CITY OF DOVER PLANNING COMMISSION
QUARTERLY WORKSHOP
February 18, 2015

The Regular Quarterly Workshop Meeting of the City of Dover Planning Commission was held on Wednesday, February 18, 2015 at 12:00 noon with Chairman Colonel Welsh presiding. Members present were Mr. Holden, Mr. Cregar, Mr. Tolbert, Mr. Holt, Mr. Baldwin, Dr. Jones and Colonel Welsh. Ms. Still and Mr. Ambruso were absent.

Staff members present were Mrs. Townshend, Mrs. Harvey, Mr. Cook and Mrs. Mullaney.

PLANNING COMMISSIONER COMMENTS AND CONCERNS

Colonel Welsh stated that there doesn't seem to have many applications; things are really drying up. Responding to Colonel Welsh, Mrs. Townshend stated that has Mr. Koenig very worried because all of these things affect our budget.

Mr. Tolbert stated that he has gotten complaints that Greyhound Bus is using 7-Eleven as a bus stop. Are they allowed to do that? Responding to Mr. Tolbert, Mrs. Townshend stated yes, they are not violating any codes. The City has received complaints too.

Dr. Jones questioned where the 7-Eleven was located? Responding to Dr. Jones, Mrs. Townshend stated it was on Lepore Road right by The Overlook across from the Kirby & Holloway Restaurant.

Mr. Holt stated that he has read an article regarding this matter. It went on to say that the people liked that they could go into 7-Eleven to get things to eat or use the bathroom.

Mrs. Townshend stated that they were previously at the cab place across from the hospital which was really awful.

Mr. Cregar stated that he was surprised that the Department of Transportation didn't have concerns about that location. Responding to Mr. Cregar, Mrs. Townshend stated that the bus company contacted Mr. Bill Neaton and we told them that they needed to contact DelDOT's Central District Office and we never heard anything. She doesn't know if they contacted DelDOT or not.

Colonel Welsh stated that as Planning Commissioners there is absolutely nothing that they can do about it. It's not a conditional use. Responding to Colonel Welsh, Mrs. Townshend stated that the use is permitted and they didn't make any alterations to the site to accommodate it.

Mr. Cregar questioned if they were licensed? Responding to Mr. Cregar, Mrs. Townshend stated that she was pretty sure but we will check.

Mr. Tolbert stated that if he received a call about it again he would advise them to call DelDOT.

Mrs. Townshend stated that she had a Councilperson suggesting that we shouldn't allow it in the C-4 (Highway Commercial Zone) but that's our most intense commercial zone.

Mr. Cregar stated that he doesn't have a problem with the zoning part of it but he has a problem

with the in and out and the unloading, the parking and other stuff.

Mr. Tolbert stated that the buses are in the parking lot for twenty to twenty-five (20-25) minutes loading and unloading.

Colonel Welsh questioned if people were parking their cars there long term? Responding to Colonel Welsh, Mr. Tolbert stated that no one had complained about that to him yet. He doesn't think so. He would think that 7-Eleven would have a problem with that.

Colonel Welsh stated unless 7-Eleven is charging them for parking.

Dr. Jones stated that it was a small area there.

Mrs. Townshend stated that they could find out what the bus schedule is and have the Fire Marshal's go out to make sure that they are not blocking access and those types of things.

Mr. Holt stated that he was having a hard time finding out if the regular Planning Commission meeting was going to be held last night. He had to call two or three times. He suggests maybe sending an email out to everybody. Responding to Mr. Holt, Mrs. Townshend stated that she didn't have phone numbers with her; she wanted to call but didn't have access to phone numbers.

Colonel Welsh stated that the announcement was on the City's website.

Mr. Tolbert stated that they didn't announce it on the radio. They announced that the State offices were closed but never said anything about the City offices. Responding to Mr. Tolbert, Colonel Welsh stated that he saw where the State offices were closed but nothing about the City either.

Mr. Baldwin stated that he is so tired of sitting on Loockerman Street while people are trying to make a left turn. Can't a sign be put up saying something about no left hand turns during certain hours? Responding to Mr. Baldwin, Mrs. Townshend stated that has come up and DelDOT studied it. The thing is that they can't prohibit lefts along the whole corridor. So they looked at what happens if you don't allow lefts onto Governors Avenue and the problem is that it creates a backup somewhere else. They said that they would have to allow lefts somewhere.

Mr. Holden stated that they need a clockwise loop somewhere.

Colonel Welsh stated that one of the lights has a red light camera also. Responding to Colonel Welsh, Mr. Holden stated that he got something in the mail from North Street and Governors Avenue; going south of Governors Avenue.

Mr. Baldwin stated that it's always worse during the lunch hour. Responding to Mr. Baldwin, Mr. Tolbert stated that you could always stay off of Loockerman Street.

Mrs. Townshend stated that's what she does if she knows that she needs to go left she doesn't use Loockerman Street.

DEPARTMENT OF PLANNING AND INSPECTIONS UPDATE

Summary of 2014 Applications and 2015 Applications

Mrs. Townshend stated that the application summary shows the first quarter for 2015 being about where they were for the first quarter of 2014. There are 18 total applications but if you look at Site Plans, this time last year they had seven (7) Site Plans and now there are two (2). We are having applications they are just not Site Plans, which is not a great thing.

Mr. Cook questioned if they were doing more Administrative Site Plans now? Responding to Mr. Cook, Mrs. Townshend stated in terms of Site Plans, we don't separate them out on this summary. In the first quarter of 2014 there were seven (7) total Site Plans and in the first quarter of 2015, even though they are only halfway through the quarter they have only has two (2) Site Plans. These numbers are as of February 2, 2015 so the number will go up some but they were hoping that their volumes would rebound a little more than they have.

Colonel Welsh questioned if anything was happening with the vacant properties in Dover like the old Walmart store? Responding to Colonel Welsh, Mrs. Townshend stated that it's owned by the Onix Group. They had submitted an application for it to go to the Planning Commission several months ago to make it apartments but they pulled it back at the last minute. The project has been on hold ever since. Mr. Neaton has been in contact with someone from the Onix Group who said that they had signed leases for retail tenants. Their Site Plan is expired; not because it couldn't be extended but because they never filed an extension. So they have to start over with a Site Plan and Mr. Neaton has told them that several times. She has not had contact with them.

