CITY OF DOVER PLANNING COMMISSION
August 18, 2014

The Regular Meeting of the City of Dover Planning Commission was held on Monday August 18, 2014 at 7:00 PM with Chairman Colonel Welsh presiding. Members present were Mr. Holden, Mr. Cregar, Mr. Tolbert, Mr. Holt, Dr. Jones, Ms. Still and Colonel Welsh. Mr. Baldwin and Mr. Ambruso were absent.

Staff members present were Mrs. Townshend, Mrs. Dawn Melson-Williams, Mr. Cook and Mrs. Mullaney. Also present were Mr. Troy Adams, Dr. Junior Dover and Mr. John Kelly.

APPROVAL OF AGENDA

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

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JULY 21, 2014

Ms. Still moved to approve the Planning Commission minutes of July 21, 2014, seconded by Mr. Cregar and the motion was unanimously carried 7-0 with Mr. Baldwin and Mr. Ambruso absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop will be held on Tuesday, August 19, 2014 at 12:00 noon in the City Hall Conference Room.

Mrs. Townshend stated that the next Planning Commission meeting will be held on Monday, September 15, 2014 at 7:00 PM in the City Hall Council Chambers.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on July 28, 2014 and August 11, 2014.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW BUSINESS

NEW DEVELOPMENT APPLICATIONS

1) S-14-16 Dover Family Cosmetic Dental at 1084-1086 South State Street – Public Hearing and Review of a Site Development Plan to construct a 2,730 S.F. medical office and associated site improvements. The plan includes a Minor Lot Line Adjustment Plan to consolidate two parcels to form a single 23,214 S.F. parcel. The property is zoned C-2A (Limited Central Commercial Zone), located on the west side of South State Street between Wyoming Avenue and South DuPont Highway. The property owner is Dover Family Properties, LLC, c/o Venetia N. Dover. Property

Address: 1084-1086 South State Street. Tax Parcel(s): ED-05-077.17-07-19.00-000 and ED-05-086.05-02-21.00-000. Council District 2. *Waivers Requested: Partial Elimination of Curbing.*

Representatives: Mr. Troy Adams, Mountain Consulting; Dr. Junior Dover, Dover Family Cosmetic Dental

Mrs. Melson-Williams stated that this was a Site Plan application for the property that currently consists of two parcels of land at 1084-1086 South State Street. As part of the plan review process they are also completing a Minor Lot Line Adjustment Plan to consolidate the two parcels into one parcel of land. The property is zoned C-2A (Limited Central Commercial Zone). It's located on the west side of South State Street north of the intersection with Route 13; basically in the Carroll's Corner area of the City. As zoned C-2A (Limited Central Commercial Zone) there are a series of setbacks and bulk standards for that zone. A dental office is considered a type of business or professional office which would be permitted to occur in the C-2A (Limited Central Commercial Zone).

The Commissioners were presented a series of architectural renderings giving a first taste of the concept of the building. It is a one story building. The main entrance of the building faces South State Street and is proposed in a variety of exterior finish materials. Some stone and stucco with a pitched roof and the entry does have a proposal for a kind of tower-like element. The building itself is proposed at 2,730 S.F. The parking requirement in the C-2A (Limited Central Commercial Zone) requires one parking space per 300 S.F. of floor area. By Code, this building is required to have a minimum of ten (10) parking spaces and is limited to a maximum of thirteen (13) parking spaces. The plan is currently showing twenty-three (23) spaces. This is actually over the maximum permitted by Code. The plan must be reduced to a maximum of thirteen (13) spaces unless a variance is successful at the Board of Adjustment. They have met the filing deadline and will be moving to the Board of Adjustment next month. Staff felt that the plan could still continue with Planning Commission review because the elimination of any extra parking spaces does not significantly impact the layout or site design of the project. The parking is currently shown at the front of the building between South State Street and the building and to the south side, there is another parking area. In front of the building, there are a total of eleven (11) spaces and then twelve (12) to the south. It could easily be adjusted to the maximum that's allowed by Code of thirteen (13) parking spaces should variance be unsuccessful.

The building is not large enough to require a loading space but is providing the required bicycle parking spaces. There is a rack just north of the building. The property has an existing sidewalk along South State Street. The applicant will be creating a new commercial entrance to the property. Currently, there are two (2) curb cuts and they will be working with DelDOT to finalize the entrance plans for this site.

There is one waiver request for consideration this evening. The applicant is requesting the partial elimination of curbing for the areas of the sidewalk adjacent to the building that transition from the sidewalk into the parking lot. It's currently at the same level; it is not an upright curb that people would have to step up on. Part of the reason for this waiver is for stormwater management practices. They are looking to do an underground system that would then require sheet flow across the site to reach an underground system on the southwest corner of the property.

