CITY OF DOVER PLANNING COMMISSION
November 18, 2013

The Regular Meeting of the City of Dover Planning Commission was held on Monday, November 18, 2013 at 7:00 PM with Vice Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Cregar, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Still, Mr. Ambruso and Mr. Tolbert. Colonel Welsh was absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Mrs. Harvey and Ms. Duca. Also present were Mr. Phil McGinnis, Mr. Bob MacLeish, Mr. David Kuklish, Mr. Greg Scott, Mr. Philipp Utz, Mr. Tom Kramedas and Mr. Dale McCalister Also speaking from the public were Mr. George Kinser, Mr. Lou Colon, Mrs. Debbie Grinstead, Mr. Bart Wilson, Mrs. Donna Mitchell, Mr. Tom Frazier, Mr. Joe Brockton and Mr. Bill Neaton.

APPROVAL OF AGENDA

Dr. Jones moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Colonel Welsh absent.

Mrs. Townshend noted that US-13-02 Delaware Technical Community College Comprehensive Signage Plan did not meet the Public Notice requirements and will be moved to next month's agenda.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF OCTOBER 21, 2013

Ms. Still moved to approve the Planning Commission minutes of October 21, 2013, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Colonel Welsh absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop meeting will be held on Tuesday, November 19, 2013 at noon in the City Hall Conference Room. If members are unable to attend let Staff know tonight.

Mrs. Townshend stated that the next Planning Commission meeting will be held on Monday, December 16, 2013 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 October 28, 2013 and November 11, 2013.

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) AX-13-02 Lands of Raul Juarez at 508 Acorn Lane – Public Hearing and Review of an Annexation and Rezoning Request for two parcels of land totaling 2.45± acres located at 508 Acorn Lane and divided by Acorn Lane. Parcel 1 located on the west side of Acorn Lane contains 1.315 acres ± and Parcel 2 located on the east side of Acorn Lane contains 1.135 acres ±. The property is currently zone RS-1 (Single Family Residential) in Kent County. The proposed zoning for the property is R-8 (One Family Residential Zone). The property is located south of White Oak Road on both the west and east sides of Acorn Lane. The annexation category according to Dover's *2008 Comprehensive Plan* is Category 1: High Priority Annexation Area and the land use designation is Residential Low Density. The owner of record is Raul M. Juarez. Address: 508 Acorn Lane. Tax Parcel: ED-00-068.15-01-10.00-000.

Representatives: None

Mrs. Townshend stated that this is a request for annexation and zoning for a property located at 508 Acorn Lane. It is two parcels with one tax parcel number that is split by Acorn Lane just south of White Oak Road. The property is a total of 1.315 acres and there is a residential home on the east side of the property. The *2008 Comprehensive Plan* identifies this as Category 1: High Priority Annexation Area with Residential Low Density land use classification. The current zoning in Kent County is RS-1 (Single Family Residential) and the proposed zoning in the City of Dover would be R-8 (One Family Residence Zone). The Utility Committee reviewed this application and as previous mentioned, forwarded it to City Council indicating that utilities are available and recommending in favor of the annexation. This is one of the areas that is surrounded by lands that are within the City limits.

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

Mr. Holt moved to recommend approval to City Council of AX-13-02 Lands of Raul Juarez at 508 Acorn Lane,(for a zoning of R-8) seconded by Mr. Ambruso carried 8-0 with Colonel Welsh absent.

2) AX-13-03 Lands of the City of Dover on Acorn Lane – Public Hearing and Review of an Annexation and Rezoning Request for one parcel of land totaling 0.075 acres (3,264 S.F. ±) located on the west side of Acorn Lane. The property is currently zoned RS-1 (Single Family Residential) in Kent County. The proposed zoning for the property is R-8 (One Family Residential Zone). The annexation category according to the Dover's *2008 Comprehensive Plan* is Category 1: High Priority Annexation Area and the land use designation is Residential Low Density. The owner of record is the City of Dover. Address: Acorn Lane. Tax Parcel: ED-00-068.15-01-12.00-000.

Representatives: None

Mrs. Townshend stated there is no representative of the applicant; the applicant is the City of Dover. This is a small piece of land (3,264 S.F)., which is adjacent to the property at 508 Acorn Lane that is not in the City. They determined that this land existed outside the City limits when they were researching the 508 Acorn Lane annexation and brought forward the recommendation to annex the City property as well. The City Manager concurred and signed the application. In this case, it's a Category 1: High Priority Annexation Area surrounded by the City with the land use designation as

Residential Low Density. It is zoned RS-1 (Single Family Residential Zone) in Kent County and has a proposed zoning of R-8 (One Family Residential Zone) in the City of Dover.

Mr. Tolbert opened a public hearing.

Mr. George Kinser – 129 Nixon Lane Dover DE 19901
Mr. Kinser questioned if there was a map of these areas that are being proposed? Responding to Mr. Kinser, Mrs. Townshend stated that there was a map on the screen.

Mr. Kinser further questioned if he could come up to look at the map because he has no idea where these properties are located? Responding to Mr. Kinser, Mrs. Townshend showed Mr. Kinser the properties on the display map.

Mr. Tolbert closed the public hearing.

Mr. Holden questioned how the City came to own this property and if the City has any proposed use of the property? Responding to Mr. Holden, Mrs. Townshend stated that it is just the adjacent annexation that is prompting this annexation to clean up the City boundary. It's part of that larger triangular piece that is between 508 Acorn Lane and Manchester Square. That is all one piece of property that is owned by the City. She is not sure how the City came to own the property or what the purpose is.

Mr. Holden further questioned if the City boundaries bi-sect this parcel? Responding to Mr. Holden, Mrs. Townshend stated yes.

Mr. Holden questioned if there were remaining parcels on the high and low side of 508 Acorn Lane that are still out of City limits? Responding to Mr. Holden, Mrs. Townshend stated yes.

Mr. Holden moved to recommend approval to City Council of AX-13-03 Lands of the City of Dover on Acorn under the R-8 zoning category, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Colonel Welsh absent.