Colonel Welsh questioned who the Onix Group was? Responding to Colonel Welsh, Mrs. Townshend stated that they are out of Kennett Square, PA or somewhere up in that area. She knows that the partnership included Mr. Connie Malmberg and did include Mr. Mike Zimmerman but she is not sure how large of partners they were.

Mrs. Townshend stated that she has a meeting with somebody tomorrow about the K-Mart property. She has no idea who it is or what they are planning. Responding to Mrs. Townshend, Mr. Cook stated that it is with the current property owner but he doesn't know what they are planning to do there.

Mrs. Townshend stated that she also had a call from an engineering firm about that property as well. The old Metro will become Urban Furniture which should open sometime this month and Air Base Carpet Mart as well.

Colonel Welsh questioned if Urban Furniture was a franchise? Responding to Colonel Welsh, Mr. Cook stated that he didn't think so.

Mrs. Townshend stated that you could see construction work at the old Dover Litho and Uno's sites.

Dr. Jones questioned what was happening at Dover Litho? Responding to Dr. Jones, Mrs. Townshend stated that they were all going to be mini strip malls with restaurants, a pool supply place, etc.

Dr. Jones questioned what the old Metro was going to be again? Responding to Dr. Jones, Mrs. Townshend stated that it would be Urban Furniture and Air Base Carpet.

Dr. Jones further questioned if Air Base Carpet was moving? Responding to Dr. Jones, Mrs. Townshend stated yes, they are re-locating.

Dr. Jones stated that she keeps waiting to hear that Cracker Barrel is going to come to them again. Responding to Dr. Jones, Mrs. Townshend stated that the Golden Corral was before the Board of Adjustment today to build something at the old Berry Van Lines site. Their variance was approved so they should be coming forward with an application at some point.

Mr. Holt stated that the Berry Van Lines site has been vacant for a quite a while.

Dr. Jones questioned if we used to have a Golden Corral in Dover? Responding to Dr. Jones, Mrs. Townshend stated yes, where the Greene Turtle is now.

Mr. Tolbert questioned when the Golden Corral closed? Responding to Mr. Tolbert, Mrs. Townshend stated maybe seven or eight (7 or 8) years ago.

Mr. Tolbert stated that they should have never left. Responding to Mr. Tolbert, Mrs. Townshend stated that they were looking at the Berry Van Lines site.

Mr. Holden questioned if it would front on the highway? Responding to Mr. Holden, Mrs. Townshend stated yes.

Mr. Holden stated that at one time there was going to be a whole complex back there. Responding to Mr. Holden, Mrs. Townshend stated that they were still looking at doing something. The developer who has it under contract is working on a larger plan but Golden Corral wanted to move faster so they are probably going to come in on their own.

Colonel Welsh questioned what happened to the Barnes & Noble that was going to be up by Delaware State University? Responding to Colonel Welsh, Mrs. Townshend stated that she thinks that is never going to happen. She thinks bookstores are struggling.

Dr. Jones questioned the status on Kirby & Holloway? Responding to Dr. Jones, Mrs. Townshend stated that their Site Plan is approved; their Building Permit application and building plans were submitted. Our Chief Building Inspector sent back some comments close to a month ago for their architect to address and he hasn't gotten anything back from them yet. We are just waiting.

Dr. Jones stated that the whole community was waiting too.

Mr. Tolbert stated that an article in the newspaper some time ago said that they would be open around May 2015. Responding to Mr. Tolbert, Mrs. Townshend stated that if anything moves as quickly as it has so far then it won't happen. There's been long stretches where the City had submitted comments to the applicant and have been waiting to hear back for whatever reason. She doesn't know if it's dealing with insurance and the banks.

Mr. Tolbert questioned if anything was going to happen at the old Walmart location? Responding to Mr. Tolbert, Mrs. Townshend stated that according to what they have told Mr. Neaton, they have leases and will be coming back to the Planning Commission with another plan.

Text Amendments Approved 2013-2014

Mrs. Townshend stated that in the packets there was a listing of ordinances that have been adopted. She doesn't think that it's changed since the last Quarterly Workshop. They did order new *Zoning Ordinances* and the company sent *Zoning Ordinances* for 2001 so they are in the process of trying to figure out why they took us back in time.

Colonel Welsh questioned who they ordered the *Zoning Ordinances* from? Responding to Colonel Welsh, Mrs. Townshend stated that they ordered from MuniCode. They just need to take them back and give us the right version. As soon as they have the problem fixed, they will send a copy to the Commissioners.

Mr. Tolbert questioned if the company printed a lot of copies of the Ordinance? Responding to Mr. Tolbert, Mrs. Townshend stated that they ordered fifteen (15) so that everyone on the Planning Commission and Staff could have a copy.

Mr. Tolbert further questioned if they printed all of the copies wrong? Responding to Mr. Tolbert, Mrs. Townshend stated yes.

Research Activities

- **Update on Research for Ordinance Amendments**

Mrs. Townshend stated that there are a few things that they are working on. There are some ordinance updates that are going to come forward as a result of the *Restoring Central Dover Plan*; some changes to the RG-1 (General Residence Zone). It's going to take a little bit of time to get them together. Hopefully Staff can get them to the Planning Commission by summer. Some changes are going to have to be made to the RC (Recreational and Commercial Zone) because they are working with Dover International Speedway to annex the concert festival lands and they need to make sure that they address that as a permitted use but do it carefully. There are some concerns that the festival started as like a three (3) day event once a year. There have been discussions of Punkin Chunkin and now they have added a country music festival. There are issues such as what do they do about noise? She and Mr. Koenig have a meeting with DelDOT Traffic Management to talk about the whole issue of road closures because it's one thing if you do it one weekend a year but it's another thing when it becomes something more routine. The City is getting more and more complaints from residents who take access off of Persimmon Tree Lane.