Their project includes a number of landscaping elements, both in shrub plantings and the required eight (8) trees for the site, which are found on the perimeter of the parking lot and also along the area where the proposed dumpster is located to provide screening. As part of the Planning Office comments, one key thing to point out is that it's their understanding the applicant will be addressing this. There needs to be a connecting sidewalk from the street frontage sidewalk into the site. They believe there's the ability to achieve that quite readily.

The other agencies that have provided comments include the Department of Public Works, the Electric Department, the Fire Marshal's Office and DelDOT because they will have an entrance that will need to be approved by DelDOT as South State Street is a State maintained road. They have been working already with the Kent Conservation District on their Stormwater Plan design. The comments from the Dover/Kent County MPO emphasis the pedestrian access that would be available to the site.

Mr. Adams stated that there were no comments or questions and they do accept comments that are in the application.

Colonel Welsh stated that this was a nice looking building plan.

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

Mr. Tolbert questioned if any action the Planning Commission takes tonight would have an impact on the Board of Adjustment? Responding to Mr. Tolbert, Mrs. Townshend stated no, the comment that is in the DAC Report is that they need to comply with the parking requirement and if they don't get a variance through the Board of Adjustment, then they will have to remove parking from the plan.

Colonel Welsh questioned how many employees they would have? Responding to Colonel Welsh, Mr. Adams stated there are twelve (12) employees intended.

Colonel Welsh stated that the employees would all be there at one time so those parking spaces would be taken up by them. Responding to Colonel Welsh, Mr. Adams stated yes.

Colonel Welsh stated that they need parking spaces for the patients. Responding to Colonel Welsh, Mr. Adams stated yes, typically they will have seven (7) treatment rooms and typically parked at 1.5 times. They are pretty much right at twenty-three (23) by the time you add the support staff and the patients for seven (7) treatment rooms.

Colonel Welsh questioned if the Board of Adjustment doesn't approve the variance, where does the applicant go from there?

Mr. Cregar stated if you visit the site and look north of the site, it is one big parking lot that sits there right next to it. He asked for someone to refresh his memory of the Limited Central Commercial Zone. What is the reason for a maximum of thirteen (13) parking spaces? Responding to Mr. Cregar, Mrs. Townshend stated that they are limited to one hundred twenty-five percent of the minimum. They have discussed it recently, on a shopping center it helps but on a site that has a

relatively a small parking requirement it doesn't take much to get twenty-five percent. She thinks that they are going to have to re-evaluate that and certainly she will share that with the Board of Adjustment. When they provide the information to the Board of Adjustment that they are going to have twelve (12) staff members and seven (7) treatment rooms, she thinks that will be compelling for the Board. She also thinks that they it means they need to look at the Ordinance. There have been a number of cases where that twenty-five percent over parked has created a problem.

Mr. Cregar stated that this will be a great in-fill for that parcel. This is going to be a really nice addition to that area.

Ms. Still moved to approve S-14-16 Dover Family Cosmetic Dental at 1084-1086 South State Street to include the waiver of partial elimination of curbing, seconded by Mr. Holt and the motion was carried by roll call vote 7-0. Mr. Holden voting yes, per staff comments. Mr. Cregar voting yes, he thinks that this is a well-placed project as in-fill project at that location and he thinks that it will be an outstanding addition to that area. Mr. Tolbert voting yes, concurring with Mr. Cregar's comments regarding the site and it's appropriate in that area. Mr. Holt voting yes, based on plans and the Staff comments. Dr. Jones voting yes, she concurs with Mr. Holt and also due to the applicant's awareness and agreement to the comments. Ms. Still voting yes, due to the DAC comments and the fact that she concurs with the proposal of the building and she thinks it will be a great asset to that area. Colonel Welsh voting yes, he thanks the applicant for their planning. It's a great plan and for all of the reasons stated by others, he thinks it's a welcomed addition to the City of Dover.

2) S-14-17 Office at 970 North State Street – Public Hearing and Review of a Site Development Plan to permit conversion of an existing 2,199 S.F. ± residential structure to office use and associated site improvements on a 18,047 S.F. ± parcel. The property is zoned C-1A (Limited Commercial Zone), located at the southwest corner of North State Street and Hiawatha Drive. The owner of record is Debra A. Brown and Raymond E. Brown, to be conveyed to John P. Kelly, III. Property Address: 970 North State Street. Tax Parcel: ED-05-67.12-01-05.00-000. Council District 4. *Waivers Requested: Elimination of Upright Curbing Requirements and Elimination of Landscape Buffering Requirement for Parking Lot.*

Representatives: Mr. John Kelly, First State CPAs

Mr. Cook stated that this application is a Site Development Plan to permit conversion of a 2,199 S.F. former residence to office use and associated site improvements on an 18,047 S.F. parcel at 970 North State Street. The property is zoned C-1A (Limited Commercial Zone) located at the corner of North State Street and Hiawatha Lane. The project includes the following improvements: the demolition of an existing in-ground swimming pool and patio, the addition of eight (8) off-street parking spaces, interior renovations to the building and construction of an ADA accessible ramp, re-location of automobile access to the site from the corner of North State Street and Hiawatha Lane to an entrance off of Hiawatha Lane and the addition of a sidewalk along Hiawatha Lane.

