CITY OF DOVER PLANNING COMMISSION
August 17, 2015

The Regular Meeting of the City of Dover Planning Commission was held on Monday, August 17, 2015 at 7:00 PM with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Cregar, Colonel Welsh, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Still, Mr. Ambruso and Mr. Tolbert.

Staff members present were Mrs. Townshend, Mr. Cook, Mr. Jason Lyon Mrs. Dawn Melson-Williams and Mrs. Mullaney. Also present were Mr. Jonathan Jordan, Mr. W. Jeffery Nagorny and Ms. Andrea Finerosky. Speaking from the public was Mr. Kenneth Morse.

APPROVAL OF AGENDA

Ms. Still moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 9-0.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JULY 20, 2015

Colonel Welsh moved to approve the Planning Commission minutes of July 20 2015, seconded by Mr. Holt and the motion was unanimously carried 9-0.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the Planning Commission Quarterly Workshop is scheduled for Wednesday, August 19, 2015 at noon in the City Hall Conference Room. They will be starting the meeting with a joint meeting of the Board of Adjustment and Planning Commission so that they can share some of the observations they've seen in terms of variance requests and where they think that Staff should consider changing the Code. That will be a good opportunity for dialogue between the two (2) bodies.

Mrs. Townshend stated that the next Planning Commission meeting is scheduled for Monday, September 21, 2015 at 7:00pm in the City Council Chambers.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on July 27, 2015 and August 10, 2015.

Mrs. Townshend stated that City Council approved the re-assignment of Planning Commission District representation. Dr. Jones had been representing the 1st District and she will now be the At-Large member. Ms. Still was the At-Large member and she will now be appointed from the 1st District. Dr. Jones moved so they wanted to make sure that they were able to accommodate things. Since Ms. Still lives in the 1st District and was serving as the At-Large member; they were able to make that switch.

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. C-13-05 The Redeemed Christian Church of God Eagles' Wings Chapel at 896 South State Street – Request for one year extension of Planning Commission approval granted on August 19, 2013 to the Conditional Use Site Plan for the establishment of a church within the existing 2,030 SF building located at 896 South State Street. The property is zoned RGO (General Residence Office Zone). The property is located on the west side of South State Street north of Wyoming Avenue. The owner of record is Basilio Bautista. Address: 896 South State Street. Tax Parcel: ED-05-077.17-03-53.00-000.

Representatives: None

Mrs. Melson-Williams stated that this application was for the Redeemed Christian Church of God Eagles' Wings Chapel located at 896 South State Street. They are requesting a one year extension of the Planning Commission approval that was previously granted on August 19, 2013. That was for a Conditional Use Site Plan for the establishment of a church within an existing building on that property at 896 South State Street. Provided to the Planning Commission was a series of emails making the request for the extension. The Code allows, upon Planning Commission approval of an application, that the approval to be valid for a two (2) year time period. This plan would expire the end of this month. They are making request for a one (1) year extension of that approval. The applicant has been moving through the Check Print Review process; meaning the process to finalize their plan. The Planning Commission has issued comments on their plan. Public Works approval has come this summer as well. They are making progress but will not be fully underway by the end of this month.

Dr. Jones moved to approve C-13-05 The Redeemed Christian Church of God Eagles' Wings Chapel at 896 South State Street for a one year extension, seconded by Ms. Still and the motion unanimously carried 9-0.

2) Revised Plan Information and Request for Extension of Planning Commission Approval:

A. C-13-11 Dover Christian Church at 1738 Forrest Avenue – Information on Revisions to Conditional Use Site Plan and Request for one year extension of Planning Commission approval granted October 21, 2013 to Plan for construction of one story 9,600 SF place of worship (church building) and associated site improvements. 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 proposed Revisions consist of reduction of building size, reduction of number of parking spaces, reduction of impervious coverage and revisions to building architecture and materials.*

Representatives: None

Mrs. Melson-Williams stated that this is application is for the Dover Christian Church to be located at 1738 Forrest Avenue. That applicant had originally requested to provide information on revisions to their plan but have since requested that that aspect be placed on hold. They are still working with their client in regards to some potential changes to the overall plan. However, they do wish to continue with the Request for a one year extension of the Planning Commission approval. That

approval was granted on October 21, 2013 for a Site Plan for the construction of a one story place of worship and the associated site improvements on that property. Since it was already on the agenda for this evening, Staff suggested that they go ahead and make the extension request rather than wait until the October timeframe. They have started the Check Print Review process with the various agencies but continue to work with their client in regards to some value engineering and some potential changes with their plan overall. Tonight they won't be discussing their proposed changes that were provided in the packet, but will hold that for a future meeting once they have solidified their revisions a little more completely.

