CITY OF DOVER PLANNING COMMISSION
AGENDA
Monday, September 16, 2013 – 7:00 P.M.

City Hall Council Chambers
15 Loockerman Plaza, Dover, Delaware

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

1) Application C-13-09 Bee Hive Beauty Shop at 27 West Loockerman Street will not be heard on September 16, 2013 due to inadequate Public Notice. This application will be rescheduled for the October 21, 2013 Planning Commission meeting and will be subject to Public Notice requirements.

ADOPTION OF MINUTES OF REGULAR MEETING of August 19, 2013

ADOPTION OF MINUTES OF QUARTERLY WORKSHOP MEETING of August 20, 2013

COMMUNICATIONS & REPORTS

1) Reminder: The next Planning Commission regular meeting is scheduled for Monday, October 21, 2013 at 7:00pm in the City Council Chambers.

2) Update on City Council Actions

3) Update on Planning activities

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:
   a) S-11-21 Inner City Cultural League/Dover Cultural Center at 39 S. West Street – Request for one year extension of the conditional approval granted on December 21, 2011 by the Planning Commission for a Site Plan to permit the construction of a 4,085 S.F. building and associated site improvements. The subject site is one parcel of land consisting of 0.5923 acres +/- (25,800 S.F.). The property is situated on the east side of South West Street in the block between West Division Street and Forest Street just east of the railroad corridor. The property is zoned C-2A (Limited Central Commercial Zone). The owner of record is Downtown Dover Partnership. Property Address: 39 South West Street. Tax Parcel: ED-05-076.08-06-02.00-000. Council District 4. *The Final Site Plan approval was granted on December 4, 2012 but the project has not commenced construction.*

2) Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance,* Article 10 §2.28)
   a) Report on Search for Subcommittee Members

NEW BUSINESS

1) S-13-17 Lands of Rabail Enterprizes, LLC at 484 North DuPont Highway: Waiver Request – Review and Consideration of a Waiver Request for the Elimination of Upright Curbing as associated with the Administrative Site Plan for the construction of 1,350 SF + /- of new impervious surface (parking lot). The property is zoned C-2A (Limited Central Commercial Zone). The site is located at the northwest corner of North DuPont Highway and Lakeview Drive. Property Owner: Rabail Enterprizes, LLC. Property Address: 484 North DuPont Highway. Tax Parcel: ED05-068.13-01-39.00-000.

NEW DEVELOPMENT APPLICATIONS

1) Z-13-03 Lands of Rhett Ruggerio at109 East Division Street: Rezoning from RG-1 with H to RGO with H – Public Hearing and Review for Recommendation to City Council on a rezoning application for an 11,340 S.F. +/- parcel. The property is zoned RG-1 (General Residence Zone) and H (Historic District Zone). The proposed zoning is RGO (Residence General Office Zone) and H (Historic District Zone). The property is located on the north side of East Division Street between Pennsylvania Avenue and Maple Lane. The owner of record is Leg Hall, LLC c/o Rhett Ruggerio. Address: 109 East Division Street. Tax Parcel: ED-05-077.05-02-55.00-000. Council District 3. Ordinance #2013-14.

2) C-13-08 The Galleries on the Green at 325-331 South State Street – Public Hearing and Review of a Conditional Use for the establishment of an art gallery and studio within the existing building located at 325-331 South State Street known as the Parke Building. The property is zoned RGO (General Residence and Office Zone) and H (Historic District Zone). The property is located on the east side of South State Street between North Street and The Green. The owner of record is Henry R. Horsey. Addresses: 325-331 South State Street. Tax Parcel: ED-05-077.09-05-26.00-000. Council District 4.

3) C-13-10 W. Denneys Road Elevated Water Tank for City of Dover – Public Hearing and Review of a Conditional Use Site Plan to allow for the construction of a 1.0 million gallon elevated water storage tower to be located on the property at 4462 West Denneys Road. The project includes a Minor Subdivision Plan to subdivide a 22,500 S.F. parcel for the tank location. The property is zoned R-15 (One Family Residence Zone). The site is located south of West Denneys Road. The owner is First United Pentecostal Church of Dover. The equitable owner is the City of Dover. Address of property: 4462 West Denneys Road. Tax Parcel: ED-05-067.00-03-06.02-000. Council District 1. *Waiver Requested: Subdivision Waiver of Requirement for Lot Frontage on a Public Street.*

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 SESSIONS.

Posted Agenda: September 6, 2013 posted 12:45pm

CITY OF DOVER PLANNING COMMISSION
August 19, 2013

The Regular Meeting of the City of Dover Planning Commission was held on Monday, August 19, 2013 at 7:00 PM with Chairman Colonel Welsh presiding. Members present were Mr. Holden, Mr. Cregar, Mr. Tolbert, Mr. Holt, Mr. Baldwin, Ms. Still and Colonel Welsh. Dr. Jones and Mr. Ambruso were absent. (Mr. Ambruso arrived at 7:05pm)

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Ms. Cornwell, Mr. Koenig, Mrs. Harvey and Mrs. Mullaney. Also present were Mr. Thomas Kramedas, Mr. John Link, Mr. Garth Jones, Mr. Russell Huxtable, Mr. Tom Ayd, Mr. Jonathan Street, Mr. Lou Colon, Mr. Chuks Nwadgbo, Mr. Augustine Eyekpimi, Ms. Phyllis Bordley, Ms. Karen Brewington, Mr. Don DeShiell and Mr. Troy Adams. Also speaking from the public were Ms. Margot Brennan, Mrs. Judy Hayes, Colonel Thomas Dix, Mr. Stan Trier, Ms. Marie Cannon, Ms. Yvonne Scott, Ms. Diane Houlihan, Ms. Makiea, Ms. Ashley Thompson, Mr. George Dunning, Mr. Kwanza Cartwright, Mr. Sandy Meckler, Mr. Kevin Robinson, Mrs. Theo Braunskill, Mr. Arnold Braunskill and Mr. Ricky Hardy.

APPROVAL OF AGENDA

Colonel Welsh stated that in making a motion to approve the agenda, he would like to move the appointment of the Architectural Review Oversight Subcommittee of Planning Commission to the last item of business.

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

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JULY 15, 2013

Mr. Tolbert moved to approve the Planning Commission minutes of July 15, 2013, seconded by Ms. Still and the motion was unanimously carried 7-0 with Dr. Jones and Mr. Ambruso absent.
(Mr. Ambruso arrived at meeting.)

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Quarterly Workshop is scheduled for Tuesday, August 20, 2013 at 4:00 PM in the City Hall Conference Room.

Mrs. Townshend stated that the next Planning Commission meeting will be held on Monday, September 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 July 22, 2013 and August 12, 2013.

Mrs. Townshend stated that tonight would be Ms. Cornwell's last meeting with the Planning Commission. Ms. Cornwell will be going to work for the Kent County Planning Office. They wish her well and appreciate her years of service to the City of Dover.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:
   a) S-11-11 Lands of Downtown Dover Partnership at 120 South Governors Avenue – Request for extension of the conditional approval granted on August 15, 2011 and September 19, 2011 by the Planning Commission for the Site Development Master Plan and Architectural Review Certificate (HI-11-04) for the construction of a four story 47,042 SF mixed-use building consisting of a retail component and 27 apartments, a four story 34,896 SF apartment building of 24 apartments with ground level parking in the building, and other associated site improvements on the property at 120 South Governors Avenue. The existing 16,783 SF commercial building on the property is proposed for demolition. The application also includes a Minor Subdivision Plan to divide the property into two lots. The property consists of 1.7653 acres ± and is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property site spans the block between South Governors Avenue and South New Street located north of, but not adjacent to, West Loockerman Street. The owner of record is Downtown Dover Partnership (formerly the Downtown Dover Development Corporation). Property Address: 120 South Governors Avenue. Tax Parcel: ED05-077.09-01-44.00-000. Council District 4.

Ms. Cornwell stated that the applicant is requesting an additional one year extension for the Site Development Master Plan and Architectural Review Certificate. The application was originally granted approval by the Planning Commission on September 19, 2011. The application was for a four story mixed use building and an additional four story apartment building located at 120 South Governors Avenue.

Mr. Holt moved to approve a one year extension for S-11-11 Lands of Downtown Dover Partnership at 120 South Governors Avenue, seconded by Ms. Still and the motion was unanimously carried 7-0 with Mr. Holden unable to vote due to his employer preparing the application and Dr. Jones absent.

2) Re-evaluation of Conditional Use Applications:
   a) C-12-05 Transitional Housing for Dover Interfaith Mission for Housing, Inc at 319 West Water Street – Re-evaluation of a Conditional Use Plan approved by Planning Commission on July 16, 2012 to allow for the establishment of a philanthropic use consisting of transitional housing in an existing single family residence. The parcel is zoned C-1A (Limited Commercial Zone) and is subject to SWPOZ (Source Water Protection Zone) Tier 3 – Excellent Recharge Area. The property is exempt from the requirements of the SWPOZ Tier 3 as the site is located within the Downtown Redevelopment Target Area. The property is located on the north side of West Water Street in the block between South Queen Street and South New Street. The owner of the property is Mockfaul, LLC and the lessee is Dover Interfaith Mission for Housing, Inc. Address: 319 West Water Street. Tax Parcel: ED05-077.09-03-05.00-000. Council District 2. *Re-evaluation of this Application will be postponed until August 19, 2013 meeting of the Commission to allow for completion of the property inspection and report of findings.*

Ms. Cornwell stated that the Planning Commission granted original conditional approval for the Conditional Use to allow for transitional housing located at 319 West Water Street on June 16, 2012. As part of the approval by the Planning Commission, they required a review due in July 2013 to ensure there was compliance with all building and life safety codes. That review was postponed until this meeting so the Annual Housing Inspection could be completed. The Annual Housing Inspection occurred on July 30, 2013 and there were no violations found. The Conditional Use has been finalized, that was finalized this afternoon. The property does have an active Rental Dwelling Permit.

Mr. Holt moved to approve C-12-05 Transitional Housing for Dover Interfaith Mission for Housing, Inc at 319 West Water Street, seconded by Mr. Tolbert and the motion was unanimously carried 8-0 with Dr. Jones absent.

b) C-11-03 Revised Governors Club Café at 144 Kings Highway – Re-evaluation of a Revised Conditional Use Site Development Plan approved by the Planning Commission on August 20, 2012 to permit the establishment of a café/sandwich shop (restaurant use) serving alcohol in a portion of the first floor of an existing building. The property is zoned RGO (General Residence and Office Zone) and H (Historic District Zone). The property is located at the southernmost intersection of American Avenue and Kings Highway. The owner of record is Governors Club Professional Center, LLC and the lessee is Coffee Shop, LLC. Property Address: 144 Kings Highway SW. Tax Parcel: ED-05-077.05-04-40.00-000. Council District 2. *The Planning Commission previously granted approval of the café/sandwich shop (restaurant use) with the condition of no serving of alcohol in June 2011. The Revised request was considered and approved following amendments to the uses allowed in the RGO zoning district.*

Ms. Cornwell stated that the Planning Commission granted original conditional approval for the Conditional Use Plan on June 20, 2011 to allow for the operation of a restaurant located at 144 Kings Highway. Final Plan approval was granted on August 24, 2011. The property is zoned RGO (General Residence and Office Zone) which was amended back in 2012 to allow for the sale of alcohol within restaurants within that zoning district. On August 20, 2012, the Planning Commission reviewed the application again to allow for the service of alcohol as part of the operation of the restaurant. As part of that review, the Planning Commission asked that the application be re-evaluated at the August 2013 meeting. Staff notes that a Building Permit was issued for interior renovations in June 2013 and the final inspection for that renovation including a bar was completed June 13, 2013.

Mr. Holt questioned if there had been any complaints due to alcohol being served at this location? Responding to Mr. Holt, Mrs. Townshend stated that the City of Dover had not received any complaints.

Mr. Ambruso questioned if they would still be under the scrutiny of the City of Dover? Would they have to have another inspection next year as well? Responding to Mr. Ambruso, Mrs. Townshend stated that it would be depending on the action of the Planning Commission. At this point, the motion is to allow it to continue without the need to re-evaluate it. Again with any Conditional Uses, if there are problems it is brought back to the Planning Commission for re-evaluation.

Ms. Still moved to approve C-11-03 Revised Governors Club Café at 144 Kings Highway, seconded by Mr. Tolbert and the motion was unanimously carried 8-0 with Dr. Jones absent.

3) Consideration of Revised Application:
   a) S-11-08 Loockerman East: Lands of Hub Associates, LLC – Considerations of Revisions to the Architecture of the hotel building. The Site Plan for the redevelopment of four parcels of land (consolidated) shows the construction of a 92 room hotel, a 11,230 SF retail building and other associated site improvements (with the existing 17,200 SF TGI Friday's building to remain). The subject property is a 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: ED-05-77.06-01-62.00-000, ED05-077.06-01-63.00-000, ED05-077.06-01-64.00-000 and ED05-77.06-01-87.00-000. Council District 2. *The Planning Commission granted conditional approval of this Site Plan on May 16, 2011 and Final Plan approval was granted on July 19, 2013.*

Representative: Mr. Thomas Kramedas, A&G Kramedas Associates

Mrs. Townshend stated that what was shown on the board is the prototype that was submitted with the Planning Commission application that showed the hotel building on the site to be EFIS with brick. It shows the brown areas to be brick with the exception of the tower. When the building plans were submitted with the Building Permit applications, the elevation showed EFIS and horizontal siding in a cement fiberboard finish. Staff determined that it was not what the Planning Commission had seen and discussed it with the applicant. Located in the packet from the applicant is a request for approval of the tower feature to have a brick finish and the remainder of the building to have EFIS and cement fiberboard horizontal siding. The prototype does not call for any brick. The applicant has worked with the chain to accept the brick tower. He has also indicated and submitted some elevations that show that they are going to be putting brick on the commercial building and also adding brick to the existing building that houses TGI Friday's.

Mr. Holden recused himself from this application due to his employer preparing the application.

Mr. Tolbert questioned if this application was subject to the Architectural Review Committee comments? Responding to Mr. Tolbert, Mrs. Townshend stated this application did not go to the Architectural Review Committee. The architectural review was done by the Planning Commission with the original Site Plan approval. It is only reviewed by the Architectural Review Committee if the Planning Commission refers something to that body.

Mr. Cregar questioned if there were any problems with this from a Planning Office standpoint? Responding to Mr. Cregar, Mrs. Townshend stated from the Staff standpoint, she does not have any problems with it. Essentially, they kept some brick element in the building which was the request that she had when the changes came in. She knows that the Planning Commission has traditionally wanted to see brick at our gateway areas so they did keep some brick element in the building. It just changed from what is now seen as brown in the tower area.

Mr. Tolbert moved to approve S-11-08 Loockerman East: Lands of Hub Associates, LLC changes as submitted, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Holden recused due to his employer preparing the application and Dr. Jones absent.

NEW DEVELOPMENT APPLICATIONS

1) SB-13-04 Lands of John & Dorothea Link and Bradley Holden at 186-188 Pennsylvania Avenue: Minor Subdivision Plan – Public Hearing and Review of a Minor Subdivision to allow for the creation of two (2) parcels of land. The subdivision would create a 4,831 ± SF parcel of land and a 3,868 ± SF parcel of land. There is currently an existing duplex on the one parcel of land. The subdivision will divide the parcel placing each unit of the duplex onto a separate parcel of land. The property is zoned RG-1 (General Residence Zone). The property is located on the west side of Pennsylvania Avenue north of Delaware Avenue. The owners of record are John & Dorothea Link and Bradley Holden. Addresses: 186-188 Pennsylvania Avenue. Tax Parcels: ED-05-077.05-02-03.00-000 and ED-05-077.05-02-03.01-000. *The Board of Adjustment approved variances for this site at their meeting on June 19, 2013 (Application V-13-08). Due to inadequate public notice consideration of this application was postponed at the Planning Commission Meeting of July 15, 2013.*

Mr. Holden recused himself from this application. His brother is the owner of record for this project.

Mrs. Harvey stated that the Site Plan application is the review of a Minor Subdivision Plan to create two (2) parcels from the existing parcel located at 186-188 Pennsylvania Avenue on the west side of Pennsylvania Avenue and north of Delaware Avenue owned by John & Dorothea Link and Bradley Holden. The property is zoned RG-1 (General Residence Zone). The parcel currently is a duplex building of two (2) dwelling units located on the parcel with a separate entrance on the front elevation. The existing situation of two (2) dwellings on one lot is considered legal non-conforming. The proposed subdivision is to create a separate lot of each dwelling by dividing it along the party wall of the building. The Board of Adjustment granted variance for application V-13-08 on June 19, 2013 for the lot widths of forty (40) feet and thirty-two and a half (32.5) feet. The side yard setbacks to eight (8) feet and four (4) feet and variance from the lot size of 5,000 SF to 4,831 SF and 3,868 SF.

Ms. Still questioned if the garage shown on the plan was a single garage or a two car garage? Responding to Ms. Still, Mr. Link stated that it was a two car garage that was split down the center.

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

Ms. Still moved to approve SB-13-04 Lands of John & Dorothea Link and Bradley Holden at 186-188 Pennsylvania Avenue: Minor Subdivision Plan, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Holden recused due to his brother being the owner of record and Dr. Jones absent.

2) Z-13-01 Lands of KW Lands at 1570 North DuPont Highway: Rezoning from RC and C-4 with SWPOZ to IO with SWPOZ - Public Hearing and Review for Recommendation to City Council on a rezoning application for a 12.6127 acre ± parcel. The property is zoned RC (Recreational and

Commercial Zone), C-4 (Highway Commercial Zone) and a portion is subject to the SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area. The proposed zoning is IO (Institutional and Office Zone) with a portion subject to the SWPOZ (Source Water Protection Overlay Zone). The property is located on the west side of North DuPont Highway and east of Crawford Carroll Avenue and north of but not adjacent to Rustic Lane. The owner of record is KW Lands and lessee is Delaware State University. Address: 1570 North DuPont Highway. Tax Parcel: ED-05-057.00-01-05.00-000. Council District 4. Ordinance #2013-12. *This property was the subject of a Minor Subdivision Plan Application SB-13-03 to subdivide the parcel into three parcels of land and right-of-way areas granted conditional approval by the Planning Commission on July 15, 2013.*

Representatives: Mr. Thomas Kramedas, KW Lands; Mr. Garth Jones, Becker Morgan Group

Mr. Holden recused himself from this application. His employer was the engineer of record on this project.

