CITY OF DOVER PLANNING COMMISSION
QUARTERLY WORKSHOP AND WORKSHOP
WITH BOARD OF ADJUSTMENT
August 19, 2015

The Regular Quarterly Workshop Meeting of the City of Dover Planning Commission was held on Wednesday, August 19, 2015 at 12:00 noon with Chairman Mr. Tolbert presiding. Members present were Mr. Cregar, Mr. Tolbert, Mr. Holt, Mr. Baldwin and Ms. Still. Mr. Holden, Dr. Jones and Colonel Welsh and Mr. Ambruso were absent.

Members present for the Joint Workshop from the Board of Adjustment were Mr. Sheth, Mr. Hufnal, Mr. Keller and Colonel Ericson.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Mr. Cook and Mrs. Mullaney.

WORKSHOP DISCUSSION WITH BOARD OF ADJUSTMENT

Each member introduced themselves.

Mrs. Townshend stated they invited the Board of Adjustment to attend this Planning Commission Workshop because there have been a number of cases over the years that when they come to the Board of Adjustment for a Variance, it makes perfect sense to do what the applicant is requesting. The question is "Why don't we just allow the Planning Commission that discretion?" or "Why don't we just change the Code so it's allowed?" They thought it was a good opportunity for the two (2) bodies to talk about their perspective on what they see in terms of what they are reviewing and how they might be able to, as they move forward with their Ordinance revisions and fix some of the problems that they are finding that are getting people to the Board of Adjustment. They did talk this morning at the Board of Adjustment meeting about a number of issues: signs in industrial parks, LED signs, signage issues in general, and the *Comprehensive Sign Plan*. With the purvue of that piece, the Planning Commission has discretion over a number of things but not the sign setbacks and not the exclusion zone that's taken some applicants to Board of Adjustment.

The other big thing that tends to come up is parking. She thinks at the last Planning Commission Quarterly Workshop, they talked a little bit about parking and the need to re-visit some things in the parking requirements. In particular, the restaurant parking requirement and the issue of over parking has taken people to the Board of Adjustment. One reason is because of the City's restaurant calculation that has created some challenges. The other thing is if you have a small parking requirement. For example, a plan that requires six (6) parking spaces then 25% over-parked which means a space or two (2) and it creates a problem. An example was the Dover Family Dentistry building that came before both bodies down on South State Street. The parking requirement under the *Zoning Ordinance* would have the maximum parking not even accommodating all of the staff. They need to look at some changes in that regard.

Mrs. Melson-Williams did some (summarizing of) things; she looked at what they had seen at the Board of Adjustment between 2013 and 2015. Some of these things have already been addressed by Text Amendments that they have done. There is the General Residence Zone Text Amendment that is pending that will deal with some of the things. For instance, one application didn't go to the Planning Commission at all because it was a lot line adjustment. Central Habitat

for Humanity needed to adjust lot lines on South Kirkwood Street but because they weren't going to meet the minimum lot widths they needed to get a variance. There is a Text Amendment pending right now that would allow administrative discretion for lot line adjustments in that zone because they know that this is an issue throughout the zone. They did something similar back in 2006 for existing lots, they put in place an administrative waiver process to allow Staff to grant waivers from the setbacks and other bulk standards. For instance, the RG-1 (General Residence Zone) has a minimum lot size of 7,500 square feet but they have a lot of 5,000 square foot lots. To put a house on these lots, the minimum lot width is sixty (60) feet but many of the lots are fifty (50) feet and they can't meet the setbacks. In 2006, they put it in the Code where that can be done administratively as long as the lot was in existence at that point in time. What they are finding is that they need to have a little more discretion to be able to adjust lot lines if they are not creating new lots.

