CITY OF DOVER PLANNING COMMISSION
October 19, 2015

The Regular Meeting of the City of Dover Planning Commission was held on Monday, October 21, 2015 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Cregar, Colonel Welsh, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Still and Mr. Tolbert. Mr. Holden (arrived at 7:02pm) and Mr. Ambruso were absent.

Staff members present were Mrs. Townshend, Mr. Jason Lyon, Mrs. Dawn Melson-Williams and Mrs. Mullaney. Also present were Ms. Andrea Finerosky and Mr. Doug Liberman.

APPROVAL OF AGENDA

Colonel Welsh moved to approve the agenda as submitted, seconded by Dr. Jones and the motion was unanimously carried 7-0 with Mr. Holden and Mr. Ambruso absent.

APPROVAL OF THE PLANNING COMMISSION QUARTERLY WORKSHOP MEETING MINUTES OF AUGUST 19, 2015

Ms. Still moved to approve the Quarterly Workshop minutes of August 19, 2015, seconded by Colonel Welsh and the motion was unanimously carried 7-0 with Mr. Holden and Mr. Ambruso absent.

Mr. Holden arrived at the meeting.

APPROVAL OF THE PLANNING COMMISSION SPECIAL MEETING MINUTES OF SEPTEMBER 30, 2015

Mr. Holt moved to approve the Planning Commission Special Meeting minutes of September 30, 2015, seconded by Colonel Welsh and the motion was unanimously carried 8-0 with Mr. Ambruso absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Monday, November 16, 2015 at 7:00pm in the City Council Chambers.

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop is scheduled for Wednesday, November 18, 2015 at 12:00 noon in the City Hall Conference Room.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on September 28, 2015 and October 12, 2015.

Mrs. Townshend stated that the flyer on the desks of the Commissioners states that the City of Dover is interested in hearing ideas for the improvement of Division Street and Forest Street. This is a cooperative effort between the City of Dover and the Dover Kent County MPO with also the support of NCALL to have a planning exercise to determine what they want Route 8 and Forest Street to look like as it goes through the Downtown area so that they can begin to zone the properties appropriately to achieve that vision. The idea is to bring together stakeholders, members of the community and a four day charrette process and the end result will be a plan that they can move forward with implementation. This is just a further planning study as a result of the Restoring

Central Dover and the Downtown Development District efforts; they are just looking more closely at the Route 8 and Forest Street corridors.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

2) Revised Plan Information:
   A. US-13-01 Greentree Shopping Center at 25-140 Greentree Drive: Interpretation of Provisions of an approved Unified Comprehensive Signage Plan for the construction and implementation of signage for the Shopping Center consisting of two pylon signs, monument signs at entrances, and wall signs for the tenants. The property is zoned SC-2 (Community Shopping Center Zone) and is subject to the COZ-1 (Corridor Overlay Zone). The property is located on the north side of Forrest Avenue (Route 8) between Independence Boulevard and Kenton Road. The owners of record are Greentree Village Center LP and Stevens/Anstine 1987-1 LP. Addresses: 25-83 and 87-140 Greentree Drive (excluding 50, 121 and 125 Greentree Drive). Tax Parcels: ED-05-076.06-06-67.00-000 and ED-05-076.06-06-66.00-000. Council District 1. *The Planning Commission granted conditional approval of the Unified Comprehensive Signage Plan on February 19, 2013 and Final Plan approved was granted April 16, 2015.*