Mrs. Townshend stated that this application is for a rezoning of the property known as the Sheraton property. The property does consist of the Sheraton Hotel, Hampton Inn and a vacant lot south of the Hampton Inn. The Sheraton property is zoned RC (Recreational and Commercial Zone). Hampton Inn and the vacant lot south of Hampton Inn is zoned C-4 (Highway Commercial Zone). A portion of the property along the west side is subject to the SWPOZ (Source Water Protection Overlay Zone). The applicant is requesting a rezoning from RC (Recreational and Commercial Zone) and C-4 (Highway Commercial Zone) to IO (Institutional and Office Zone). The property would still be subject to the SWPOZ (Source Water Protection Overlay Zone). During the July 2013 Planning Commission meeting this property came to the Commission for a Minor Subdivision. Currently, it is one large property that is "L" shaped due to the Minor Subdivision not yet being recorded.

Mrs. Townshend stated that in terms of the rezoning application, Staff reviewed was based on three (3) lots and looked to determine what, if any non-conformities would be created by the rezoning. In terms of floor area ratio, there are no non-conformities. The one non-conformity that was identified is that the lot coverage of the piece of land referred to as the Sheraton property, closest to the highway would be at 89% lot coverage. There is a 85% maximum lot coverage for this property. This is an existing condition, the applicant would not be required to change this condition. She did want to point it out for the record. The other piece that was identified is that in the IO (Institutional and Office Zone), parking cannot be located between the principal building and the roadway. Obviously that is a non-conforming situation that would continue with the IO (Institutional and Office Zone) zoning.

Mrs. Townshend stated that Staff looked at the surrounding properties and there is primarily C-4 (Highway Commercial Zone) surrounding the property but again there is IO (Institutional and Office Zone) property in the vicinity, both at Delaware State University and the State of Delaware Police; this would not be an isolated area of IO (Institutional and Office Zone) zoning. This zoning request is tied to the Sheraton's conversion to a use for Delaware State University. Essentially, the Delaware State University uses are not permitted in the RC (Recreational and Commercial Zone) which is the reason for the rezoning request. Staff has worked with the applicant to allow the move

in of students on an interim basis while the rezoning goes forward; however, if the rezoning is not successful then the property would have to be reverted to its prior use or another conforming use.

Mr. Jones stated that they accept all DAC comments.

Mr. Cregar questioned if the property is rezoned and then wants to go back to a hotel, would the applicant have to come back before the Planning Commission as a Conditional Use in the IO district? Responding to Mr. Cregar, Mrs. Townshend stated yes. The Hampton Inn would be remaining a hotel and that's fine as long as it does not expand. If the Hampton Inn expands then it would have to come back for Conditional Use.

Colonel Welsh stated that he was concerned about the movement of the students from the Sheraton Hotel to Delaware State University. He questioned how Delaware State University planned to do so in a safe manner? Responding to Colonel Welsh, Mr. Kramedas stated that he did not want to speak for Delaware State University but they will have a van and a shuttle to transport students back and forth and the students could also walk.

Mrs. Townshend stated that the Dover Kent County MPO has done a sidewalk estimate to determine the cost of installing sidewalks and there is movement to try and get funds in place to add the sidewalk. Again, in the advisory comments Staff has recommended that this would be an opportunity to explore the Crawford Carroll Avenue connection and how we can get both vehicle and other modes of transportation through that western piece of property so that they are not putting all traffic out on Route 13.

Colonel Welsh further stated that this was his biggest concern. If you look at where the students have to walk from the existing Sheraton Hotel; they have to cross the C F Schwartz parking lot, Lowe's parking lot, Chick-Fil-A parking lot, the hotel parking lot, HH Gregg and CompUSA parking lots before they get to the campus. That is a lot of entrances and exits that he is really concerned about. In looking at the aerial view of this area, it looks like there is room for an extension of Crawford Carroll Avenue to tie into the north end of Delaware State University. He would hope that they at least look at installing a bike path and a pedestrian sidewalk in that area because putting students out on the border of Route 13 is not the thing to do.

Mr. Cregar questioned one of the advisory comments. There is a comment about the Planning Office encouraging Delaware State University to work with the City Manager's Office and the Tax Assessment Office to develop a payment in lieu of taxes agreement. Has this been discussed at all? Responding to Mr. Cregar, Mr. Koenig stated that it has not been discussed in public session at this point. His understanding is that there is lease period of one or two years so we have some time to work out a potential PILOT with Delaware State University if they were to purchase the property. But we would tend to purse that type of agreement if the land is to transfer.

Mr. Cregar further questioned if the City of Dover has arrangements with other property owners? Responding to Mr. Cregar, Mr. Koenig stated that there is a PILOT payment from the State of Delaware related to their building values in the City. There is also a PILOT payment that is made by Luther Towers. The discussion about expanding the statewide program for PILOT payments included in the draft legislation this past year the values of Delaware State University which are

currently excluded. So the PILOT program is an instrument that the City of Dover intends to pursue in the future to compensate for things like public safety.

Colonel Welsh asked Mrs. Townshend to explain to the audience what the PILOT program is.

Mrs. Townshend stated that for the record, PILOT is an acronym for payment in lieu of taxes. The idea is that tax exempt entities make a contribution to the City of Dover in lieu of taxes. Currently, there is no payment in lieu of taxes with Delaware State University. So if we are looking at expanding the land area that would be an opportunity to discuss that happening.

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

Mr. Ambruso moved to recommend approval to the City Council on Z-13-01 Lands of KW Lands at 1570 North DuPont Highway: Rezoning from RC and C-4 with SWPOZ to IO with SWPOZ, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Holden recused and Dr. Jones absent.

3) Z-13-02 Lands of Walker Woods Properties, LLC and Milford Housing Development Corporation at Walker Woods: Rezoning form RG-3 and ROS to RG-2 – Public Hearing and Review for Recommendation to City Council on a rezoning application for multiple parcels of land (71 townhouse units) consisting of a total of 9.0722 acres including existing right-of-way area. The properties are currently zoned RG-3 (Group Housing Zone) and ROS (Recreational and Open Space Zone). The proposed zoning classification is RG-2 (General Residence Zone). The properties known as Walker Woods are situated on the north side of Walker Road adjoining Harmony Lane. The owners of record are Walker Woods Properties, LLC and Milford Housing Development Corporation. Addresses: 1357-1383 Walker Road and multiple addresses on Harmony Lane. Tax Parcels: multiple parcels on map ED-05-067.18-01 (See reference list.) Council District 4. Ordinance #2013-13.

Representatives: Mr. Russell Huxtable, Milford Housing Development Corporation; Mr. Tom Ayd, Green Street Housing

Mrs. Harvey stated that the rezoning application consists of multiple parcels of land located on the north side of Walker Road adjoining Harmony Lane known as Walker Woods. The subject property consists of fifty two (52) multi-family townhouses in Walker Woods and nineteen (19) multi-family townhouses in Walker Woods Phase 2 for a total of seventy-one (71) townhouses on the property. The properties are currently zoned RG-3 (Group Housing Zone) and ROS (Recreational and Open Space Zone). The proposed zoning classification is RG-2 (General Residence Zone). The owners of the property are Walker Woods Properties, LLC and Milford Housing Development Corporation. In the *2008 Comprehensive Plan*, the Land Development Plan Map 12-1 amended in March 2012, recommends that this property be used for high density residential uses. The rezoning request is consistent with the recommendations for land use classification for high residential uses.

Mr. Huxtable stated that they accepted the DAC comments.

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

Ms. Still moved to recommend approval to the City Council on Z-13-02 Lands of Walker Woods Properties, LLC and Milford Housing Development Corporation at Walker Woods: Rezoning from RG-3 and ROS to RG-2, seconded by Mr. Holden and the motion was unanimously carried 8-0 with Dr. Jones absent.

4) S-13-10 North Street Pocket Park at 301 South Governors Avenue – Public Hearing and Review of a Site Plan and Architectural Review Certification to allow for the construction of a park consisting of paving and landscape areas to be located at 301 South Governors Avenue. The property is zoned C-2 (Central Commercial Zone) and is subject to H (Historic District Zone). The property is located on the southeast corner of West North Street and South Governors Avenue. Tax Parcel: ED-05-077.09-04-36.00-000. Council District 4. *This application is associated with Application HI-13-5 which was reviewed at the Historic District Commission meeting of July 18, 2013.*

Representatives: Mr. Jonathan Street, Becker Morgan Group; Mr. Lou Colon, Downtown Dover Partnership

Mr. Holden recused himself. His employer prepared the application.

Mrs. Melson-Williams stated that this was a Site Plan application that is also here for Architectural Review Certification. The property at 301 South Governors Avenue is located in the City of Dover's H (Historic District Zone) and this application appeared in front of the Historic District Commission on July 18, 2013. The Historic District Commission, after conducting their own Public Hearing, did take action to recommend approval of the Architectural Review Certificate for the application subject to a series of conditions. Those conditions were outlined in their Recommendation Report which is one of the items the Planning Commission received for this meeting.

Mrs. Melson-Williams stated that the project itself is for the development of what is a vacant tract of land into a pocket park consisting of a series of paving improvements and landscaping improvements. The site was actually the previous location of a building dating to the mid 1800's. That building was demolished in the spring of 2011 after a series of actions that declared it Demolition by Neglect and a Dangerous Building. It was ultimately demolished by the City and then the City acquired the property through Sheriff Sale in the fall of 2012. The City's Parks and Recreation and Community Enhancement Committee have reviewed the proposal to establish a park in the area and City Council also approved a basic design concept for this tract of land to become a park.

Mrs. Melson-Williams stated that the project itself will make sidewalk improvements along both West North Street where needed and South Governors Avenue, installing a brick sidewalk network. On the parcel itself, there is a series of paving elements done in concrete and brick pavers as well as a landscaping component that is tucked in the southeast corner of the property that would include both trees and then lower level shrubs and plants. There is a proposal for a raised planter bed at the corner where West North Street and South Governors Avenue intersect that could be done in annuals and tulip bulbs. The park area also includes some other raised planting beds as the transition from the paved area to the landscaped area. The project proposes site furnishing in the format of light bollards for low level lighting and also a brick cube or pillar element in the flowerbed area. There is a graphic that shows some of the potential landscaping that would be enhanced as part of the park elements.

Mrs. Melson-Williams stated that as mentioned, it went through the Historic District Commission review. Pertaining to the *Zoning Ordinance*, there are some things that are typically looked at. There is not a parking requirement for this parcel as there is no building being constructed. It basically relies on what would be on-street parking and other municipal parking in the area. Likewise, there is not a bicycle parking requirement by code and they intend to provide two (2) trees that are required by the City of Dover Landscaping Ordinance. The Planning Office has provided a series of plan review comments that are part of the DAC Report. There are also a series of comments from other regulatory agency. These were placed on desks this evening because it was unclear if this information originally made it into the packets. Those include comments from the City of Dover Public Works Department, City of Dover Electric Department, DelDOT (because South Governors Avenue is a State maintained road) and the Kent Conservation District.

Mrs. Melson-Williams stated that she wanted to highlight some of the recommendations that the Planning Staff have made in regards to the application. Staff is suggesting that there be conditions of approval for the application. These comments are found on page 5 of the DAC Report. The first being that they make reference to the action and recommendation that the Historic District Commission took in regards to the Architectural Review Certification for the project and the comments related to that. The second item is that Planning Staff is recommending the addition of a bicycle parking rack on the property, seeing that this transportation mode could be utilized to access the site and that by providing a rack would hopefully avoid those impromptu chaining of bicycles to things such as street signs and trees. Staff is suggesting the post and loop style bollard that is utilized in some of the Downtown areas for bicycle parking. Planning Staff is also recommending the addition of benches for seating. While the park proposes a raised planter area that could be utilized for seating, they find that benches would be more appropriate for seating and could actually prevent the misuse of the raiser planter bed area edge. The fourth recommendation from the Planning Staff is the removal of the brick cube or pillar element as it does not seem to fit the character of the park. Staff also included an email that was received from Mr. Scott Koenig, City Manager since it is City owned property. His email reflects that in regards to the items of bike racks and benches, he sees no reason why not to include them at this point. Regarding the pillar, he has no objections to the placement of the pillar noting that in the future it could potentially be the place where a plaque was installed if the park were named. Mr. Koenig is present this evening if there is any additional questions for the property owner.

Mr. Cregar stated that the addition of a park is great but he has concerns about adding another piece of property that needs to be taken care of. He questioned the situation with being able to take care of this property since it would be owned by the City? He further stated that in looking at areas in the Downtown and other parks, there has been concern that some people have expressed about these areas sometimes not being taken care of. He questioned if this is going to present additional problems for the City to monitor and take care of? Responding to Mr. Cregar, Mr. Koenig stated that obviously when more land area is added it comes with more commitments for resources and maintenance. The City has been in a transition for the last year and a half. For example, grass mowing has progressed this year to privatization of some of our grass mowing operations. That privatization in the mowing area will likely continue into the future. However, with the dedication of the First State National Monument, the increased focus in the Downtown, construction of the new Dover Public Library, construction of the plaza area that the Downtown Dover Partnership owns there needs to be some refocused attention placed on maintenance of these types of facilities Downtown. As the City develops future budgets and the work plans for the Department of Public Works, those commitments are being taken into consideration and will be addressed. So yes, the

City will be maintaining it in the future. The Public Works Department has expressed those same concerns; that they are stretched. However, the City is going to adjust the manpower to meet the need.

Mr. Street stated that the Planning Staff has three (3) recommendations on the DAC Report. One of the recommendations is for a bicycle parking rack. Their argument as the designer architects and engineers of the project is that they just installed fifteen (15) bicycle parking spaces about one hundred twenty (120) feet away. The presentation board shows the two (2) bicycle parking racks a block away from the North Street project itself. This park is really meant to be more of a pass through park not as a destination. Loockerman Way itself was constructed as more of a destination park, somewhere where people can go to congregate or eat lunch. They are actually in the process of adding benches based on a request made by the City to the Loockerman Way Park itself. Loockerman Way was constructed, designed and built as more of a destination. This pocket park is meant to be more of a pass through park to pedestrians and more of a gateway to the North Street area. They would like the Planning Commission to not hold them to installing benches. As Mrs. Melson-Williams stated, the raised planters are designed for an ADA accessible standard bench height. That was their intentions with the park itself, for the raised planters to act as benches as to not install more structural benches. The last item is the brick pillar. The visual board shows the pillar that was constructed behind 22-24 West Loockerman Street. The pillar in the park was meant to be a place or canvas for the City to use for plaques and to also maintain some consistency down North Street. So when you enter North Street from the Governors Avenue area, you are met with this park on the right and a pillar. As you continue down North Street about three hundred (300) or four hundred (400) feet, you are met with another pillar similar in height and design to what was already seen in the park. Mr. Street asked that the Planning Commission consider not making these recommendations part of the approval tonight.

Colonel Welsh questioned just as a review if the applicant wanted to eliminate the bicycle parking rack, did not want to add additional benches and wanted to maintain the pillar? Responding to Colonel Welsh, Mr. Street stated yes, that was correct.

Mr. Colon stated that the Downtown Dover Partnership is really pleased with the design. He thinks putting a bench up against a curb is like putting a square peg in the ground. If the benches are to be placed, they would request that the Commission let them know where to place the benches.

Mr. Tolbert questioned if the Architectural Review Committee is requesting the bicycle rack and benches? Responding to Mr. Tolbert, Colonel Welsh stated that Staff is recommending the bicycle rack and benches.

Mrs. Melson-Williams stated that the Historic District Commission is recommending them as well.

Mr. Holt stated for clarity that this is really not going to be a park; it's going to be a pass through for pedestrians. Responding to Mr. Holt, Mr. Street stated that was correct.

Mr. Baldwin stated that Staff recommendations for the benches and bike rack answered his concerns.

Ms. Still questioned for clarification on the plan where the pillar was located on the plan? Responding to Ms. Still, Mrs. Melson-Williams stated that if she followed the series of trees, its right at the end of the trees. It's a slightly darker color of brown on the plan. It is right at the terminus of that flower bed.

Mr. Ambruso stated that he would be opposed to benches because he thinks that invites skateboarders. He pointed out that if sitting near the M&T Bank where the fountain used to be, people can watch the kids skateboard on the flat surfaces. He would be inclined to say no benches at all.

Colonel Welsh thinks that the wall would serve as a replacement for the benches. He on occasion goes to the University of Pennsylvania Hospital a couple times a year and across the street from the hospital they have a brick wall where people will buy food from street vendors and typically sit on the wall. There are some benches there but mostly the benches are empty. He thinks the brick wall is a great concept.

Mr. Koenig stated that the issue of whether this is a pass through park is a matter of prospective. Constitution Park was originally intended to be a pass through park but the whole intent of these improvements is to pull people Downtown. To have them stay, to have them enjoy the Downtown. If you go to places like Philadelphia, the National Harbor; all of these places have multiple benches all over the place. The City just recently went back through and added at considerable expense, benches to the Plaza that's owned by the Downtown Dover Partnership, for the fact that people wanted to sit down and enjoy whats going on at the Plaza. Personally, he is not sure that he sees a difference in the Plaza and this potential park for the City. One thing that was pointed out to him was that not everybody can sit on a wall because of back problems or other disabilities. From the Staff standpoint and the ownership standpoint, he thinks the Commission needs to give consideration to those items. This is an interesting dynamic in that the Downtown Dover Partnership is acting on behalf of the City as the user of state funds to improve this property. So in the end, the City is the owner of this property. The Plaza is owned by the Downtown Dover Partnership and if you can recall, the long term plan for the Plaza is to develop additional buildings; as many as three (3) that would modify a lot of the green area on the Plaza in the future. He thinks that having additional areas to sit in the Downtown area is not necessarily bad from his personal standpoint. He would encourage the Commission to act accordingly.

Mr. Cregar questioned the logic on moving the pillar? Responding to Mr. Cregar, Mrs. Melson-Williams stated that the Staff recommendation was that it did not really seem to fit the character of this park. It does not represent anything that was previously at this location. Staff was not even sure that people would equate seeing a pillar here and then seeing one a half a block away on what is a commercial private property. The one on that property at 22-24 West Loockerman Street that has been put forth as an example is actually the terminus of a fence line. Staff also thought that people probably could not stand in one location and see both pillars at the same time. Overall, in looking at the character of the park it was not clear to Staff that it really fit in this instance. The Historic District Commission did discuss it and basically in their recommendation they concluded that the pillar should be removed. Their discussion at the meeting noted that this park could be the potential location of a public art installation in the future. So there could be some opportunity for some type of element in the future in that area whether it is a sculpture or some type of installation that would necessitate a pillar. But at this point that has not been decided.