They have seen nine (9) variances in terms of parking. With the size of the parking space, if you recall at Compass Pointe, they wanted to do some compact car parking. Again, that is something they probably need to look at addressing. They have had the issue of the number of parking spaces in the IPM (Industrial Park Manufacturing Zone) a couple of times. She thinks that was with Proctor & Gamble and Playtex. It's this issue of a manufacturing facility with one (1) parking space per eight hundred (800) square feet; that only works for some types of facility. So maybe they create some flexibility that if they use the employee count then they could have the Planning Commission or Staff do something without it going to the Board of Adjustment. The idea is if things just make sense and it's not something peculiar to the property, they would like to avoid the Board of Adjustment. She thinks the members of the Board of Adjustment would like to be avoided because it puts them in tough spot because with the Board of Adjustment, it's a legal standard and the legal standard isn't just "Well gee this makes sense." The legal standard is, there's something specific to the property and there's an exceptional practical difficulty. Sometimes the exceptional practical difficulty is that the City's Ordinance just doesn't make sense and they want to avoid that.

In terms of signage, they have the issue of the setback from the right-of-way and exclusion zones. They have had Comprehensive Sign Plans that come to the Planning Commission and then have to go to the Board of Adjustment on those issues. Is that something that they should just put in the purvue of what the Planning Commission can consider?

There have been a few variance requests in the flood plain. Her preference would be to leave that alone because they do want to try to avoid construction in the flood plain and there may be very specific circumstances where it's appropriate because of X, Y and Z. Staff has been working with FEMA; we are trying to get into their good graces. She thinks that they would be very concerned if the City tried to move away from the level of protection that they have now. We also have the issue of signage adjacent to residential. The Planning Commission may not even realize that this is an issue. The Modern Maturity Center went to the Board of Adjustment last month for a Sign Variance where they are limited by virtue of having property lines that are two hundred (200) feet from residential properties. They are limited to thirty-two (32) square feet. On Route 8, thirty-two feet is just not sufficient signage. You have kind of a hodgepodge of residential uses scattered throughout and it really creates almost an unfair situation just by virtue of where the residential uses are. That was a Variance that was granted.

Mr. Cregar questioned if Mrs. Townshend felt that that was a legitimate use of the variance

process for the Modern Maturity Center? Responding to Mr. Cregar, Mrs. Townshend stated that she thinks that there could be but there are things that quite honestly don't make sense in the Code. One is if they made some changes to the Comprehensive Sign Plan process it could have been something that the Planning Commission had discretion on. So you don't have that same legal standard; it makes it less uncomfortable to try to shoehorn it in. The other thing for adjacent to residential is related to property lines adjacent to residential. You've got the Modern Maturity Center which has over six hundred (600) linear feet of frontage. Anywhere on that property, you are going to have this issue. Even if that sign itself is four hundred (400) feet from the residential because it's defined by property lines. She thinks there are some tweaks they can do in the Code to create less of a conflict and less of a chance of it going to the Board of Adjustment. Again, she thinks the flood plain cases, as much as the Board of Adjustment loves them, she thinks sometimes that is the best route. You've got a property that's entirely encumbered by the flood plain, Staff has said that you can't build in the flood plain and now you've made this property unbuildable. That is the purpose of the Board of Adjustment, rather than someone having a piece of their property in the flood plain but that's where they want to put their shed. She thinks no matter what they do with signs, there will always be Sign Variances.

Mr. Cregar stated that with the Modern Maturity Center, you have a unique property there with X number of feet with these property lines. Isn't the Board actually for those types of unique situations? Responding to Mr. Cregar, Mrs. Townshend stated if that property were on Route 13 it could do a Unified Sign Plan. Part of the discussion that they have had internally is should that be under the Sign Code. Route 13 is an urban principal arterial and Route 8 is an urban minor arterial. Should they look at what the roads are classified and if you have four hundred (400) feet of frontage on an urban minor arterial, should you be able to get a Comprehensive Sign Plan? Sitting in the Board of Adjustment member's chairs, they spend an hour and a half on that case today. It's very difficult for the Board because sometimes they feel like they are stretching to meet that standard and we try to avoid that.

There are places where the Board of Adjustment is "you ask and you get it". They have had Max Walden come in to do training and they have gone to the Institute for Public Administration training. Our Board of Adjustment right now is very well educated and understands the narrow legal wiggle room that they have. So when they start to get to the edges of it, she thinks it becomes less comfortable. That is her observation as she watches the meetings.

Mr. Sheth stated that he thought she had covered most of the points that included Scarbourgh Road and Route 8. If you can treat all as you would Route 13 maybe it will solve many other issues.