Colonel Welsh moved to approve C-13-11 Dover Christian Church at 1738 Forrest Avenue for a one year extension, seconded by Ms. Still and the motion was unanimously carried 9-0.

NEW DEVELOPMENT APPLICATIONS

1) C-15-03 Cellco Partnership dba Verizon Wireless at 1255 College Park Drive – Public Hearing and Review of Conditional Use Site Development Plan to construct 158 foot telecommunications tower and facilities with associated site improvements on a 1.05 acre ± parcel. The property is zoned M (Manufacturing Zone). The property is located off College Road, at the end of College Park Drive, abutting the southwest side of the railroad right-of-way. The owner of record is Bay Developers Inc. Property Address: 1255 College Park Drive. Tax Parcel: ED-05-067.00-02-12.06-000. Council District 3. Waiver Request: Elimination of Sidewalk. *This application is associated with V-15-08 approved by the Board of Adjustment on June 17, 2015.*

Representatives: Mr. Jonathan Jordan, RRHC; Mr. W. Jeffrey Nagorny, Advantage Engineer

Mr. Cook stated that this application was for Cellco Partnership dba Verizon Wireless at 1255 College Park Drive. This is a Public Hearing and review of a Conditional Use Site Development Plan to construct a one hundred fifty-eight (158) foot telecommunications tower and facilities with associated site improvements on a 1.05 acre parcel. The property is zoned M (Manufacturing Zone) and all uses in the M (Manufacturing Zone) are subject to a Conditional Use Permit which is the reason why this project is here tonight. The property is located off College Road, at the end of College Park Drive, abutting the southwest side of the railroad right-of-way. The owner of record is Bay Developers Inc. The property address is 1255 College Park Drive. Council District 3. There is a waiver request associated with this project.

In reviewing the DAC Report, there was a Board of Adjustment Variance associated with the project V-15-08 which was heard in June by the Board of Adjustment. This was to allow a one hundred twenty-three (123) foot increase in the maximum height permitted for a structure in the M (Manufacturing Zone). That Variance was approved. The project as described is in the M (Manufacturing Zone) and Staff did provide a Zoning Exhibit Map in the packet. The surrounding zoning is CPO (Commercial and Professional Office Zone) and IO (Institutional and Office Zone). There is no residential in the immediate vicinity of the project; there is some RG-5 (General Residence Zone) across the railroad tracks and on the other side of Scarborough Road.

Staff included as an Exhibit, an overview aerial of the project just to give a sense of the existing conditions on the site. They included this in the packet to give the Commission members a sense of

sidewalk network which is existing there and the segments that are not. They gave this relative to the waiver request. The subject property is in the upper right side of the cul-de-sac; the only one that's got considerable vegetation on it. In the Site Plan, there is information about the existing tree cover as well as the existing vegetation and the extent of some selective removal of vegetation in preparation for this project. The site access is from College Park Drive which is a private street. There's no curbing on that street and there are some sidewalks existing at present.

In regards to the project, there is no parking requirement because it is not a habituated structure. There is no floor area per the definition in the *Zoning Ordinance.* On the Site Plan, there is a driveway which comes in from the end of the cul-de-sac which is proposed and goes around the perimeter of the property. This is the proposed access drive leading back to the compound which is a fenced in area which will contain the monopole tower structure as well as a small concrete equipment hut and a generator as well as other things. It is proposed to be a gravel driveway which is acceptable under the *Zoning Ordinance* as it is a utility use and it's not a driveway which leads to parking.