Representatives: Mr. Barry Anstine, Owner of Greentree Shopping Center

Mrs. Townshend stated that on February 19, 2013 the Planning Commission granted approval to the Unified Comprehensive Signage Plan for Greentree Shopping Center. There were a number of things that were included in that approval. In looking at the Notice of Decision and then the Final Plan approval it was at that point in time the Blockbuster space was permitted two (2) wall signs totaling two hundred (200) square feet. At this point in time, as you know Blockbuster is no longer there and actually it wasn't in 2013 either but that space is being renovated into a AAA Center. So they will have travel, insurance, and car care; so it's a variety of their services. What AAA has requested for their signage is something that is well below the two hundred (200) square feet that was approved but that would be broken up into smaller signs. On the east elevation which is what faces the parking lot, they would have a total of four (4) signs and then on the south elevation which faces Route 8, they would again have a total of four (4) signs but they could probably characterize it as three (3) because of where the word 'insurance' is placed. The total proposed signage would be 152.2 square feet so it is certainly below the two hundred (200) square feet that had been set by the Commission but it is spread among eight (8) smaller signs. Staff is supportive of the signage; she thinks you can look at the exhibits and see that it's attractive signage. Again, it's low on the square footage; it's just spread over multiple signs. Because it was more than two (2) signs as specified in the Planning Commission's action in 2013, Staff wanted to bring it back to the Commission to make sure that they are not non-compliant with the Code and the approval of the Commission.

Mr. Anstine stated that on the east elevation; the side facing the parking lot, the one AAA logo is actually not on the Blockbuster portion it's on a store that was formerly leased to Wells Fargo

Financial and that sign is within the square footage that was approved for the Wells Fargo sign. If you strip that out of it and look at just what was approved for Blockbuster, they are well below the signage. He discussed this with AAA and this is part of a national signage program that they have. They call it a CCIT (Car Care, Insurance and Travel Facility). They are rolling these out nationally and they are doing twelve (12) of them in Delaware Valley. The one in Dover is one of the first; he thinks that they have three (3) done in the Philadelphia area. This is a signage program that they have used everywhere and they would like to maintain uniformity among all of their facilities.

Mr. Cregar moved to approve US-13-01 Greentree Shopping Center at 25-140 Greentree Drive to permit the proposed wall signs for the tenant area for AAA Mid-Atlantic. Signage proposed is of the type and style recommended in the approved plan and compatible with the overall concept. Increasing the sign number does not constitute an excessive number. Given the overall design concept, the proposal is nearly one-hundred (100) square feet in sign area less than what would be allowed. If this had come before the Commission in an original Unified Sign Concept, they would have approved it. They would have said that it look marvelous. Motion was seconded by Mr. Holt and the motion was carried 8-0 by roll call vote. Mr. Holden voting yes; for the reasons stated by Mr. Cregar. Mr. Cregar voting yes. Colonel Welsh voting yes. Mr. Holt voting yes; for all of the reasons stated by Mr. Cregar. Mr. Baldwin voting yes. Dr. Jones voting yes; for all of the reasons stated by
Mr. Cregar. Ms. Still voting yes; agreeing with all of the comments so far. Mr. Tolbert voting yes, for all the reasons stated and it's consistent with the requirements that were explained by Mrs. Townshend.

NEW DEVELOPMENT APPLICATIONS

1) S-15-12 Blue Hen Apartments: Phase 2 – Public Hearing and Review of Site Development Plan for multi-family residential development consisting of 12 apartment buildings with 192 total units, accessory garage structures and associated site improvements on multiple parcels totaling 6.19 ± acres. This plan is an expansion of the existing Blue Hen Apartment complex (Site Plan Application S-07-57) bringing the total number units to 354 dwelling units for the complex. A Minor Subdivision Plan is included with this application to create an overall parcel for the entire apartment complex. The zoning is RG-2 (General Residence Zone) with portions subject to SWPOZ (Source Water Protection Overlay Zone – Tiers 1 and 3). The property is located on the east side of Bay Road and south of Blue Hen Boulevard between Bay Road and Haslet Street. The owners of record are Blue Hen Apt, LLC and Blue Hen Mall, LLC. Property Addresses: 605 and 655 Bay Road, 400 Haslet Street. Tax Parcels: ED-05-077.0-.01-19.03-000, ED-05-077.00-01-19.05-000, ED-05-077.00-01-19-07.000, ED-05-077.00-01-19.09-000 and ED-05-077.00-.01-01.00-000. Council District 2. *Waiver Requested: Elimination of Rear Emergency Access Requirement. The Planning Commission on May 18, 2015 recommended approval of Application Z-15-02 to rezone portions of the subject parcels and other parcels from SC-3 and RM-2 to SC-2 and RG-2. Ordinance #2015-08 related to the rezoning was approved by City Council on June 8, 2015. This plan was originally scheduled to be heard at the September 17, 2015 meeting of the Planning Commission but was rescheduled to this meeting.*