Colonel Welsh opened a public hearing.

Ms. Margo Brennan - 32 W Loockerman St Dover DE 19904

Ms. Brennan stated that she thinks it would be nice to have a park there. There is a bus stop there but no place to sit. She goes there from time to time and she does not like sitting on private property but she has done it. She thinks the park will make the corner look much nicer than what it does right now. She also thinks putting a bench or two (2) there would be nice. She let everyone know to stop being afraid of the homeless people. They will come, they will sit, they will get up and they will go. Everybody likes to sit, not just the homeless people. Homeless people are all over. Put the pocket park there, it will look really nice.

Mrs. Judy Hayes – 17 Freedom Dr Dover DE 19904

Mrs. Hayes stated that she did not plan to come here tonight to talk about this but this does concern her. She is concerned about the lack of activities available for pre-teens and teenagers to do. She wonders if they could name three (3) things that are acceptable in public for our kids to do here. The bowling alley closed in Dover. There are swings on Division Street along with a basketball court which is helpful. We have Silver Lake but the kids cannot swim there. There is Schutte Park which was progress, but it is a bit out of town. When people talk the about concern of kids skateboarding; kids are going to skateboard so give them a place to skateboard. She knows that this is not the place for skateboarding; however, just to take our teenagers and pre-teens and say that they are not going to skateboard just because people do not create a place for them to do it is wrong because they will obviously do it anyway. In the future, just keep that in mind. As a middle school counselor she can say that our kids are good kids. There are a lot of good kids but they have nowhere to be that is acceptable in our town. So they are run out of town or are put down for doing things that kids do, generally speaking. It seems to her that a couple of benches would be very helpful, whether they are for homeless people, aging people or moms with kids who would like to just sit down as they are passing through. Benches seem like a good idea to her but a skate park would seem like a really good to her.

Colonel Welsh closed the public hearing.

Mr. Tolbert questioned if the motion should include the Architectural Review Report also? Responding to Mr. Tolbert, Colonel Welsh stated yes, as well as the three (3) items that need to be specifically addressed too. That is the bicycle parking rack, the pillar and the benches.

Mr. Tolbert moved to approve S-13-10 North Street Pocket Park at 301 South Governors Avenue as submitted with the condition of the pillar being removed and the bicycle parking rack and benches being installed and the Architectural Review Certfiication, seconded by Mr. Holt and the motion carried by roll call vote 6-1 with Mr. Tolbert, Mr. Holt, Mr. Baldwin, Ms. Still, Mr. Ambruso and Colonel Welsh voting yes and with Mr. Cregar voting against, Mr. Holden recused due to his employer preparing the application and Dr. Jones absent.

5) C-13-05 The Redeemed Christian Church of God Eagles' Wings Chapel at 896 South State Street – Public Hearing and Review of Conditional Use Site Plan for the establishment of a church within the existing 2,030 SF building located at 896 South State Street. The property is zoned RGO (General Residence and Office Zone). The property is located on the west side of South State Street north of Wyoming Avenue. The owner of record is Basilio Bautista. Address: 896 South State Street. Tax Parcel: ED-05-077.17-03-53.00-000. Council District 2. *Waivers Requested: Elimination of Upright Curbing and Consideration of Combined Spaces Parking Provision*

Representatives: Mr. Chuks Nwadgbo; Mr. Augustine Eyekpimi, The Redeemed Christian Church of God Eagles' Wings Chapel

Mrs. Harvey stated that the Conditional Site Plan review is to make a church within an existing building. The property is zoned RGO (General Residence and Office Zone) and is located on the west side of South State Street and north of Wyoming Avenue. The owner of record is Mr. Basilio Bautista. The plan indicates that they will be fifty-one (51) seats for the place of worship, requiring thirteen (13) parking spaces per the *Zoning Ordinance* parking calculations for places of worship. There are two (2) other office buildings on-site that share parking with the proposed place of worship. The total parking spaces required for all three (3) buildings total twenty-eight (28) parking spaces. The square footage of the building that is proposing to be utilized as a place of worship meets the parking requirements of the *Zoning Ordinance* without the Conditional Use. Since the parking requirements have increased due to the proposed use of the building, the applicant is requesting a waiver for the consideration of the combined spaces parking provision since the hours of operation for the church will not have an affect on the hours of operation for the other two (2) businesses. A waiver was also requested for the elimination of upright curbing since the existing parking lot areas do not include curbing. Based on the total site area of 34,000 SF, twelve (12) trees will be required. Six (6) existing trees have been identified on the plan and an additional six (6) trees will need to be planted in accordance with the requirements of Article 5 Section 16.62 of the *Zoning Ordinance*.

Colonel Welsh asked the applicant if they had any comments or concerns and if they accepted the DAC comments and Staff recommendations? Responding to Colonel Welsh, Mr. Chuks Nwadgbo stated yes.

Mr. Cregar stated that the application talks about doing the parking in a combined way and the hours of operation will not interfere but yet in the applicant's letter they mention mid-week use of that building. Does that mean that there could be some possible interference for the parking area?

Colonel Welsh further questioned the applicant if the mid-week use of the building was in the evening, outside of normal business hours? Responding to Colonel Welsh, Mr. Chuks Nwadgbo stated yes.

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

Mr. Tolbert moved to approve C-13-05 The Redeemed Christian Church of God Eagles' Wings Chapel at 896 South State Street as submitted, along with the waiver for the elimination of upright curbing

and the waiver for consideration of combined spaces parking provision, seconded by Ms. Still and the motion was unanimously carried 8-0 with Dr. Jones absent.

6) C-13-06 Great Expectation Kinder Kollege: Large Family Day Care Home at 688 Independence Boulevard – Public Hearing and Review of a Conditional Use Site Plan to allow for the establishment of a Large Family Day Care Home within the existing single family residence. The property is zoned R-8 (One Family Residence Zone). The property is located on the west side of Independence Boulevard south of Walker Road. The owner is Karen Brewington. The lessee is Phyllis Bordley. Address: 688 Independence Boulevard. Tax Parcel: ED-05-067.18-02-05.00-000. Council District 1.

Representatives: Ms. Phyllis Bordley; Great Expectation Kinder Kollege; Ms. Karen Brewington, Owner of 688 Independence Boulevard Dover DE 19904

Ms. Harvey stated that the Conditional Use Site Plan is to permit a large family day care in an existing residence with no residential use at 688 Independence Boulevard to be known as Great Expectation Kinder Kollege Day Care. The property is zoned R-8 (One Family Residence Zone). The owner of record is Karen Brewington and the lessee is Phyllis Bordley. The project proposal for twelve (12) children and two (2) attendants will be classified as a large family day care by the *Zoning Ordinance*. Day care facilities also require licensing through the State of Delaware. The number of children permitted in the day care facility is determined by the State of Delaware along with the mandated child to attendant ratios. An outdoor play area has been identified on the plan in the rear yard and has been fenced in. Four (4) parking spaces are required for this use based on the parking requirements in the *Zoning Ordinance* for a large family day care. The applicant is proposing one (1) additional parking space in the garage for a total of five (5) spaces. Based on the total site area of 8,030 SF, three (3) trees will be required. The existing trees on the site meet the tree planting requirements for this use.

Colonel Welsh questioned if the applicant had any comments or questions and also if she agreed with all DAC comments and Staff recommendations? Responding to Colonel Welsh, Ms. Bordley stated that she agreed.

Ms. Bordley stated that her proposed plan will be a home day care not a day care center and she will only be allowed twelve (12) children. She wants to be able to provide care and education to twelve (12) children at one time. She is here to address the concerns from the community. She does not want to destroy or hurt the community in any way. All she is trying to do is provide care for families that need it in the community and for the business that is around that community. She does not foresee any issues due to the layout of the property and home in which the driveway is long and vehicles will be in the driveway. She only has five (5) families on her waiting list at this time that will utilize the facilities. The children will be there all day so once they are dropped off there will be no more traffic.

Colonel Welsh questioned if the five (5) families on the waiting list totaled twelve (12) children? Responding to Colonel Welsh, Ms. Bordley stated yes, these are families that have asked her to provide child care. She has a Master's Degree in Education as well as twenty-five (25) years of experience in child care. She has had a large family day care before and two (2) home day cares. The experience she does have, the love for children she does have, the care for a child's education she does have. Her main goal is for preschoolers, going into Kindergarten. The standards are very high and she has six (6) years of teaching in the education field. She wants to take the experience that she has and provide quality child care at a great cost.

Mr. Holden stated that he has driven by the property and looked at the Site Plan that was submitted. He has a concern about parking. The driveway does have some depth to it but it is going to be challenging if the first car in wants to get out while the other four (4) are there. He questioned if she had made any thoughts or considerations into amending the parking in front to allow for a little more ease of access and egress? Responding to Mr. Holden, Ms. Bordley stated she had not considered it only because of the depth of the driveway. When it comes to child care, most parents are looking for child care so they can go to work. So as they come in, they are going to leave. It should not be a bunch of cars all at one time. It is just them coming in, signing the children in and then leaving for work.

Mr. Holden further questioned if Ms. Bordley was comfortable with the arrangement and the available access for her potential customers to get in and out? Responding to Mr. Holden, Ms. Bordley stated yes from what she has looked at, it seems to work.

Colonel Welsh questioned if there were only going to be two (2) full time employees which means two (2) cars there parked for the day? Responding to Colonel Welsh, Mr. Bordley stated yes, they will be parked in the two (2) garage spaces.

Mr. Cregar stated that he had the same issue with parking. It is unclear on the Site Plan whether or not the size of the area would allow for that amount of parking.

Colonel Welsh questioned what the requirement was for parking in terms of size? Responding to Colonel Welsh, Mrs. Townshend stated that in terms of size, the spaces need to be nine (9) feet by eighteen (18) feet.

Mrs. Townshend questioned if Mrs. Harvey verified that the parking met the code? Responding to Mrs. Townshend, Mrs. Harvey stated yes.

Colonel Welsh stated that he thinks there is more than adequate parking. He thinks Mr. Cregar and Mr. Holden's concerns were the arrangement of the parking area.

He questioned if the driveway was two (2) cars wide? Responding to Colonel Welsh, Mr. Bordley stated yes.

Colonel Welsh further questioned if the employee's cars were going to be kept in the garage? Responding to Colonel Welsh, Mr. Bordley stated yes.

Mr. Tolbert questioned if the existing fencing was adequate enough to keep people out of the back yard? Is it adequate protection for the children when they are outside? What type of fencing is there? Responding to Mr. Tolbert, Ms. Bordley stated that the fence is wooden and it goes around the entire back yard. It will be upgraded also.

Mr. Tolbert further questioned if it would be adequate protection for the children? Responding to Mr. Tolbert, Ms. Bordley stated yes, in reference to licensing it has to meet requirements as well.

Mr. Holt questioned if lunch would be the only meal provided to the children? Responding to Mr. Holt, Ms. Bordley stated that she would be providing breakfast, lunch and a snack. Also, for those children who would be there after 5:00pm she would serve dinner as well.

Mr. Holt further questioned if she would be serving the meals out of the kitchen at this location? Responding to Mr. Holt, Ms. Bordley stated yes.

Mr. Baldwin questioned the planned hours of operation for the day care? Responding to Mr. Baldwin, Ms. Bordley stated at the moment her hours would be from 6:00am to 11:00pm. She has a few parents who work at Capitol Nursing Home that need child care. They work the 3:00pm to 11:00pm shift.

Ms. Still questioned if all of the children would need child care until 11:00pm? Responding to Ms. Still, Ms. Bordley stated no. She also needs to get approval from the State of Delaware Child Care Licensing. The Planning Commission is actually the first step in this process. Then she has to go through the Child Care Licensing Office. They for example, can say your plan is to stay open until 11:00pm but we will allow you to stay open until 6:00pm. Those stipulations are what she has to adhere by.

Ms. Still further questioned that it was not a definite that her business would be staying open until 11:00pm. Responding to Ms. Still, Mr. Bordley stated no not at this point in time. The Child Care Licensing Office sets the time for her to open and close her day care.

Ms. Still questioned that in that case, these parents would have to find other child care after 6:00pm? Responding to Ms. Still, Ms. Bordley stated yes, they would have to find additional child care. The typical time given by the Child Care Licensing Office is 6:00am to 6:00pm.

Colonel Welsh stated that the Planning Commission also has the authority to set hours as well.

Colonel Welsh open a public hearing.

Colonel Thomas Dix – 664 Independence Boulevard Dover DE 19904

Colonel Dix stated that there is a large group of people that he is representing for the community. He would request that the Commission find out how many people are against this project. In the application review summary for the proposed day care, look at Municipal Code Article 5 Section 14.12 which was not mentioned in the plan by the Planning Office. It states that the day care program shall be permitted to locate in any zoning district provided that the need has been demonstrated. That need has not been demonstrated. The community had a large day care on the edge of the community and it has moved 3/10 of a mile to Highway 5. He talked to the people at the YMCA and they tell him that they have a lot of space available and that's her idea. They have not been provided with any demonstration that there is a need for child care. He therefore asks the Planning Commission to disapprove the application for a Conditional Use Site Plan.

Colonel Dix further stated that Section 14.21 definition of day care facility. Any place other than occupied residence for a large family day care home is not permitted. He just found out that she plans to stay open until 11:00pm. That means that since the home is not occupied, they cannot sleep over. If there will be people there until 11:00pm, he thinks it is going to be occupied. That is not allowed according to Section 14.21. The application summary goes on to quote the State Licensing

requirements for large family home cares. Paragraphs 112 and 130 cannot be met. Paragraph 112 states that each child must have 35 SF exclusive the hallways, bathrooms, lockers, cribs, laundry room, furnace room and kitchen area. Paragraph 130 states that children must be cared for in ground level space. He does not think that can happen in this small house. So therefore, they ask DelaCare to review these requirements. The application summary goes on to quote that no physical hazard to children can be reasonably anticipated. The back deck is elevated two (2) feet off of the ground and is full of hazards for young children. The vertical wood pieces on the railing spaced 3 inches apart when they should be the approved 2 3/8 inches. The surface of the deck needs to be refinished. The deck area is anticipated for outdoor space. The deck is large and does not appear on the plot plan of the property. The western exit of the building leads to the deck. There is another western exit from the room that appears to be the family room that opens to the play area. They ask that the Planning Commission ask the appropriate City Department to review these items. The application summary goes on to quote a section of *Zoning Ordinance* Section 1.31 site layout in relation to access streets shall be such that both pedestrian and vehicular traffic to and from the people in connection, not to be hazardous or inconvenient or incongruent to said residential district.

Colonel Welsh pointed out that Colonel Dix was over his time limit and that he had a few more minutes to summarize.

Colonel Dix stated that the parking summary states that four (4) cars cannot be parked on a concrete driveway that's twenty (20) feet wide. Parking in the garage will block egress from the building. Parking too close to the garage door and/or house will block egress from the front door. The situation is so tight that a second car could not get into the garage if another car was parked in front of the other garage door. The limited parking situation will cause traffic flow problems. There is a safety island as you enter that is near this exit, which will lead to overflow. People are going to park on the street and across the street; the community does not want that. The building architecture, there is no door on the side of the building. The outdoor play area is not completely fenced in. The whole south side of the fence is missing. Looking at the Comprehensive Plan from 2003, it talks about C-1 ratings. They think hours of operation as 6:00am to 8:00pm as being beyond the limited hour of operations. 11:00pm is way beyond the limited hours of operation. Approval for conditional uses, since the proposed hours of operation for a large family day care exceed those of the limited hours of operation, they ask the Planning Commission to disapprove this application for a Conditional Site Plan.

Colonel Dix stated that the residents of Bicentennial Village do not want or need a major impact in their residential community. The house in question is not suited for a large family day care for all of the reasons stated above. Bicentennial Village has little need for a day care program since most of the residents do not have young children. They enjoy low density residential zoning of R-8 (One Family Residence Zone) without disruption from a single commercial enterprise. Therefore, they ask the Planning Commission to disapprove this application for a Conditional Use Site Plan to permit a large family day care at 688 Independence Boulevard.

Colonel Welsh asked for a show of hands for those in the audience that Colonel Dix represents? He also asked to only see the hands of the people who are residents of this community.

There were a total of twenty-eight (28) people represented by Colonel Dix.

Colonel Dix stated that he had agent signatures for nine (9) people as well.

Mrs. Judy Hayes – 17 Freedom Dr Dover DE 19904

Mrs. Hayes stated that she had a few concerns. She is concerned about noise, traffic and the kids and adults who walk from Liberty Court down to Redner's Market. Those sidewalks are used a lot. She is concerned about cars pulling in and out and creating a safety hazard. She is also concerned with having children on the second floor with only one stair case.

Mrs. Townshend stated that in terms of fire code, the application both through the DAC process and before a day care facility could open is reviewed by the Fire Marshal. The second floor will not be used as part of the day care and as a day care operation, the facility would be subject to annual inspections by the Fire Marshal. So compliance with all City Fire Codes will be required regardless of where the facility is located.

Ms. Marie Cannon – Unknown

Ms. Cannon stated that she is going to be a parent who needs day care. She believes that Ms. Bordley is an awesome person. Ms. Bordley has been doing this for over twenty-five (25) years. She has known Ms. Bordley for most of that time. Ms. Bordley actually watched her as a child as well. Ms. Bordley knows everything that she needs to do in order to make sure that everything is going to work out for the community. Ms. Bordley is a tutor as well as a teacher and a pastor. She is a very positive person and does not want to bring any harm to the neighborhood. She is going to make sure that the children get as much education as they need to meet the standards for school. Her child is going to Preschool and she is well over the expectations thanks to Ms. Bordley. She would love if the Planning Commission and everyone in the community would allow this day care.

Colonel Welsh questioned if Ms. Cannon lived in the community? Responding to Colonel Welsh, Ms. Cannon stated that she does not but there are two (2) parents who live in the community that plan to take their children to this day care facility.