3) C-13-09 Bee Hive Shop at 27 West Loockerman Street – Public Hearing and Review of a Conditional Use Plan to allow for the establishment of a beauty salon within the existing building at 27 West Loockerman Street. The property is zoned C-2 (Central Commercial Zone) and subject to H (Historic District Zone). The property is located on the north of West Loockerman Street west of South State Street. The owner is Forty S. Bradford Street, LLC c/o Chris Raubacher. The lessee is Kathryn Lord. Address: 27 West Loockerman Street. Tax Parcel: ED05-077.09-02-37.00-000. Council District 2. *This Application was postponed from the September and October meetings due to inadequate Public Notice.*

Representatives: Phil McGinnis, McGinnis Commercial Real Estate Company

Mrs. Harvey stated that the Conditional Use Plan is to permit a beauty shop on the first floor of the existing building located at 27 West Loockerman Street. The property is zoned C-2 (Central Commercial Zone) and subject to H (Historic District Zone) located on the northwest side of West Loockerman Street. The building was built in the late 1800's and is listed in the National Register of Historic Places as a contributing resource to the Victorian Dover Historic District. The building

consists of three (3) floors. The first floor was most recently utilized as a restaurant and the second and third floors consist of four (4) separate apartments. The Bee Hive Beauty Salon was permitted to open in advance of their Conditional Use Hearing as the tenant space they previously occupied experienced severe water damage and could no longer be occupied. The Planning Staff met with the applicant clarifying that if the Conditional Use Permit is not approved the business would be required to relocate. Opening the business at this location in advance was permitted by the Planning Director following an inspection by the Chief Building Inspector and the Fire Marshal to ensure no harm to their business resulted from a prolonged closure due to the property damage at the previous location.

Dr. Jones questioned the recommendations suggested as conditions of approval to meet code objectives on Page 4? Down at the bottom; "install a bicycle parking rack in the rear of the parking lot to serve this facility; this will allow the street side bicycle parking racks to be utilized by customers." Who is going to use the bicycle racks in the back? Responding to Dr. Jones, Mrs. Townshend stated that they could be used by employees or customers. There are entrances both in the front and the rear of the building.

Mr. McGinnis stated that this was a pretty simple application. The tenant, Mrs. Lord had a business on West Loockerman Street which was previously approved. For some reason the Downtown Dover district requires that salons get a Conditional Use approval. While they are fighting to re-develop Downtown Dover, you have to get a Conditional Use approval to open a business. Mrs. Lord's business was ravished by tragedy with a rain storm and they were quickly able to move her down to Chris Raubacher's building. He thinks Mrs. Lord has a long history of successful and peaceful business operations on Loockerman Street and if anyone deserves to get a Conditional Use approval to stay on Loockerman Street, it's Mrs. Lord.

Mr. Holden questioned if there were a need or any issue with the Staff recommendations to put a bicycle rack at the rear entrance? Responding to Mr. Holden, Mr. McGinnis asked if the Staff recommended approving this application? Responding to Mr. McGinnis, Mrs. Townshend stated yes.

Mr. McGinnis stated that they can certainly put a bicycle rack at the back entrance of the business. He is not sure how many people will actually use it but they will happily put a bicycle rack there.

Mr. Cregar stated that related to Mr. McGinnis' comment about Conditional Uses Downtown. His understanding is that because it was a change in use of what was there before, the City requires that there be at least an opportunity to review those changes in use as a Conditional Use.

Mrs. Townshend stated that this requirement is for personal service stores that are between State Street and New Street on Loockerman Street on the first floor of the building.

Mr. Tolbert opened a public hearing.

Mr. Lou Colon – Downtown Dover Partnership, 101 W. Loockerman Street Dover DE 19904
Mr. Colon stated that he is the Executive Director with the Downtown Dover Partnership. He came to support this application. He is happy to see that another business is going to be staying in Downtown Dover as opposed to vacating the Downtown locale. She had opportunities to locate elsewhere after this rain storm. He is very pleased to see that she stayed Downtown and he welcomes the Planning Commission's approval.

Mr. Tolbert closed the public hearing.

Mr. Ambruso questioned if there was already a bicycle rack at this location? Responding to Mr. Ambruso, Mrs. Townshend stated that there are bicycle racks on Loockerman Street on the street side. There are several of them along the street on Loockerman Street.

Mr. Ambruso stated that it does not seem logical to him that a woman would go to get her hair done and ride a bike.

Mr. Tolbert stated that you see more people on bicycles these days than ever. He thinks bicycle racks are appropriate. It just won't be the hair dressers that use a bicycle rack.

Mr. Holden stated that he is pleased that Mrs. Lord had chosen to stay Downtown. He is pleased to see that she is making some improvements to the storefront. It's great to have viable businesses Downtown and he appreciates her and Mr. McGinnis' efforts to jump through the hoops that the City requires for them to stay Downtown.

Dr. Jones moved to approve to C-13-09 Bee Hive Shop at 27 West Loockerman Street, the request to permit a beauty salon on the first floor of the building and also including Staff comments, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Colonel Welsh absent.

4) SB-13-06C The Meadow Subdivision on Jefferson Terrace – Public Hearing and Conceptual Subdivision Plan Review to create five (5) residential lots from an existing parcel totaling 4.23 acres ± of land. The property is zoned R-10 (One Family Residence Zone) and R-8 (One Family Residence Zone). The property is located south of but not adjacent to Wyoming Avenue and west of Monroe Terrace. The proposal includes an extension of the street known as Jefferson Terrace. The owner of record is Penntex, LLC. Address: Jefferson Terrace, Tax Parcel: ED-05-077.17-06-20.01-000. Council District 2. *Waivers Requested: Length of Dead End Street and Increased Percentage of Lots on Cul-de-sac.*

Representatives: Mr. Bob MacLeish, Penntex LLC; Mr. David Kuklish Elements Design

Mrs. Melson-Williams stated that this is an application for a Conceptual Subdivision Plan. The subdivision is tentatively titled "The Meadow" subdivision. It's to be located on Jefferson Terrace; however, in their review report it is noted that the name "The Meadow" will have to be revised as there is an existing residential subdivision in the City of Dover that's called The Meadows. To avoid any kind of potential conflicts for emergency response, the applicant has been advised that the subdivision name will have to be revised as part of the review process. This is the first step for a major subdivision to come before the Planning Commission. The Commission is basically looking at the street network that is proposed and the lot layout. If the application is successful this evening the next step would be a Preliminary Subdivision Plan which includes a lot greater detail on infrastructure planning and some of the other elements of a Subdivision Plan. This property is located south of Wyoming Avenue and west of Monroe Terrace. It has a little bit of frontage on Monroe Terrace but it is to be established by continuing the street known as Jefferson Terrace to the west. Part of that right-of-way already exists but has not been improved into a paved City street. With this project, they propose terminating that (new segment of) Jefferson Terrace in a cul-de-sac. Fronting on that cul-de-sac are a series of five (5) residential lots and then the southern portion of the site remains undeveloped with this project plan.

