking at is the entrance and whether there would need to be any modifications to College Road in the area of the entrance which could be things like deceleration lanes, acceleration lanes or turn lanes.

Mr. Maler stated that was his question, if there were any plans to approve that would maybe change his perspective but a two (2) lane road now with that intersection is not going to work. The right turn lane onto State College Road is ridiculously short and that's one of the reasons why traffic backs up at the light. Responding to Mr. Maler, Mrs. Townshend stated that Mr. Barry has met with DelDOT so he might have some of the preliminary information.

Mr. Barry stated that they have had several meetings with DelDOT. They have done a detailed traffic analysis and while it's in the infancy of the review process they do know that there is going to be right turn lane requirements, bike lane requirements, deceleration lane requirements but they won't know what the final permits will be until it's gone through the cycle of DelDOT's review and approval process.

Mr. Tolbert questioned if the applicant would be in contact with the residents in the area regarding this matter after getting a resolution from DelDOT? Responding to Mr. Tolbert, Mr. Barry stated that he can.

Mr. Tolbert stated that Mr. Maler may want to be in contact with the residents afterwards because there is a traffic concern there and it's going to continue to be a problem in that area. That is not something that the Planning Commission can resolve. They can disapprove the application but they have to have a reason to do that. But he suggests that the problem be taken to DelDOT because they have the say so over that traffic situation. The applicant is already in contact with DelDOT but he should be in contact with DelDOT also so that he is aware of DelDOT's plan.

Mr. Holden stated that the challenge of entrances and traffic onto the road is one that we certainly deal with. Any property owner because they weren't there first still also has a similar right to access to the road and so it's a challenge that we face as any area grows. The intersection of McKee Road and College Road is known be of issue and that's a point for any citizen to push with DelDOT to address that. They also have to be cognizant of that because this project comes after others doesn't mean that they have a diminished right to State College Road to get to and from their project. They have to build to certain standards; the Site Plan shows bike lanes, deceleration lane, easement for other improvements so they are held to a standard that past developments were not. So they do carry some greater burden but it is also a challenge that we deal with. Is the connection to Topaz Circle is under DelDOT's specific direction or is that City purvue? Is there something that pushes for the connection? Is that a connection that the project desires or one that's required? Responding to Mr. Holden, Mrs. Townshend stated that the connection at Topaz Circle is under the City's review. She doesn't believe that it's under the Planning Commission at this point in time. The right-of-way is platted; it exists. When Emerald Pointe was designed it has a sub-street that connects to this property in anticipation of development of this property. The Subdivision Ordinance requires that when you have a development that exceeds twenty (20) lots that you have to have two (2) connections to a public road. This is that second connection to a public road for Emerald Pointe. She thinks that if this were to be modified, eliminated or blocked, they would have to determine what process that would be but she thinks that would go through a process where there would need to be a request to waive the request of the requirements of the Subdivision Ordinance and to expunge the right-of-way. This is a separate process that she believes would come through here but ultimately ends up at City Council.

Mr. Holden stated that he understands the concerns of the thru traffic. He doesn't know that he would think driving through the residential development would be a short cut because of the challenges of getting back onto McKee Road. If traffic is backed up at the intersection, traffic on McKee Road is going to be very busy too so he would hope that it wouldn't be seen as a shortcut. He doesn't know that he would see it as a shortcut; he would think heading to the stop light to take the right would be the faster route there as well. It's always a concern as you interconnect roads but it's also the intent of what the right-of-way that's been platted. There's some history for the intent for that to occur when these different properties build out and so he doesn't know that the Planning Commission has too much to say there. Talking to your City Council person might be a route or talking to DelDOT might be a route to overcome it and amend that connection as its planned right now is a relatively high hurdle. There are some pieces to get through but it is certainly something to push as a resident position.