There is a Landscape Plan with details in the DAC Report and the Site Plan. In preparation for Final Check Print Plan approval, Staff has requested that there is a Consolidated Landscape Plan that has the clearing and the new trees all on one page. One page of the Site Plan has some of the clearing proposed and another page shows the proposed planting of trees. There are eight (8) trees required by the City's Ordinance and the Plan has nine (9). These are to be planted around the compound area to provide a little bit of screening between the fenced area and some of the surrounding properties.

The sidewalk waiver request included several rationales. The applicant's rationales were due to the relative isolation of the site within the office park within the cul-de-sac and the lack of connection with other properties due to the railroad. They also cited the unoccupied use of the site which would not generate pedestrian trips. They cited that the proposed development plan is a secondary use and that a future development plan may have a primary tenant on the property which could be a larger building. There is sufficient room on the property to be able to house another use in the future. As part of that future possible development, they requested that the sidewalk installation not be done at this time as that may conflict with what needs may be required of such future tenant. They also felt that at this point, sidewalk installation would cause disturbances to vegetation which doesn't really need to be bothered at this point. The site is fairly wooded and thickly vegetated. There are no streetview pictures provided in the presentation but there's a fair amount of trees and shrubs. The Staff recommendation was for the approval of the waiver request for the sidewalk for the reasons stated by the applicant.

Mr. Jordan stated that Mr. Cook did a fine job of describing what they would have said tonight. They did receive a Variance by the Board of Adjustment on June 17, 2015 and they would like to incorporate that into the record. Mr. Jeff Nagorny, the Site Engineer, can answer any questions that the Commission has regarding what they are planning to do at the site. Basically it's a utility use and they are putting a monopole for telecommunications on the site.

Colonel Welsh questioned if this tower was going to be restricted to Verizon? Responding to Colonel Welsh, Mr. Jordan stated no.

Colonel Welsh further questioned if they would allow other cell phone carriers to put antennas on? Responding to Colonel Welsh, Mr. Jordan stated that was correct. One of their witnesses could answer this question better than him but that seems to be the way it works.

Mr. Nagorny stated that pretty much every one hundred fifty (150) foot cell tower that goes up these days are built and designed to accommodate at least three (3) to four (4) additional carriers or co-locators. Typically, they have a minimum vertical location of ten (10) feet between the installations so that the antennas don't interfere with each other and there's cabling and everything else involved. That is the standard for the industry. All of the major carriers, AT&T, Verizon, Sprint, etc. have master lease agreements (MOA's) amongst themselves so when an opportunity comes up. If there was a tower there that they could use, Verizon would save a couple dollars by not having to build another tower. So they use each other's towers on a pretty regular basis.

Mr. Holt stated that some places have their cell phone towers camouflaged so that people can't really tell that they are cell phone towers. He questioned if any thought had been given in this case? Responding to Mr. Holt, Mr. Nagorny stated that he didn't believe so, particularly because of the specific location of where it's at and granted one hundred fifty (150) feet is a reasonable sized tower but it's not like there are two hundred (200) to two hundred fifty (250) feet towers that go in. They are back on the end of College Park Drive in a business park, directly abutting the existing railroad right-of-way. As far as the affect that they might get, they actually refer to the fake tree not as a monopole but a monopine. They also have the ones that are like a flag pole but it's really a wide flag pole that goes way up. They refer to it as a unipole.

Mr. Holden questioned if it was harder to co-locate with those types. Responding to Mr. Holden, Mr. Nagorny stated that the limitation on a unipole is where they actually hang a flag and is the amount of area on the inside is limited so you can only put a couple antennas. Whereas with the traditional one, obviously there's a lot more flexibility in terms of the number of antennas and the number of co-locating cellular carriers. In this instance, Verizon chose the height of one hundred fifty (150) feet because that's where they would need to get best coverage for the area that they are trying to serve. However, one hundred forty (140) feet or one hundred thirty (130) feet underneath that could very well still provide sufficient vertical height elevation to provide coverage for AT&T, Sprint or one of the other carriers. As far as your original question, no they had not really discussed the possibility of a camouflaged or a stealth installation for this particular area.

Mr. Holden questioned if the one hundred fifty (150) feet really fit anywhere? Responding to Mr. Holden, Mr. Nagorny stated that was the other thing, when all of the other trees are about sixty (60) or eighty (80) feet and it's sticking up over that. He hasn't seen it yet but someone had a great idea where the tower was painted kind of a brown tree bark type of color up to about the top of the over trees in the area and then they painted it kind of light blue to blend in with the sky. He doesn't know if it works because there are still antennas on the tower but back to the simple question, it had not been considered for this tower.