Mr. Hufnal questioned who determines whether the road is major or minor because Route 8 is a major road that runs east to west in Delaware. Responding to Mr. Hufnal, Mrs. Townshend stated that it was defined in the Sign Regulations. It doesn't match DelDOT's classification which is a whole different issue but it is defined in the Code.

Mr. Hufnal stated that maybe they should look at the road classifications because the fact that Route 8 is a major road east and west and there's a lot of construction on that.

Mr. Keller questioned what DelDOT's classification is for Route 8? Responding to Mr. Keller, Mrs. Townshend stated that it is probably a minor arterial but parts of Route 13 are considered an

urban minor arterial.

Mr. Sheth questioned if the area variance could go before City Council and Planning Commission. Responding to Mr. Sheth, Mrs. Townshend stated that it all goes through the Planning Commission and the Planning Commission works with Staff to kind of direct them in terms of ordinance revisions, as does City Council.

Mr. Sheth stated that the demographic situation is changing with houses and people getting old and children not staying in Dover as well as handicap concerns. Other issues are area variances that also come as a variance all the time. They normally come as a sign, parking and area variances. Responding to Mr. Sheth, Mrs. Townshend stated that she thinks the ones that seem the most difficult sometimes are signs. Sometimes they want that signage; but do they need that signage? There are making a case that it could have been submitted at a disadvantage.

Colonel Ericson stated that they had that problem too at the business park with building a monument sign which really didn't meet the requirements. Responding to Colonel Ericson, Mrs. Townshend stated or a very small wall sign that you wouldn't see from anywhere.

Mr. Cook stated let's say they change the Sign Ordinance, something goes to the Planning Commission and they say no, does the applicant then have an appeal process to the Board of Adjustment? Responding to Mr. Cook, Mrs. Townshend stated no, the appeal is through the courts from a Planning Commission decision.

Colonel Ericson stated that they also talked about LED lights that are very obnoxious like on Route 13 at the car wash company. What exactly do we want to allow? They can be very disturbing flashing and moving; it's a distraction to traffic.

Mr. Sheth stated that some items are "grandfathered" rather than an area variance and we no longer have a tall sign on Route 13 such as Farmer's Market or the old Nichols. Many of the gas station signs have changed. It looks much better when you enter the City of Dover. That is the last LED sign at the Race Track Car Wash. If he would have gone to the Board of Adjustment, it probably would have never happened. Responding to Mr. Sheth, Mrs. Townshend stated that it was nonconforming, abandoned and she will take the blame on it.

Colonel Ericson stated that they have had a great working relationship with the Planning Staff. The Staff reports are outstanding and they give them a good start. Responding to Colonel Ericson, Mrs. Townshend stated that Mr. Cook is improving them daily.

Colonel Ericson stated that he agreed. It's made their job a lot easier. Like any kind of court, you listen to testimony, more information comes out than before and you may go in a different direction than Staff recommended. It isn't Staff's fault. It's the individual who didn't tell them the entire story.

Mr. Sheth stated that he agreed with Colonel Ericson.

Mrs. Townshend stated that one thing that she kind of likes and she has said it to applicants; sometimes applicants will get their Staff Report and they will be upset because Staff recommends denial a lot. If they don't do a good job on the application, Staff doesn't

recommend approval and they tell the applicant that they need to make their case at the meeting. But the other thing she tells people is, if you don't make your case in the application and you talked her into a favorable recommendation your meeting is not going to go well because the between Staff and the Board of Adjustment, there is a good check and balance system. If Staff said approve, approve, approve she thinks the Board would press back because the applicant does need to make their case. She thinks the way it's working now, if they don't make the case in their written application they show up ready to make it at the meeting.

Colonel Ericson stated that some of them are just the average citizen who's got a legitimate complaint but they don't know how to vocalize; they sit there and stumble. But the questions that the Board asks finally draw information out of the applicant that they need in order to make a decision.