Mr. Stan Trier – 39 Freedom Drive Dover DE 19904

Mr. Trier stated that he comes not to speak against the business itself. He thinks the endeavor is praise worthy and he wishes Ms. Bordley success. He does come to speak against the placement of the business. It is a commercial business inside Bicentennial Village which is a well-defined residential neighborhood. They are surrounded by commercial zones, for example Walker Road, Forrest Avenue and Saulsbury Road. This would be the first commercial business in the middle of Bicentennial Village. If you started at Walker Road and looked south on the right hand side, you would see a flow of green lawns from one end to the other. He is not sure how they are going to get the parking needs without putting some parking spaces on the front lawn. Then when you were look down the street there would be a commercial property breaking that up. It will affect the visual impact greatly.

Ms. Yvonne Scott – 712 Independence Boulevard Dover DE 19904

Ms. Scott stated that she has lived in Bicentennial Village for twenty-one (21) years. She is located on the corner of Independence Boulevard about four (4) doors away from the perspective day care. The house right next door to Ms. Bordley will be located had a day care about six (6) years ago. The traffic came in and out and the driveway which was not as large as the one that's being spoken of now. On Bicentennial Boulevard, she does know of a day care that is there now. She does not know the party that is trying to open this day care. She does not have anything against anyone trying to have free enterprise and have children. She does know people who have day cares in their homes. The other

things listed, she is sure will be taken care of by the people in charge of inspecting the property before the day care opens. For example, if there is enough spacing for cars and if the area is appropriate for that age group. If Ms. Bordley is taking in children up to the age of preschool, she cannot see any issue with dropping children off and leaving. Not everyone will show up at the same time. She pointed out that there is commercial on each side of Bicentennial Boulevard, all the way down to Saulsbury Road, up to Route 8 and on Walker Road. There are businesses within the community that have a day care and they have had one on the street next door to this address. She does not know if the other residents were aware of the day care but by her living next door to the property, she knew there was a day care there at one time. She feels if someone has the education to do this, then she does not see any problem with it.

Mrs. Diane Houlihan – 4 Liberty Drive Dover DE 19901

Mrs. Houlihan stated that she is located diagonal to the proposed day care. She is against placing a commercial use at this location. She has small children who ride their bikes on Independence Boulevard and adding any more traffic would definitely place their safety at further risk. People speed in that area as it is. She is also concerned that their neighborhood would become less desirable from a real estate perspective. She absolutely believes that their property values would decrease more than they already have. The hours of operation are way beyond normal business hours. They would certainly conflict with her children's bed time and her windows face that direction. The parking is also an issue. Not too long ago the property next door to this location had their mailbox hit by a car. There is not a lot of space in this area and placing more parked cars at this street will certainly have more of a safety concern and hazard for the community. They have done a petition and received signatures of people who are against placing the day care at this location.

Ms. Makiea - (no last name or address)

Ms. Makiea stated that she has known Ms. Bordley through our children for some years now. Ms. Bordley has actually been a very inspirational person throughout her life. She met Ms. Bordley at Sheppard's Place, the homeless shelter. After that whole scenario, she was able to volunteer at Sheppard's Place with Ms. Bordley as she taught children. She had to chance to watch how many people came back to Sheppard's Place to thank Ms. Bordley. One parent returned to thank her because their child was beyond the school standards to get into the low income program. That parent thanked Ms. Bordley because she was so focused on how to get a home that she could not teach her child. As she kept in touch with Ms. Bordley, she became a member of Ms. Bordley's church. For the last two (2) years, she had a summer camp. She watched Ms. Bordley work with the children and got to see how it became a passion not a job. There was no charge, she taught the children just because. She watched how Ms. Bordley put love into her teaching and gave her time, before and after hours just so the children could learn. She really feels that this day care would be beneficial to a lot of children. Ms. Bordley is an E-Cap teacher which is a low income program. Her students are four (4) and five (5) year olds who know how to write, spell, recognize letters and write their names. She has also asked Ms. Bordley to teach her niece who is four (4) years old. Her niece already knows how to write and spell her first and last name. This day care would be more of a benefit then harm to the community.

Ms. Ashley Thompson (no address)

Ms. Thompson stated that it seems everyone's issues have to do with the traffic issues and other code issues. She feels that if Ms. Bordley does get approved to have the day care, she will be able to meet

all standards. Anything that needs to be changed, Ms. Bordley will get it done. Like other people have said, Ms. Bordley is a great person. She is not here to harm the community. She loves kids.

Mr. George Dunning – 11 Freedom Drive Dover DE 19904

Mr. Dunning stated that it sounds like Ms. Bordley is a great person and he applauds her for doing what she is trying to do. However, he questioned if it is the Planning Commission's job to change the character of the community. He thinks it is the Planning Commission's job to protect the character of the community. They are a diverse community with blacks, whites, Hispanics, Asians, any kind of people that you can think of in this neighborhood. There are young kids and people who are retired. He did not know that Colonel Dix was speaking for him tonight; in fact he does not know him. He is up here to reiterate what he said and to also say that the community is what it is and it needs to stay what it is. Ms. Bordley can buy the vacant property 1,000 feet away on Walker Road which used to be a day care and put her day care there. It is a beautiful place and it is commercial. It is an ideal spot for a day care.

Mr. Kwanza Cartwright – 4422A Vernont Dr Dover DE 19901

Mr. Cartwright stated that he is speaking on behalf of Ms. Bordley. As everyone before him has stated, she is a very great person. She is the best he knows to open a day care in this area. He has seen the area of where Ms. Bordley wishes to place a day care. The property does have a fence around the area. She has placed the signs in the yard to give notice so everyone was knowledgeable of her proposal. When it comes to the children, he has seen superb handling with them. Ms. Bordley loves them to the bottom of her heart and treats them like they were her own. There is not a day that goes by that she does not think of everyone. Putting the day care in this community would be benefiting everyone. He has seen individuals in the crowd who are of older age who may have grandchildren they need a day care facility. He was one of the individuals who worked at her summer camp. She actually puts time and effort and takes her time with each of her students in order to make sure that they learn. He sees that the majority of the crowd is not in favor of the day care because of the increase in traffic. No matter where people go, there is going to be cars. No matter what day care that you look at, there is going to be cars in the area. No matter if the children are coming or going. Think about your own and if you would want a day care where your child would be loved and treated just like any other.

Colonel Dix submitted a list of agent signatures for nine (9) people of the community.

Colonel Welsh stated that there have been several people who have testified as to Ms. Bordley's character and he has no doubt in his mind that she is a wonderful lady but that is not what the Commission is here to consider. He knows that she is fully capable of educating kids and doing the right things but that is not the issue.

Mr. Sandy Meckler – 18 Liberty Drive Dover DE 19904

Mr. Meckler stated that he believes in the KISS principle, Keep it Simple and Stupid. He does not question Ms. Bordley's competence, dedication or intelligence but he thinks it is all about location. For example, do they want to put a lawn mower repair shop in the community? Do they want to put a beauty shop in there? It is commercial; it is a day care center. Traffic, seventeen (17) hour day; it just does not belong in a neighborhood where people look for peace and quiet to get away from the tribulations of life. It is their little sanctuary. It is a residential neighborhood and a commercial entity does not belong in a residential neighborhood.

Ms. Karen Brewington – 688 Independence Boulevard Dover DE 19904

Ms. Brewington stated just to reiterate a few facts; she thinks that they might have gotten lost from very beginning. One, this is not a day care center. We are talking about twelve (12) children at the maximum. From what she understands, there are only going to be five (5) families who are coming and going from this residence. They are not talking about creating an enormous amount of traffic, they are talking about maybe five (5) or six (6) cars coming and going during the business hours. As far as the day care being open until 11:00pm, Ms. Bordley has to get that approved. It is not set in stone. It will most likely only be during the normal working hours that most adults are at work. So it is possible that majority of the people who have jobs in the community probably will miss the traffic most of the time. She is usually gone at work a lot during the day. Also, she wants to address the concern about openings at the YMCA and similar places. She is a parent of four (4) children. She knows what it is like to pay for summer camp at $150 a week or to pay for child care at anywhere from $125 to $200 a week. That is expensive and in this economy a lot of families cannot afford that but they want good quality care for their children at a reasonable price at a place that they can trust. They trust this woman to take care of their children. But to the concern for traffic, it will be twelve (12) kids maximum. It is not a day care center it is going to be a home day care center. The environment is to provide a home like situation where kids can feel comfortable in a small group where they can get special attention in areas that they may need before they get to school. She understands that everyone is concerned with the location but again it is only twelve (12) children.

Colonel Welsh closed the public hearing.

Mr. Tolbert questioned the status of Ms. Bordley's license with the State of Delaware? Responding to Mr. Tolbert, Ms. Bordley stated that she does not have a license yet. She has to go through this process first.

Mr. Cregar questioned for clarification if this would not be a residential use anymore, but in a residential district with no one living at this residence? Responding to Mr. Cregar, Colonel Welsh stated that was correct. It would be a Conditional Use and as such, the Commission can establish requirements that can be reviewed at a later date. So it is always in their power to withdrawal the Conditional Use if this were not to work out.

Ms. Still questioned why Ms. Bordley chose this location? Responding to Ms. Still, Ms. Bordley stated that she had gone to other locations but she wanted the home affect. Anyone that has known her, they won't even know that she is there. The noise that will be heard during the day will be during outside time. She does not want a day care center; she wants a home day care.

Colonel Welsh questioned if the house was vacant at this time? Responding to Colonel Welsh, Ms. Brewington stated that it will be. She is in the process of moving stuff out.

Colonel Welsh further questioned if the home belonged to Ms. Brewington? Responding to Colonel Welsh, Ms. Bordley stated yes, this home belonged to Ms. Brewington.

Colonel Welsh questioned if Ms. Bordley would be leasing, renting or become part owner? Responding to Colonel Welsh, Ms. Bordley stated that she would be the leasing the property.

Colonel Welsh reminded the Commission members that if it was their pleasure to approve the use, it could be on a conditional basis and at the end of a year it could be reviewed. There is no requirement to open it for public hearing but he recommends that it be part of the motion so that a public hearing could be held again in one year. The community would have the opportunity if things do not work out to come back and address any issues with the Commission in order to withdrawal the conditional use.

Mr. Tolbert moved to approve C-13-06 Great Expectation Kinder Kollege: Large Family Day Care Home at 688 Independence Boulevard as submitted with the provision that the application return back to the Planning Commission for review of the status of operation within one year and to include a public hearing, along with operating hours being 6:00am to 6:00pm, seconded by Mr. Holt.

Mr. Ambruso stated that the codes are created to maintain and protect the integrity of each and everyone's property within the City of Dover. He finds that it is incumbent on them to see that their decisions are in keeping with the intention of the code. We all know that this is a residential neighborhood and he feels as though it is incumbent upon them to keep that upper most in our minds when voting on this. He is asking each Commission member to vote no.

Mrs. Townshend stated that the *Zoning Ordinance* does allow for not all commercial uses but specifically does allow the large family day care in residential zones. So it does comply with the code; however, it is a conditional use which gives the Planning Commission discretion over that.

Mr. Tolbert stated that the fact that the Commission will review the application in a year gives them a large measure of control over the operation and if there is anything is remiss, wrong or not in keeping with the community and neighborhood then the Commission can deal with it at that time. The Commission will protect the community by having a right to oversee this operation in one year.

Mr. Holden stated that he believes in the testimony that they care offered would be very high and he thinks comments speak very well to the impact that Ms. Bordley has had on other people's lives in the past. He also thinks that in line with Conditional Use applications that this application is not in line with the harmony of the location. That it has an impact on adjacent property owners, as we have had some twenty-four (24) people raise their hand tonight. He does not think it is for lack of other locations that are near. He understands the home setting and he is very sympathetic to that but he thinks that they also have to be very mindful over the community as a whole when they make these decisions. It is due to those reasons why he thinks a conditional use for this use is not appropriate.

Motion failed by roll call vote 3-5 with Mr. Tolbert, Mr. Holt, Mr. Baldwin, voting yes and Mr. Holden, Mr. Cregar, Ms. Still, Mr. Ambruso and Colonel Welsh voting against and Dr. Jones absent.

Mr. Holden moved to deny C-13-06 Great Expectation Kinder Kollege: Large Family Day Care Home at 688 Independence Boulevard due to it does not fit into the harmony of location as required by a Conditional Use Site Plan, seconded by Mr. Ambruso and the motion carried by roll call vote 5-3 with Mr. Holden, Mr. Cregar, Ms. Still, Mr. Ambruso and Colonel Welsh voting yes and Mr. Tolbert, Mr. Holt and Mr. Baldwin voting against and Dr. Jones absent.

7) C-13-07 Solid Rock Baptist Church Community Center at 105 North West Street – Public Hearing and Review of a Conditional Use Site Plan to allow for the construction for a 4,157.4 SF two story

community center building to be located at 105 North West Street. The property is zoned RG-1 (General Residence Zone). The property is located on the east side of North West Street north of Fulton Street. The owner is Solid Rock Baptist Church. Address: 105 North West Street. Tax Parcel: ED-05-076.09-03-02.00-000. Council District 4. *The Board of Adjustment granted a variance for the reduction of the front yard setback at their meeting on April 3, 2013. (V-13-04) Waivers requested: Reduction in Overall Number of Parking Spaces, Consideration of Combined Spaces Parking Provision and Partial Elimination of Curbing.*

Representatives: Mr. Don DeShiell, Regional Builders; Mr. Troy Adams, Mountain Consulting, Inc

Ms. Cornwell stated that this is an application for the Conditional Use Site Plan for the construction of a two story 4,157.4 SF Community Center Fellowship Hall. It will be next to the existing church that is located at 105 North West Street. The property is currently zoned RG-1 (General Residence Zone). The use as a church is a Conditional Use within the RG-1 (General Residence Zone) zoning district. The Board of Adjustment granted a variance for the property to allow the new Community Building Fellowship Hall to be located within twenty (20) feet from the front property line along North West Street at their April 3, 2013 meeting.

Ms. Cornwell stated that a parcel consolidation to combine three (3) parcels of land into one (1) parcel was completed on July 17, 2012. The site is in compliance with the required number of dumpsters and sidewalk along North West Street. There are multiple sidewalk connections into the site and they are in compliance with the tree planting calculation. The new building is a two (2) story metal building with a brick water table along the front. There are windows around the entire site of the building and it will have a metal roof.

Ms. Cornwell stated that there are three (3) waivers requested with this project. The first is for a reduction in the number of overall parking spaces. The site is required between the two (2) uses as the Church and the Community Center Fellowship Hall to provide fifty (50) spaces. They are proposing twenty-six (26) spaces. The site is eligible for up to a 50% reduction in the overall number of parking spaces as the site is located within the Downtown Redevelopment Target Area and has access to mass transit and pedestrian amenities. The second waiver is to allow for combined spaces. This would allow for the sharing of the parking space as the two (2) buildings and the two (2) uses would not be in operation at the same time. The third waiver is for a partial elimination of curbing within the parking area to allow for drainage within the stormwater management. The site is required to provide two (2) bicycle parking spaces; however, Staff is recommending a total of six (6) spaces to help address some of the parking spaces that would be eliminated if the parking reduction was approved.

Ms. Cornwell stated that the other agencies reviewing the application, including the Fire Marshal, the Department of Public Works and the Kent Conservation District have provided their comments.

Mr. Adams stated that they agree with all DAC comments. They have done their best to maximize the small space that is available. This is a one shot deal for this organization and they want to make the best for their members and the community.

Colonel Welsh opened a public hearing.

Mr. Kevin Robinson – 113 North West Street Dover DE 19904
Mr. Robinson stated that his father is the Pastor of Solid Rock Baptist Church. He is the President of the youth group and he feels they need their own space because the two (2) houses do not have air conditioning and sometimes it's too small and crowded. So they would like to have the extra space so that they can have our own rooms to split up age groups or individual lessons. They would also like to have a recreation room with games that would not be over crowded.

Mrs. Theo Braunskill – 91 North West Street Dover DE 19904
Mrs. Braunskill stated that her residence is on the south side of Fulton Street so she is right down the street from the Solid Rock Baptist Church. Her family owns the entire block of Fulton Street; six (6) homes on that block that are close to the church. Three (3) of these homes her and her husband own. They support the Solid Rock Community Center because it will be a new facility to help beautify the community. Second, it will provide youth activities that has long term influence on our community youth.

Mr. Arnold Braunskill – 91 North West Street Dover DE 19904
Mr. Braunskill stated that he wanted to echo what is wife had said. It is always good to see new buildings coming into the Downtown area. There are a lot of older homes in the area so whenever we can have the opportunity to have a new building provided that is going to uplift the community; they are in support of it.

Mr. Ricky Hardy – 105 North West Street Dover DE 19904
Mr. Hardy stated that he is one of the ministers at Solid Rock Baptist Church. He comes in full support of this project. Echoing what was said earlier, there needs to be something to do for the kids. If you have been over in this area, you would fully agree that the kids need somewhere to go and something to do. They are proposing to meet that need.

Colonel Welsh closed the public hearing.

Ms. Still moved to approve C-13-07 Solid Rock Baptist Church Community Center at 105 North West Street, along with the waiver requests for the partial elimination of curbing, combined parking spaces and the reduction in parking spaces and increasing the bike parking, seconded by Mr. Ambruso and the motion was unanimously carried 8-0 with Dr. Jones absent.

8) Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 §2.28)

a) Report on Search for Subcommittee Members

Mr. Holden stated that he and Ms. Still were going to do some searching for members and they have done so. They have talked to colleagues, friends and others. There are two (2) individuals that they have reached out to that they are waiting to hear back on interest and whether they support them throwing their hat in the ring. So right now, they are awaiting those responses. He asks that this discussion be tabled until the September meeting.

Colonel Welsh reminded everyone of the Planning Commission Workshop scheduled for Tuesday, August 20, 2013. He thinks they have some good topics to cover and it would be worth their while to attend. He plans to make a recommendation at this meeting to revert back to the lunch time meeting

for the Planning Commission Quarterly Workshop. The Commission got away from that time because Mr. VonRider was working in New Castle County and it was not feasible for him to make the meetings at lunch time. It will be discussed at tomorrow's meeting at 4:00pm in the City Hall Conference Room.

Mr. Cregar questioned the date of the next Regular Planning Commission meeting? Was the date September 16, 2013 or September 17, 2013? Responding to Mr. Cregar, Ms. Cornwell stated that the meeting is on September 16, 2013.