Mr. Tolbert questioned if the tower was going to go one hundred fifty-eight (158) feet in the air? Responding to Mr. Tolbert, Mr. Nagorny stated yes.

Mr. Tolbert further questioned what the potential for a problem with it falling because of adverse weather conditions? Responding to Mr. Tolbert, Mr. Nagorny stated that there's always an outside

possibility but over the last several years, the telecommunications industry along with the electronic industries association has developed a pretty strict set of design guidelines. It's actually referred to as Standard 222-G. The current version talks all about the various aspect of the design of these towers from the foundations and what you need to do to check the ground to make sure the foundation is deep enough and wide enough, to the steel that's used in the pole itself, to the wind speeds. They actually have standards that these towers need to be designed to withstand. He is not sure where we are at right here but if you are on the coast line, the wind speed is sometimes one hundred twenty (120) to one hundred thirty (130) miles per hour. Once you get a little bit inland, it drops off to about ninety (90) miles per hour. The other thing is, with the way the towers are designed you do not create a one hundred fifty (150) foot one piece section. They actually do them in a couple of sections and they kind of sleeve together. But they are designed for if the design criteria were exceeded by mother nature that there's actually a weak point and the tower would most likely fall over on itself. Plus it has some pretty decent inch and a half coax cables running up the inside so if it bent over those cables are still in there and they're not snapping. They kind of hold on.

Mr. Tolbert questioned if Mr. Nagorny could guarantee that it would just bend over in a strong wind? Responding to Mr. Tolbert, Mr. Nagorny stated that it would depend on what they mean by a guarantee. The industry has come a long way since this process started and these towers are very well designed because safety is certainly the foremost consideration.

Mr. Tolbert further questioned how far the tower goes down into the ground? Responding to Mr. Tolbert, Mr. Nagorny stated that for a larger tower like this, it's typically twenty (25) to thirty (30) feet down with maybe a four (4) or five (5) foot diameter concrete pier. It's basically just re-enforced concrete with steel in it column that's sunk into the ground. They come in with a big drill rig and they have to boar all the way down and if they hit rock, they may need to blast a little bit. They have to get them pretty deep.

Colonel Welsh questioned the range of an antenna? Responding to Colonel Welsh, Mr. Nagorny stated that they have radio frequency engineers who are part of the team that they did have at the Zoning (Board of Adjustment) hearing a couple months back. It depends but typically you are looking at about a mile and a half to two miles, may a little more. Part of it is your terrain, if you have nice flat terrain; certainly a lot of southern Delaware is that way. But what other kinds of obstructions might be in the way, trees, buildings, etc. There's another interesting aspect which he has learned just from listening to other engineers and it has to do with smart phones. Smart phones have data connections. If we were all just using voice cell phones there wouldn't be any issues but the data that the YouTube videos, the sending of pictures, etc. takes up bandwidth. It's like if I'm in the shower on the third floor of my house and somebody starts a load of laundry in the basement, all of a sudden my water pressure goes down. That's kind of what happens with the cell tower because so many people are using these for data, it draws a lot more of the capacity of the towers. Of course, they are upgrading the antennas and everything else to serve that. Part of the service area for this tower will be Delaware State University.

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

Mr. Ambruso moved to approve C-15-03 Cellco Partnership dba Verizon Wireless at 1255 College Park Drive to include a waiver for the elimination of sidewalks, seconded by Colonel Welsh and the motion was unanimously carried 9-0 by roll call vote. Mr. Holden voting yes, as it won't disturb the harmony of the surrounding area and for other Staff comments. Mr. Cregar voting yes, the project complies with all the bulk standards on the M (Manufacturing Zone) district. There was a Variance granted on this, V-15-08 and they have an Engineering Report that deals with the Communication Facility meeting all applicable standards by the FCC for radio frequency and electromagnetic fields. Colonel Welsh voting yes, for all of the previous reasons stated. Mr. Holt voting yes, for all of the reasons previously stated. Mr. Baldwin voting yes; it's a good fit for the area. Dr. Jones voting yes, for all of the reasons aforementioned. Ms. Still voting yes, in concurrence with all of the previous comments stated. Mr. Ambruso voting yes, for all of the previous comments stated. Mr. Tolbert voting yes, for all of the reasons that were stated and he is also impressed with the answer given to his question. Mr. Nagorny did answer the question in depth and thoroughly.