Mr. Sheth stated that there used to be a burden of proof on the Board that would now be shifted to the applicant; now they don't have to prove to the applicant why or why not. Before that burden of proof you felt guilty about it, but now as Mrs. Townshend said, it depends on how well the applicant presents their case. Responding to Mr. Sheth, Mrs. Townshend stated from a fairness standpoint, the reality is that if somebody doesn't make their case in the application and they as staff make the case for them and don't do it for another applicant either because it doesn't hit them square in the eyes the same way, it creates a real challenge for the City. If they are being accused of not being consistent, how do they handle that?

Mr. Cregar stated that he knows Mrs. Townshend was jotting so notes down of things to consider. What notes have been jotted down so far? Responding to Mr. Cregar, Mrs. Townshend stated that they have talked before about the issue of parking. She has written down looking into how they deal with LED signs, from a sign standpoint looking at Route 8 as a principal arterial, looking at the distance in terms of adjacent to residential for signs and the issue of how they deal with industrial park signage. The other thing that was mentioned during the Board of Adjustment meeting held this morning and she doesn't think this was an issue when the economy was kicking. We have had quite a few applicants have to come back to the Board of Adjustment because their variance expired. With the Planning Commission, a Site Plan is alive for two (2) years and then a one (1) year extension can be granted. The way the Board of Adjustment works, you get your variance and after it expires, sorry about your luck. It creates challenges. One thought would be to extend it so that it's not one (1) year but that it's two (2) years. The other thought would be to allow for a one (1) year extension.

Mr. Hufnal stated he would consider maybe not giving them a year because they have already had a year, maybe give them a free month extension to at least get started instead of giving them another year. Another year seems like a long time. Responding to Mr. Hufnal, Mrs. Townshend stated that the other thing they could do is make the expiration eighteen (18) months. She agrees that two (2) years is a long time.

Mr. Hufnal stated that a lot of things could happen in two (2) years.

Mr. Keller stated that it could at least initiate some action for accruing whatever the problem was. It doesn't have to be started and complete within that period of time but they could start getting permits and getting some work done. He would be inclined to agree, this morning that property has been vacant for three (3) years already. Another year has come and gone with the

application approval and expiration. How far do you go with that kind of scenario?

Mr. Sheth stated in that case, applicant would feel that they have fifteen (15) months. Responding to Mr. Sheth, Mrs. Townshend stated that if they make it eighteen (18) months then it keeps it out of the Board having to worry about how long to extend it.

Mr. Sheth questioned if they could remind the applicant that they have three (3) more months to go before the application expires? Responding to Mrs. Townshend stated that they could.

Mr. Keller stated they could use some triggering mechanism administratively.

Mr. Sheth stated even extensions should have an associated cost. Maybe charge $200 for the application extension too so that will speed the applicant up. But if there is no cost associated then they will use the fifteen (15) or eighteen (18) months granted by the Board.

Mr. Cook stated that they extend the application and the clock runs out, the original variance expires but if they have an exceptional practical difficulty that prevented them from completing it, do they then apply for a another variance for the same issue? Responding to Mr. Cook, Mrs. Townshend stated yes. It could be one (1) year expiration with the ability for Staff to administratively extend it with a written request or if they aren't comfortable administratively extending it then they would give it to the Board. She wouldn't want to have to hold a Board of Adjustment meeting just for the sake of doing an extension.

Mrs. Townshend stated just to give everyone a sense of other Code amendments they are in the process of doing. Planning Commission will review next month amendments to the General Residence Zone and that is really to help facilitate re-development of residential lots in the Downtown area in a way that improve the community. Recently they re-did the commercial zones; they need to finish up the industrial zones. They need to re-do the residential zones, they need to do a full review. Right now, they have the authorization to hire an additional Planner. She would say that they are pretty way behind on ordinances. They have always been good about keeping Ordinances forthcoming to keep things fresh and they just simply have not had the time to do it because they just don't have the staff time to do it. They have advertised, did interviews and they are re-advertising. Unfortunately, it looks like Sussex County, DelDOT and DNREC are all hiring Planners so it's a competitive market. They are back out looking and they will hopefully get somebody in the next few months.

Mr. Hufnal stated that he thinks the main points that they were concerned about were covered.