Meeting adjourned at 9:36 PM

Sincerely,

Kristen Mullaney
Secretary

CITY OF DOVER PLANNING COMMISSION
QUARTERLY WORKSHOP
August 20, 2013

The Regular Quarterly Workshop Meeting of the City of Dover Planning Commission was held on Tuesday August 20, 2013 at 4:00 PM with Chairman Colonel Welsh presiding. Members present were Colonel Welsh, Mr. Cregar, Mr. Tolbert, Mr. Holt, Mr. Baldwin, Ms. Still and Mr. Ambruso. Mr. Holden and Dr. Jones were absent.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Ms. Cornwell and Mrs. Harvey.

PLANNING COMMISSIONER COMMENTS AND CONCERNS

Colonel Welsh stated that Mrs. Townshend felt like a Planning Commission Quarterly Workshop was needed to talk about some things.

Colonel Welsh thought that last night's meeting went well. There were some controversial issues along with a split decision on one of the major applications but that is why the public hearings are held. All of the Commission members did what they had to do last night. There were eight items to consider last night and he has a feeling that this is going to start being the normal for future meetings.

Colonel Welsh questioned if things were starting to pick-up a little bit? Responding to Colonel Welsh, Mrs. Townshend stated that it seems to come in spurts. They will get a bunch at once but she does not think we will have any meetings that will have to be cancelled due to lack of interest.

Colonel Welsh stated that the Commission has been on an easy ride for a while but he thinks that things are going to start getting tougher. He thinks they are going to start having more controversial applications as they move along.

Colonel Welsh thought they do pretty well as a body. He thinks everyone is speaking out and saying what they feel. That's what the members are all there to do. There are nine (9) different people with nine (9) different thought processes. He was pleased with the way things went at last night's meeting. He is not saying that he was pleased with any of the outcomes; he was just pleased with the way the meeting went in general.

Colonel Welsh stated that he thought the public behaved themselves pretty well. For the day care center, it was an emotional issue for some. He thought they did well presenting their case.

Colonel Welsh questioned if anyone had any comments about last night's meeting?

Mr. Holt stated that he thought Colonel Welsh did a great job handling the crowd and explaining everything to them. That helps speed things up and moves along a lot faster.

Mr. Cregar stated that Colonel Welsh was gentle with the audience and that is good.

Colonel Welsh stated that he really encourages all of the member to speak up and speak their mind. He knows that during the time he was on the floor, there were things that he wanted to ask

or say that he decided to not say because of the fear of embarrassment. You will never embarrass yourself. If you have something to say, speak up and make sure that you understand the issue. If there is something that you do not understand, ask questions until it is clarified so that all members know what they are doing. He feels that the Commission has a tremendous responsibility to the City of Dover.

Mr. Holt stated that he was somewhat confused on the pocket park issue that's why he asked questions. He envisioned an area for car parking. So he asked questions in order to clear up the confusion.

Colonel Welsh stated that all members have heard the saying "there is no such thing as a stupid question" especially not if it helps clarify the issue before you.

Mrs. Townshend brought up the discussion of the time change proposal for the Quarterly Workshop meetings in the future. Does a lunch time meeting work for the members of the Commission better than the 4:00pm time?

Mr. Holt stated that a lunch time meeting would work for him.

Mr. Tolbert stated that he preferred the lunch time meeting as well.

Ms. Still stated that the lunch time meeting was probably not great for her but since it's only quarterly so may be able to make it work.

Mr. Ambruso stated that he was unsure if lunch time would work for him or not. He just plays them all by ear.

Mr. Cregar stated that the lunch time meeting works for him. If he knows far enough in advance then he can work his schedule around.

Colonel Welsh stated that if any member was going to have a conflict with work then they could keep the Quarterly Workshop meetings scheduled to 4:00pm.

Colonel Welsh questioned Ms. Still if she still had to take time off from work to make the 4:00pm meetings? Responding to Colonel Welsh, Ms. Still stated that she would work through lunch and leave early to make the meetings, which it does not work as well during the lunch hour to do so. She pointed out that the meetings were only held quarterly and she may be able to adjust her schedule for that day.

Colonel Welsh stated that he seemed to think that the lunch time meetings work better. He suggested that they schedule the next Quarterly Workshop for lunch time and see how it goes.

Mrs. Melson-Williams stated that the next Quarterly Workshop meeting would be held in November 2013.

Colonel Welsh questioned if any other members had issues that they would like to discuss at this time? No one had any comments.

DEPARTMENT OF PLANNING AND INSPECTIONS UPDATE

Summary of 2013 Applications

Mrs. Melson-Williams stated that Staff keeps a running track of where the Commission stands quarterly for all of the different types of applications. By looking at the Summary of Applications yearly tracking it shows tracking from 2002 to 2010. This year, they are about where they were at this time last year. It is trending about the same and she foresees them ending this year with about the same as last year. She does not foresee a huge jump in any category by year's end. They basically have four (4) more meetings. Some of these are of course applications to the Board of Adjustment which the Planning Commission does not see those applications. Only some of the applications to the Historic District Commission are seen by coming forward to the Planning Commission. This would also include any Administrative Site Plans that only Staff would review as well as a number of miscellaneous items are given an application file number because Staff needs to track the study being done or report to another agency. The number is trending as it has the past couple of years.

Mrs. Melson-Williams stated that if there were any specific applications that the members were wondering about then Staff might be able to update them. What can also be done for the November Quarterly Workshop meeting is to bring a list of where the 2013 projects stand that were seen by the Commission members. This will at least give Commission members the sense if the applicants are at least making progress to get to final approval. If they submitted that Check Print and how are they doing with all of the other agencies to get to the final step in the process before construction.

Mr. Cregar questioned if Staff tracks the percentage of approval to completion? Responding to Mr. Cregar, Mrs. Townshend stated that Staff could find that out pretty easily.

Mrs. Melson-Williams stated that she thinks probably over 75% of the projects actually go to completion. It may take them more than one year to get there. The Commission grants conditional approvals for Conditional Uses and Site Plans today; it is for a two (2) year time frame. Previously, it was a one (1) year time frame and then the Commission saw it for two (2) extensions. Now the Commission approves the applications with a two (2) year time frame with the ability for another one (1) year extension. Most projects, unless they totally give up and redesign the project, are making it through the process to go to construction. There are always a couple projects that expire and then most of the time they re-file a new application.

Mrs. Townshend stated that they have had a number of things that have been through multiple times waiting for the market to improve.

Other Project and Research Activities

Mrs. Townshend stated that back in January 2013, the Safety Advisory & Transporation Committee and City Council established a Bicycle & Pedestrian Sub-Committee. This Committee is made up for seven (7) members appointed by the Chair of the Safety Advisory & Transporation Committee. That group essentially reports back to the Safety Advisory & Transporation Committee but looks at what things can be done to make it safer for people on bikes and on foot. One of the things in the pipeline now is an application submitted to the League of American Cyclists to have the City designated as a "Bicycle Friendly Community". They do not expect to get the designation on the first try but what they do expect is a critique and

a to-do list of things that the City needs to improve. One of the things that the City has really tried to do in the development process is to make sure that those issues are being looked at. The Planning Commission has, for a long time, been very hesitant to grant sidewalk waivers. They have been very supportive of requiring the infrastructure that the City needs to have safe bicycle and pedestrian facilities. Again, when the Commission looks at things like bike racks, multi-use paths as they relate to projects, they are going to continue to focus on how to make those amenities part of the development process. Some of them will be investments through DelDOT or through the City's own transporation dollars.

Colonel Welsh questioned in terms of planning, is that a Dover Kent County MPO function? Responding to Colonel Welsh, Mrs. Townshend stated that the Dover Kent County MPO is probably the lead in that process and the MPO includes the City, DelDOT and Kent County, bringing all entities together. For instance, as the City is moving forward with the Dover High School construction, they started discussing the walk zone around the school and there significant impediments in the walk zone. It is missing sidewalk segments. The Planning Office talked to the MPO, the MPO put forward a project to identify and cost out the sidewalk gaps in the walk zone around the school. The MPO is a great resource because they do have some funds available for some small studies. With that information the City is able to have it if a development project does come in and they can start to get in the pipeline for capital improvements.

Colonel Welsh questioned if DelDOT was the final approval? Responding to Colonel Welsh, Mrs. Townshend stated that it depends if it is a DelDOT street then yes.

Colonel Welsh further questioned how they would get public comment back to DelDOT? Responding to Colonel Welsh, Mrs. Townshend stated that every September DelDOT hold their hearings on their Capital Transporation Plan. The City submits, every year, a list of transportation priorities and it's done through that process. The challenge at this point is funding because they have more projects than they have funding. It has been a challenge to get new projects in the program. In some cases, the City has been successful. The MPO has found money to put sidewalks on Route 8 near the new high school.

Colonel Welsh stated that there was a reason why he asked the question. In the area where he lives, he comes out on College Road to Route 13. There is a yield sign right across from Acme for people to turn and go into the acceleration lane and accelerate with traffic on Route 13. Now someone has decided that on the left side of that old acceleration lane, there should be a bike lane.

Mrs. Townshend stated that that was also done with the repaving project.

Colonel Welsh further stated that now there is no acceleration lane at this location without crossing over a white line. Now drivers sit at the yield sign and wait until there is no traffic. Even if drivers did accelerate at this location, he is afraid that bicyclists will not be seen. Responding to Colonel Welsh, Mrs. Townshend stated that there was a lot of controversy about putting a bike lane on Route 13. There are some people who are staunchly opposed to it and there are people who thought it was a necessity. People who are opposed to it say that cycling should not be encouraged on Route 13 because it is not safe. The others say people are already biking on Route 13 and it is not safe so the location to bike should at least be given.

Colonel Welsh stated that he has rarely seen anyone biking on Route 13. He was thinking today as he was driving on Route 13, what crazy person is going to ride a bike on Route 13? The bike lane is small and is located right next to the right lane where cars could be going 45-50 MPH.

Ms. Still stated that she is not sure that she has not seen many bikers actually using the bike lanes when they are there. The bike lane on College Road is an old one that has been there for maybe fifteen (15) years but they still do not ride in it. Responding to Ms. Still, Mrs. Townshend stated that the problem is if the bike lane is not swept and if the pavement is not smooth then it is difficult to ride in.

Ms. Still further stated that bicyclists ride right on the yellow line instead of the bike lane. Responding to Ms. Still, Mrs. Townshend stated that the Bicycle & Pedestrian Sub-Committee had not discussed this bike lane but that she would bring it up to them at the next meeting.

Mrs. Townshend stated that another project that they have not made much headway on and probably will not until a position is filled is the outreach regarding the role and scope of the Historic District Commission and Historic District. There was a meeting in February 2013 and the public came in. The meeting was scheduled in response to a lot of comments they were hearing about either eliminating the Historic District Commission or scale it back significantly. The people who attended the meetings that were held did not necessarily share that point of view. The next step that they identified was to do a survey in some focus groups but it has just been a factor of time at this point. Staff did get some good ideas that are worth exploring. One would be a single application process right now. Right now, if there is a project that gets reviewed by the Historic District Commission, the applicant would make an application to the Historic District, hold the public hearing and all of the other things before coming to the Planning Commission and then the applicant would do the same process again before the Planning Commission. So there was discussion about the potential of a single application process and single public notice so that this process is not being duplicated. Some of the discussion was actually about potentially scaling back the Historic District in some areas but expanding it in others. State Street was mentioned as an area that has a certain character. If everyone decided to demolish their house it would significantly change the character of Dover. So all of this information is documented, unfortunately Staff has not had an opportunity to get to it.

Colonel Welsh questioned if the role of the Historic District Commission had expanded over the years? Responding to Colonel Welsh, Mrs. Townshend stated no, the role had not expanded.

Colonel Welsh further questioned if the Historic District Commission was always this detailed? He is astonished by the detail in those reports. Responding to Colonel Welsh, Mrs. Townshend stated that they get a Staff report which gives them the detail for the project. Then they have a detailed discussion of the Staff report. The Historic District Commission operates similarly to the Planning Commission, but a little less formally and there is a lot more back and forth throughout the meetings. The Code states for the Historic District Commission to consist of professional architects and who have background in historic preservation. One of the concerns is that if they eliminate that, the Code does not require members of the Planning Commission to have that background as well. She thinks at this point, the path forward is how does the City improve the process; streamline it where it makes sense but preserve the value of that process?

Colonel Welsh questioned if Mrs. Townshend were here when the City had the lawsuit? Responding to Colonel Welsh, Mrs. Townshend stated no, she was not working for the City at the time but she was watching it though.

Mr. Ambruso questioned which lawsuit they were referencing? Responding to Mr. Ambruso, Mrs. Townshend stated the lawsuit by the Friends of Old Dover. It was before the demolition of the buildings on State Street. They were supposed to be preserved and the Planning Commission approved plans that had been through the Historic District Commission and the Friends of Old Dover sued.

Colonel Welsh stated that the Historic District has passed the application barely and then the application came to the Planning Commission and the Commission ultimately approved it. The next thing they knew what that the City was being sued. It was quite interesting how the whole thing went around.

Mrs. Townshend stated that the other big project that she has been keeping somewhat on task with is a full review of all of the commercial, office and industrial zoning classifications. She has been working with the Chamber of Commerce. They have helped to convene people from the business community and real estate community. What they are trying to do is simplify it and make it less cumbersome, less specific in terms of how we list the uses and then better define those broader categories. For instance, bowling alley is specifically listed in the *Zoning Ordinance* but video arcade is not and laser tag location is not. The *Zoning Ordinance* has gotten so specific in some areas that people cannot say well that is similar because it really is not the same thing. Staff is trying to take out some of that specificity that likely evolved based on a have a very specific user and who amended the Code to allow for that specific user. They have been working on that since February or March of 2013 and are nearing completion. Hopefully by the end of the year, the Commission will see a rewrite of commercial, industrial and office Zones. Some of the stuff she does not know how it will be received. One of the suggestions is in the C-2 zone, is known because they have seen it twice now, an office on the first floor is a Conditional Use, a salon between State Street and New Street is a Conditional Use it would allow those types of businesses to be permitted. She has heard both sides so it will be interesting. Once they have a draft ordinance, there could certainly be discussion about the details of that.

Colonel Welsh stated that wanted to address something else during the comments and concerns portion of this meeting. When the Planning Commission approves a Conditional Use application and there is some debate or people there that are opposed to the project, he thinks that the Commission needs to revisit the application one year from that date and specifically make that part of the motion. Also, if there has been public hearing against the application then they need to ensure that the Commission re-visits the application with a public hearing so that those people have a chance to come back and air their comments or concerns. The Commission does conditional use without any public hearing most of the time, which he thinks that denies the people who were opposed to the project in the first place the opportunity to see how the project turns out in one year. They need to ensure that when the one year review is approved that the public hearing is added as well. He thinks that at last night's meeting, if the Commission had passed the day care center, which is allowed by the *Zoning Ordinance*, that those that were there who perceived a problem with it would have seen at the end of the year that there really was not

an issue. He does not think that they would have seen twenty-four (24) people back for the one year review but if it was a problem, those people would have has an opportunity to come back.

Mr. Tolbert stated that he agrees with reviewing Conditional Use applications in one year but if the Commission approves it with that condition and review it in one year to find out that there is an issue. Are the Commission members obligated to revoke the approval of the application at that time? Responding to Mr. Tolbert, Colonel Welsh stated yes that would be in their authority.

Mr. Cregar stated that the Commission members would not have to but they could revoke the approval at that time.

Mrs. Townshend stated that they could add additional conditions.

Mr. Tolbert questioned if that would be more problematic for the people who spoke at the first hearing? Responding to Mr. Tolbert, Colonel Welsh stated yes. For example, if the day care center application was passed and at the August 2014 meeting, the application comes back for their one year review for their Conditional Use. They open the meeting up to public hearing and have twenty-four (24) people who come to the podium and share what they have observed; this is what the impact has been. Then the Commission can do whatever they need to do to remedy the situation. If at the end of that year, there have been some issues and it is something that the Commission thinks they need to keep an eye one then it can be reviewed once again in six (6) months. The Commission does not have to wait another year to review. Basically, the Commission would be putting the application on notice.

Mr. Tolbert questioned if they could review the application more than once during the year? Responding to Mr. Tolbert, Colonel Welsh stated that the Commission should begin with a one year review and then based on the outcome of that first year review, establish a second one if needed with the appropriate time frame.

EDUCATION AND TRAINING OPPORTUNITES

Mrs. Townshend stated that the University of Delaware is doing the "Complete Community Summit" on Monday, November 4, 2013. It is an all-day training at Dover Downs. It states that the participation will satisfy the three (3) hour two hundred level elective in the Planning Education Program. So this training is for anyone who is trying to get their certificate through the University of Delaware as a Local Official. She does not think that they have had anyone do so as of yet. The class is $30.00 and let one of the Staff know if interested.

Colonel Welsh stated that he would encourage everyone who is available to attend this training. The Commission members do not attend conferences like they used to but they get so much information from this conferences.

Mr. Tolbert questioned the deadline for registering? Responding to Mr. Tolbert, Mrs. Townshend stated that the registration deadline is October 28, 2013 and in the past, they have been very strict about the deadline in the past.

Colonel Welsh questioned if any other training was available? Responding to Colonel Welsh, Mrs. Townshend stated that typically January is when the Institute for Public Administration starts their training held at Paradee Center. She will make sure that members of the Commission

are aware.

Mrs. Townshend stated that the tentative date of December 11, 2013 is scheduled for the Delaware Chapter of the American Planning Association's Annual Meeting. One of the things that the Delaware Chapter of the American Planning Association wants to do is get more involvement for Planning Commission members. Staff can certainly provide information and would encourage anyone to attend. She believes that the Planning Commission rate is a reduced rate but the City would pay the fee.

Colonel Welsh stated that he cannot stress those training opportunities enough. Commission members get to interact with other people who are doing the same job as them. He wishes the Commission members could do it more often.

Mr. Tolbert stated that he finds that Dover is ahead of a lot of localities in Delaware.

Mrs. Townshend stated that she thinks they are fortunate because they are large enough. A lot of the towns just do not have the resources to employee professional Planners. Quite a few towns have the person who is doing code enforcement is also doing their zoning review and planning. Essentially zoning administration is the extent of what they are able to do.

Colonel Welsh stated that the Planning Office is great. He has been in to see them during the week and he cannot believe the schedule that they keep and how busy they are. Mrs. Townshend, Mrs. Melson-Williams and Ms. Cornwell do a wonderful job. Mrs. Purnell is also a wonderful addition to the Department as well.