The southern part of the site is partially wooded and has a creek that runs through it which then has associated wetland areas and flood hazard areas known as the one-hundred (100) year flood plain. Both with the wetland areas and the flood plain, those areas are restricted from development activity by the *Zoning Ordinance*. The property itself is for the most part zoned R-10 (One Family Residence Zone). There is a small piece that is zoned R-8 (One Family Residence Zone). Predominantly, they are following the regulations for development in the R-10 (One Family Residence Zone) zoning classification which would allow for single family detached houses on a lot size of a minimum of 10,000 S.F. All of the lots that they are proposing exceed that minimum size requirement. They range from just over 0.5 acres as the largest lot and the smallest lot at just over 11,000 S.F.

The street as mentioned does exist as a right-of-way of sixty (60) feet and then the cul-de-sac has dimensions that will have to meet the requirements of the code. The street is currently proposed with a paved width of thirty-six (36) feet for a portion and narrowing down to twenty-four (24) feet and then the cul-de-sac area. The street itself would have limitations as to parking. Parking on the street would not be allowed in the areas where the street is only twenty-four (24) feet wide and also within the cul-de-sac. Each of the residential lots would have to provide two (2) off-street parking spaces on the individual lots.

With this project there are two (2) waivers that are related to the *Land Subdivision Regulations*, specifically related to this cul-de-sac that's proposed to be established. The first waiver request is for the length of the dead end street. Depending on how the street is measured is whether or not it actually meets the code requirements. So in the applicant's best interest, Staff is asking that the waiver request be considered. The maximum length of a cul-de-sac or a dead end street is four hundred (400) feet. Depending on how it's measured the street is three hundred ninety (390) feet in some places or four hundred forty (440) feet in other places. The applicant is seeking relief from that requirement. The Planning Commission will make a recommendation on that waiver request and then that waiver then has to go through review with the appropriate City Council Committee and then City Council for final action. The second waiver request deals with the number of lots fronting on cul-de-sac or specifically the turnaround portion of the cul-de-sac. The Code says that only a maximum of 20% of the lots in a development could front on the turnaround section of the cul-de-sac. In this case, basically the entire development ends up fronting on the cul-de-sac because of the configuration of the property. 60% of the lots truly do front on that turnaround area so the applicant is seeking a waiver to increase the number of lots that front on that turnaround area of the cul-de-sac. Again, the Planning Commission will be making a recommendation in that regard. Final action of that waiver request will follow with review of a Council Committee and then ultimate action by City Council.

Moving forward if this is successful tonight, future subdivision plans will provide greater detail about tree planting and preservation as well as how then intend to approach the recreation requirements for residential subdivisions. The Development Advisory Committee Report includes the comments from the Planning Office in regards to the plan as well as the comments from other reviewing agencies including the City of Dover's Public Works Department regarding water and sewer services and street development for the property. The City of Dover Fire Marshal's Office has also provided comments. The Department of Transporation in this case has no comments because this would be a City maintained street. The Kent Conservation District has provided some preliminary comments in regards to stormwater management for the site.

Mr. Holden stated that with regards to the wetlands and the setback if there was specific language that discusses when you can reduce the one hundred (100) foot setback to fifty (50) foot? Is there a riparian buffer that needs to be created or is it one that can be existing? Who is then tasked to maintain the riparian buffer in the future? Responding to Mr. Holden, Mrs. Townshend stated that the riparian buffer can be reduced with vegetation and bank stabilization. It is the responsibility of the property owner to maintain the riparian buffer. That is something that the City would enforce only if they knew that a buffer had been cleared for instance. It is one of the more difficult provisions to enforce over the long term.

Mr. Holden questioned if they keep a fifty (50) foot buffer of the existing woods, would the Planning Office feel that it was satisfactory? Responding to Mr. Holden, Mrs. Townshend stated yes.

Mr. Holt questioned if the applicant had come up with a new name at this time? Responding to Mr. Holt, Mr. MacLeish stated that they have not come up with a new name at this time.

Mr. Holt stated that having another subdivision named The Meadow could be confusing.

Mr. MacLeish stated that they have reviewed the comments from DAC and are in the process of making those changes.

Mr. Kuklish stated that one name that is being considered is Evergreen Terrace.

Mr. Cregar questioned if the applicant planned to run a twenty-four (24) foot paved street the whole way as opposed to trying to divvy up thirty-six (36) feet and twenty-four (24) feet? Responding to Mr. Cregar, Mrs. Townshend stated that they had talked about was thirty-six (36) feet the entire way but one way or another it would need to be either twenty-four (24) feet the entire length or thirty-six (36) feet, even thirty (30) feet if they did parking on one side.

Mr. Duca noted that the Public Works comments specifically address using twenty-four (24) feet the entire way so if something different is wanted it will have to be specifically addressed in the recommendation.

Mr. Holden stated that a consistent access width is certainly appropriate. In some of the streets he has seen built at twenty-four (24) feet, when you get guests who want to park on the street it then becomes a one way street. He would be interested in the Fire Marshal's thoughts on a twenty-four (24) foot wide dead end cul-de-sac. If that was appropriate then he would have some concerns. Responding to Mr. Holden, Mrs. Townshend stated that from the discussion at DAC there was some concern. From her recollection, it would be addressed as it goes to preliminary plan. There was concern about if you have no on-street parking and how will it get enforced in a place that is not going to be highly traveled. At the DAC meeting there was discussion among all departments but it was decided that this detail would be hammered out between conceptual and preliminary (plans).