The existing entry point to the site currently is ill-defined right on the corner of Hiawatha Lane and North State Street. The Site Plan calls for an entry farther down Hiawatha Lane. The applicant has been working with the Department of Public Works on locating that entry as well as locating the sidewalk along Hiawatha Lane due to a lot of utility infrastructure along that right-of-way. They

have had to modify the normal sidewalk setback requirements, but they have come up with a solution. The existing site has a pool that will be removed. The parking will be roughly in the location where there is existing gravel where the pool is located. There is no increase in impervious surfaces; most of the site work is taking place within the footprint of the existing gravel area and the swimming pool area.

The applicant is seeking two waivers from the Planning Commission. One is a waiver of the upright curbing requirement found in the *Zoning Ordinance*, Article 6 §3.6(b). The Site Plan has included bumpers for each parking space in lieu of upright curbing. The other waiver being requested is a waiver of the landscape buffering requirement found in *Zoning Ordinance* Article 5 §7.23 which requires buffering and screening of parking lots when adjacent to residential zones. Across Hiawatha Lane there is a multi-family housing project which is residentially zoned RG-1 (General Residence Zone).

The property was subject to review by the Silver Lake Commission as required by Article 5 §11.251 of the *Zoning Ordinance.* Comments of the Commission are provided in the DAC Report. Planning Staff recommendations as conditions of approval are noted on Page 5 of the DAC Report. These include approval of the waivers and a recommendation for bicycle parking which the applicant provided on a Site Plan revision which was submitted to Staff after the DAC meeting. The DAC Report includes further comments from the Department of Public Works, the Fire Marshal's Office, DelDOT, Kent Conservation District, the Dover/Kent County MPO as well as the Silver Lake Commission. These agencies have been in regular communication with the applicant to address issues related to fire protection, utility provisions and transporation access.

Mr. Kelly stated that he accepts all DAC comments and the Planning Commission recommendations.

Mrs. Townshend stated that they do have the specific language from the motion that they didn't have at DAC from the Silver Lake Commission. What they requested was that the applicant investigate a rain garden or bio-swale to handle stormwater that might run off of the parking lot. Mr. Kelly had indicated that the area is very vegetated.

Mr. Kelly stated that to be quite honest, it's virtually the same footprint. It does fall off quite a bit towards the trees, towards the lake but it's all grass there. There is nothing but grass and vegetation.

Mrs. Townshend stated that under the Kent Conversation District, they are below the threshold where they have to provide any type of stormwater management.

Mr. Holden stated that he thinks they are under the regulatory size for having to provide some stormwater management. They could make the argument that they are converting a gravel parking area to hot-mix which often has the same affect in terms of how much water comes off of it. He thinks the reality is that more comes off of hot-mix so there are under the threshold but having an impact. Whether it's a challenging site or they have the room to do a BMP (Best Management Practice) to reduce stormwater pollutant or stormwater run-off. They might have some space and maybe they might have some comments on what is possible if they are willing to entertain it. They are under the regulatory threshold so they don't necessarily have to from the Kent Conservation District standpoint.

Colonel Welsh stated that he thinks it's pretty cut and dry. Hopefully, the applicant will work with Kent Conservation District. If there is anything minimal that they can do that's acceptable to both parties, that would be great but they can't require the applicant to do any more than that.

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

Ms. Still moved to approve S-14-17 Office at 970 North State Street to include the two waivers, one for the elimination of upright curbing and the other for the elimination of landscape buffering requirement for the parking lot, seconded by Mr. Holt and the motion was unanimously carried by roll vote 7-0. Mr. Holden voting yes, due to Staff comments and the existing zoning for the site. Mr. Cregar voting yes, in looking at that area he thinks the conversion is going to fit nicely into that area, it's going to be another nice office in that area. He thinks it's a good project. Mr. Tolbert voting yes, concurring with the motion and the comments made by Mr. Cregar, the plan is implicit and is very appropriate for that area. Mr. Holt voting yes, due to the Staff comments, he thinks it's going to be great. Dr. Jones voting yes, based upon previous comments and the applicant's willingness to adhere to comments from the DAC Staff comments. Ms. Still voting yes, the application meets the requirements for zoning and it meets the Staff comments. Colonel Welsh voting yes, based on all of the reasons stated previously and he trusts that Mr. Kelly will work with the Kent Conservation District to ensure that the stormwater run-off (management) is adequate.

Colonel Welsh reminded the Commission members of the Planning Commission Quarterly Workshop scheduled for Tuesday, August 19, 2014 at noon. A copy of the agenda for this workshop is in the packets so hang on to that. There is also some information that goes along with the agenda for tomorrow that should be saved for use tomorrow.

Meeting adjourned at 7:35 PM

Sincerely,

Kristen Mullaney
Secretary