Mr. Maler stated that he understands that if there is an open lot that something is eventually going to be there. His concern about improvements to State College Road cannot be answered by anyone tonight and the inclusion of Emerald Pointe brings additional traffic other than the complex that's going in. You aren't just talking about forty-eight (48) units worth of cars or traffic coming in and out; you are talking about a whole other neighborhood which is apparently in excess of twenty (20) residential lots. You are bringing additional traffic other than what's being built there. Responding to Mr. Maler, Mr. Holden stated that is specifically under DelDOT's purvue and that is going through the entrance plan process. DelDOT takes a look at the potential traffic. They take a look at whether you have to do a Traffic Operational Analysis or a Traffic Impact Study, whether off-site improvements are warranted and so DelDOT carries the ball there with looking at that issue.

Mr. Maler stated that he has a contact at DelDOT that he can talk to but he thought that Mrs. Townshend just stated that the connection between Emerald Pointe and Senior Way is the City's purvue not DelDOT's. Responding to Mr. Maler, Mr. Holden stated that as he understands it, it's driven by the Subdivision Ordinance. It's platted right-of-way has been made plain that that was the intent when Emerald Pointe was approved but also when this project had a prior approval that did end up being recorded. DelDOT is going to have that knowledge and they are going to have that knowledge of the potential traffic in the residential area and from this. But if his concerns are truly valid DelDOT is the one who looks at those concerns then he needs to speak with them regarding it.

Mr. Maler stated that if this project wasn't being built would Senior Way be coming through now even though Emerald Pointe is over by twenty (20) units or would it still be blocked up like it is now? Responding to Mr. Maler, Mrs. Townshend stated that the City would not construct Senior Way.

Mr. Maler stated that Senior Way is being driven by this project. Responding to Mr. Maler, Mrs. Townshend stated yes.

Mr. Cregar stated that the access onto College Road provides the second access to what would be Emerald Pointe also. Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Cregar stated for public safety, that was always considered to be part of what would be needed. Responding to Mr. Cregar, Mrs. Townshend stated yes. To give a comparison, the reason for the requirement for multiple points of access exist is because of what they ended up with along Route 8 and the situation where you have many developments that can only get in and out one way. It is not efficient for traffic for traffic circulation but also if there's an issue, you only have one way in for public safety.

Mr. Richard McKee – 1021 West State College Road, Dover DE 19904

Mr. McKee stated his property abuts the planned property to the west side. He noticed on the agenda that the owner is listed as Shree Ganesh LLC. Is it anticipated that this be the owner of the property at the time of construction of this project? He noticed that there has been out there for quite some time a real estate sign for R&R Real Estate. He presumed the property was for sale. Responding to Mr. McKee, Mrs. Townshend stated that the City doesn't have a role in ownership transfer.

Mr. McKee stated that the traffic concerns are very real; he sees them from his living room window every day. As for connecting Topaz Circle and Senior Way, he has a suggestion that entry and exit from Senior Way onto College Road probably should be right turns only under current conditions and as for in and out of Topaz Circle he suggests that it be gated and accessed only by emergency vehicles. You have the fire station right down the road and it would certainly be a blessing to them to be able to have that and having limited access to emergency vehicles only would eliminate the cut through issue that is being brought up this evening.

Mr. Tolbert stated that everyone who spoke during the public hearing tonight should get together after the meeting.

Mr. Tolbert closed the public hearing.

Mr. Holden moved to approve S-16-07 The Arbors Senior Garden Apartments at 1051 College Road including the two (2) waiver requests for upright curbing and required parking and inclusion of all Staff comments, second by Mr. Holt.