TRAINING: ROLE AND RESPONSIBILITIES OF PLANNING COMMISSION

Mrs. Townshend stated that since the Commission has so many new members, Staff thought it would be good to go through an overview of the role of the Planning Commission, the types of applications that the Commission would review and some of the other key things. She tried to use code references where possible. Essentially, she thought they could begin by going through the application types. She calls them application types but they are really project types. Under the State statute, the primary role of the Planning Commission is the development of the Comprehensive Development Plan. The plan needs to be reviewed every five (5) years, updated and re-adopted every ten (10) years per the Title 22. It is an important document and needs to be the base of the zoning regulations and within eighteen (18) months of adoption, the City is required to amend its Zoning Map to be consistent with the Comprehensive Plan. They may be able to recall that this was done in 2009 and rezoned quite a few properties to be consistent with the Comprehensive Plan. Their most recent Comprehensive Plan is from 2008. It was adopted by City Council on February 9, 2009 which means it is up for review again. She would anticipate that in late fall Staff will be giving their assessment of where they stand with the Comprehensive Plan. Things have certainly changed since 2008. At that point in time, the economy was just starting to slow down, but things were still about growth and annexation. She thinks they are probably looking at less annexation in the next five years and more infill. She thinks that the infill is going to tougher and in some ways, more important than any of the annexations. The things that happen on the fringes affect the neighborhoods that are on the fringes. When they are trying to figure out how to redevelop areas and fill in areas, they are looking at things that are adjacent to or in neighborhoods. She would say that in the next five years, they are probably looking at more redevelopment of what is existing.

Mrs. Townshend stated that the Planning Commission is also responsible for reviewing the amendments to the Comprehensive Plan once a year. People can apply once a year to amend the Comprehensive Plan and they have had a couple but they did not have one this year. She knows that a couple of people have discussed amending the Comprehensive Plan with her. She is tried to explain to these people that it is not an easy process and it's not just because they want commercial property they should therefore have commercial property. The application deadline is in December.

Colonel Welsh questioned if the review every five (5) years was an internal review? Responding to Colonel Welsh, Mrs. Townshend stated that she would anticipate having one (1) to two (2) Planning Commission meetings where they discuss the amendments. It is not a public hearing because it's not re-adoption. It could be that the Planning Commission says they want these sections updated. So if they update something then that ends up subject to public hearing and re-adoption. Or the Planning Commission could say that they do not want to amend the Comprehensive Plan because it still works. She talked to the State Planning Office, they want to at least know that the Planning Commission has gone through the process of evaluating whether the goals of the plan are relevant, whether amendments need to be made or whether updates need to be made. The review could be that and then over the next six (6) months after that they could do amendments if needed.

Colonel Welsh questioned if public forums were held every ten (10) years? Responding to Colonel Welsh, Mrs. Townshend stated yes, public forums are held and the process is totally redone.

Colonel Welsh stated that the five (5) year review was internal with a possibility of public hearing.

Mrs. Townshend stated that the Planning Commission could say that they want to have Workshops; that is certainly an option.

Mrs. Townshend stated that under Conditional Uses, she underlined some language. Where you see things in Arial font it means that she pasted it right from the code. On application and after public notice and hearing, the Planning Commission may authorize (it does not say that they have to) the issuance by the City Planner of permits for any of the Conditional Uses for which this Ordinance requires. She provided selected sections from the Code but when looking at approval of Conditional Uses, she listed things that need to be looked for. She suggested keeping this handy when reviewing the packet items. This is where the discretion of the Planning Commission lies. Commission members can approve, approve with conditions or deny applications. Any motion to deny needs to include the reasons very clearly for the record. She thought that Mr. Holden did a good job at this at last night's meeting. Particularly when denying an application, because if something does get challenged in court they are going to look at the fact that the Code is setup to allow the use in that zone so explain why is the application not being approved.

Colonel Welsh stated that as they did at last night's meeting, there was a roll call vote taken. Some members chose to speak and explain why they were voting the way they were and some chose not to. After the meeting, he was sorry that he did not take the time to state why he voted

the way that he did so that everyone clearly understood. He thinks that when the Commission has a controversial application that the roll call votes might not be a bad thing.

Mrs. Townshend stated that in the case of the roll call vote where each member states their vote and their reason is probably the safest course of action because in the event of a challenge, the Commission wants to make sure that they have all of their facts and reasons documented.

Mrs. Townshend stated that the Planning Staff ensures that the Conditional Use applications meet the minimum Code requirements before they are brought to the Planning Commission. For example, will the application meet Fire Code; will it meet the parking requirement? The applicant is not going to get their Final Plan approval until it does. If the application is not ready for the Planning Commission then Staff will hold it back. This has had to be done and it does not always make people happy. What Staff has found is when they agree to take the application forward even though it is not good for the Planning Commission, the applicant or the Staff, it always getting tabled until the next month. The consulting engineers who work in the City often will advise their clients that if the Planning Office is saying that the application is not ready to go forward, do not push it. They have seen instances where it does not go well if the application is not fully ready. Fortunately, that is not common.

Colonel Welsh stated again that he thinks Staff does a wonderful job with ensuring that the applicants have crossed all T's and dotted all of the I's and filled all the squares so when the Planning Commission does get a package, they know that it is accurate. Staff has also informed him of the times when the applicant is pushing the application process even against Staff's advice. That surrounds mostly design criteria.

Mrs. Townshend stated that if it's the subjective things, Staff will not hold something back. The Planning Office has had applications come in where their stormwater design is so preliminary that Staff knows that there is no way that they can build it. So Staff knows that these applications will come back to the Planning Commission due to so much change.

Mrs. Townshend stated again, for Conditional Uses, state the reasons for denial for the record. They can reference public testimony and/or the Staff Report.

Mrs. Townshend next was the Site Development Plan approval. There are essentially three (3) types in the Code. One is a Zoning Review where there is no site alterations being made and Staff can just check it off with the Building Permit. One is that the project is small enough to go through an Administrative Site Plan. The applications that are seen by the Planning Commission are new structures and building additions over 3,000 SF, Site Plans with 5,000 SF of greater of new impervious surface and non-residential Site Plans with site disturbance greater than 1,500 SF that are adjacent to residential uses. That has streamlined some over time. The Planning Commission used to see any change of use adjacent to residential uses. Section 2.1 lists objectives. Essentially, the Planning Commission can put conditions on an application to help meet the objectives. It does bring up the issue of traffic, off-street parking and site layout. The Planning Commission does not really have the authority to deny a Site Plan but they can certainly have the applicant re-work it. There have been times where Staff has tried to work with applicants to accomplish this ahead of time and they choose not to re-work it. There have also been times where the Planning Commission has worked with the applicant for them to re-work the project. It is a collaborative process. Again, Staff is going to ensure that the Site

Development Plan in front of the Planning Commission meets the minimum Code requirements. Mrs. Townshend stated that the next section she wanted to discuss was Section 2.28A. If the Planning Commission determines that the purposed physical orientation and architectural characteristics of the proposed buildings do not the intent and objectives of this section then the Planning Commission shall refer the proposal to the Architectural Review Oversight Sub-Committee for review and comment. She thinks that usually when the applicant hears from the Planning Commission that they do not like a specific architectural element, they will cave. At this point, applicants know that there are certain things that the Planning Commission does not like. She pointed out an example of the application for Home2 Suites. The Building Permit was submitted without brick on the building, Mr. Tom Kramedas did not put up a fuss about incorporating brick, and he just said that the chain was not going to allow it where he had initially shown it when it came to the Planning Commission but he was able to negotiate it on the tower. Mr. Kramedas knew that coming to the Planning Commission and saying that they were going to build the building without any brick would be unacceptable. She pointed out that Mr. Kramedas also wants a good product too and he understands the importance of the City's gateways.

Colonel Welsh stated that before Mrs. Townshend's time, people actually came to the Planning Commission for approval with strictly an application. There were no elevations, no artist conception or no indication what the color of the building was going to be. Mr. Friedman and he initiated the architectural review process and they got that idea from a regional conference that they had attended in Easton, Maryland. He gave examples of buildings in other states that have been built to tie in with the communities in which they are located. He pointed out that if there is a market then the applicant will do what the Planning Commission says to do. The Planning Commission has not gotten there yet but he thinks that they have come a long way.

Mr. Cregar stated that for years they were told they could not dictate what applicants build. From a planning end, they know that they can.

Colonel Welsh stated that Gaithersburg, Maryland has their historic area and their Downtown area setup so that everything ties in beautifully architecturally. They were the one doing the presentation in Easton, Maryland. For the Capital of the First State, they have a long way to go. When he first got here, he was astounded at how disjointed and ugly Route 13 was. The longer he lived here, the more he was embarrassed because of the way Route 13 looked. He does not know that they have made a lot of progress but there has been some made.

Mrs. Townshend stated that when looking at pictures over time, the progress can be seen. It is not where they want to be but there is progress.

Colonel Welsh stated that the point he was trying to make was that after a while all the architectural engineering firms were beginning to tell their people that they could not go before the Planning Commission if they do not have elevations, a color combination or an architectural rending. The Planning Commission insisted on this information and then after a while, it became automatic. The architectural engineers would not allow the applicant to come forward without it.

Mrs. Townshend stated that people do not even bulk at the requirement anymore.
Mr. Tolbert stated that there is a shopping center located near Doylestown Pennsylvania with a theme within the shopping center. All of the buildings within this large shopping center comply

with this theme. He thinks that it is beautiful and wonders why Dover cannot look like that. He knows that it will take some time.

Colonel Welsh stated that ultimately, it will take some time and also some pretty significant challenges. It really irritates him when an applicant comes forward and says "well if we don't do it this way, then we are not going to do it". He is thinking to himself, if there is a market then they are going to do it. The Planning Commission has not been in the position to press the test.

Mrs. Townshend stated next is the Architectural Review Certification. This is all done typically with the Site Plan because if it does not require a Site Plan, it is done at either the Staff or Historic District Commission level. Again, projects that require the Architectural Review Certification are reviewed by the Planning Staff and the Historic District Commission before they get to the Planning Commission for consistency with the *Design Standards and Guidelines*. Last night, the Commission reviewed the Pocket Park. Other notable applications were the reconstruction of the Bayard, the Collegian and the Duncan Center. There have been quite a few.

Mrs. Townshend stated that the next application type was for a Subdivision. It seems that when she works with the State, everyone gets focused on Subdivision applications. It is definitely what the City handles least. The Planning Commission has seen some Minor Subdivisions but they have not seen any new residential subdivisions, but all the more reason to discuss it because at some point the Planning Commission may. From the Planning Commission's perspective, their involvement is in what the Subdivision Ordinance calls preapplication which is the conditional approval. So there is a public hearing held, the Planning Commission would issue conditional approval and then the developer would work with their engineer more on the details and then they would bring forward the preliminary layout. Staff calls this the Preliminary Subdivision approval. During the administrative process, the applicant works with Staff on the construction documents and the Final Plat. Planning and Public Works review the Subdivision Plan for code compliance prior to being brought before the Planning Commission. Whenever she says Planning, she means the whole DAC review. Particularly with Subdivision Plans, Public Works is involved in making sure that they meet the street standards. She pointed out that they were still dealing with Subdivisions from ten (10) years ago that are not built out but in some cases a process.

Mrs. Townshend stated that another type of application is Amendments to the *Zoning Ordinance*. In this case, Planning Commission holds a hearing and makes a recommendation to City Council. Mostly what the Commission sees are Map Amendments. For instance, the Planning Commission just saw a Comprehensive Rezoning for the AEOZ (Airport Environ Overlay Zone) where that zoning was implemented. But it could also be Text Amendments. When that package of Commercial Zoning Research for Amendments is ready, it will come to the Planning Commission where a hearing will be held and will ultimately make a recommendation to the City Council. Specifically for Zoning Map Amendments, the Planning Commission needs to present a finding of fact to support the amendment. Typically, members can refer to the Staff Report for the analysis of the adjacent land uses and the Comprehensive Plan and also if there is public testimony.

Mrs. Townshend stated that the other application types are the Unified Comprehensive Signage Plans. Also, every now and then the Planning Commission will see a Parking Reduction,

Curbing Waiver or Combined Spaces for Parking that is no associated with the Site Plan in front of them. So these Code references were included as well.

Mrs. Townshend stated that she felt the motions made at last night's meeting were good but every now and then they struggle with motions. Include the project type and number, for example "In the matter of Conditional Use application…"; the project location, "A church located at 123 Main Street"; the action taken, "approve, deny or postpone" With the amendments to the *Zoning Ordinance* it is a recommendation so the Commission members would be recommending approval or denial, they would not be approving or denying. A lot of times the Commission has made a motion to table an application. The preferable motion would be a motion to postpone because then it does not have to be lifted from the table. Commission members could do a motion to "postpone until the September meeting and in the next month, we want the applicant to work with Staff to improve the architecture or improve the site circulation." The Commission members would list whatever it was that they wanted the applicant to get done during that month.

Colonel Welsh questioned the difference between postponing and tabling the applications? Responding to Colonel Welsh, Mrs. Townshend stated that in looking at *Robert's Rules of Order*, tabling is the most frequently misused motion. Tabling means that the members of the Commission are considering this application but something else more important has come up that they need to deal with first. So it means that the Commission members are going to lay it on the table and then go back to it after finishing the more important business.

Mr. Cregar questioned that if something is tabled don't you have to get a vote to get it off the table? Responding to Mr. Cregar, Mrs. Townshend stated that was correct. For example, if Mr. Baldwin says "I move to table the application" and Mr. Tolbert seconds the motion and then Mr. Holt wants to ask a question. That is not allowed; no discussion, no questions. If Mr. Baldwin says "I move that we postpone this application until next month's meeting" asking the applicant and Staff to work together on the solution to whatever the problem may be and Mr. Tolbert seconds the motion but then Ms. Still wants to ask a question. Then the discussion can be held about that motion.

Colonel Welsh further questioned that if with postponing a motion, you can have dialogue and amend the motion if need be? Responding to Colonel Welsh, Mrs. Townshend stated yes but not with a motion to table.

Mr. Tolbert questioned if Commission members had to state how long to postpone the application? Responding to Mr. Tolbert, Mrs. Townshend stated usually yes. In some cases, it could be that something is needed but they will be unsure on the time length that it will take to get that information. So the motion made would state to put the application back on the agenda whenever the information needed has been received. Commission members also want to make sure that they address any waivers that are part of the application, state reasons in finding the fact, include the DAC comments and any additional conditions. She included an example: "In the matter of Conditional Use application C-13-99 to allow for a church to be located at 123 Main Street, I move that the application be approved subject to the requirements and recommendations stated in the DAC report, including the approval of the upright curbing waiver and based on the compatibility of the surrounding area as presented in the public testimony."

Colonel Welsh stated for the members to not be afraid to make a motion because they don't know if they are able to phrase everything properly. The Commission can kick it around enough that the motion will be refined and recorded the way that it should be.

Mrs. Townshend stated that the Commission was not supposed to have questions or discussion until the motion is seconded.

Colonel Welsh stated that as the Chairman, it is very uncomfortable when there is total silence coming from the floor. He knows that someone would like to make a motion but they feel like they will look like a fool if they do not say the motion correctly. Do not be afraid to make a motion due to the fear of verbalizing incorrectly.

Mrs. Townshend stated that she knows there have been in-depth discussions about ex parte communication. Ex parte communication is communication that takes place outside of the public meeting. The Commission member's decisions should be based on what is part of the public record and stated at the public meeting. Members need to avoid ex parte communication with applicants or other interested members of the public. If someone does try to discuss an application with them, their response to the person should be for them to submit something in writing to the Planning Office or come speak on record at the meeting. Also, disclose to the Planning Office for the record that someone had tried to contact them about an application.

Colonel Welsh stated that this document would be a great reference to use when doing preparation work before meetings. It would be good to review periodically. He wishes that there was a Planning 101 course for all new members of the Planning Commission. It is a shame that there is not a statewide training held quarterly for new Planning Commission members throughout the state.

Mrs. Townshend stated for Colonel Welsh to bring that up to the APA.

Mr. Holt stated that during site visits for applications going to the Planning Commission, they may be confronted with the applicant who may try to sway votes. So members need to be careful when visiting the sites. He likes to visit the site to help visualize the proposal.

Mr. Baldwin questioned if the Bicycle & Pedestrian Sub-Committee sets up rules for bicycle traffic? Responding to Mr. Baldwin, Mrs. Townshend stated that it was all done at a State level but there was actually a Traffic Skills 101 class which is an all-day cycling skills class that will be held at DelDOT on October 26, 2013.

Mr. Baldwin questioned if the Police Department was involved in that training? Responding to Mr. Baldwin, Mrs. Townshend stated no, but they enforce the rules.

Colonel Welsh stated that he meant to thank Ms. Cornwell publicly last night at the conclusion of the meeting. He thanked her for being a pleasure to work with. He was sure that she would do well in the Kent County Planning Office.

Mrs. Townshend stated that they have been extremely blessed with Ms. Cornwell and Mr. Albert's quality of work and the professionalism. She hopes that the blessing moves forward.

Meeting adjourned at 5:30 PM

Sincerely,

Kristen Mullaney
Secretary

Townshend, Ann Marie

From: Inner City Cultural League <sanicaaf@comcast.net>
Sent: Thursday, September 05, 2013 12:38 PM
To: Townshend, Ann Marie
Subject: Request for Extension of Approved Site Plan Inner City Cultural League, Inc.

In accordance with City of Dover Code, this letter is a formal request to the Dover Planning Department/Planning Commission for an extension of the currently approved Site Plan S-11-21 dated December 4, 2012.

Please inform of your approval. Please *reply* to this email if additional information is required to effectuate this request.

Thank You,

Reuben Salters
Reuben Salters
President

Inner City Cultural League, Inc
54 S. Kirkwood Street
Dover, DE 19904
302 883 2180 Office
302 736 0101 Home
302 241 5813 Cell

MEMORANDUM

Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903
Phone: (302) 736-7196 Fax (302) 736-4217

DATE: September 5, 2013

TO: Planning Commission

FROM: Planning Office

SUBJECT: Request for Elimination of Upright Curbing
Administrative Site Plan
S-13-17 Lands of Rabail Enterprizes. LLC at 484 North DuPont Highway

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Attached is a Waiver Request for the Elimination of Upright Curbing at 484 North DuPont Highway. The use of the existing single family house is proposed to become a commercial use. The change of use/redevelopment of the site is currently under review as Administrative Site Plan S-13-17.