Colonel Welsh questioned if the City had received complaints about the noise? Responding to Colonel Welsh, Mrs. Townshend stated that they received complaints this last year about noise because there was concerts or after parties going as late as 2:00pm. Staff wants to address those things in an Ordinance so she needs to get internally reviewed drafts, and then get it to the Speedway to look at. They were hoping to get the lands annexed before this year's festivals. She is not sure they are going to make it.

Colonel Welsh questioned if Dover Downs was supporting this annexation? Responding to

Colonel Welsh, Mrs. Townshend stated that they (the City) can't annex it without them (Dover Downs) being supportive of it.

Mr. Holden questioned if there had been any movement on discussions on dedicated access from Route 1 or whether they were working with the Dover Mall to do something? Responding to Mr. Holden, Mrs. Townshend stated that the Mall wants to do something but they want DelDOT to build it. She can't imagine that DelDOT, in their current financial condition, is going to do that.

Mr. Holden stated that Dover Downs doesn't own all the way to Route 9, there's a piece out there where they would be forced to create their own access. Responding to Mr. Holden, Mrs. Townshend stated that they don't go all the way to Route 9 but they go close.

Mrs. Townshend stated that another issue she wanted to bring up is the issue of parking. She mentioned that Golden Corral was at the Board of Adjustment today for a variance. There are two things; one thing is that they are going to need to address is what the proper parking requirement is for restaurants. What they have in the Code right now is too low. But there is another issue that came up with Golden Corral and also Dr. Dover's Dentistry Practice, the cap on parking. Right now we cap it at 125% of the Code minimum. If you are looking at something that has a small parking requirement, that 25 % is next to nothing. It seems to be making it really difficult for the restaurants. What they heard at the Board of Adjustment today is that Dover is the only place that they have seen that has a maximum. She has a hard time believing that Dover is the only place that has a maximum. Her guess is that there are places that are more progressive that they are. She wants to discuss if the Commissioners still feel the need for a parking maximum. Also, if they want to make it more sliding scale that maybe if your minimum parking requirement is one to fifty; maybe you can have 100% more. For instance, if you have a parking requirement of six (6), 25% means that you can't even have two (2) extra spaces.

Mr. Holden questioned what issue created the driver to have the maximum? Responding to Mr. Holden, Colonel Welsh stated that if you look at the old Walmart, Sam's Club, Lowes and Home Depot, it's all of the impervious surface that they have and it's never used. It's used maybe once a year on Black Friday but he doesn't even think that's the case anymore because everybody shops online.

Mrs. Townshend stated going back to the Berry Van Lines site, if you remember when the application for Dick's Sporting Goods came in it was Dick's Sporting Goods but there were other retailers as well. They had their minimum; she thinks their square footage required five hundred to six hundred (500-600) parking spaces and they had a Site Plan with over nine hundred (900) spaces. The concern is that if there's a code requirement that caps your parking they will comply but if there's not a code requirement they will come to Planning Commission and kind of back you into the corner. For example, they will say if this retailer doesn't get the parking they are not coming. It's a lot easier to fall back on the code requirement.

Colonel Welsh stated that there's a method for them to get there and that's to go to the Board of Adjustment. He feels that the large retailers have entirely too much impervious surface in the City of Dover. For example, the old Blue Hen Mall and the fitness center located across the street. Responding to Colonel Welsh, Mrs. Townshend stated that Mr. Cook has some ideas too.

Mr. Cook stated that if the concern is over impervious surface and the visual of having all of that

space then there could be a way to have some sort of design guidelines in terms of what's the orientation of the building and what's the orientation of the parking to the building. For example, if it's on Route 13 and you can have 150% of the minimum parking requirement but only if some of that is not all located in the front of the building. There may be some kind of mechanism where they can put in a requirement for additional landscaping or some other way of mitigating the visual.

Mrs. Townshend stated that the question is, is there a middle ground? The other thing with the Berry Van Lines site in particular and a lot of the sites along Route 13, there in an excellent recharge area so limiting parking also helps to kind of push that issue. Part of the problem that we have is that our parking for restaurants is not feasible. In terms of what was provided for other locations, the same contractor that built the Cheddar's and Texas Roadhouse, both of which have more parking than the City Code would allow. From a practical standpoint are under parked; their parking lots are full. Part of the problem is restaurants getting to the right number of parking spaces. This is one thing that Staff wants to look at but the other question is who do you deal with the maximum.

Colonel Welsh questioned how burdensome it was to go to the Board of Adjustment? Responding to Colonel Welsh, Mrs. Townshend stated that it's awful. Today's meeting wasn't bad. Her personal opinion is the Board of Adjustment should be the last resort. If there's something they can do or if they know that there's an issue in the Code, it's better to fix the issue in the Code.

Colonel Welsh questioned if they could give the Planning Commission the waiver authority? Responding to Colonel Welsh, Mr. Cook stated that may be the easiest solution.

Colonel Welsh stated that when an applicant does their Site Plan presentation, if they've got a documented need and can justify it then the Commission can give them some or all of them (parking spaces).

Mr. Holden stated that he thinks amending the Code for restaurants is a good idea because on projects that he has been around he has run into that as an issue for some of the restaurants. He thinks there is some adjustment there to get it at what it should be. Responding to Mr. Holden, Mrs. Townshend stated that the flipside to that is places that have under parked restaurants will not be able to under park restaurants anymore. Which she doesn't think that's a bad thing; she gets people who yell at her all the time about why the City let projects open with a small amount of parking. Her answer is that they met the requirements at the time.

Mr. Holden stated that you then get the neighbors who have their people parking elsewhere. He thinks it's important to maybe massage that but he doesn't know what that right number is. He thinks the Board of Adjustment is burdensome; it scares people because of the uncertainty of the perception that the applicant is going to get. Whether they feel like they've got great engineering land planning basis for what they are seeking there, the certainty that it will be heard in the same perception that you see it is not what you get there. You don't really know what you are going to get because of the perception so it's burdensome in that inhibits people from trying. Responding to Mr. Holden, Mrs. Townshend stated that they have a very narrow legal function; they take it very seriously. In some places, the Board of Adjustment rubber stamps everything. The City's Board of Adjustment does not. They're well trained.

