CITY OF DOVER PLANNING COMMISSION
QUARTERLY WORKSHOP
AGENDA
Tuesday, November 19, 2013 – 12:00 noon

City Hall Conference Room
15 Loockerman Plaza, Dover, Delaware

QUARTERLY WORKSHOP

Items for Discussion:

1. Planning Commissioner Comments and Concerns

2. Department of Planning & Inspections Update
    a. Summary of 2013 Applications
    b. Other Project and Research Activities
        i. Bicycle & Pedestrian Sub-Committee
        ii. Update on Commercial Zoning Research for Amendments
        iii. Central Dover Community Plan
        iv. Review of *2008 Comprehensive Plan*

3. Education and Training Opportunities

4. Training: Planning Commission Actions
    a. Requests for Waivers

5. Transportation Improvement Districts

ADJOURN

THE AGENDA ITEMS MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSION.

Agenda: Posted November 8 at 2:00pm

City of Dover, Delaware
Summary of Applications

Application Type	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011					2012					2013				
										Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4*	Total
Board of Adjustment	13	9	17	18	25	38	20	15	15	2	3	6	2	13	1	4	5	5	15	3	5	3	2	13
Annexations	2	3	5	6	10	4	3	1	0	0	0	0	0	0	0	0	0	1	1	1	0	0	2	3
Conditional Use	2	8	8	9	8	7	14	8	5	1	3	1	2	7	2	2	2	0	6	2	1	7	1	11
Site Plans	37	37	33	39	49	66	43	29	33	4	4	10	5	23	8	4	5	3	20	7	9	1	4	21
Subdivisions	2	10	10	8	7	7	2	7	5	0	1	1	0	2	1	0	0	1	2	2	1	1	2	6
Rezoning	5	8	9	7	13	10	11	5	8	3	1	2	0	6	1	0	1	0	2	0	0	3	0	3
Miscellaneous	14	11	25	17	17	23	20	15	20	4	3	1	9	17	5	10	7	2	24	8	4	5	4	21
Unified Sign	1	2	0	1	0	1	3	1	0	0	1	1	0	2	0	0	0	2	2	1	0	0	2	3
Historic District Commission	6	11	7	3	9	7	4	4	11	2	1	1	1	5	1	2	3	1	7	4	0	1	0	5
TOTAL	**82**	**99**	**114**	**108**	**138**	**163**	**120**	**85**	**97**	16	17	23	19	**75**	19	22	23	15	**79**	**28**	**20**	**21**	**17**	**86**

**Year to date 11/7/2013 including applications for December Planning Commission and applications for November Board of Adjustment and Historic District Commission.*



Municipal Regulations and the "Takings" Issue

This session qualifies for certificate credit in the Academy for Excellence in Local Government Leadership, and the Delaware Planning Education Program (as **Planning 210**).

Basic Information

Thursday, November 14, 2013, from 9:00 a.m. to 12:00 noon
University of Delaware Paradee Center
69 Transportation Circle
Dover, Delaware

Registration fee: $50.00 / Registration deadline: November 10, 2013

Course Description and Details

Under the Fifth Amendment, municipal regulations may, if they go too far, constitute a "Taking" for which compensation must be paid. This program will provide an overview of Takings law and discuss recent developments – including new State laws and the trilogy of cases decided by the United States Supreme Court in 2012 and 2013.

Course Topics

Physical, Regulatory, and Temporary Takings Generally
Recent U.S. And Delaware Takings Cases
Statutes Limiting Eminent Domain Powers
Precautionary Measures
Damages

Course Instructors

Edward O'Donnell, AICP
Policy Scientist and Instructor
Institute for Public Administration
University of Delaware

Max Walton, Esq.
Partner
Connolly Gallagher
Newark, Del.

Please register for this and other Local Government Training events online at
www.ipa.udel.edu/events.html

Note: Registration for this event can only be done online.



PLANNING YOUR COMMUNITY'S FUTURE

This session qualifies for certificate credit in the Academy for Excellence in Local Government Leadership, and the Delaware Planning Education Program (as **Planning 101**).

Basic Information

Friday, January 17, 2014, from 9:00 a.m. to noon
University of Delaware Paradee Center
69 Transportation Circle
Dover, Delaware

Registration fee: $50.00 / Registration deadline: January 13, 2014

Course Description and Details

This course will provide valuable information for all elected officials who have to consider and act upon comprehensive plans, land use and zoning matters, and other growth issues. Participation will also be important for planning and zoning commissioners, board of adjustment members, and others who take part in community planning and land-development matters.

Course Topics

Delaware Planning and Zoning Statutory Requirements
The Elements of a Comprehensive Plan
The Basics of Land Use Control
The Role of the Planning & Zoning Commissioner

Course Instructors

Edward O'Donnell, AICP	David Edgell, AICP	Max Walton, Esq.
Policy Scientist and Instructor	Principal Planner	Parnter
Institute for Public Administration	Office of State Planning Coordination	Connolly Bove Lodge & Hutz
University of Delaware	Dover, Del.	Newark, Del.

Please register for this and other Local Government Training events online at

www.ipa.udel.edu/events.html

Note: Registration for this event can only be done online.



LAND-USE LAW AND REGULATION

This session qualifies for certificate credit in the Academy for Excellence in Local Government Leadership, and the Delaware Planning Education Program (as **Planning 102**).

Basic Information

Friday, February 21, 2014, from 9:00 a.m. to noon
University of Delaware Paradee Center
69 Transportation Circle
Dover, Delaware

Registration fee: $50.00 / Registration deadline: February 17, 2014

Course Description and Details

This course focuses on land-use law. It begins a review of the basic principles governing land-use law. Topics include police power, delegation of authority, nuisances, due process, equal protection, just compensation, vagueness, and vested rights. Participants will then learn about Delaware court decisions affecting local land use.