Colonel Ericson stated that it was interesting this morning when it was pointed out that Golden Corral issue. They had an abundance of land and were requesting more parking spaces but as Mrs. Townshend pointed out, there are other considerations given. Responding to Mr. Keller, Mrs. Townshend stated that Colonel Welsh is not at the meeting unfortunately because he was one of the big advocates of this. If you recall, back in 2009 that they put in the maximum parking. With that specific site, up behind Pizza Hut, you may remember the applicant came in with this big shopping center design and they had Dick's Sporting Goods as a tenant. They were going to have more than twice as much parking as they needed; five hundred (500) excess parking spaces. Planning Commission didn't like it, Staff didn't like it but then you are backed into a corner with the corporation going here requiring it. If it's an Ordinance, it's a lot easier to

go back to the corporations and say sorry you are going to have to share the parking. If it's just discretion they are going to press has hard as they can. That's where that came from because the City has so much parking that is never used. It was a concern of members of the Planning Commission that they're being pushed to approve it which is where they go to the maximum number of parking spaces. The flip side of that is that as soon as you adopt an Ordinance you find out what doesn't work. Some of it is the 25% where you have a low parking count; it doesn't give you any wiggle room. This does need to be addressed. The other issue was it was always minimum so that fact that they under parked restaurants wasn't a problem until you put the maximum on it. For example, if you have been on the Planning Commission for a while you remember when McGlynn's went in. There was concern about them meeting the parking requirement because when the building came in, it didn't have the restaurant and it just met the parking requirement. Everybody she talks to say that building doesn't have enough parking. So again, the Code under parked restaurants which kind of helped the restaurant who didn't have enough parking. But once they capped it, it artificially lowered what they can have so that's why they need to re-visit that requirement.

DEPARTMENT OF PLANNING AND INSPECTIONS UPDATE

Summary of 2015 Applications

Mrs. Townshend stated that in 2007 they had thirty-seven (37) variance applications. That was definitely a spike but they have had eleven (11) already this year. They are tracking a little ahead of where they were.

Mr. Sheth stated that during that time the applications had changed. Mrs. Townshend concurred.

Mrs. Townshend stated that the Board was really saying "no" a lot in 2006 and 2007 from her recollection; there were a lot of denied variances.

Mr. Sheth stated that they had five (5) or six (6) cases many times. Responding to Mr. Sheth, Mrs. Townshend stated they now we have sometimes two (2) or three (3) months where they don't meet.

Mrs. Townshend stated that they actually do have an Annexation this quarter that you will see next month. Their application volume is a little bit lower than they have been. She knows from Staff's perspective and the City Manager's perspective, there's a concern because if we don't see it at the Planning Commission they aren't going to see it on tax base or Building Permit revenue.

The other piece of that is there are a lot more things that can be done administratively but these count the administrative reviews as well. They are a little low this year but the projects that they have this year have been good projects. They actually have issued permits for the fit-out at State Street Commons which has been sitting vacant as a shell for a number of years. The Walmart re-development stuff is kind of a big project. So some of the stuff that they are seeing is really good but we just aren't seeing the volume that we used to.

Mr. Hufnal stated that he could see them having more signs because of all the Walmart re-development and the one next to Delaware State University that is being remodeled; that's probably going to be a sign issue. Responding to Mr. Hufnal, Mrs. Townshend stated that the Walmart sign will not come to the Board of Adjustment; it's going as a Comprehensive Sign

Plan.

Comprehensive Plan Amendments 2015 – Adopted April 13, 2015, Application MI-15-01, Ordinance #2015-01

Mrs. Townshend stated that the Comprehensive Plan Amendment was the Muriel Schwartz property, that application was approved. She did notice yesterday when she rode by that she needs to talk to Code Enforcement because the overgrowth is growing into the right-of-way.

Research Activities

- **Update on Research for Ordinance Amendments**

Mrs. Townshend stated that a lot of efforts have been focused on the Downtown which is why you are going to see the General Residence Zone stuff. She thinks that's the main thing. They know that they need to do parking. Now they know that they need to do signs. Once they have the Staff available, they know they need to do a re-write of the Subdivision Regulations and an update on the Residential Zones. Those are going to be big projects; they are just not there yet.