Mr. Holden questioned if this was done at an administrative level or is it something that comes back to the Planning Commission? Responding to Mr. Holden, Mrs. Townshend stated that it will come back to the Planning Commission as a Preliminary Subdivision Plan.

Mr. Holden further questioned if the Commission was acting on the length of the street and the percentage of lots fronting the street? Responding to Mr. Holden, Mrs. Townshend stated yes and the conceptual layout of the subdivision.

Mr. Tolbert stated that he would have a concern with the parking. If there is no on-street parking and parking is restricted to the driveways, how many cars will fit in the driveways? Responding to Mr. Tolbert, Mr. MacLeish stated that typically there could be up to four parking spaces because there will be double garages and two vehicles could be parked in the garage itself as well as two cars parked in the driveway.

Mr. Tolbert questioned if each house would have a two car garage? Responding to Mr. Tolbert, Mr. MacLeish stated yes.

Mr. Tolbert stated that his concern was that when there is no on-street parking and the streets are narrow, there would have to be additional places for people to park. That can be a problem for people when they have nowhere to park. For example, if people have guests come over and it's more than what the parking pad accommodates.

Mr. Tolbert opened a public hearing.

Mrs. Debbie Grinstead – 320 Wyoming Avenue Dover DE 19904

Mrs. Grinstead stated that she and her husband own the property that this subdivision will back up to and they have some concerns. Where this property started was originally five (5) acres that was located next to them. They sold the existing older home that was on the property, kept the back of the property so that they could develop it in the future. This is an older established neighborhood where houses aren't selling very well in the neighborhood as it is and they are literally taking five (5) homes and squeezing them into a small space. This is why 60% of the entire development will be located on a cul-de-sac that is not normally allowed. She and her husband as well as the neighbors are concerned. They don't understand why in the City of Dover when there are so many properties that aren't selling, they need to develop new properties in very small areas. What will this do to their neighborhood? It is already older and established. It is a nice quiet neighborhood. They would ask that the Planning Commission take that into consideration.

Mr. Bart Wilson – 324 Wyoming Avenue Dover DE 19904

Mr. Wilson stated that he will also abut to the back of the subdivision between Lot 1 and Lot 2 on the display map. They have several concerns, most of what has already been stated. It does seem like a lot of these lots are being shoehorned into a smaller location. The first concern is of light pollution. Already everyone on Wyoming Avenue have a significant amount of light pollution coming from the Nissan dealership located on Route 13. Any reduction to that forest to the south would only intensify that light pollution that gets cast on these areas. Especially in the winter when there is no leaf cover to reduce that light pollution. The Delaware Forestry Service just released their tree canopy index for all of the cities. The City of Dover was at 20.5% tree canopy cover. In this area you have a lot of old growth forest which is kind of rare for these areas. For some reason if this application moved forward, he would like to see a zero removal of any old growth forest in this area. The idea of the buffering, if that buffering is reduced some of the forest is going to be cut off. That stream is highly channelized because of increased impervious surface. On the terminal end of that was a wetland restoration project that was funded by the nonpoint source program of DNREC in conjunction with the City. Increasing

the impervious surface in this area and reducing those buffers is going to increase the discharge into that river which is going to highly channelize it, cause significant issues to the flood plain and also cause stress to a lot of those downstream areas. So reducing that buffering and increasing the impervious surface in an area where you are trying to shoehorn these houses would have a pretty detrimental effect on these areas. Again, the St. Jones River watershed has become very industrialized, do we need to further commercialize with houses and increasing impervious surface of an area where you have old growth forest and a nice meadow green area?

Another concern is will there be street lights placed in the subdivision? He does not want to have an increased light pollution in his back yard associated with these areas. One of the things that was really nice about the south side of Dover is that it is an established neighborhood. The houses have all been established, there is a nice sense of community. Everything has been kind of laid out and nicely oriented and everyone takes care of everything. Now they are trying to shoehorn this development in an area that already has concerns with parking. Along those lines, if you are having no parking on the street, who will enforce that? Obviously there will be fire truck concerns and plowing of the street concerns. These issues don't really deal directly with him but he thinks it's one of those things where if you have a lot of these issues coming up about a neighborhood, is it easier to just try to shoehorn it into the area with all of these different waivers?

Mrs. Donna Mitchell – 1120 Monroe Terrace Dover DE 19904

Mrs. Mitchell stated that she doesn't have a problem with the development or the houses going in. She lives on the dead end of Monroe Terrace and it doesn't impact her as much as it would impact some people on Wyoming Avenue. Her concern is the Jefferson Terrace roadway. It doesn't impact her either but she has neighbors that it would impact. Before Mr. MacLeish bought the property the roadway had pretty much been abandoned through there and neighbors use that to park right now. When you expand that thirty-six (36) foot road, she does not know how that is going to impact her neighbors. The houses themselves, she does not have much concern with or the trees. Mr. MacLeish knows that her husband would be happy to get rid of those trees after one of them fell on their camper this year. There are a lot of rotten trees in this area and they do look dangerous when the wind is whipping; they look like they are all going to fall. These trees are right behind their house. She likes the trees because she likes the privacy but her husband would like to see them all gone if it were up to him. She hopes that they will consider the neighbors that live on the Jefferson Terrace end to help them with any needs that they have.

Mr. Tom Frazier 1102 Monroe Terrace Dover DE 19904

Mr. Frazier's concern is that it is kind of a natural drainage way that runs into Puncheon Run. Now if Jefferson Terrace is developed in that area he does not know what will happen. The drainage way can't be blocked off or it will flood. He also thinks it's a pretty small area for five (5) houses. Also, when talking about parking on Jefferson Terrace that would be developed, were they meaning the whole street? He doesn't understand how a portion can be thirty-six (36) feet wide and then twenty-four (24) feet in other areas. Where will the no parking be? Responding to Mr. Frazier, Mrs. Melson-Williams stated that their proposal is to extend Jefferson Terrace to the west of Monroe Terrace. A paved width of thirty-six (36) feet allows for on-street parking on both sides. Their proposal actually has the paved width of the street necking down from thirty-six (36) feet to twenty-four (24) feet in width just before it opens back up into the cul-de-sac. Where it turns into the twenty-four (24) feet that is the area where no parking would be allowed on the street. There is also no parking on the street within the cul-de-sac.