Mr. Holden stated that the difference from the business standpoint is the uncertainty over what you are going to get at the Board of Adjustment. He would like to see the Commission massage those numbers for the different categories that they feel are an issue and get them adjusted. Then he doesn't know if he sees an issue with if you are outside those bounds then you would have to go through that more burdensome task.

Colonel Welsh stated that Mr. Holden views it from a totally different perspective than he does. He hates parking lots and he doesn't like paving a parking lot because typically they are not taken care of. They fall in a state of disrepair and then there are huge potholes and ugly crap on them. They will pay to have them repaired. He enjoys looking around at various places during his travels. In Florida, he looks at the malls and most of them are very nicely landscaped with medians and they've got plenty of parking but it's not all pavement. He thinks the old Walmart parking lot is hideous and he has always thought that but it's the fact that they create run-off that creates flooding, washouts and it really serves no purpose. He would agree that Cheddar's Restaurant in Camden has a parking problem. He doesn't know what the answer is but if you have an exception with the restaurant, what do you do with the restaurant that's not attracting a crowd like the Cheddar's Restaurant would? How do you tell somebody that you don't think their restaurant is going to be as successful as this one is? Responding to Colonel Welsh, Mr. Holden stated that it's a challenge to write a Code that is for a up to three (3) hour per seat type of restaurant or a forty-five (45) minute per seat, the number needs to be different.

Mrs. Townshend stated that the City's parking requirement is based on seat count. In talking to Mr. Charles Owensby who is the person who's working on the Berry Van Lines site and also has the Playtex site and built Cheddar's in Camden, he said for instance, in New Castle County it's ten (10) spaces per one thousand (1,000) square feet. They do it on a square footage basis and in some ways that makes it easier because you don't have to see their seat count. It's really difficult at the front end of a process to figure out how large a parking lot needs to be when the seat count could change as you get into the building design. One thing would be to look at other places. She did some research of other places and what they do; she did see a lot of other places in that ten (10) space one thousand (1,000) square foot. Some places want fifteen (15) per one thousand (1,000) square foot. It could be a waiver where they demonstrate need because if they can demonstrate that their chains in other locations have this similar type of location and we have 150 spaces. If you are only going to count them at 125 spaces, then they can demonstrate that they have 150 spaces and they are always full. What really drove that cap was the retail that just wants Black Friday. You build your parking for the day after Thanksgiving but they don't want to build their roadways for the day after Thanksgiving.

Mr. Holden stated that maybe they look at a hybrid for it. If you are located outside of a certain range that the Planning Commission could offer the increase up to. You give some flexibility that may not force them to the required. Going to Planning Commission is less scary than business before the Board of Adjustment. There is not one size fits all.

Colonel Welsh stated that it was an excellent idea because what that's going to do is for someone who doesn't want to go to the Board of Adjustment then so he's going to be willing to design down and take whatever the Planning Commission can grant.

Mr. Holden stated that it's a lot safer bet for the applicant.

Colonel Welsh questioned if the Commission had the waiver authority and they deny the application then can they still go to the Board of Adjustment? Responding to Colonel Welsh, Mrs. Townshend stated that she thinks so but the likelihood of that happening is low because by the time that they get to the Board of Adjustment there needs to be a very narrow reason. The likelihood of it is low that there nothing that would prohibit that.

Colonel Welsh stated maybe right now they are at 125%; maybe they could change it to 150%.

Mr. Holt stated that it would save a lot of time too.

Colonel Welsh stated that optimum design standards would be to stay within the 125%. If you have justification for it then coming before the Planning Commission you could make it one of the waiver requests. The Commission needs to be pretty strict on it too. Responding to Colonel Welsh, Mrs. Townshend stated that maybe the Commission can require that the applicant increase their landscaping or something.

Mrs. Townshend stated while they are discussing parking and they are going to go into the parking section the other piece that comes up periodically is for a waiver. If somebody comes to the Planning Commission for a parking waiver, the Commission can grant up to a 50% reduction but they have to reserve the space. They have to keep space undeveloped that in theory it would be there for them once they have to build the parking. Do we want to require that reservation at a smaller amount? Maybe not at 100%. They have never gone back and made anybody who's had a parking waiver build more parking. What it does is it ties up land. It has driven some people to the Board of Adjustment because they don't have the land to reserve so they just go for a variance.

Colonel Welsh questioned what she means by they don't have the land to reserve? Responding to Colonel Welsh, Mrs. Townshend stated that the Planning Commission can waive a portion of the parking requirement. So if you are required to have one hundred (100) spaces and the Commission says that you really only need seventy-five (75) spaces, then the Commission has the authority to say that they only have to build seventy-five (75) spaces but they need to reserve space for that other twenty-five (25) spaces. In theory, she (the City Planner) can go to them and say that they need to build the remaining twenty-five (25) spaces, which has never been done. The other option is do we have them reserve a portion of that land so that they don't have to reserve it for a full twenty-five (25) spaces.

Colonel Welsh questioned if they have never had a situation where somebody is under built in terms of parking? Responding to Colonel Welsh, Mrs. Townshend stated that only in the Downtown where we don't require any parking and where we don't require any reservation of parking when the Commission gives a waiver. For instance, State Street Commons is her view. It's more their issue than it is the City's because they can't get the building leased partially because tenants believe them to be under-parked.

Mr. Cregar questioned what happens when uses change and parking requirements change? Responding to Mr. Cregar, Mrs. Townshend stated if you've built a retail space where you have a parking requirement of one (1) to three hundred (300) and you've gotten a waiver and now a restaurant wants to come in. We have never told anybody that they cannot move into a spot. Say

you have a shopping center tenant; the City usually looks at parking as an existing condition.

Mr. Holden questioned what Grotto's Pizza had to do? Responding to Mr. Holden, Mrs. Townshend stated that they did have to demonstrate that they met parking requirements; that was an Administrative Site Plan. As long as it's through a Site Plan process but if it doesn't require any type of Site Plan, there's no way to require additional parking.

Mr. Cregar questioned when someone comes in there's no calculation done? Responding to Mr. Cregar, Mrs. Townshend stated that they will calculate it. For example, they will make it part of the record on the Permit that by Code this space is required to have fifty (50) parking spaces, there are thirty (30) that's seen as an existing condition. In theory, they could end of up with an issue if they don't require people to reserve the space.