Representatives: Ms. Andrea Finerosky, Blue Hen Apt, LLC; Mr. Doug Liberman, Larson Engineering

Mrs. Melson-Williams stated that this is a Site Development Plan that was actually reviewed by Mr. Cook. The property may look somewhat familiar; the first phase of the Blue Hen Apartment complex was originally constructed with a Site Plan that moved through the review process in 2007. Most recently associated with this property and the adjacent Blue Hen Corporate Center property there was a Rezoning application that set up the zoning that we see today which consists of RG-2 (General Residence Zone) for the existing area of the apartment complex and the area that's being proposed with Lot 2. The balance of the Blue Hen Corporate Center being zoned SC-2 and there are two areas that are subject to the SWPOZ (Source Water Protection Overlay Zone). There's a Tier 1 Well Head Protection Area in the upper northeast corner of the property; however, they are not placing a building in that area. There is a Tier 3 Excellent Recharge Area that impacts a portion of the Corporate Center property. They had to mention it because the parcel itself is involved in the application.

With this project, they are also working through what will be a Minor Subdivision/Minor Lot Line Adjustment Plan to basically establish lot lines to create what will be an overall parcel for the apartment complex itself. Right now, part of the proposal exists on some of the parcels that make up the Blue Hen Corporate Center pieces of land. There are about three (3) parcels that way and also the parcel where the existing day care center is. All of that will become one parcel of land as they get through the process. Their proposal is for the construction of what is Phase 2; it is a multi-family residential project. These are considered a building type of multiple dwellings built in the garden apartment style construction. It's a project that consists of twelve (12) individual buildings that will result in a total of one hundred ninety-two (192) additional apartment units at this site.

The parking requirements are a little tricky for the overall site. The parking requirements originally for Phase 1 were based as a rate of two (2) parking spaces per dwelling unit; however; in intervening years the parking requirements for apartments have been revised. The ratio per unit count now is 2.25 parking spaces and that basically is to make additional visitor parking very clearly for those types of projects. Overall in the Report, they put forth a parking summary tally for the Commission. Based on the one hundred ninety-two (192) dwelling units in this Phase 2 area, it requires four hundred thirty-two (432) parking spaces to meet that parking ratio requirement. With the new project they are constructing three hundred eighty (380) parking spaces and the balance that will be satisfied by what is surplus parking that was constructed in Phase 1 of the project. When it's all said and done, the project does meet the parking requirement. The project is showing bicycle parking; however, they are centrally located around what is the Community Center. Staff does have a recommendation in regards to bicycle parking.

The project does have a system of sidewalks along the building frontages. The frontages along Blue Hen Boulevard, which is the involved City street, are shown with the required sidewalks; some of which are existing, some of which will need to be constructed with this project. The overall project also includes a walking path network that is part of the active recreation requirement but then also provides linkages throughout the overall site for movement between both the Phase 1 area and the Phase 2 areas of the project itself. The project includes the appropriate number of dumpsters and they are showing curbing.

The one waiver request that needs to be considered tonight is related to the elimination of the rear emergency access requirement. For apartment buildings that are two to three stories in height, the *Zoning Ordinance* requires either an alley or a secondary fire lane in addition to what would be the

primary fire lane across the front of the building. They are seeking to eliminate that rear alley or fire lane requirement. These buildings are proposed to be sprinklered so they are making that request this evening. The Commission will make their recommendation tonight and that will be forwarded to the Safety Advisory and Transportation Committee of City Council for them to consider and then ultimately City Council will have the final decision on that.