Mr. Frazier stated that he didn't think there was enough parking area for five (5) houses. Maybe someone needs to go look at that area because it's a low land; it must be five to six (5-6) feet lower than Monroe Terrace. It's not a straight road back there. It's a very shallow place and it's a natural waterway. What's going to happen there? You can't block that off; something has to happen there.

Mr. Tolbert closed the public hearing.

Mr. Holt stated that it does seem like they are trying to squeeze houses into an area that is going to be detrimental to the other residents to the area.

Mr. Cregar stated that he was curious to hear from Mr. MacLeish regarding some of these issues. His concern is with parking on the street and the street width. He is thinking about this time of the year; the holidays. He is thinking about how you travel in a lot of the different subdivisions in Dover and if someone is having a gathering and how much parking that it requires being able to do that on the street. That is something that has to be taken into consideration. He is really curious as to how the applicants feel about some of the comments that have been made tonight about their Conceptual Plan.

Mr. Holden stated that he wanted to make some comments responding to some of the local residents' comments and some clarification that Mrs. Townshend had offered to his question earlier. They are addressing the Conceptual Subdivision Plan and two (2) waivers tonight. This is going to come back in front of the Planning Commission to review a more formal Site Plan in the future. With regard to stormwater; they are over the threshold that they're going to have to address stormwater permitting with Kent Conservation District and they are going to have to do it in a manner that most of the area grew up in this Monroe Terrace and Wyoming Avenue did not have to. They are going to have to meet a much higher standard in terms of the stormwater. It's for Kent Conservation District to hold them to that whether they do it under the existing regulations or the regulations that are going to change on January 1, 2014. The Planning Commission will have the opportunity when the application comes back for Site Plan review to discuss that street width further. His personal comments is that he would like to see it remain to keep the residential feel of the area at thirty-six (36) foot width so street parking would be allowed. He thinks that it is supporting of the character of the surrounding area. He thinks developers need to be cognizant of their impact on their neighbors and the cognizant that developers have the right to develop as the City code allows. There needs to be some hand in hand in working together.

With regard to tree canopy, there is certainly an issue that we have in the City of Dover and elsewhere with tree canopy and the way to address that is with land use standards within the City. He thinks that it appears to comply and they are going to get another shot to review this Site Plan as they further refine it. He would say that the residents come back and make their opinions known as they see a more developed Site Plan in the future.

Dr. Jones stated that she also shares concerns about the parking as well as what might come in terms of the Recreation Area. She knows they haven't dealt with that but since they are already trying to squeeze in to a small space so this would be a concern for the future that she would have.

Mr. Tolbert stated that he had expressed his concerns about parking but this is a Conceptual Subdivision Plan. The application is going to come back to them and they will have another chance to look at this application in a more finalized state.

Mrs. Townshend stated that Mr. Cregar had asked to hear from the applicant.

Mr. Cregar stated that he was curious about any comments from the applicant at this point regarding the Conceptual Plan.

Mr. MacLeish stated that they tried to be very cognizant of their neighbors around them and compliment it and support it and help it grow. One of the things they looked at is they don't do a lot of big development. When they looked at it, it's a nice piece of property. They bought it and sold off that front house. When they did that their hope was that they would be able to develop it. The thought process behind it was that it's a really nice location within the City of Dover and there are a lot of young owners or retirees looking for a nice development thats kind of tucked away. This gave them that opportunity to be able to do that. They looked at lot size; they didn't try to shoe horn. He thinks they have a good mix of lots from 0.5 acres down to 11,000 S.F. which is in unison with the lots that surround them from a size standpoint. He thinks the type of housing that they do would be very creative; very accommodating. When you look at the new energy codes, they are so many people out there and some of the things they can't control such as the utility costs in the future. The surroundings around them that have been talked about, they don't want to add to that. They are under very strict guidelines for stormwater management. They don't want to cause any additional problems to the neighbors. They want to be a good neighbor and they want a nice development.

Mr. Cregar questioned their thoughts on the street width issue, Responding to Mr. Cregar, Mr. MacLeish stated that they originally had it designed for thirty-six (36) feet. Based on the recommendation from DAC, they can accommodate the thirty-six (36) feet and again, it does help for the parking. Is it a concern? It absolutely is; they will make it a point to see if they can accommodate that.

Mr. Tolbert questioned if they have had any contact with the neighbors in the immediate area regarding their project? Responding to Mr. Tolbert, Mr. MacLeish stated no.

Mr. Tolbert further questioned if they planned on having any contact? Responding to Mr. Tolbert, Mr. MacLeish stated that not knowing the process that this is an initial Concept Plan. It is very preliminary from that standpoint. This process is a series of steps; it's a little bit different since it's very small.

Mr. Tolbert stated that sometimes it's a good thing to touch base with the immediate neighbors and to find out what their problems and concerns are regarding the project. It may make things a little easier for them as they go along.

Mr. Holden moved to approve SB-13-06C The Meadow Subdivision on Jefferson Terrace, the Conceptual Plan including the two (2) requested waivers, seconded by Ms. Still.

Ms. Duca stated that the way the Public Works comments are currently written as a recommendation or condition of approval the paved street width would be required to be twenty-four (24) feet. So unless that is specifically addressed to be removed, it will remain.

The previous motion was amended.

Mr. Holden moved to approve SB-13-06C The Meadow Subdivision on Jefferson Terrace, the Conceptual Plan including the two (2) requested waivers and to require thirty-six (36) foot roadway as the applicant has stated that they can comply with, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Colonel Welsh absent.