2) S-15-10 Revised Active Recreation and Open Space Plan Review of Eden Hill Farm TND Residential District – Public Hearing and Review of Revised Active Recreation and Open Space Plan design consisting of a Central Open Space area of 9.22 acres proposed on the southern portion of the Residential District, a 4,493 SF clubhouse building with amenities and office space, outdoor swimming pool, game/play areas, community garden, outdoor site furnishings and associated site improvements. The zoning is TND (Traditional Neighborhood Design Zone). The property is located south of West North Street and Wemyss Road and southeast of the intersection of West North Street and Saulsbury Road. The owner of record is Eden Hill Residential, LLC. Tax Parcels: Multiple parcels on Map ED-05-076.04. Council District 2. *This application is associated with S-15-07 Revised Residential District Implementation Plan conditionally approved by the Planning Commission at its meeting of May 18, 2015.*

Representatives: Ms. Andrea Finerosky, Pettinaro Construction Co, Inc

Mrs. Melson-Williams stated that this application is for a Revised Active Recreation and Open Space Plan for review associated with the Eden Hill Farm TND (Traditional Neighborhood Design Zone) specifically the Residential District. This is a revision to their Active Recreation and Open Space Plan and looks to a create central open space area of 9.22 acres in the southern portion of the Residential District. This is a revision to what was a previous Active Recreation Plan for the overall site. Planning Commission members probably remember the Residential District; they saw it most recently in May 2015 as a Revised Implementation Plan that the new owner brought through. With that Revised Implementation Plan, approval was granted for a total of seven hundred forty-two (742) residential units at the site, mixed of single family, duplex, townhouses and multi-family units. With that proposed Revised Implementation Plan, they did some changes to what is the street network and put forth initially the concept for a centralized open space in what is the southern area of the property. Tonight, we are looking more closely at that centralized open space and what is planned for it.

The Eden Hill project itself goes back a number of years really starting in 2005 and 2006. Some of that background information is provided in the Report. Initially, there was an Active Recreation and Open Space Plan that was reviewed and approved in 2006. The overall TND (Traditional Neighborhood Design Zone) has to have 25% open space requirement and that is met by amenities

in this District as well as other open space areas on the larger scale of the TND (Traditional Neighborhood Design Zone). With this Active Recreation Plan, based on the number of residential dwelling units at seven hundred forty-two (742), it is required by Code to have 4.68 acres of Active Recreation Area within the project. This Revised Plan is well exceeding that. Just in looking at the centralized open space, it's a little over nine (9) acres and the series of pocket parks that continue to be located throughout the residential subdivision as proposed is over eleven (11) acres. Additionally, there are other open space areas beyond those eleven (11) acres that include things such as stormwater management facilities along the eastern side and there is a small buffer area that flanks the west side of the Residential District as well that is technically open space.

This Active Recreation Plan did go to the Parks Recreation and Community Enhancement Committee, as is the case before it is reviewed by the Planning Commission. That Committee was supportive of it; they saw a very similar review that is in the Commissioner's packets this evening and they also provided the minutes from that meeting as well. The centralized open space is what they are going to focus on this evening. It consists of a clubhouse building which has interior spaces of a gym, community meeting rooms, restroom facilities and it is also attached to what will be the leasing and management office for the multi-family units that are proposed in the overall District. The clubhouse building is kind of in the northern area of the open space. Leading from it you go into what is a swimming pool area. There is a parking lot that's provided to the north of the club house. Other amenities in this open space area include a basketball court, two (2) tennis courts, a playground area, a community garden, a picnic area and then a very large lawn area that a number of pick-up type games could be played there. The project also is proposing landscaping as series of tree plantings as well as items that they would call site furniture such as benches or bicycle racks near the various amenities.