Architecturally, the buildings will follow the same format that has already been established for the Blue Hen Apartments. It is a three (3) story building predominantly brick as the exterior finish with some vinyl areas. It has an asphalt pitched roof and of course a series of trim work pieces. The project itself also included the Landscape Plan. Specifically for the Phase 2 area, there are a total of one hundred nineteen (119) trees that are required. They are proposing one hundred twenty-five (125) trees. There are some trees that were planted in Phase 1 that will need to be replanted because they need to be moved due to improvements associated with this project. As mentioned before, this project has an Active Recreation Plan that's already been reviewed by the Parks, Recreation and Community Enhancement Committee. They are proposing a series of new amenities for this Phase 2 area which includes a volleyball court, corn hole courts, the walking path network that runs through the site and some areas for barbeque grills and seating. The existing Phase 1 area of the complex has an existing clubhouse facility, pool and playground area. Those amenities will also be accessible by those residents who live in the Phase 2 section and vice versus; the new amenities will be utilized by all as well.

This project did require PLUS review because of the number of units. Staff included in the packet the letter issued by the Office of State Planning Coordination with the various agency comments as part of that PLUS review and then also a copy of the applicant's response to those PLUS comments. The project as always is reviewed by a number of the various agencies that participate in the Development Advisory Committee including the City Electric Department and the Department of Public Works related to the utility services, the Fire Marshal's Office and DelDOT. In this case, the project is large enough that it would warrant a Traffic Impact Study but there are some options available to the applicant in lieu of completing a TIS which could include contribution to an area wide study or participation in the Transportation Improvement District concept that the City has been working with DelDOT on as well. Other comments include from the Kent Conservation District with the need for a detailed Sediment and Stormwater Management Plan for this new phase of construction and then the Dover Kent County MPO also provided comments noting the proximity of this location to what is an existing bus stop across from the day care center on Blue Hen Boulevard but also to have the applicant reach out to DART and see if there is an increase in ridership perhaps that there would need to be any other stops related to that. The Planning Office has a number of plan items that that have been identified throughout the plan set that the applicant would need to address. They do have a series of recommendations: they are recommending approval of the emergency rear access requirement finding that by sprinklering the buildings and the other fire protection standards that are required by other regulations they basically would meet the requirement and the rear access would not be necessary. A couple of things that Staff identified with the pedestrian network for the site; there was one side of one of the new buildings that appears to be lacking a sidewalk system like other buildings have in the complex. For the walking path that is provided through a complex that kind of runs north to south, they are recommending that it be a paved hard surface. Also there is an existing kind of centralized walkway network that exists in Phase 1 but then to continue that linkage through some crosswalk markings to these new areas, especially up in the northeast corner of the project. One item about bicycle spaces, while they meet

the requirement they appear to be clustered around the clubhouse. Staff is suggesting that the bicycle spaces be more evenly distributed amongst the buildings so that you can actually park the bicycle near your building and not just up near the pool and clubhouse area.

Ms. Finerosky stated that at this point in time they have met extensively with the Department and made quite of few revisions to the plan already. They've met with Tim Mullaney, the Fire Marshal and they've met with the Kent Conservation District. Their field guys have met with the Electric Department regarding utility locations that exist out in the field and they are about to set up a meeting with DelDOT to review the possibility of doing a Traffic Operational Analysis versus anything else. At this point they have reviewed all of the comments and she doesn't think there is anything that they aren't going to be able to work out or that they are in complete disagreement with. She feels fairly confident that they will be able to address everything in a satisfactory matter.

Colonel Welsh questioned if the waiver request for the elimination of the emergency rear access requirement, does the Commission make a recommendation to City Council and then they approve it? Responding to Colonel Welsh, Mrs. Townshend stated yes.