> S-13-17 Lands of Rabail Enterprizes, LLC at 484 North DuPont Highway – Administrative Site Plan for the construction of 1,350 SF +/- of new impervious surface. The property is zoned C-2A (Limited Central Commercial Zone). The site is located at the northwest corner of North DuPont Highway and Lakeview Drive. Property Owner: Rabail Enterprizes, LLC. Property Address: 484 North DuPont Highway. Tax Parcel: ED05-068.13-01-39.00-000.

Waiver Requested: Elimination of Curbing
Article 6 §3.6(b) requires upright curbing for all parking areas. The proposed parking lot which makes use of some areas of existing pavement does not incorporate curbing. A written waiver request for the elimination of curbing in these areas was submitted to the Planning Office for consideration by the Planning Commission citing the reasons of the management of stormwater drainage.

> Staff Recommendation: Planning Staff recommends approval of the request to eliminate the curbing for the parking lot. It appears that the elimination of curbing will assist is accommodating stormwater management. Parking bumpers must be utilized at the head of each parking space and the applicant is responsible for achieving project design approvals from DelDOT related to improvements along North DuPont Highway and the City of Dover – Department of Public Works related to the site entrance from Lakeview Drive.

Attachments: Letter of Request dated September 4, 2013
Existing Conditions Plan Sheet C-1
Proposed Site Plan Sheet C-2

PETITION TO AMEND AND ZONING DISTRICT
Public Hearing before the Planning Commission
September 16, 2013

Applicants/Owners:	Leg Hall, LLC
Address:	109 East Division Street
Location:	North Side of East Division Street and East of Pennsylvania Avenue
Tax Parcel ID #:	ED-05-077.05-02-55.00-000
Size:	11,340 SF +/-
Present Use:	Vacant Residence
Proposed Use:	Professional Office
Comprehensive Plan Designation:	Residential Medium Density
Present Zoning:	RG-1 (General Residence Zone)/H (Historic District Zone)
Proposed Zoning:	RGO (Residence and General Office Zone)/H (Historic District Zone)
Reason for Request:	To allow for conversion to professional office use
File Number:	Z-13-03

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: September 4, 2013

APPLICATION: Lands of Rhett Ruggerio, 109 East Division Street from RG-1/H to RGO/H

FILE#: Z-13-03 REVIEWING AGENCY: City of Dover Planning Office

CONTACT PERSON: Ann Marie Townshend, AICP PHONE#: (302) 736-7196

This rezoning application consists of one parcel of land totaling 11,340 square feet ±. The property is currently zoned RG-1 (General Residence Zone), subject to the H (Historic District Zone). The proposed zoning classification is RGO (General Residence and Office Zone), subject to the H (Historic District Zone). The property is owned by Leg Hall, LLC. The Tax Parcel Identification Number is ED-05-077.05-02-55.00-000.

Existing Property:
The subject property consists of one 11,340-square-foot parcel of land on the north side of East Division Street, just east of Pennsylvania Avenue. The property includes a house and garage. It is bounded on the north and east by alleys, and on the south by East Division Street.

Surrounding Land Uses:
The surrounding uses on the north side of East Division Street are residential. The properties immediately surrounding the subject property area zoned RG-1 (General Residence Zone) and are active residential properties. The properties to the south, across East Division Street, are a mix of uses and zoning classifications, including City park property that is zoned IO (Institutional and Office Zone), a former medical office that is zoned RGO (General Residence and Office Zone), and residential property zoned R-10 (One Family Residence Zone). All of the surrounding properties to the east, south and west are located within the H (Historic District) Zone. The adjacent properties to the north are located outside of the H (Historic District) Zone. There are a number of properties in the surrounding area that are zoned RGO (General Residence and Office), including the block of land bounded by East Division Street, North State Street, Delaware Avenue, and American Avenue; and properties southwest across East Division Street and west of Pennsylvania Avenue.

Comprehensive Plan:
In the *2008 Comprehensive Plan*, the Land Development Plan (Map 12-1 as amended, dated March 2012) designates this property as Residential Medium Density. The rezoning request for RGO is consistent with the recommendations for Land Use Classification for Residential Medium Density.

Request for RGO (General Residence and Office Zone)

The types of permitted uses in the RGO Zone are given in Article 3, Section 9 of the *Zoning Ordinance*. According to the *Zoning Ordinance*, Article 10, §5.7, the RGO Zone is a closed zone, except within the Downtown Redevelopment Target Area. The subject property is located within the Downtown Redevelopment Target Area. The permitted uses include the following: one family detached dwellings, duplex dwellings, multiplex dwellings, townhouses, rooming houses, garden apartments; and business, government or professional offices. The following conditional uses are permitted, subject to Conditional Use approval by the Planning Commission (*Zoning Ordinance*, Article 3, §9.14):

b. In order to stimulate limited commercial activity in this zone where the city's historic district overlay zone exists and to make this portion of the city's historic district a greater attraction to tourists and residents, the following list of preferred uses may be permitted as conditional uses, subject to the approval of the planning commission:
    i. Antique shops, art galleries, gift and card shops, book stores, specialty hobby stores (i.e., miniatures, models, needlecrafts), bakeries (including baking on premises), and restaurants.
    ii. Limitation of entrances from State Street only.
    iii. Total floor area of any one retail use is not to exceed 2,000 square feet.
    iv. Such uses will be subject to historic district requirements and will therefore require an architectural review certificate. Architectural review certificates for retail uses described above shall not be granted unless it has been demonstrated that the proposed use will result in either no material change to the exterior of the structure visible from State Street or will result in a restoration of the structure to an appearance which can be documented to more closely reflect the historical appearance of that structure. Material change would include modifications to doors, windows and masonry, other than routine maintenance.
    v. No parking shall be required for the retail user.
    vi. If new construction is proposed on State Street between Loockerman and Water Streets, the proposal must not require demolition or extensive modifications of any existing structure which presently contributes to the historic district because of its age or architectural appearance. In addition, the RG-O zone bulk and parking requirements would be waived in certain respects. Lot width and depth will be as appropriate to the site, subject to architectural review and site plan review. Setbacks will be discouraged. Side yards will reflect the needs of adjacent structures by providing adequate light and air to reach existing windows. The height limit of 35 feet or 2½ stories will be retained, as will the 85 percent lot coverage limit. The floor area ratio limitation will be raised to 1.0. The parking requirements will be waived.

c. Bed and breakfast inns, subject to the following:
    i. A bed and breakfast inn may only be established within a primary residential structure or in an associated accessory structure.
    ii. The owner of the property shall reside on the premises of the bed and breakfast inn or in an adjacent premises. However, if ownership of the property is in the name of a corporation, partnership, trust, etc., a full-time resident

manager/operator/innkeeper shall reside in the principal structure on the subject property or adjacent property.

iii. The principal structure shall contain at least one full bathroom for the exclusive use of the owner or resident manager and other members of the immediate household. In addition, one full bathroom shall be provided for each two guestrooms. Each full bathroom shall contain a minimum of one water closet (toilet), one lavatory (sink) and one bathtub or shower stall and shall comply with all applicable building and plumbing codes.

iv. The number of guestrooms requested shall be set forth in the application for conditional use. The planning commission shall expressly establish the maximum number of guestrooms permitted for any application for which approval is granted. In no case shall a bed and breakfast inn contain more than ten guestrooms.

v. Off-street parking shall be provided at a minimum of two spaces, plus one space per guestroom. Off-street parking shall be prohibited in the front yard, except that such parking which may be customarily accommodated on a single width driveway may be permitted. Required parking may be provided on the premises or off the premises, provided that such off-premises parking is located within 150 feet walking distance of the bed and breakfast property.

vi. Lot coverage for a bed and breakfast inn shall not exceed 60 percent of the lot.

vii. Signage is limited to one sign, not to exceed six square feet in area. Signs may be illuminated, provided that internally illuminated signs shall be prohibited.

viii. Meals may be served to residents and overnight guests only. No cooking appliances or kitchenettes shall be permitted within the guestrooms, except for small refrigerators and microwave ovens.

ix. The stay of overnight guests shall be limited to 30 consecutive days.

x. The owner/operator of a bed and breakfast inn shall maintain a current City of Dover business license and the establishment shall be inspected at least semi-annually by the City of Dover fire marshal and the City of Dover Health Inspector for compliance with all applicable life safety and health and sanitation codes.

Recommendation of the Planning Staff:

Staff recommends that the rezoning be granted as requested, as the proposed zoning is consistent with the *Comprehensive Plan* and generally compatible with the surrounding area, as there is RGO zoning present in the area, and the property is located on an arterial street. Staff notes that the property is surrounded by residential properties and recommends that the Planning Commission consider strongly the comments offered by owners of the surrounding neighborhood.

This recommendation is being made without that benefit of hearing the comments of surrounding landowners and residents. A public hearing is required on this matter and the Planning Commission should give those comments consideration.

ADVISORY COMMENTS TO THE APPLICANT:

1) Prior to establishing or changing any use or commencing with any demolition or construction

on the subject property, including renovations to the existing building, the applicant shall contact the Planning Office so that the appropriate review process can be determined and coordinated with other reviewing entities including the Fire Marshal's Office, Public Works, and the Chief Building Inspector. A Certificate of Occupancy will be required for the establishment of any new use within any of the buildings on the subject property.

2) If the property is proposed to be converted to office use, parking is required to be provided at a rate of one space per 300 square feet of floor area. This may require a Site Development Plan application and Architectural Review Certification.

   a) Based on the information provided by the applicant via e-mail on September 4, 2013, the floor area of the building is 1,689 square feet, which would require six parking spaces.
   b) The minimum dimension of a standard parking space is 9'x18'.
   c) One handicapped accessible parking space will be required, along with an accessible path of travel to the building.
   d) The Planning Commission has the authority to adjust parking requirements based on the provisions of the *Zoning Ordinance*, Article 6, §3.9 Adjustments to Parking Requirements. This property is located within the Downtown Redevelopment Target Area.

3) Any changes to the exterior of the building, including signage, are subject to Architectural Review Certification and the *Design Standards and Guidelines for the City of Dover Historic District Zone*.

4) All signage associated with the site is subject to Sign Permits issued in accordance with Article 5, Section 4 of the *Zoning Ordinance*.

5) The applicant shall be aware that approval of any rezoning application does not represent Site Development Plan or Record Plan approval. A separate Site Development Plan must be submitted and approved if development activities are proposed on the property. A separate Record Plan must be submitted and approved if changes to existing property lines are proposed.

6) The applicant shall be aware that approval of any rezoning application does not represent a Building Permit, Sign Permit, or other construction activity permit approval. A separate application submission showing all improvements is required before issuance of permits by the City of Dover.

7) All businesses operating in the City of Dover are required to obtain a City of Dover Business Licenses from the Licensing and Permitting Division located in City Hall.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Office as soon as possible.

City of Dover

DATA SHEET FOR CONDITIONAL USE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF September 4, 2013

PLANNING COMMISSION MEETING OF September 16, 2013

Plan Title:	Parke Green Galleries 325-331 South State Street C-13-08
Plan Type:	Conditional Use Plan
Property Location:	East side of South State Street between North Street and The Green
Property Address:	325-331 South State Street
Tax Parcel:	ED-05-077.09-05-26.00-000
Owner:	Henry R. Horsey
Lessee(s):	Susan S. Johnston, N Taylor Collins and Jan Crumpley
Site Area:	1800 SF ±
Present Use:	Office Building (vacant tenant spaces)
Proposed Use:	Art gallery and studio on the first floor
Sewer & Water:	City of Dover
Zoning Classification:	RG-O (General Residence and Office Zone) H (Historic District Zone)

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: September 4, 2013

CITY OF DOVER PLANNING

APPLICATION: Parke Green Galleries on the Green at 325-331 South State Street

FILE #: C-13-08 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Tracey Harvey PHONE #: (302) 736-7196

PLAN SUMMARY:

This Conditional Use Plan Review is to permit an art gallery and studio on the first floor in the existing office building located at 325-331 South State Street. The project area is on one parcel of land. The property for the proposed development is zoned RG-O (General Residence and Office Zone) and H (Historic District Zone). The property is located on the east side of South State Street between North Street and The Green. The owner of record is Henry R. Horsey. The lessee(s) are Susan S. Johnston, N Taylor Collins, and Jan Crumpley. The property address is 325-331 South State Street. Tax Parcel: ED-05-077.05-09-05-26.00-000.

The proposed use is for an art gallery and studio on the first floor of the existing building. Due to its location, this type of land use as retail requires Conditional Use approval by the Planning Commission as noted in Article 3 § 9.14 of the *Zoning Ordinance*.

Article 3 Section 9 General Residence and Office Zone

9.1 *Uses permitted.* In a general residence and office zone, no building or premises shall be used, and no building or part of a building shall be erected, which is arranged, intended, or designed to be used, in whole or in part, for any purpose, except the following:

9.11 Any use permitted in the general residence zone, except off-street parking accessory to uses in the central commercial zone (C-2).

9.12 Any use permitted in the RM-2 zone.

9.13 Business, professional, or governmental office on suitably landscaped lots.

9.14 The following uses are permitted, conditional upon the approval of the planning commission in accordance with the procedures and subject to the general conditions set forth in section 10.1 and to any specified requirements set forth below:

(a) After a building complex in this zone has reached a building space area of 100,000 square feet, then the following uses shall be permitted as conditional uses, subject to the approval of the planning commission: cafeterias,

restaurants, barbershops, beauty shops, travel agencies, banks, copy centers, coffee supplies, retail stores, newsstands and associated laboratory facilities.

(b) In order to stimulate limited commercial activity in this zone where the city's historic district overlay zone exists and to make this portion of the city's historic district a greater attraction to tourists and residents, the following list of preferred uses may be permitted as conditional uses, subject to the approval of the planning commission:

i. Antique shops, art galleries, gift and card shops, book stores, specialty hobby stores (i.e., miniatures, models, needlecrafts), bakeries (including baking on premises), and restaurants.

ii. Limitation of entrances from State Street only.

iii. Total floor area of any one retail use [is] not to exceed 2,000 square feet.

iv. Such uses will be subject to historic district requirements and will therefore require an architectural review certificate. Architectural review certificates for retail uses described above shall not be granted unless it has been demonstrated that the proposed use will result in either no material change to the exterior of the structure visible from State Street or will result in a restoration of the structure to an appearance which can be documented to more closely reflect the historical appearance of that structure. Material change would include modifications to doors, windows and masonry, other than routine maintenance.

v. No parking shall be required for the retail user.

vi. If new construction is proposed on State Street between Loockerman and Water Streets, the proposal must not require demolition or extensive modifications of any existing structure which presently contributes to the historic district because of its age or architectural appearance. In addition, the RG-0 zone bulk and parking requirements would be waived in certain respects. Lot width and depth will be as appropriate to the site, subject to architectural review and site plan review. Setbacks will be discouraged. Side yards will reflect the needs of adjacent structures by providing adequate light and air to reach existing windows. The height limit of 35 feet or 2½ stories will be retained, as will the 85 percent lot coverage limit. The floor area ratio limitation will be raised to 1.0. The parking requirements will be waived.

This Conditional Use is subject to the requirements of Article 10 §1 further discussed below. With Conditional Use applications, the Planning Commission reviews the proposed project to determine whether or not the intended use is appropriate in type and scale for the immediate neighborhood. The Commission must also consider whether or not the proposed use will have an adverse impact on the future orderly development of the surrounding area. The sections of the *Zoning Ordinanc*e which relate to the role of the Commission in reviewing Conditional Use applications are particularly relevant when reviewing this application:

Article 10 §1:

1.1 *Accessibility for emergency response.* That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;

1.2 *Harmony of location, size and character.* That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

1.3 *Residential zones.* That, in addition to the above, in the case of any use located in, or adjacent to, a residential zone:

1.31 The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and

1.32 The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of landscaping, and other improvements on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings

1.4 *Conditional use permits.*

1.41 *Conditional use approval.* Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

(A) The provision in this article under which such permit was issued is still in effect;

(B) Such permit was issued in conformity with the provisions of this article; and

(C) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

1.42 *Periodic renewal of conditional use permit.* The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following public notice and hearing in accordance with subsection 1.53. The commission may withhold approval of the renewal upon a determination by the city planner to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with.

Site Considerations

The site is an existing two story brick office building known as the Parke Building. The first floor (1,800 SF) will be utilized as an art gallery/studio. The second floor of the building will remain as apartments.

The existing building is located in the City's local Historic District and listed in the National Register of Historic Places Dover's Green Historic District (K-394.5). The building is within the

Historic District. Any exterior changes including signage are subject to the Architectural Review Certification process and compliance with the *Design Standards and Guidelines for the City of Dover Historic District Zone.* The following excerpt is from the National Register nomination:

> K-394.5: 3 The Green – Old Capitol Hotel – c. 1830; brick – Flemish bond, 2 story, 2 bay primary façade, 4 bay west façade. This plain flat roof structure has a large molded cornice and transom above its main façade door. There is a 1 ½ story, 6 bay brick winged on the north-west, State Street side. This wing is gable roofed with four gable dormers with cornice returns. This wing is in common bond, this bond extends into the main block. (c)

The Parke Building consists of four office spaces that are interconnected by interior doorways where each flows into the next and addressed from 325-331 South State Street (located on the same parcel). The north end of the building is currently occupied as office space and it will continue to occupy that space.

Parking
The RG-O zoning district does not require parking per Article 3 Section 9.14(b)v. of the *Zoning Ordinance* for retail users.

Bicycle Parking
Bicycle parking is not required as there is no off-street parking requirement.

Sidewalk
There is an existing sidewalk along South State Street. The sidewalk along South State Street extends from the curb to the building façade with entrances.

Trash Collection
The City Trash Collection requirements will need to be followed for trash collection.

Architectural Review Certificate
Staff has determined that an Architectural Review Certificate is not required as a part of this application as there are no proposed changes to the exterior of the building. If in the future changes are proposed to the exterior of the building an Architectural Review Certificate will be required and review may be required by the Historic District Commission. *Zoning Ordinance* Article 3 Section 9.1(b)iv.

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

CITY AND STATE CODE REQUIREMENTS:

1) A Site Data Column needs to be provided on the plan drawing and will need to include the following information prior to Final Approval:
   a) Any changes recommended or approvals by the Planning Commission.
   b) Indicate the amount of floor area to be utilized by the art gallery/studio.

c) Indicate the zoning for the property.
d) The address of the building needs to be added in the data column.

2) Provide an Owner's Certification note and signature line to plan sheet. See text below.