Mr. Cregar stated that we end up making uses non-conforming. Responding to Mr. Cregar, Mrs. Townshend stated that we could.

Mr. Holden stated that it could be that they force people to reserve the space or that you implement that check elsewhere. Is that a business permit or where would it be that you implement that check? Responding to Mr. Holden, Mrs. Townshend stated that in the places where we've seen the waiver request have really been offices. They haven't seen it on retail. One place they saw it on was the Kent County Building when it was built. They reserved all of this land for parking and then when it was re-zoned from C-4 (Highway Commercial Zone) to IO (Institutional and Office Zone) which has less of a parking requirement, they could free up that land. That's where the memorial is now. A lot of people will go to the Board of Adjustment instead of going for the waiver because they don't to have to reserve the land. The question is what's the practical effect of not being able to do something administratively?

Mr. Holden stated that it doesn't sound there has been a lot of issues where we need to keep that reserved area. Responding to Mr. Holden, Mrs. Townshend stated that she can't think of anywhere where they have had an issue.

Mr. Holden stated that it seems like they could give some there or whether you give half of it back. Responding to Mr. Holden, Mrs. Townshend stated that maybe it's that the Planning Commission may require it instead of it's an absolute. So that if you do have one of those uses that is likely to change. The offices are pretty set. Some offices like medical offices have a higher parking volume.

Mr. Cregar stated that Dr. Markowitz on Governors Avenue is outrageous. Responding to Mr. Cregar, Mrs. Townshend stated yes it is and the stuff on Beiser Boulevard. Remember we changed the parking requirement for that stuff so that medical offices no matter what, had a one (1) to three hundred (300) square feet because that was all zoned IPM (Industrial Park Manufacturing Zone) which has a parking requirement of one (1) space per every eight hundred (800) square feet. It was designed as if it was manufacturing space and the practical reality of things is that it wasn't manufacturing space. They can look at probably something that doesn't take away the ability to require the reservation of land but maybe gives a little more flexibility.

Mr. Holden stated that back to the maximum, he thinks there is some sense to having some sort of sliding scale or if your requirement is four (4), a 200% range would work. If you are talking

about a place where there are two hundred (200) or four hundred (400) spaces, there's a huge magnitude change compared to four (4) spaces to eight (8) spaces. Responding to Mr. Holden, Mrs. Townshend stated that was the thing with that shopping center, a lot of Planning Commissioners left the room that night not very happy that at what has been approved but feeling like they were backed into a corner. It was more than double on a scale of it required four hundred (400) spaces and had over nine hundred (900) spaces. It was so excessive but again, doubling your parking when you require two (2) spaces it's as excessive.

Colonel Welsh questioned how using square footage affect that? A doctor's office? A dentist office? If you addressed it as a requirement for three (3) parking spots for every so many square feet. Responding to Colonel Welsh, Mrs. Townshend stated that they wouldn't change that base requirement but what they could say is if you have ten (10) spaces or less as your total, you might be able to go to three (3) times your minimum or one and a half (1.5) times your minimum or two (2) times your minimum. Then if you had say ten (10) to fifty (50) spots maybe you could go to 70% over your minimum. Once you have more than fifty (50) spots you would go down to 50% over your minimum.

Mr. Holden stated that you would out strip that small magnitude thing. Whether it's twenty (20) or thirty (30), somewhere in that range is where getting an extra 30% or 50% should get you a good amount if the minimums are right. When you are down in those single digits is where it's a much harder thing to do. There is a little variability on how you run your business.

Mrs. Townshend stated that for instance, the Commissioners didn't see the parking analysis for Dr. Dover's office because their note on their DAC Report was if you don't get a variance you can't exceed the maximum. They have more employees than their maximum parking requirement based on their square footage. Clearly, we need to at least allow them to park their employees and their customers on their property.

Colonel Welsh stated that his concern is not the single restaurant. His concern is the big box, the malls, etc. Responding to Colonel Welsh, Mrs. Townshend stated that outside of the big boxes, people don't typically have deep enough pockets to buy more land than they need to.

Mr. Cregar stated that he did want to go back to the fact that they create non-conforming uses so what do they do? Responding to Mr. Cregar, Mrs. Townshend stated that they are creating non-conformity; it doesn't make the use non-conforming.

Mr. Cregar stated that they can't meet the Code.

Mr. Holden questioned where Staff could put a check in? Is it a business permit that any new business would have to get that might be conforming use? Responding to Mr. Holden, Mrs. Townshend stated that they could do something. She's sure they can come up with something.

Mr. Holden stated it would helpful to have that check that way so if they change they are still per zoning classification but the use is much different. Responding to Mr. Holden, Mr. Cook stated that's a change of use and that's going to come through zoning review with a Building Permit.

Mrs. Townshend stated that even it's a change of use it still gets a Building Permit. Even if you are not making any alterations, if you go from office to retail a Building Permit is required just to

track the change of use. It's different in Building Code and Fire Code so they need to at least make sure that it meets the requirement. We can do the same thing for parking. Unfortunately the things that these things affect are kind of the micro-businesses; the small, no experience in land development and no idea what you need for parking. That's also where they are parking on the neighbor's property or parking on the grass. Whenever we do these types of changes they never move quickly because she thinks that one thing that the City does well is try to anticipate the negatives that can come with something that is aimed to be positive.

Mr. Cregar questioned if she was going to hear from Realtors on that particular change? Mrs. Townshend stated yes. They (the City) have been much more proactive in recent years about meeting with the Realtors before something that comes to the public because what they have found is that when they haven't, they are immediately told to meet with the Realtors and work it out and then come back. They would include them towards the front end of the process once they have something.

Mr. Holden stated that they seem to get a lot of upright curb waivers. Responding to Mr. Holden, Mrs. Townshend stated that that's another one that they want to make it so that we can administratively review it.

Mr. Holden stated that from a design standpoint and from the changes in stormwater regulations, being able to sheet flow off of a parking lot is very valuable. It seems like there's not a big reluctance to approve those. Responding to Mr. Holden, Mrs. Townshend stated that it's not a problem if it's something that's coming to you anyway. If you don't need to not have curbing, the curbing is desirable to address the conflicts of people parking on the grass, parking on the grass and all of those things. Where it does create a problem is for administrative reviews and Staff could do it all administratively but now they have to bring the curb waiver to the Planning Commission.