They have also been working on the RC (Recreation and Commercial Zone). In a perfect world, this would have come to the Commission months ago. Dover International Speedway is interested in annexing the balance of The Woodlands which would be good from the perspective of right now when you have major events they have split jurisdictions. Even talking to the Speedway for instance, there are things that we require through the *Zoning Ordinance* in terms of camper layout, camper permits, and the Fire Marshal's patrol that isn't required on the County pieces. The Speedway people try to keep people in compliance and they say "what about those people over there?" There are a number of reasons why it's good thing. There are amendments to the RC (Recreation and Commercial Zone) that have to happen before they can make application and it keeps getting pushed two (2) weeks. That is her bad because it's her project so that's the other one that hopefully the Commission will see this fall. It has to be done this year because they can't have another season of these festivals without this being addressed. It also allows them to be more consistent in the noise enforcement. The draft that is being written had noise hours. They are not going to be able to control what happens off the site if it's outside of the City. Some of the after-party stuff has gone until 4:00AM. They want to be able to address that and the Speedway does as well.

Mr. Tolbert stated that he is looking for the festivals to begin lasting a whole week at some point. Responding to Mr. Tolbert, Mrs. Townshend stated that's why they don't want to wait too long to get on this stuff because now you have Firefly and then Big Barrel and they will be adding Punkin Chunkin. They have had this discussion about DelDOT and the Police Department who are very involved in the pre-planning and very event focused. She thinks what they need to deal with on the planning side is okay that's fine but now it's not isolated to one (1) big event a year or two (2) big events a year. The reality is as you have successful event; there's going to be more demand for successful events there. She and Mr. Koenig have had the discussion with DelDOT for instance of okay it's fine to have the road closed for these events but how do we deal with this on a long term basis because if it becomes ten (10) to twelve (12) events a year, is that a fair burden on the community who lives there. They do need to deal with the big picture and how they deal with these events.

Mr. Tolbert stated that the thing that really got his attention is all the tents that it had. It just didn't look like it was a safe situation. Responding to Mr. Tolbert, Mrs. Townshend stated that it

was less concerning this year. Last year it was traffic, traffic, traffic and there were areas where you couldn't get vehicle access. Dover Downs agreed that was not acceptable so that was greatly improved this year.

Current Studies and Projects

- **Transportation Improvement Districts**

Mrs. Townshend questioned if DelDOT Staff are doing the data modeling. Responding to Mrs. Townshend, Mr. Cook stated yes.

Mrs. Townshend stated that at the end of the day, they will end up with a big list of transportation improvements that need to happen along Bay Road and Route 13. They are going to push to get those things in the Capital Transportation Plan. They will collect the fee for improvements associated with projects who will not have to do a Transportation Improvement Study. The way we have categorized it is any project that goes through the Planning Commission. There will be projects that they don't catch like renovations of an existing building. It's a long process.

- **Citywide Recreational Needs Assessment**

Mrs. Townshend stated that Mrs. Melson-Williams has copies of the Recreational Needs Assessment. This is scheduled for approval by City Council on Monday, August 24, 2015 and this will be the driver of how they do their capital planning for the City parks. One of the Ordinances that will likely come out of this is how they deal with open space in residential developments. Apartments are one thing but HOA management of open spaces is not necessarily in the best interest of the City or the residents. They are going to be looking at other ways and maybe there will be a fee instead.

- **Bicycle Plan and Pedestrian Plan for Dover**

Mrs. Townshend stated that they are still continuing to work with the MPO to improve their bicycle and pedestrian facilities and implement that plan.

Program Updates

- **Designation as Certified Local Government**

Mrs. Townshend stated that Mrs. Melson-Williams is passing information around about the designation as a Certified Local Government. Dover is now a Certified Local Government in terms of Historic Preservation by virtue of having a Historic District Commission and Historic District Guidelines and Codes that protect out Historic District. That also makes the City eligible for grant money through the National Park Service via the State. She found out from Mr. Tim Slavin that the City will not get money this year; they will get money next year and he told her exactly how much it is. Their plan is to get a grant and hire a consultant to help them with the Historic District Guidelines. That is something that they tried starting in house and they just don't have the time; its very labor intensive and they need to sub it out.