5) S-13-20 Uzin Utz Manufacturing N.A. at Garrison Oak Technical Park Lot #12 – Public Hearing and Review of a Site Plan to allow for the construction of a dry mortar plant located on Lot 12 in the Garrison Oak Technical Park. The plant facility includes an office building, warehouse, and production building. Review of the Performance Standards Review Application associated with the Site Plan to determine if the proposed use will conform to the Standards. The subject parcel is 10.86 acres ± and is zoned IPM-2 (Industrial Park Manufacturing Zone – Technology Center). The Garrison Oak Technical Park is located on the north side of White Oak Road east of State Route 1 and this lot is located on the west side of Garrison Oak Drive. The owner of the property is the City of Dover. The equitable owner is Uzin Utz Manufacturing North America, Inc. Address: 200 Garrison Oak Drive. Tax Parcel: LC-05-068.00-02-12.00-000. Council District 3. *Waivers Requested: Partial Elimination of Curbing and Reduction in the Required Parking.*

Representatives: Mr. Greg Scott, Scott Engineering; Mr. Philipp Utz

Mrs. Melson-Williams stated that this was a Site Development Plan Application. The Planning Commission will also be looking at their Performance Standards Review Application which is a second component of that due to the property location. This is a proposal for a development of what is known as Lot 12 in the Garrison Oak Technical Park. The Garrison Oak Technical Park is an area that is zoned IPM-2 (Industrial Park Manufacturing Zone – Technology Center). It is a City owned, large tract of land that was previously subdivided into a series of fifteen (15) individual lots for development. This is actually the third parcel within the overall Technical Park that has come to them through the Site Development Plan process. The other two (2) sites, the Dover Sun Park is the solar panel field that is been operational for a couple of years now and the second element that is currently under construction in the Garrison Oak Technical Park is the Calpine project for the Garrison Energy Center. This is located on Lot 7 which is in the far northeast portion of the overall Technical Park. This project on Lot 12 is for the development of a dry mortar plant. It is a plant facility by Uzin Utz Manufacturing N.A. that would encompass a multi-section building. It includes a two story office component, a smaller one story office component, a large warehouse space and a multi-story production building which is where all of the ingredients get mixed together appropriately to make their product. Which is then stored in the warehouse and moves to and from the site.

Overall, the property has frontage on what will be Garrison Oak Drive. Garrison Oak Drive will be developed by the City of Dover as part of the infrastructure for the overall Technical Park and Garrison Oak Drive will have sidewalks. This project will have sidewalk along its frontage along with a series of street trees. That is where they will take access to their necessary infrastructure for water and sewer services as well. Their property is also part of the larger stormwater management planning for the Technical Park in that on the far western side of their site there is a drainage swale that then feeds into a much larger stormwater management facility that serves both this property and then the Park on a more regional basis.

The applicant did depict the building architecture which is a masonry and concrete constructed building to be clad in a variety of different corrugated metal panel systems. It does have a flat roof

system but there is varying heights due to the different uses within the building complex, noting the two story office section, warehouse and then the production area that is the tallest of the various building elements. The production building does meet the height limitations which are prescribed by the distance of that element to the property line. The production building is over one hundred seventy (170) feet from the property line so its estimated height of one hundred ten (110) feet meets the height limitations prescribed by the IPM-2 (Industrial Park Manufacturing Zone – Technology Center) Zoning District. On the site itself, the development is concentrated on what is the eastern portion of the site. There is a parking area that is mainly meant to serve the office component of it and then the larger paved area is the shipping and receiving area where the trucks will have access and then an exit point. The truck traffic is segregated from the regular car vehicle traffic coming to the site. The site has a number of loading spaces across the frontage of the warehouse building that are also in compliance with the requirements on the code. They are providing a bicycle rack and it's located closer to the entrance to the office component to the site. They are meeting the other requirements related to providing a dumpster on-site and as mentioned there is a street frontage sidewalk and they have a connecting sidewalk that comes into their property.

There are two (2) waivers that are in regards to this Site Plan to be considered this evening. The first is the partial elimination of curbing. They are looking to eliminate curbing for stormwater management reasons along the southern side of the regular parking lot area and then around the perimeter of the shipping and receiving area. In both cases, to deal with stormwater management practices that they hope to institute on-site. The second waiver request is related to parking for the site. Based on the size of the building, the property would be required to have sixty-eight (68) parking spaces. The applicant has submitted a waiver seeking a reduction in that parking to provide a total of forty (40) spaces on-site with the space available to construct the additional twenty-eight (28) spaces if deemed necessary in the future. This does require a reduction in the required parking on the site of 41% and it is within the Planning Commission's ability to grant a waiver of up to 50% if deemed necessary for the site.

Overall, they are also including the required tree plantings for the project. There is a number of tree plantings and groupings in what is more the building area of the site. The western portion of the site they look to do the bulk of the tree planting for the site as shown on the display map that concentrates a lot of trees where development activity is not anticipated at the present time. Ultimately, they have to provide one hundred fifty-eight (158) trees on-site.

The Planning Office has included their comments and there are comments from the various other agencies including the City of Dover's Electric Department and Public Works Department. There are also comments from the Fire Marshal's Office which they will be dealing with for fire protection measures for the site. The Kent Conservation District has made comments regarding their stormwater plans. In this case DelDOT has no comments because Garrison Oak Drive will be a City maintained street that they are taking access from.