Colonel Welsh questioned if the Planning Commission has ever denied an upright curbing waiver? Responding to Colonel Welsh, Mrs. Townshend stated no. That's been on the list to fix for years.

Mr. Holden questioned if there was any thought to if there's no upright curbing, do you have to have a recessed curb to get away with no curb? He knows sometimes when the site isn't graded real well and you've got your edge of hot mix pavement but then you get erosion and pavement caving in and it gets more expensive. It may be a better design to have than a recessed curb so that the pavement goes flush up against a concrete curb that's a little more south. Responding to Mr. Holden, Mrs. Townshend stated that we could but again on a really small project, that won't help.

Colonel Welsh stated maybe they could use the bumpers. Responding to Colonel Welsh, Mrs. Townshend stated that the parking bumpers will keep you from driving on the grass. What Mr. Holden is talking about it where the grass starts to eat up the asphalt.

Mr. Holden stated that just past the YMCA, the Happy Harry's had that going on where it was flowing towards State Street and they ended up having to go back and fix it. It was not aesthetically pretty.

Mrs. Townshend stated that they do require parking bumpers and certainly whenever you have new construction you can require that without a question. Sometime it's that small little change of use thing.

- **Review of *2008 Comprehensive Plan***

Mrs. Townshend stated this was done last year so she isn't sure why this topic was put on the agenda.

Mr. Cregar questioned when the next update? Responding to Mr. Cregar, Mrs. Townshend stated that the way the State law is written is that they are required to review it every five (5) years and update it every ten (10) years. Our update would be 2018-2019. She would like to do it before that. She has requested for the budget process a new planner.

Mrs. Townshend stated that she doesn't know how we do a *Comprehensive Plan* update in-house. The *Comprehensive Plan* to her and the Zoning Amendments are too important to get a contractor for. She knows consultants have a role but she feels like when you hire them for things you lose the development control. To her, the *Zoning Ordinance* and the *Comprehensive Plan* are the two key pieces that keep us all on one page. She doesn't know if she would be good with just hiring somebody and going on about her business.

Mr. Cregar stated that she was right about the losing control piece. Responding to Mr. Cregar, Mrs. Townshend stated that you end up fighting with your consultant.

Mr. Holden stated that it is a challenge; you lose control and then you end up having to handle it the whole time and you're doing all the work yourself. It's one way or the other.

.Current Studies and Projects

- **Transportation Improvement Districts**

Mrs. Townshend stated that the Transportation District project is moving more slowly than they would like but they're finally making progress. At this point they need to look at every property that they've identified within the area as under-utilized or vacant and determine what a realistic square footage would be under conventional development scenarios and under ideal development scenarios. Hopefully sometime this summer they will have something but they have to do all of the modeling once they get that information to them.

- **Citywide Recreational Needs Assessment**

Mrs. Townshend stated that the Recreational Needs Assessment data is in it's just a matter of writing the document. That was one that she was very willing to give to a consultant but they said but they said that it had to be done in-house. That means that it's moving slowly because she has to write it.

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

Mrs. Townshend stated that the MPO has been working on those; they are looking to finalize them. She is hoping that they go to Committee in late March.

Mr. Tolbert questioned what a Pedestrian Plan was? Responding to Mr. Tolbert, Mrs. Townshend stated that it's looking for areas where the City needs to improve sidewalks and maybe some pedestrian trial links through parks to improve the pedestrian networks so people

can walk better.

Colonel Welsh questioned if MPO is behind the relining of acceleration lanes for bicycles? Responding to Colonel Welsh, Mrs. Townshend stated that it was DelDOT.

Colonel Welsh stated that it is the dumbest thing that he has ever seen. Does anybody ever use College Road to go out on Route 13? Yesterday, he met a bicyclist coming his way as he starts that right hand turn. First of all, what is he doing on that side of street? Responding to Colonel Welsh, Mrs. Townshend stated that's one of the things that she is supposed to set up a meeting with the Police Chief to talk about enforcement as it relates to bicycles. It's both cars doing things that violate the laws and putting bicyclists at risk but also bicyclists doing things to violate the laws and put themselves at risk.

Colonel Welsh stated that he was sure that he felt since he was in the bicycle lane although going the wrong way in the bicycle lane on a major highway that he was safe but he was not. What the elimination of the acceleration lane has done as really screwed up the traffic there. He thinks people in Delaware look at a yield sign as a stop sign. The idea is to have that acceleration lane to get up speed and then merge with traffic.

Dr. Jones questioned if there were any plans in the works for an improved walkway on State College Road from the Campus to those Courtyard Apartments? Responding to Dr. Jones, Mrs. Townshend stated that there was a Del-State Pedestrian Safety Study that was done that looked at that. It looked at where people were crossing Route 13 where they weren't supposed to. The results of that are a number of recommendations, some of which will be undertaken by the University and then others that they will be looking at Legislators or DelDOT to fund. She can get the information on that.

Dr. Jones stated that she was really surprised that someone hasn't been hurt traveling that road. Responding to Dr. Jones, Mrs. Townshend stated that there was a lot about that area in the Study.

- **Certified Local Government Program Application**

Mrs. Townshend stated that the application should be on Monday's Consent Agenda for City Council to approve and Staff will be submitting it to the State Historic Preservation Office. What that does is it allows the City to be eligible for certain Historic Preservation grants. The hope is that next year they can look to get a grant to update their Historic District guidelines which are locally out of date. They did try two (2) years ago in-house updating and they just don't have the Staff to do it. Hopefully they will now be eligible for grant money for updating.