Course Topics

Basic Terms and Concepts
A Summary of Tools
Zoning, Subdivision, and Site-Plan Review
Other Approaches to Land-Use Control

Course Instructors

Edward O'Donnell, AICP
Policy Scientist and Instructor
Institute for Public Administration
University of Delaware

Max Walton, Esq.
Partner
Connolly Gallagher
Newark, Del.

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Transportation Improvement Districts (TIDs)
Affect on Towns and Municipalities
Frequently Asked Questions (FAQs)

- What is the purpose of a Transportation Improvement District (TID)?
  - The purpose of a TID is to comprehensively coordinate land use and transportation within a specific geographical area and to secure required improvements to transportation facilities within that area.

- How are TIDs created?
  - TIDs are created by agreement between DelDOT and the relevant local government or governments. Where a Metropolitan Planning Organization (MPO) exists, they would also be a party to the agreement.

- Is it mandatory for the towns and municipalities to have TIDs?
  - No. In fact, DelDOT will not create a TID without the town or municipality including in their Comprehensive Plan a statement that the Town wants to create it.

- What is the benefit to the town or municipality to establish a TID?
  - Establishing a TID provides for comprehensive land use and transportation planning in the District. For development consistent with the planning done for the TID, it eliminates the need for Traffic Impact Studies (TIS) and thus accelerates the plan approval process.

- If a town or municipality wants to create a TID, what is the process?
  - Creating a TID begins with the parties entering a TID agreement, which establishes the District boundaries, the horizon year for which they will plan, standards for adequate transportation facilities in the District, and the roles of the parties. The parties then work as agreed to develop a land use and transportation plan for the TID, a set of buildable projects to implement the transportation improvements identified in the plan, a fee formula to fund or subsidize those improvements, and a monitoring program to track the need for the projects. These items are incorporated into the TID agreement as they are completed.

- What would be the impact to the staff?
    - Creating the TID requires the Town to develop a detailed land use plan for the area in the District and working with DelDOT to establish criteria for what adequate transportation means in the District and what is an acceptable program of transportation improvements to achieve adequacy. It may be more appropriate for the Town's Planning Commission to do this work than to delegate it to staff, but Town involvement is essential. DelDOT and the MPO can help in these regards.
    - Administration of the TID involves collecting fees from developers to pay for needed transportation facilities. How this collection is done is something on which DelDOT and the Town have to agree. For Towns with adequate staff, DelDOT would prefer that the Town collect the fees as part of its building permit process, hold the money and reimburse DelDOT for expenses as necessary.

- If a town or municipality wants to create a TID, what will their responsibility be?
    - Specific responsibilities will need to be established in the TID agreement but broadly they would have responsibility in three areas: developing the land use plan and identifying what adequate transportation means within the TID; collecting and administering fees; and, as necessary, advocating the inclusion of projects in DelDOT's six-year Capital Transportation Program
    - See also "What would be the impact to staff?'

- Is there a cost to a town or municipality to participate in TIDs? Will they be responsible for paying for the traffic study?
    - The costs to the town or municipality would be in staff time, and possibly in consultant fees if they use a consultant to assist them with land use planning. DelDOT plans to propose legislation whereby they would charge developers within the TID a fee to subsidize the traffic study; the town or municipality would not be responsible for paying for the traffic study.

- What are the implications if a TID crosses jurisdictional boundaries?
    - If the TID crosses jurisdictional boundaries, more than one local government will need to be a party to the TID agreement and participate in the planning aspects of the TID. It may or may not be appropriate for one of the local governments to handle the administrative aspects. That would have to be agreed on.

- Will the counties be a part of this process?
    - Yes, if they want to be. DelDOT has met with New Castle County and will be meeting with Kent and Sussex Counties to determine their interest in creating TIDs. Kent County has already identified areas where they want to create TIDs.

- Do TIDs currently exist in Delaware?
    - We have one TID operating, Westown in Middletown. Two others, Eastown in Middletown and an unnamed TID in Southern New Castle County, are in development.

- Does the TID replace the need for the developer to obtain a TIS?
    - Yes, if their development is consistent with the agreed upon land use plan for the TID.

- Are the fees associated with TIDs a duplicate cost?
    - No. The infrastructure fee associated with developing in the TID takes the place of off-site improvements developers would otherwise be required to make. If they are required to make off-site improvements, their fee will be reduced accordingly. DelDOT plans to seek legislative authorization for a fee that would subsidize its costs in preparing the traffic study for the TID. Developers paying this fee would not have to do their own TIS.

- What is the life of a TID and how often does it have to be amended?
    - The planning effort for the TID will be done with a target horizon year, typically 20 years after the last Census. It will need to be updated as the town or municipality's Comprehensive Plan is updated. Once the area within the TID is more or less fully developed, it should probably be dissolved.

- If a Town that does not own any roads chooses not to establish a TID, and a large box store comes in to build, will DelDOT charge Town for the traffic study?
    - No. Under no circumstance would DelDOT charge a Town for a traffic study associated with a commercial development. Developers presently pay for their own TIS. If a TID is created, DelDOT will fund the traffic study from State funds. The legislation we have proposed would allow us to recoup some of that cost from the developers.

- What will be done to address jurisdictional issues? In some locations, development in one town can have implications on traffic in another town.
    - TIDs will likely need to have inner and outer boundaries, the inner boundary defining the area for land planning and the outer boundary defining the area for transportation planning.