Mr. Tolbert stated that it's going to be a pretty large development. What does the applicant think it's going to do to traffic in the area and have they talked to DelDOT to any extent about it? Responding to Mr. Tolbert, Ms. Finerosky stated that they have talked to Mr. Bill Brockenbrough from DelDOT at the PLUS Meeting. It does meet the criteria for a Traffic Impact Study but because it's in a Transportation Improvement District, they have the option to do a fee in lieu of which they will most likely do and donate money to the regional area fund. Mr. Brockenbrough has asked them to look at doing a Traffic Operational Analysis and when they set-up the meeting with him, they will go over the parameters of what they need to do and see if there's any small improvements that need to be made along South Little Creek Road.

Mr. Tolbert questioned if their conversation with for DelDOT also included questions or solutions to a possible Transit stop there? Responding to Mr. Tolbert, Ms. Finerosky stated that they will be talking to DART about that. Mrs. Melson-Williams had stated that there is a bus stop out there so they will be talking to DART.

Mr. Tolbert further questioned that there is a bus stop that's located there now? Responding to Mr. Tolbert, Ms. Finerosky stated yes, in front of the day care center.

Mrs. Melson-Williams stated that it sits along Blue Hen Boulevard. It's across the street from the day care facility, kind of on the back side of East Dover Elementary School once you pass the Kent County building headed east.

Mr. Tolbert questioned if it will be able to serve the development pretty well? Responding to Mr. Tolbert, Ms. Finerosky stated that most likely DART would have the final say on that and whether anything needs to be done or changed regarding its location.

Mr. Holden stated that Phase 1 or what is existing currently is somewhat a community in terms or how it's laid out. This appears to be more of a strip mall of apartments in a big parking lot. It seems to lack that cohesiveness. Is there a Phase 3 that is planned that will kind of tie that back together? Responding to Mr. Holden, Ms. Finerosky stated that not at this point in time; what is seen on the

plan is what they've got proposed right now. She thinks that once it gets landscaped they will be adding green space back into the project. Some of the parking lot does get removed and with the construction of the multi-model pathways that run through it, she thinks that green space will kind of be more central to this strip than to the original center. Since everybody will share the community facilities, she thinks it will help it be more cohesive.

Mr. Holden questioned if there are plans for the mall property overall that might play into how it's viewed or how the area will grow? Responding to Mr. Holden, Ms. Finerosky stated that she knows right now they've got a lot of tenants that they are doing fit-outs for. She knows that they have been making some improvements to the mall and its façade so she thinks that everything is just evolving as they go along with the process.

Mr. Holden further questioned if they know how the tenants that are there now and the hours of operation or how the traffic or activities within the mall might impact the proposed development? Responding to Mr. Holden, Ms. Finerosky stated that she believed that most of the tenants are State of Delaware and municipal type tenants so as far as she knows, they are working traditional 8:00am-5:00pm type schedule. She doesn't believe that they have any 24 hour tenants in there right now.

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

Colonel Welsh moved to approve S-15-12 Blue Hen Apartments: Phase 2, with a recommendation to City Council for approval of the waiver request for the elimination of the emergency rear access requirement, seconded by Ms. Still and the motion was unanimously carried 8-0 by roll call vote. Mr. Holden voting yes; due to previous comments and Staff comments. Mr. Cregar voting yes, in accordance with the DAC comments, Staff comments and the review of the PLUS comments. Colonel Welsh voting yes, for the previous reasons stated and he thinks it will be a welcome addition. Mr. Holt voting yes, for all of the previous reasons stated. Mr. Baldwin voting yes, for the reasons stated. Dr. Jones voting yes, for the reasons previously stated and it appears that the applicant is comfortable with the recommendations and the observations by Staff. Ms. Still voting yes, incurrence with all of the previous comments and she thinks it will be a great project. Mr. Tolbert voting yes, he feels this project will be an asset to the City of Dover in an area where we do need development.

Meeting adjourned at 7:37 PM.
Sincerely,

Kristen Mullaney
Secretary