With the Traditional Neighborhood Design there is an associated Pattern Book and it talks about key elements. One of those is of course open space and this project is providing that. On page 5 of the DAC Report there is a more detailed summary of the different amenities, the sizing calculation, etc. They are proposed to be accessible meaning that you could park your car but it is also linked to the street frontage sidewalk system of the overall residential development. There is a sidewalk system or trail system through the open space itself to connect the various elements. We find that it is age oriented to the development, ranging from the playground space that might be for the younger generation all the way up to how ever active you want to be in your older years as well. Staff did go through a series of recommendations related to the project that is presented. They are supportive of the concept to create a large open space area that is centralized and can be managed appropriately. They did provide some comments to further refine the design of this area to make some improvements with connectivity to ensure that bicycle racks and things of that nature are in the right locations with the amenities that perhaps you would bike to. The most significant is the comments related to the design of parking lot to make sure that there is a clear pedestrian access from the north to the clubhouse for those walking to the site. They have asked for some clarifications on some of the details of construction but that is typical and can be reflected in the Final Construction Plans for the project. Likewise with comments on the Landscape Plan, currently it does not show the necessary number of trees that will be required for this land area but they certainly feel that the applicant will be addressing that as they move into the greater detail with their construction plans.

The project was reviewed by the members of the Development Advisory Committee which includes the Fire Marshal's Office, the Public Works Office and the Kent Conservation District Office

related to stormwater planning. DelDOT is also a participant in that process but has no real comments related to this specific aspect of the overall project as it's within what will be a City street network. The Dover Kent County MPO also provided some comments and also suggested that they approach and look at transit options to see if there would be a need for a bus stop in this general area because of the draw of residents to the area for the amenities that are located here.

They do have the architecture of the clubhouse building. It's basically a one (1) story structure where the main lobby, the gym area and spaces would be. The larger two (2) story section is actually where the leasing office and the models would be located for the multi-family. They make use of that model format for their leasing office in this case.

Ms. Finerosky stated that they have been all through the comments. She has had some preliminary discussions already with Mrs. Melson-Williams. They will be hashing them out as they move into construction plans. They also have a landscape architect onboard so they will be addressing all of the comments. Everything you see on the plan regarding the trees and the landscaping, it's just a placeholder to indicate that. They understand there are requirements that they need to address. The only other thing that she could really add is that in July, they did hold two (2) meetings over at the Blue Hen Apartments Clubhouse for the residents of Eden Hill to come see the plans, offer any comments or any discussions that they would like to have with them.

Mr. Cregar stated that in the Parks Recreation and Community Enhancement meeting minutes he noticed that there were some points of clarification that Ms. Finerosky was looking for beyond the D.A.C. Comments. Have you gotten those points of clarification and what were they? Responding to Mr. Cregar, Ms. Finerosky stated that at this point the discussions that she had with Mrs. Melson-Williams were prior to the D.A.C. meeting. There's nothing insurmountable that's going to be too difficult to address.

Dr. Jones questioned how the attendance was at the meetings that were held in July? Responding to Dr. Jones, Ms. Finerosky stated that one meeting was the week before July 4th and they had about six (6) or seven (7) people. They held the meeting again after the holiday because it fell at an awkward time and again they had about six (6) or seven (7) people. She does know that they put fliers in everybody's door to make sure that everybody was notified about the meeting.

Colonel Welsh stated that his question was not really related to this specific request but the last time Ms. Finerosky attended a Planning Commission meeting, they had discussion about the areas that were not being maintained that were overgrown. It seems like every time he has driven by there since that meeting it's still overgrown. Responding to Colonel Welsh, Ms. Finerosky stated that she does know for a fact that Brian Aster who is their in-house site representative went out and walked the site with staff from Code Enforcement to address and determine what was Pettinaro's responsibility, what was City responsibility and what might have been DelDOT's responsibility.

Mrs. Townshend questioned what specific area Colonel Welsh was referring to? Responding to Mrs. Townshend, Colonel Welsh stated as you come in on Saulsbury Road and you turn left at the light, the field that is between that light and the townhomes that are there if you kept going straight on North Street.

Mrs. Townshend stated that the agreement that they had made with Pettinaro regarding the Commercial District was to cut thirty (30) feet back from all of the property lines so that they could maintain the remainder as kind of a meadow area but that it wouldn't encroach into the right-of-way and more public areas. They have been maintaining those areas.