Mr. Cregar questioned if the recreation part of this is also part of what they need to approve? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Holden moved to approve S-16-07 The Arbors Senior Garden Apartments at 1051 College Road including the two (2) waiver requests for upright curbing and required parking and inclusion of all Staff comments and the Active Recreation Plan, second by Mr. Holt and the motion was unanimously carried 5-0 by roll call vote. Mr. Holden voting yes, for the reasons stated and Staff comments. Mr. Cregar voting yes; the concerns mentioned tonight are legitimate and we need to rely on the State to look at this entrance as part of their overall review and whatever recommendations they make the Commission would have to adhere to. Mr. Holt voting yes, with the hope that they can get the traffic problem worked out for this roadway. Mr. Baldwin voting yes, for the reasons previously stated. Mr. Tolbert voting yes; he is fully aware of the concerns that have been expressed but the applicant will work closely with the Staff and DelDOT.

7) MI-16-02 Text Amendment: Keeping of Domestic Animals and Keeping of Chickens – Public Hearing and Review for Recommendation to City Council on a series of Text Amendments to *Zoning Ordinance*, Article 3 – District Regulations, Section 1.15d. The proposed Ordinance revisions would amend the accessory uses of the One Family Residence Zone regarding the provisions of keeping of domestic animals and add Article 3, Section 1.15e pertaining to the keeping of chickens and the associated restrictions. Staff Substitute #1 for Ordinance #2016-01. *The Public Hearing and Final Reading before City Council on April 11, 2016.*

Representatives: None

Mrs. Townshend stated that this was a proposed amendment to the Article 3 District Regulations, Section 1 One Family Residence Zones, specifically relating to accessory uses within the one family residence zones. Many of the other residential zones also refer back to the one family residence zones so this applies beyond simply the one family residence zones. What this would do is change some language. It would make it clear that keeping of domestic animals as pets would be permitted

and takes out the references to allowing up to twenty-five (25) foul but then creates a new subsection that would allow keeping of chickens for individual domestic purposes subject to a number of restrictions. When this went before City Council for first reading a question came up as to whether or not this would prevent the keeping of roosters. They thought that had been addressed in the animal control section of the Code but upon review of that section they determined that roosters are not prohibited anywhere in the Code. Therefore, Staff is recommending that a line be added between lines 38 and 39 that would prohibit the keeping of roosters. In terms of the restrictions that they would have on keeping of chickens, you would have to have a quarter acre lot. You could not have more than five (5) chickens on a residential lot and they would need to be registered with the Delaware Department of Agriculture. The purpose of this registration is so if there is some type of avian virus they can notify the owners of chickens. They would require that chickens be penned in a coop that would be at least four (4) square feet per chicken and be located in a rear yard with a minimum of twenty (20) feet from the side and rear yard property lines and that any odor associated with the chickens would not be discernable from the property lines. By June 1st, the properties would have to be in compliance. Properties that are not large enough to have chickens or that have more than five (5) chickens or that are not penned in the proper way would need to be in full compliance by June 1st.

Mr. Holden stated that he is going to abstain from the discussion and voting because he has a bias since he has chickens of his own.

Mr. Cregar stated that he assumes this came about through City Council because there is a problem. Responding to Mr. Cregar, Mrs. Townshend stated that there is an area in the City where there are chickens on a residential lot that the odor is discernable from beyond the property lines and neighbors are concerned.

Mr. Baldwin questioned how many chickens this person has? Responding to Mr. Baldwin, Mrs. Townsend stated that she thinks it was six (6).

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

Mr. Holt questioned if roosters were more of a problem? Responding to Mr. Holt, Mrs. Townshend stated that they are noisy.

Mr. Cregar moved to recommend approval to City Council for MI-16-02 Text Amendment: Keeping of Domestic Animals and Keeping of Chickens, seconded by Ms. Holt and the motion was unanimously carried 4-0 by roll call vote with Mr. Holden abstaining and Colonel Welsh, Dr. Jones, Ms. Still and Mr. Ambruso absent. Mr. Cregar voting yes. Mr. Holt voting yes. Mr. Baldwin voting yes. Mr. Tolbert voting yes.

Meeting adjourned at 9:01 PM.

Sincerely,

Kristen Mullaney
Secretary