- **Downtown Development District Program**

Mrs. Townshend stated that the Downtown Development District Program is moving along. The legislature funded the program at 8.5 million dollars for the current fiscal year which was wonderful because they were worried that there wasn't going to be any funding. As it turns out, it appears Dover will have the first two (2) small projects completed. One is an owner occupied residence where the owner has done some renovations and another one is a new home where the

builder is working with NCALL to try to get the house to be owner occupied. We expect that there will be some type of a ceremony that they look to have the Governor at in September. It will recognize the completion of those first projects but also kick off the new round of large project funding and try to drum that up. She sent an email with an attachment to the State Planning Office requesting a small change in the City's Downtown Development District boundary to take in the properties between Loockerman Street and The Green that front State Street and the area of Water Street between State Street and Governors Avenue. That would bring us to 224.9 acres in a maximum allowable district of 225 acres. It would also guarantee that we have a good large project because the interior fit-out for State Street Commons is like a 2 million dollar project. They have been working with a lot of people who are working on small projects. For example, the old Smither's is one of the projects. She thinks she will be meeting with Bel Boutique in the near future. They have not had a lot of large projects so the next deadline is December 1st and they are really hoping that some of these large projects come together to apply for the funding reservation.

Mr. Cregar questioned if there was any interest in the old Acme site? Responding to Mr. Cregar, Mrs. Townshend stated tepid interest. She is not sure that it's a strong enough interests that it will have a project. There are significant challenges on the New Street side of that piece with some of the City's problem properties being adjacent to the Acme site. That is creating challenges for them.

They have the Restoring Central Dover Plan that Mr. Joe Myer came and talked to the Commission about. NCALL has received $750,000 Implementation Grant over five (5) years from the Wells Fargo Regional Foundation that includes staffing. NCALL has now hired a Revitalization Coordinator who will start next week and they have hired a Community Organizer who will work for the Revitalization Coordinator who will start on September 8, 2015. NCALL is very involved. The City is very involved; they are working with Central Delaware Habitat for Humanity and they are working with Milford Housing Authority. They had a really good meeting with Wesley College and they are really trying to strategically determine how to get these things done. In some cases the City has acquired property where they have liens and they are working to transfer them to Habitat. Habitat has purchased properties at Sheriff Sales and they have bought them through regular contracts. Habitat's efforts are vastly changing Kirkwood Street for the better and bringing in homeowners. She and Mr. Koenig met with Mr. Brian Lessard, Mr. Troy Wyndham and Mrs. Jocelyn Tice a few weeks ago. Mr. Lessard is the President of the Board and he and Mr. Wyndham run the Building Committee. If you look at South Kirkwood Street, Mr. Lessard's direction was no beige. Those colors pop and she thinks the style house is consistent with the character of the area. We have all of those good efforts going and we are being very strong on the enforcement side as well. Not everybody's happy about that but if we are trying to encourage people to make an investment and if we are say this is a place worth buying for your house or worth starting a business, we also need to make sure that there's not trash everywhere or overgrown lots or boarded up houses that are in the process of falling down.

We are doing a walk through that was organized by Councilman Sudler and Councilman Slavin of the Lincoln Park Area this weekend. We want to be responsive to the concerns of the residents over there. The City is going to lead a Downtown Development District Cleanup Day on September 19, 2015. We have only just started planning it but it is something that she and Mr. Koenig have discussed and they are both very committed to having a strong showing of City

Staff out there.

Mr. Cregar stated that he lives Downtown and he wants to know who checks the street lights. He just turned in eight (8) street lights from State Street to Water Street in The Green area and they were very good at taking care of that but he had to turn them in. The other thing is the Capitol Complex has numerous street lights out around that area and he knows the City isn't responsible for that. Responding to Mr. Cregar, Mrs. Townshend stated that the Electric Department does street lights but she will find out whether it's something where they send Staff out.

Mr. Cregar stated that anybody that's working at night time has to be going by there and seeing lights that are out. If we are trying to improve the walkability, particularly at night for some of these events, street lighting is very important.

Mr. Tolbert stated that they were told by the Electric Department when they have street lights out in their development to make them aware of it and to let them know the location of the light. Responding to Mr. Tolbert, Mrs. Townshend stated that the question is, is there a proactive effort to improve the process.