Colonel Welsh stated that it certainly doesn't fit the description of a meadow but it's not very attractive from the road.

Mr. Tolbert questioned if Colonel Welsh was saying that the thirty (30) feet that Pettinaro is clearing is not enough? Responding to Mr. Tolbert, Colonel Welsh stated if that's Code then that's fine. He just thinks that if that were his property and he was responsible for maintaining it he would not want it to look the way it does. If he had people who had bought homes from me who are using that area to walk in. He remembers seeing the woman walking out from the weeds with the dog and he doesn't see much of her; he saw a little bit of her head as she emerged from the weeds. That could be maintained to a much nicer degree but if it meets the Code then that's fine but he just doesn't think it looks very attractive.

Mr. Holden stated that back in May there were a lot of resident comments and concerns over the up keep and he understands that they may be talking about different areas in terms of the Commercial District and the Residential District. With two (2) meetings held at the Blue Hen Clubhouse, are those related to or different from the interaction with those residents after May? He is looking for some follow-up on what has transpired with regard to those concerns that were voiced in May. Responding to Mr. Holden, Ms. Finerosky stated that back in May a lot of residents were here. There was a lot of confusion about who owned what and what was going on. They did hold a meeting which she was not at but several Pettinaro members were and there was a huge turnout for that meeting. She thinks everything got aired out and put on the table over how it all operates. All of the residents were given a point of contact, Mr. Brian Aster. Even if it had to do with the land development, they just wanted everything to go through one (1) person rather than randomly calling people in the department. As far as she knows all of those items have been getting addressed. Mr. Aster has not come to her and said that anyone else has contacted him with any other complaints because they are certainly willing to get on it if anyone has anything that's going on. That was just in terms of the overall transition from when they purchased the property and everything was dormant for so long. From that point forward as that plan evolved and the first time they were in front of the Commission was for the Implementation Plan Revision which showed this configuration but did not focus on the open space. Once they decided how to setup the open space and what amenities they thought might be appropriate then they had the two (2) meetings in July for the residents to take a look at what they were proposing for the open space and what their opinions of that were.

Mr. Cregar questioned the staging and timing of the development. Responding to Mr. Cregar, Ms. Finerosky stated that once they get through the plan approval process it's their intent to begin with the multi-family homes. That's something that their company builds. Similar to Blue Hen Apartments, they maintain it; they lease it. The other areas, single family homes and townhomes, they'd be looking to market them to a national builder.

Mr. Holt stated that one of Ms. Finerosky's concerns before were the reasons that the homes didn't sell was because they weren't properly in the marketplace at that time. Do you feel a lot more

confident now with the new design and Pettinaro being able to move the sale of these homes along? That's a major factor in the success of a development. Responding to Mr. Holt, Ms. Finerosky stated that it absolutely is. She knows that they have had discussions with several national home builders preliminarily to find out what types of units were selling and what lot sizes were more marketable than the giant single family lot which is why they worked with the Department to come up with this ratio of units that they feel should be marketable.

Mr. Holt questioned if Pettinaro will be really hands on to make sure that this thing moves right along. Responding to Mr. Holt, Ms. Finerosky stated yes, they will build the multi-family; that is something that they do, something they maintain, they lease and manage. The infrastructure is most likely going to be built by them as well as it progresses.

Mr. Tolbert opened a public hearing.

Mr. Kenneth Morse – 422 S Greenberry Ln Dover DE 19904

Mr. Morse stated that he and his wife have been residents since they first started building there and that's approximately four (4) years ago. They promised them the clubhouse, the playground and then they folded. Now Pettinaro is taking over and in that area they have children that are riding bikes. They need a playground for the children so that they can have a safe place for the children to ride bikes. Also, they need to have a clubhouse for them to use. The grass growing up in the front of the development does kind of make the area look a little messed up because people that ask him about the area. They love the section and they love the place but that the area in the front makes them look like bad. If you ride through the development on a Saturday, the kids are riding their bikes in the street and it's very unsafe. If they hit one of those children, how can they explain it to the children's parent? He understands that the playground is going to be built but how long will it take?