The second component of tonight is their Performance Standards Review Application. This is a specific part of the *Zoning Ordinance* to be addressed. It is part of the Site Development Plan process and there are standards outlined in the *Zoning Ordinance* that they must address to ensure that they are in compliance with the standards so that there are no dangerous or objectionable elements as the Code refers to it in their project. They have to make statements regarding whether or not their site activities would have any impact in these particular areas that are outlined in Article 5, Section 8.5 of the *Zoning Ordinance*. What they submitted was a multiple page narrative report that described their

manufacturing process and addressed each of these performance standards to be measured. The Planning Staff did review that application as well as the DAC reviewers. They found that it had adequate information for the Planning Commission to make a determination about the projects compliance with the Performance Standards measures that are outlined in the *Zoning Ordinance.*

Mr. Scott stated that he was representing Uzin Utz Manufacturing N.A. tonight. With him is the President of the company, Mr. Philipp Utz. They have received the DAC comments and they do not have any concerns or problems with addressing and meeting all of those comments and the code requirements. The parking requirements will be addressed first. They indicated what they anticipated being the employment at the facilities. As you can see, the largest part of the property is taken up by the warehouse which is mostly for storage facility. There are not a lot of employees in there so there is not a lot of parking required. They estimated a very small number, approximately fifteen (15) people when they first start up and they estimate having twenty-three (23) employees in the year 2021. They have shown forty (40) parking spaces on the site which will be more than ample to accommodate employees and any visitors that would come to the site. They have also shown additional parking that could be added if parking becomes an issue or if expansions occur within the facilities. So they would ask for a waiver from the Planning Commission on the amount of parking required to allow them to go down to forty (40) spaces that they have shown on the site.

The second waiver request is for stormwater management purposes. They have met with the Kent Conservation District and the water quantity and water quality is always a concern to them as well as the Kent Conservation District. Dealing with the water quality issues, it's much simpler to address and get higher percentages of treatment on water if they can run it across grass filter strips and swales and bio filtration measures prior to putting it into the stormwater management measures such as the curbing, catch basins and storm drain pipe. They have also recommended that they keep the curbing off from the perimeters of the storage or shipping areas as well as the southern side of the parking for employees and visitors so that they could accomplish the water quality treatment from the stormwater.

The Performance Standards Review Application that was submitted has adequately shown that they did not have any adverse impacts on the Performance Standards that the City required them to address.

Mr. Tolbert questioned if the City would get pollution from this production company? Responding to Mr. Tolbert, Mr. Utz stated that he had a meeting with the Department of Air Quality at DNREC a week ago and the air emission that is allowed exceeds by far what their emission levels will be during production. Since they are using a lot of expensive raw materials, it's for their own interest of keeping the materials within the processor. For any type of processing, they use dust collectors in order to keep the material in the processor or feed it back in to the processor. Another thing that can be seen on one of the display maps is the entire process area is captured by the shell building. There is almost no emission from the processor.

Mr. Tolbert questioned if they would be producing mortar? Responding to Mr. Tolbert, Mr. Utz stated that was correct. Basically they use minerals and their propriety formulations in order manufacture self-leveling compounds patches, mortars for the construction industry.

Mr. Tolbert further questioned if they would be producing a variety of products? Responding to Mr. Tolbert, Mr. Utz stated yes. It is a variety of products and they have submitted Material Safety Data Sheets because that's all the products that already exist. What they do at the moment is ship those

products in from Europe, sell them here to their existing customer base. In the future they will ship some of the existing product that they currently already sell in the U.S. to the local manufacturers from the plant in Dover.

Mr. Holt questioned product transportation? Is their product trucked in? Responding to Mr. Holt, Mr. Utz stated that when they get the raw materials in silo trucks and silo trucks connect to automatic hoses and the material automatically relayed into the production building. That's how they receive the freight and then all the material that is manufactured in the plant gets bagged, pelletized and then shipped to their customers.

Mr. Holt further questioned the weight of the trucks regarding the highway road bed? Responding to Mr. Holt, Mr. Utz stated that they are limited to what the maximum capacity is of a standard truck is and that is between 40,000 and 44,000 pounds. The maximum weight of the truck no matter if it's a silo truck or a standard truck or a flatbed trailer truck would be 80,000 pounds.

Mr. Cregar questioned the hours of operation? It's not a 24 hour operation? Responding to Mr. Cregar, Mr. Utz stated that they were currently planning for the first three (3) years to run a shift operation of eight (8) hours. Depending on how the business evolves here, they are planning to go to a two shift operation by 2018.

Mr. Tolbert opened a public hearing.

Mr. Joe Brockton – 701 McGinnis Dr Dover DE 19901

Mr. Brockton stated that he lived in Wild Meadows which is adjacent to the Garrison Tract. The first question he has was where is Lot 12 relating to his development? If it's far enough away then he doesn't have any problems. If it's close then he has some concerns. Responding to Mr. Brockton, Mrs. Townshend stated that it was south of the Solar Park so it's closer to White Oak Road.

Mr. Brockton questioned how far south of the Solar Park? Responding to Mr. Brockton, Mrs. Townshend stated that there would be a lot between this and the Solar Park.

Mr. Brockton further questioned if it was located toward the northern end of the property? Responding to Mr. Brockton, Mrs. Townshend stated no, it's closer to the southern end of the property.

Mr. Brockton questioned if it was closer to White Oak Road? Responding to Mr. Brockton, Mrs. Townshend stated yes.

Mr. Brockton stated that he does not have a problem.

Mr. Bill Neaton – Economic Development Director for the City of Dover

Mr. Neaton stated that he has had the pleasure of working Uzin Utz for the last 6-7 months developing this project. He would like to strongly endorse their project. They have been very responsive to every one of their questions, quickly responding to all of their needs at the City of Dover. He thinks this is a wonderful project not only for the Garrison Track but also for the City of Dover. He encourages a vote in favor of their variances.

Mr. Tolbert closed the public hearing.

Mr. Tolbert questioned how many people would be employed at this project once it's in full operation? Responding to Mr. Tolbert, Mr. Utz stated twenty-three (23).

Mr. Ambruso moved to approve S-13-20 Uzin Utz Manufacturing N.A. at Garrison Oak Technical Park Lot #12, to include the Site Development Plan with the two waivers along with the acceptance of the Performance Standards Review, seconded by Mr. Baldwin and the motion was unanimously carried 8-0 with Colonel Welsh absent.