Mr. Cregar stated that Mrs. Townshend said that she applied for staffing in your budget. What does Council say when you go in there and say that certain stuff starts to stack up and Staff is not really able to meet the need? What's the answer that you receive back? Responding to Mr. Cregar, Mrs. Townshend stated that the way the budget works is first a request has to get through the City Manager to get into the budget. The pressure is on the City Manager to make the budget balance and to not raise taxes. A lot of times Council doesn't even see the requests that go in. She has had discussions with the City Manager and she has told him that there's no way that they can continue the stuff that they are tasked with doing with existing staff. Even a year ago before Ms. Cornwell left, she always worked plenty more than forty (40) hours a week and would punch out and go back to her desk. She has caught Mr. Cook doing the same thing. The reality is that

they are stretched and so she thinks it will be interesting to see what happens when the City Manager has to put together his budget because at this point now he is also strapped with ten (10) additional Police Officers that have not been tied to a funding source. They already have a budget that wasn't going to balance without a tax increase and they have already increased our transfer from the Electric Fund to $10 million so they are already over burdening the Electric Fund. There are still some members of Council who feel that we are over taxed. At this point they don't even know who is going to be on Council when it comes time for the budget. She has no idea the perspectives of the different people running. There are some people who truly believe that we are over taxed here. They can't really address the problems until they address the tax rates. It could be a matter of continuing to bury their heads in the sand and just work a lot of hours a week. There have times where Council has assigned things to her and she has stood in front of Council and said at some point you are going to have to tell me what the priority is because it can't all get done.

Dr. Jones stated that's it been a couple of years since Mrs. Townshend has had a new department added to your responsibilities. Has there been any discussion about whether that's really working or not or whether that's seriously impacting your function in Planning? As a member of Legislative & Finance Committee, one of the things that she constantly dealt with was the whole idea of a total evaluation in terms of how well things are working and whether or not this should be here and that should be there. She knows there was a savings of a director's salary there but the question becomes, how much benefit was there to that saving. How seriously impacted was Mrs. Townshend by taking on another division? Responding to Dr. Jones, Mrs. Townshend stated that it ebbs and flows. There are times when she feels guilty because she feels like she doesn't give Parks and Recreation enough of her time. There are times where she feels like she is not at City Hall. Actually, she has a really good working relationship with them so from a working relationship it's actually been quite good. It has allowed a little bit more leverage and resources but the long term intent is that they need to add if not a Director position, they need a manager. Right now there is no manager position but if you have a large department there needs to be something in between. But they need to do it without adding another person and the idea of taking people who are all peers and saying now you are in charge, it doesn't work.

Dr. Jones stated that there lies the concern about an internal audit of positions and desk audit. She had spoken to Human Resources about that because it was always a concern that if you had people working in a position for fifteen (15) or twenty (20) years and they're not promotable then something is wrong.

Mrs. Townshend stated that she thinks that part of the challenge back when Mr. Koenig first became City Manager and they had a few department heads leave, there was a lot of pressure and a lot of sentiment on the heart of some people that the organization was too top heavy. There were a number of department level positions eliminated and Parks and Recreation was one and Facilities was another one. The Senior City Administrator was another. The idea was let's eliminate these top heavy positions. It turns out that all of those positions actually had a function. By eliminating the Senior City Administrator position, they really left the City Manager's Office in a position where there were not able to be responsive not for lack of trying but similar to like hamster in a wheel where you are just running and not getting anywhere. The City now has an Assistant City Manager; who if you haven't met him, he is actually very good. Hopefully as he gets more acclimated and gets his marching orders, will start to do a lot of that evaluation. Council is now having the discussion of what the City's form of government should be. There is

a special Council meeting being held tomorrow night to talk about what our form of government should be and if we should be City Manager/Council form of government which we kind of are now but then we also have a number of departments that don't report to the City Manager, which includes her but more importantly it includes the Police Department. That's the majority of the General Fund Budget that does not report to the City Manager yet the City Manager is responsible for the budget. There are a lot of structural issues that Council needs to kind of get their head around. She thought they were going to talk about what they are getting ready to talk about now back in April and then they've talked the bulk of the last six months about if we should go to a strong Mayoral form of government. She is not sure where that came from because the genesis of the discussion was kind of who do we make sure we are more accountable under the City Manager.

Dr. Jones stated that the wonderful consultant firm that the City once had that came in and suggested the pay for performance, did they go away? Responding to Dr. Jones, Mrs. Townshend stated that she believes so. Pay for performance is kind of a four (4) letter word around elected officials around here.

- **Restoring Central Dover Community Plan**

This was done by Interface Studios out of Philadelphia, PA. They actually did a really good job on the Restoring Central Dover Community Plan and that ends up being a piece of the Downtown Development District.

DELAWARE DOWNTOWN DEVELOPMENT DISTRICT PROGRAM – DESIGNATION FOR DOVER

Mrs. Townshend stated that she had a brief PowerPoint presentation. There are workshops being held on the Downtown Development District on Thursday, February 26, 2015 at 10:00 AM, 3:00 PM and 6:00 PM in the Dover Public Library.

There was a map displayed showing the area that has been designated as the Downtown Development District. It's the east side of Lincoln Park, it goes down to the Transit Center, up Water Street to Mary Street, it kind of notches out Wesley College and then along State Street. The Downtown Development District Act was unanimously approved by the General Assembly. There is a designation of no more than three (3) districts in the first year and funding in the form of grants; $7 million was appropriated for Fiscal Year 15 and the Governor's recommended budget has $7 million again for next year. That is among all three (3) of the districts in the State. There is an application process; they looked at need and impact, the District Plan and the local incentives. The thing that really helped Dover is that we documented and did not shy away from the fact that we have issues with crime and housing. These are the things with poverty. We accepted those issues and talked about how we can work to address the issues. That's all part of the District Plan and then we have a number of local incentives. The way the application process worked was 50% of the application was evaluated on needed impact, 30% was on the District Plan and 20% was on the local incentives that they would be offering. The applications were reviewed by the Cabinet Committee on State Planning issues in January and on January 11, 2015 Governor Markell announced three (3) district designations: Wilmington, Dover and Seaford.