Mr. Tolbert closed the public hearing.

Ms. Finerosky stated that as many people know they have only owned this property for a little over a year. They are advancing plans through the process as quickly as they can go with the timeline and the deadlines for all of the various Planning Commission, Parks and Recreation Meetings and other things that they need to accomplish. She will revise her statement in terms of how they are sequencing this to get built. It's their intent to build the apartments first but in conjunction with that they also need to build the open space and the recreation area first because that is part of the attraction of the apartment community as well as the residents that live there. Time wise, they are probably close to a year away from full plan approval for everything. It could be less but she doesn't want to say eight (8) months and have it drag out longer.

Mrs. Townshend stated that it would be six (6) to twelve (12) months.

Ms. Finerosky stated that they had to deal with all of the other agencies other than the City, DelDOT and Kent Conservation District so she thinks six (6) to twelve (12) months is fair to get Final Plan Approval and be in a position to actually the start construction.

Mr. Tolbert questioned if during the meeting held with the residents, were any of the concerns that were expressed by Mr. Morse dealt with specifically in those meetings? Responding to Mr. Tolbert,

Ms. Finerosky stated that she wouldn't say specifically but they did talk about timing, how long it would take to get the open space up and running or at least a large piece of it. Nobody had any real comments for or against the various amenities; they all seemed pleased with the layout. She thinks there is an overall feeling from at least the people that she talked to that were glad that they were making an effort and continuing through with the plan instead of letting the project sit there and do nothing at all. They did explain the time constraints and that they did have to go through this process.

Dr. Jones asked for clarification in terms of possible timing for construction. She thinks Ms. Finerosky stated that they were going to start building the apartments and that they need to start with the construction of the open space. Responding to Dr. Jones, Ms. Finerosky stated that it runs concurrently is what she meant to say. From an apartment perspective, in order to lease the apartments part of the attraction is what amenities come with the apartment. That's part of the reason that they worked out the Implementation Plan in the way it is with the amounts and ratios so that it's suitable for everybody; for Pettinaro, for the neighbors, for the community, and for the City. To put the apartments in at the same time, they have to build the amenities as well.

Mr. Holden stated that in the Staff Report, there was some discussion over Article 5, Section 10.6 that kind of relates to phasing of the recreation with regard to the construction. Can you detail how that happens in application throughout the City? The City guidelines aren't always necessarily clear to the public of what the developer is required to do. Responding, Mrs. Townshend stated that the other side of that is that it's not quite as precise. Where you have a clubhouse, you can't build 10% of a clubhouse; you build a clubhouse or you don't. The way it works is that the construction of the recreation amenities needs to keep pace with the Building Permits that are issued. Once they start releasing Building Permits for the apartments because of the dwelling unit count associated with that; they are going to have no choice but to really build out the bulk of that before they start occupying apartments. They need to make sure that they keep these things phased together.

Colonel Welsh moved to approve S-15-10 Revised Active Recreation and Open Space Plan Review of Eden Hill Farm TND Residential District, seconded by Mr. Holt and the motion was unanimously carried 9-0 by roll call vote. Mr. Holden voting yes, the Recreation Plan complies with City Code and it's going to provide once constructed, ample opportunity. Mr. Cregar voting yes, the plan is in accordance with City Code and all the DAC comments that are attached regarding this proposal. Colonel Welsh voting yes, for previous reasons stated and with the Planning Staff recommendations to be incorporated as well. Mr. Holt voting yes, for all of the reasons previously stated and it does comply with the City Code and he thinks it's going to be a great asset to the community in general. Mr. Baldwin voting yes, for the reasons previously stated. Dr. Jones voting yes, for reasons previously stated and the fact that it appears that the residents are generally in agreement with the plan for the open space. Ms. Still voting yes, as it meets all the requirements and she thinks this is a good first step towards a new renovation to the area. Mr. Ambruso voting yes, because it's the right thing to do. Mr. Tolbert voting yes, given the history of the development and the extent of which they have come along at this point he is impressed with that. They have also demonstrated a willingness to work with the Staff cooperatively and with the residents that they have already and they will continue to do so.

Meeting adjourned at 8:09 PM.
Sincerely,

Kristen Mullaney
Secretary