6) US-13-03 Loockerman Plaza (Loockerman East) Comprehensive Signage Plan – Public Hearing and Review of a Unified Comprehensive Signage Plan application to permit the construction and implementation of signage for the multiple building complex undergoing redevelopment at Loockerman East consisting of two pylon signs, monument sign, and wall signs for the hotel building and building tenants. The subject site is total of 4.29 acres ± and is zoned C-4 (Highway Commercial Zone) and C-PO (Commercial/Professional Office Development District). The property is located at the southwest corner of South DuPont Highway and Loockerman Street. The owners of record are Hub Associates, LLC and A&G Kramedas Associates. Property Addresses: 514 East Loockerman Street, 516 East Loockerman Street, 554 East Loockerman Street, and 222 South DuPont Highway. Tax Parcels: ED05-077.06-01-62.00-000, ED05-077.06-01-63.00-000, ED05-077.06-01-64.00-000 and ED05-077.06-01-87.00-000. Council District 2. *The Planning Commission granted conditional approval of the associated Site Plan S-11-08 on May 16, 2011, approval of revised architecture on August 19, 2013 and Final Plan approval was granted on July 19, 2013.*

Representatives: Mr. Tom Kramedas; Mr. Dale McCalister, First State Signs

Mr. Holden abstained from voting on the application and participating in the questions. His employer has assisted in this project, but not in the sign plan.

Mrs. Townshend stated that this was a Unified Comprehensive Signage Plan for the property known as the Hub site. It is the southwest corner of East Loockerman Street and South DuPont Highway; the property at 554 East Loockerman Street and 222 South DuPont Highway. There are four (4) parcels as a part of this project totaling 4.35 acres. The existing signs that are on the site are two (2) pylons, one (1) post and panel sign and four (4) wall signs. Under the Unified Comprehensive Signage Plan there will continue to be two (2) pylon signs, one (1) monument sign and multiple wall signs that will be variable depending upon the number of tenants. If looking at Page 4 of the DAC Report, there is a summary of the proposed signage. There are two (2) proposed pylon signs. You will recall receiving a spiral bound notebook as well as receiving some revised sheets so we are looking at the revised sheets. There is a pylon labeled F1 and a pylon labeled F2. F1 on the Revised sheet includes a total of two hundred ninety-one (291) S.F. and would be at forty-four (44) feet tall. F2 is the existing TGI Friday's sign which is twenty (20) feet tall and ninety-two (92) S.F. The other free standing sign is on the East Loockerman Street entrance, labeled as F3 and that would be a monument sign for Home2 Suites. The height for this sign is 5'6" and the proposed square footage is thirty-two (32) S.F. which is consistent with what the Sign Regulations would permit in this area that is adjacent to residential. There are also some wall signs proposed. The wall sign on the tower, labeled as H2 is on located on the east elevation of the building and is ninety-six (96) S.F. There would be another wall sign proposed for the hotel on the north elevation of the building that would be forty-three (43) S.F. There will be a retail building between the hotel building at the south end of the site and Loockerman Street. In terms of the wall signage for the Hub building and the proposed retail building, the wall signs would comply for each

tenant and the wall signs would comply with the requirements in terms of size that the *Zoning Ordinance* has.

Staff has recommended approval with the reasons stated and several conditions stated as well in the Staff recommendations. They do note that it appears that signs labeled F1 and F2 may not meet the exclusion zone required and that is not something that Planning Commission can waive. That may need Board of Adjustment action once they have gotten beyond Planning Commission. The Commission will be looking at the square footage, the overall sign area and the height. Any free standing signs would have to comply with the setbacks as well. There is no change proposed to the TGI Friday's sign so under the Sign Plan, that would remain at its current location.

Mr. Cregar questioned if the old Rodeway sign is technically legal non-conforming? Responding to Mr. Cregar, Mrs. Townshend stated yes.

Mr. Cregar further questioned if what's being proposed makes it more non-conforming? Responding to Mr. Cregar, Mrs. Townshend stated that it makes it less non-conforming in terms of height but it would have more sign area.

Mr. Cregar questioned if the Planning Commission could do anything with that? Responding to Mr. Cregar, Mrs. Townshend stated that they could increase the sign area and can allow it under the Unified Comprehensive Sign Plan for the height to change. The guidance given by the Code is that it should not be excessive. It's somewhat of a subjective standard but in keeping with the sign table, they are limited to one hundred fifty (150) S.F. of sign area and thirty (30) feet in height. This is an increase in that but it's some of the latitude that is given to the Planning Commission through the Unified Comprehensive Sign Plan. This site will have more tenants under the new development than it did under the prior development scenario.

Mr. McCalister stated that he was with First State Signs. They developed the plan for the Kramedas family on this project. He thought Mrs. Townshend hit it pretty well. They worked with the Staff; they've redesigned the pylon sign. This is a new hotel property. What they are doing here is re-developing a property that was developed in the 1950's when it was the old Comfort Inn and it had the eighty (80) foot Quality Inn sign the little starburst on the top. Throughout the years, this has always been a legal non-conforming sign. As the property has changed names, it has always been lowered and it has always been reduced in square footage. This is a very unique property because of the existing old Hub with is now TGI Friday's. The sign that is on the property now for TGI Friday's was the original Jonathon's Hub sign. By lease, they have to keep it for TGI Friday's. The only real place that they can put a sign because of the nature of this corner for the whole shopping center is in the existing island hence why they are keeping it there. The size of the sign is due to the height of the building next to them. The TGI Friday's building is approximately twenty (20) feet. That building would not be allowed to be built today; it's close to the road. At least he doesn't think it can be built in that location but he is not sure. All of the building signage will meet City Code. Every tenant that comes in will have to obtain a City Sign Permit and meet the City Code for building signage.

One recommendation of the Planning Staff was that they change the name from Loockerman Plaza; they agree. Staff also wants a brick base on that sign on Loockerman Street which they also agreed to. They also put a brick planter around the new sign by the road to try keeping the brick theme going. It is all design based and based on colors and the look of the Home2 Suites. The two (2) signs on Home2

Suites are very small from hotel signs. One of them is less than forty (40) S.F., the other is sixty (60) S.F. and they are 3.5 – 4 stories up in the air. None of the signage on the building is excessive at all.

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

Mr. Ambruso moved to approve US-13-03 Loockerman Plaza (Loockerman East) Comprehensive Signage Plan, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Holden abstaining and Colonel Welsh absent.

Meeting adjourned at 8:38 PM

Sincerely,

Kristen Mullaney
Secretary