Dover's District includes our Central Business District and adjacent neighborhoods. We have an 84% rental rate within this area; we have high crime concentrations, a lot of vacancies both vacant buildings and lots and unfortunately a lot of condemned buildings. The District Plan comprises two (2) pieces: primarily, the *Dover Transit Center Neighborhood Plan and Design*

Book which was done in 2011 and the *Restoring Central Dover Plan* that was released just in time to submit their Downtown Development District application at the end of October 2014. Their Development District goals are that they want business growth within the Central Business District whether that's existing businesses expanding and doing better or bringing new businesses in; they want it all. There are a lot of retail spaces that have dead space on top of them; they would like to see those places occupied with apartments. They want to see an increase of homeownership in the neighborhood. With an 84% rental rate, that really brings a level of instability to the neighborhoods. They want to promote affordable housing. Specifically within the neighborhood, the focus of their affordable housing is homeownership which is why some of the key partners here are the Central Delaware Habitat for Humanity, NCALL and Milford Housing Development Corporation. They want to reinforce the key intersections within the District with vibrant buildings. The idea here is we've got a number of corners that are either vacant land or vacant buildings and we want these buildings to come back to life. Where there are vacant corners with no buildings on them, they want attractive architecture and buildings that will then be occupied.

There are cash rebates on the cost of construction that the State will give for capital improvements to a property if over $25,000. They will give a 20% rebate to whoever is making those improvements; it could be a tenant or a property owner. There are fee waivers; they have impact fee waivers, Business License waivers and Building Permit fee waivers. There are also tax abatements and tax credits. There is a waiver of the tax on the value of the improvements for a period of ten (10) years. We have historic property tax credits at the City level. There is also a State historic preservation tax credit. We have tax benefits for homeownership. One of the benefits is if you purchase a home as your primary residences within the Downtown Development District, the first year you pay nothing for property taxes, the second year you would pay 25% of your tax liability, up to the fifth year where you pay 100%. There are also transfer tax benefits as well. The Downtown Dover Partnership has a façade grant program. They have added to that an architectural grant so if somebody is looking to make improvements to a building, the first $1,000 can be fully reimbursed by the Downtown Dover Partnership and they will reimburse beyond that 50/50 up to $5,000. The Sustainable Energy Utility is offering reduced cost energy audits and higher rebates in this area than they would offer elsewhere.

Through the State program, again, you get the 20% cash rebate amount. Once the rebate amount reaches $500,000 the percentage decreases with a maximum of $1 million per property. Kent County will match the rebate up to $10,000. This is eligible for your construction costs only so architectural fees, engineering fees and those types of things do not count. The rebate is eligible for costs over $25,000. The State Housing Authority has described it as to look at that $25,000 as your deductible. The City has our Building Permit fee waivers, impact fee waivers, and Business License fee waivers for new businesses for a period of three (3) years. This waiver is on Council's agenda for adoption on Monday. Others include a rebate of the buyer's portion of the transfer tax when a property gets a Certificate of Occupancy; this is for properties that transfer after March 1st. You buy a piece of property and you make renovations to it or you build a new building on it, as long as you get a Certificate of Occupancy within five (5) years of the transfer then the buyer's portion of the transfer tax will be rebated by the City. There are also the tax abatements for a period of ten (10) years and then the Tax Credits for Historic Properties.

For the homeownership incentives, you have to stay in the home for at least a four (4) year period or else you have to pay it back. If you are taking advantage of this incentive you are going

to want to make sure you will be there for a while. Citywide the transfer tax is waived for first time buyers. Within the Downtown Development District, if you are selling to a first time buyer you would also be eligible for that. People may also be eligible for Dover First Start payment assistance through the City's CDBG Program. Delaware State Housing Authority also has down payment assistance if the City uses all of theirs. Other incentives are the Façade Grant and the Architectural Cost Grants as well as reduced cost energy audits and high rebates for energy efficiency improvements. The energy efficiency improvements would be for existing buildings. An old building probably doesn't have efficient windows or lighting so you can get rebates for those efficiency improvements that you make.

The Strong Neighborhood Housing Fund announcements were made last week. The Central Delaware Habitat for Humanity was the lead applicant of a coalition that also includes NCALL, and Milford Housing Development Corporation. The City is part of the coalition although they wouldn't be building houses. They received $672,191 all allocated within our Downtown Development District for construction of new affordable homeownership and rehabilitation. There is the Neighborhood Building Block Fund which is to support crime reduction, neighborhood revitalization and economic development. The City s submitting a grant that they are calling the Western Gateway Plan to improve the appearance of Downtown Dover as you come in from Saulsbury Road.

The Workshops will be held on February 26, 2015. They will have the State Housing Authority, the State Historic Preservation Office and the Sustainable Energy Utility. They will all be present at the Workshops so that if there are questions about their specific programs, they can answer them.

Mr. Holt questioned if anyone in the City was available to assist in writing grants because he knows that they have to be worded a certain way? Responding to Mr. Holt, Mrs. Townshend stated that the Planning Office and the Economic Development Office are willing to help people. She has provided documentation of compliance with the plans for at this point one applicant but others have asked her and once she receives their requests, she will get it for them. We have also provided the maps that need to be submitted as well. We have a mapping application that is about 95% done. They plan to roll it out next week so that people can go online, click on a map and figure out what benefits they may be eligible for and who to contact for those benefits. They should also be able to print out a map that shows their property to submit with their application to the State. If it's technologically above their heads then Staff will help them as well.

EDUCATION AND TRAINING OPPORTUNITES

- **Delaware Planning Education Program by UD-IPA: Workshop Series**

Mrs. Townshend stated that there was a list of programs in the packet. The "Land-Use and Development Administration" is the next program being held on February 20, 2015. We are beyond the deadline but she guesses that they would take this if someone wanted to register. If anyone is interested in either "Understanding & Marketing Your Local Economy" or "Land-Use and Development Administration" let her know and she will get them registered.

- **APA Webcast Lecture: *Urban Design, Sustainability, and the Environment* on March 11, 2015 at 4:00pm, Kent County Administration Building**

Mrs. Townshend stated that she needs to double check the location of this webcast. This is the

webcast lectures that Staff registers for. It helps them get their credits. It could also be of interest to Commission members and there is no fee to register.

Colonel Welsh questioned if they had been getting any participation in the educational opportunities? Responding to Colonel Welsh, Mrs. Townshend stated not recently.

Meeting adjourned at 1:36 PM

Sincerely,

Kristen Mullaney
Secretary