Mr. Holt stated that he called in a couple lights that were out and they came out promptly to change the bulbs.

Mr. Cregar stated that all he had to do was give them the number on the street pole and they know where it is. He had no problem with them responding; the problem was that those lights were out for a very long time and he thinks someone should notice them. Responding to Mr. Cregar, Mrs. Townshend stated that the City needs to proactively look for these things because the drug dealers aren't going to call them in. The people who are doing the things that benefit from the lights being out are not going to call the Police Department about the lights being out.

Mr. Cregar stated that there was a number of lights out on Kings Highway near that nice Governor's Café place. We just need to make sure that the lights are functioning.

Mr. Holt stated that he thinks the problem is that a lot of residents don't know who to call about the lights being out. He has had a couple of calls from people asking who to call and these are people who have been in the area for a while. He is wondering if maybe an informational sheet could be sent to everyone with that type of information on it. Responding to Mr. Holt, Mrs. Townshend stated that she and Mr. Koenig have talked about doing an outreach about helping make Dover attractive. They have talked about things like people who will cut their grass but they won't weed whack along the curb line so the grass is growing over the curb line or there's a utility pole in the right-of way and everything's nice accept the twelve (12) inch tall weeds along the pole. They are working on doing some type of a public outreach to say "help us with these things". The reality is that you become almost blind to them after a while. You go by it every day; you don't see it and then somebody points it out and you notice that it does look bad. That might be one of the things they could add in the help keep Dover safe and beautiful.

Mr. Tolbert stated that they also cut the grass and the shavings go all over the street. Responding to Mr. Tolbert, Mrs. Townshend stated that was a Code violation.

Mrs. Townshend stated that she thinks some of the things that they are doing for the Downtown

Development District we will end up taking on Citywide. Trimming the weeds on the curb is a real problem Downtown but it's also a problem elsewhere; it's just not too big of a problem. Some people seem to think if the litter blows into their yard, it's not their trash so it's not their problem. At the end of the day if it's in her yard she is going to pick it up. She has had to pick up cigarette wrappers and beer cans of stuff that she can tell you she didn't drink but if it's in her yard, she is going to pick it up. The thought is if they sell some type of public outreach, maybe people will open their eyes. Maybe they can take the blinders off that everyone tends to walk around with because they are caught up in their walks. She is looking forward to a very strong relationship with the Staff that NCALL has hired. She was on the Selection Committee and she was very pleased with the applicants as a whole and the applicants that were selected.

- **Restoring Central Dover Community Plan**

Mrs. Townshend stated this was already discussed under Downtown Development District Program.

Mrs. Townshend stated that the Stormwater Survey is from the Public Works Department. If you haven't filled it out, they beg you to fill it out because they are trying to get input. There are extras here, feel free to share it with friends and neighbors.

Mr. Ruggerio Wilson sent a thank note to the Planning Commission but also acknowledging Staff's efforts in helping keep them on the right track.

EDUCATION AND TRAINING OPPORTUNITES

Mrs. Melson-Williams stated that the University of Delaware trainings don't start until after the new year.

Mrs. Townshend stated that the UD trainings will start in January; the same series. They have talked about expanding what they do but they haven't gotten there yet.

OPEN DISCUSSION

Mr. Tolbert stated that he was glad that the Board of Adjustment was here because his questions and concerns were answered.

Mr. Baldwin stated that here recently he is getting a lot of calls from seniors about the blue LED after-market headlights on automobiles. Who do you contact about those lights? Someone has had to of gotten a permit to sell these things. It's bad for seniors because their eyes are bad.

Mr. Tolbert stated that they seem to be legal.

Mr. Holt stated that if they were illegal, they wouldn't be allowed to have them.

Mrs. Townshend stated that Mrs. Melson-Williams is going to research it; it's not a zoning issue but she might be able to find something out.

Mr. Cregar questioned if Staff needed anything from them? Responding to Mr. Cregar, Mrs. Townshend stated no. She thought it was good to have the Board of Adjustment here. She thinks maybe they should do it periodically with the Board of Adjustment and maybe the Historic District Commission also.

Meeting adjourned at 1:12 PM

Sincerely,

Kristen Mullaney
Secretary