OWNER'S CERTIFICATION:

I, _____, hereby certify that I am the owner of the property described and shown on this plan, that the plan was made at my direction, and that I acknowledge the same to be my act and desire the plan to be developed as shown in accordance with all applicable laws and regulations.

DATE _____ SIGNATURE_____

Lessee's signature will need to be added to the plan sheet.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

None

ADVISORY COMMENTS TO THE APPLICANT:

1) Following Planning Commission approval of the Conditional Use Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Plan may be submitted for final endorsement.

2) The applicant shall be aware that the Conditional Use Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Any proposed site or building identification sign shall require a Sign Permit from the City of Dover prior to placement of any such sign.

3) The applicant shall be aware that the Conditional Use Plan approval does not represent a Building Permit and associated construction activity permits. A separate application process is required for issuance of a Building Permit from the City of Dover.

4) The applicant shall be aware that the Conditional Use Plan approval does not represent a Certificate of Occupancy, nor does it convey permission to occupy the building. A Certificate of Occupancy shall be obtained prior to the use of the building as the art gallery/studio.

5) Compliance with all appropriate Building and Fire Codes shall be required.

6) Any changes to the exterior of the building including signage are subject to Architectural Review Certificate and the *Design Standards and Guidelines for the City of Dover*

Historic District Zone.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: AUGUST 28, 2013

CITY OF DOVER
Electric &
Public Works
Departments

APPLICATION: **THE GALLERIES ON THE GREEN AT 325-331 S. STATE STREET**

FILE #: **C-13-08**

REVIEWING AGENCY: **City of Dover Electric and Public Works Departments**

CONTACT PERSON: **Steve Enss - Electric**
Jason A. Lyon, P.E. – Public Works

CONTACT PHONE #: **ELECTRIC - 302-736-7070 PUBLIC WORKS – 302-736-7025**

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is now available on the website at the following link: http://www.cityofdover.com/Public-Documents-4017/.

WATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
3. Due to the fact that this property is changing uses, water usage projections (peak demand or plumbing fixtures) must be submitted to our office to correctly determine if the size of the existing domestic and irrigation (if applicable) water meter for the building is sufficient. These projections must be submitted prior to approval so the meter size can be placed on the final site plan. If the meter needs to be changed, a waiver letter must be submitted to the Department of Public Works requesting a relaxation of the requirement that all water meters must be installed in a pit.

WASTEWATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
3. Sizing (flow) calculations must be submitted for all sanitary sewer laterals (other than for single-family dwellings) showing that velocity and all other requirements are met, to correctly determine if the size of the existing sanitary sewer lateral for the building sufficient. All proposed wastewater utility components must meet the requirements of the Water / Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

STORMWATER / SANITATION / STREETS / GROUNDS

1. None

GENERAL

1. The final site plan must be submitted in a digital format compatible with AutoCAD 2010 (.dwg format) and Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. None

WATER / WASTEWATER / STORMWATER / STREETS / GROUNDS / GENERAL

1. None

SANITATION

1. Due to the location of this property, please contact the Department of Public Works to set up a meeting concerning sanitation service.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER / WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS / GENERAL

1. None

GENERAL

1. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial Plan Submission Checklist, which can be obtained from the following website: https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal_1.pdf, page 88.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE:

CITY OF DOVER FIRE MARSHAL

APPLICATION: The Galleries on the Green at 325-331 S. State St.

FILE #: C-13-08 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: Jason Osika, Deputy Fire Marshal PHONE #: (302) 736-4457

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESS BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

Proposed building is mercantile. A consultation with the Fire Marshal and Building Inspector needs to be scheduled to review fire separation and/or the fire alarm system between the mercantile commercial area and the residential area.

Any gas fired HVAC equipment must be equipped with emergency cut off switches remotely located.

Address numbers of at least 12 inches in height must be placed on the street side of the building visible from the street.

Any natural or LP gas bottles, meters, values, regulators, etc., must have impact protection.

Building cannot be occupied or construction or renovations started until completion of building and fire plan review.

Knox Box required.

Project to be completed per approved Site Plan.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

After any application has been approved by the Planning Commission, the applicant has a maximum of thirty (30) days to appeal to the Code Board of Appeals Committee.

All comments from this office, approved by the Planning Commission are at the expense of the owner/applicant.

The proposed building will be reviewed under Business Occupancy.

The City of Dover uses the 2012 NFPA Life Safety Code, 2009 IBC, latest editions of all other NFPA Codes and the 2012 Delaware State Fire Prevention Regulations.

The Dover Fire Department request that a 8 ½ X 11 copy of the floor plan and site plan be submitted to Station 1, attention Fire Chief, prior to the Certificate of Occupancy being issued.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 28, 2013

D E L D O T

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APPLICATION: The Galleries on the Green at 325-331 South State Street
FILE#: C-13-08 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Julio F. Seneus PHONE#: 760-2145

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THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:

1. A direct access onto South State Street will not be granted for this project.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

- No work can occur within the State maintained right-of-ways without the proper permits.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the planning department as soon as possible.

KENT CONSERVATION DISTRICT
800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 (302) 741 2600 EXT. 3 • FAX (302) 741 0347

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
September 2013

APPLICATION: The Galleries on the Green
325-331 South State Street

FILE #: C-13-08

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *David C. Cahill* **PHONE #:** *741-2600 ext.3*

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. *Kent Conservation District has no objection to conditional use site plan of the above referenced site.*

ADVISORY COMMENTS TO THE APPLICANT:
The Following comments are advisory and apply to the development of a detailed site plan for this project.

1. *If at any time expansion or earth disturbing activity (clearing, grubbing tree clearing etc.) takes place and exceeds 5000 square feet; a detailed Sediment and Stormwater Management Plan must be submitted and approved to the Kent Conversation District.*

City of Dover

DATA SHEET FOR CONDITIONAL USE SITE PLAN REVIEW

DEVELOPMENT ADVISORY COMMITTEE MEETING OF September 4, 2013

PLANNING COMMISSION MEETING OF September 16, 2013

Plan Title:	W. Denneys Road Elevated Water Tank (Tower) for City of Dover C-13-10
Plan Type:	Conditional Use Site Plan Minor Subdivision Plan
Property Location:	South of West Denneys Road
Property Address:	4462 West Denneys Road
Tax Parcel:	ED-05-067.00-03-06.02-000
Owner:	First United Pentecostal Church
Equitable Owner (portion of parcel):	City of Dover
Present Zoning:	R-15 (One Family Residence Zone)
Existing Uses:	Existing Church Building and vacant land
Proposed Uses:	Same with Elevated Water Storage Tower
Site Area:	0.5165 acres (22,500 S.F.) parcel to be subdivided for tank location
Waiver Requested:	Subdivision Waiver of Requirement for Lot Frontage on a Public Street

City of Dover Planning Office

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: September 4, 2013

APPLICATION: W. Denneys Road Elevated Water Tank (Tower) for City of Dover

FILE #: C-13-10 REVIEWING AGENCY: City of Dover Planning

CONTACT PERSON: Dawn Melson-Williams, AICP PHONE #: (302) 736-7196

PLAN SUMMARY:
This application is for review of a Conditional Use Site Plan to allow for the construction of a 1.0 million gallon elevated water storage tower for the City of Dover to be located on the property at 4462 West Denneys Road. The project includes a Minor Subdivision Plan to subdivide a 22,500 S.F. parcel for the tower location. The property is zoned R-15 (One Family Residence Zone). The site is located south of West Denneys Road. The owner is First United Pentecostal Church of Dover. The equitable owner for a portion of the parcel is the City of Dover. Address of property: 4462 West Denneys Road. Tax Parcel: ED-05-067.00-03-06.02-000. Council District 1.

PROJECT PROPOSAL (Drawings dated 8/2/2013):
The application proposes construction of an elevated water storage tower for 1.0 million gallons of storage capacity. The tower consists of a cylindrical base support structure topped with a tank. The placement of the name "City of Dover" on the tank section is considered a public sign that identifies a public building/property under the Sign Regulations of the *Zoning Ordinance* and does not require a Sign Permit for placement. The tower is proposed for placement on a separate parcel of land to be subdivided from the larger tract of land that is currently developed as a church facility. The proposal includes a Minor Subdivision Plan to subdivide the 22,500 S.F. parcel for the tower facility.

MINOR SUBDIVISION
The procedures for subdivision of land are found in the *Land Subdivision Regulations*. Planning Staff confirms this application as a Minor Subdivision with information provided regarding proposed (and existing easements) to address the existing building and site improvements. Therefore, the Planning Commission may find the application is subject to one public hearing and review for action by the Planning Commission followed by the administrative process to complete the Final Plat for recordation.

For the Minor Subdivision Plan, the proposed parcels must be in compliance with the lot requirements of the *Zoning Ordinance.* The proposed lots appear to meet the setback and lot dimension requirements of parcels within the R-15 (One Family Residence Zone) Zoning District with the exception of the lot frontage requirement.

Waiver Request: Subdivision Waiver of Requirement for Lot Frontage on a Public Street

The *Land Subdivision Regulations*, Article VI. Subdivision - General Requirement Design Standards, E. Lots states the following:

> E. Lots
> 5. All lots in a subdivision shall have frontage on a public street.

Also per *Zoning Ordinance,* Article 8 Section 1.1, a Building Permit cannot be issued for the construction or alteration of any building upon a lot without frontage upon, or legal permanent access to a public street. The subdivision of the lot for the water tower in the rear of the property results in a lot without frontage on a public street. However the *Land Subdivision Regulations,* Article VII includes provisions for waivers to be considered by the Planning Commission who provides a recommendation to City Council for action. A written waiver request was submitted for consideration by the Planning Commission to waive the requirement for the new parcel to have Lot Frontage on a Public Street. See attached letter. A proposed cross access easement on the church property and an existing cross easement are proposed to provide permanent access from West Denneys Road to the water tower site parcel.

CONDITIONALUSE REVIEW

This subdivision of land and any future development or use of the parcels are subject to the requirements found in the City of Dover *Zoning Ordinance*, Article 3§1 and referenced sections outlined in the permitted uses for the R-15 (One Family Residence Zone). As per *Zoning Ordinance,* Article 3 §1.14(b), the construction of a public utility structure is subject to conditional use review by the Planning Commission.

> Article 3 Section 1.14
> (b) Railroad and public utility rights-of-way and structures necessary to serve areas within the city, subject to such conditions as the planning commission may impose in order to protect and promote the health and safety and general welfare of the community and the character of the neighborhood in which the proposed structure is to be constructed.

In addition the *Zoning Ordinance,* Article 5 §21. Public Utility Infrastructure states the following:

> Article 5, Section 21. Public utility infrastructure.
> Public utility infrastructure shall be permitted in all zones and generally exempt from the requirements of Article 4—Zoning Bulk and Parking Regulations, except as provided in this section.
> 21.1 *Setback.* The minimum setback for public utility structures shall be equal to the setback of the zone in which the structure is located.
> 21.2 *Fences.* Fences shall be limited to a maximum height of eight feet above ground.
> 21.3 *Site development plan required.* Site development plan approval in accordance with article 10, section 2 hereof shall be required prior to the issuance of building permits for the erection or enlargement of all structures and related accessory structures.
> 21.4 *Exceptions.*
> 21.41 Electric power generation facilities shall be subject to all zoning requirements.
> 21.42 Private communications antennas and towers shall not be considered public utility infrastructure under the provisions of this subsection, and shall be subject to all zoning requirements.

This Conditional Use is subject to the requirements of Article 10 §1 further discussed below. With Conditional Use applications, the Planning Commission reviews the proposed project to determine

whether or not the intended use is appropriate in type and scale for the immediate neighborhood. The Commission must also consider whether or not the proposed use will have an adverse impact on the future orderly development of the surrounding area. The sections of the *Zoning Ordinanc*e which relate to the role of the Commission in reviewing Conditional Use applications are particularly relevant when reviewing this application:

Article 10 §1:

1.1 *Accessibility for emergency response.* That all proposed structures, equipment or material shall be readily accessible for fire, ambulance, police, and other emergency response;

1.2 *Harmony of location, size and character.* That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the zone in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties;

1.3 *Residential zones.* That, in addition to the above, in the case of any use located in, or adjacent to, a residential zone:

1.31 The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, its site layout and its relation to access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to, or incongruous with, the said residential district or conflict with the normal traffic of the neighborhood; and

1.32 The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of landscaping, and other improvements on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings

1.4 *Conditional use permits.*

1.41 *Conditional use approval.* Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the district in which such use is located, provided that:

(A) The provision in this article under which such permit was issued is still in effect;
(B) Such permit was issued in conformity with the provisions of this article; and
(C) Such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

1.42 *Periodic renewal of conditional use permit.* The commission may require that conditional use permits be periodically renewed. Such renewal shall be granted following public notice and hearing in accordance with subsection 1.53. The commission may withhold approval of the renewal upon a determination by the city planner to the effect that such conditions as may have been prescribed by the commission in conjunction with the issuance of the original permit have not been, or are being no longer, complied with.

SITE CONSIDERATIONS

Flood Hazard Areas and Wetlands

The Flood Hazard Area (100 year floodplain) is to be depicted on the plan drawing. A location line is shown; however, the line does not appear to match the FIRM Panel. Flood Hazard Areas are to remain as natural open space as per *Zoning Ordinance,* Article 5 §11.21. Wetland areas are also to remain as permanent open space. The wetland area located on the parcel is less than the area size that requires a setback to be implemented from the wetlands (*Zoning Ordinance,* Article 5 §11.222).

Access

The water tank lot is accessed via cross access easements over existing entrance drive from West Denneys Road and through the drive aisles of the church parking lot. A paved drive connects to the

fenced area surrounding the water tower. With the six foot high chain link fence is a gravel drive and parking area for two vehicles.

Sidewalks
The project site has an existing sidewalk along the West Denney's frontage and along the entrance drive to the church parking lot.

Dumpster
The *Zoning Ordinance* does not include a Dumpster requirement for this type of facility. For this water tower project, the applicant has noted that as this facility is unmanned and that any refuse generated would be carry-in/carry-out by those servicing the tank facility.

PARKING SUMMARY
The *Zoning Ordinance* does not include a parking requirement specific to this type of use and it also does not meet the floor area threshold for requiring a loading space for governmental buildings. The Plan does include two parking spaces within the fenced area of the water tower for service vehicles.

Bicycle Parking
The project is not required to provide bicycle parking as there is no requirement for parking spaces.

TREE PLANTING AND LANDSCAPE PLAN
The submitted plan presents information on the existing trees on the property and the proposal for new tree plantings. Along the western property line of the water tower parcel is an existing 1,465 S.F. woodland area that is shown to remain. Based on the total non-woodland area of 21,035 S.F., a total of eight (8) trees are required. The plan lists the planting of eight (8) new trees thus meeting the requirement. The plantings include Sugar Maple trees and White Pines.

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

CITY AND STATE CODE REQUIREMENTS:

1) The Plan will need to be updated to reflect any changes recommended or approvals by the Planning Commission and City Council including the action taken regarding the subdivision waiver request.

2) Be consistent with the use of term on the plan drawings: water storage tank or water storage tower.

3) Record Plan (R1):
   a) The data column needs to be updated prior to Final Plan Approval. Some of the items which need revising are as follows:
      i) Check Owner of Record as it is listed differently on Sheet S1. Revise accordingly.
      ii) List of summary of overall parcel size, the water tower lot, and the residual lot.
      iii) List Current Use a vacant land and church facility.

iv) Add reference source for wetland information.
v) Provide FIRM Map Panel number and map date.
vi) Add a note to the Plan to provide information on any waivers granted by the Planning Commission and City Council including date of action.
vii) Remove Planning Commission signature block as it is not required for a Minor Subdivision Plan.
viii) Add location of right-of-way for the adjoining Covington Drive.
ix) Add zoning to drawing label of overall parcel.

4) The location of the Flood Hazard Area (100 year floodplain) is to be based on the FIRM Maps. If existing site conditions reveal a more detailed specific location of the floodplain then a LOMR (Letter of Map Revision) may need to be completed.

5) A copy of the final cross-easement and any other agreement documents must be submitted to the Planning Office upon recordation.

6) Sheet S1 – Site Plan:
   a) Check spelling in notes listing.
   b) Add graphic scale diagram.
   c) Label width of paved driveway leading to the water tower.
   d) Provide size dimension of the two parking spaces.
   e) Provide height of tower/tank structure.
   f) Add detail of fence (on Sheet S2).
   g) Clarify if fire hydrant to the south of the water tower will be located within the fenced area.

7) Sheet S2: Revise location of the silt fence to be outside of the woodland and wetland area. See location depicted on the Landscape Plan.

8) Sheet L1 – Landscape Plan:
   a) Check spelling in note listing.
   b) In Item #4 add that the Planning Office must also approve tree substitutions.
   c) Add graphic scale diagram.
   d) In Plant Schedule list White Pines size as 5'- 6' height.
   e) Update data column as noted in Comment #3.
   f) Add planting diagram for evergreen trees.
   g) Ensure tree plantings locations provide appropriate separation distances from utilities i.e. water, sewer, gas lines, etc.

<u>RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:</u>

1) <u>Waiver Request</u>: The following is the Staff recommendation regarding the waiver requests.
   a. <u>Subdivision Waiver of Lot Frontage on a Public Street:</u> Planning Staff recommends approval to waive the requirement to provide Lot Frontage on a Public Street for creation of this lot for the water tank. Staff finds that due to the location of the existing buildings and the existing layout of the property to achieve the Code required lot frontage on Denneys Road (the public street) would create a large irregular shaped lot. This proposal simplifies the parcel shape and presents a series of proposed easements

for access. The proposed parcel is adjacent to an existing sixty foot wide utility easement that could potentially become a future road extension of Covington Drive (previously anticipated in 2000 by Application C-00-02).

ADVISORY COMMENTS TO THE APPLICANT:

1) The Planning Commission will act upon waiver requests as part of any motion to approve this project, or as a separate motion if necessary. Note: All waivers are at the discretion of the Planning Commission. The Commission may approve or deny waiver requests.

2) Other agencies and departments which participate in the Development Advisory Committee may provide additional comments related to their areas of expertise and code requirements.

3) In the event, that major changes and revisions to the Conditional Use Site Plan and Minor Subdivision Plan occur in the finalization of the Plan contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Development Advisory Committee, Planning Commission, or other commissions making recommendations in regards to the plan.

4) Following Planning Commission approval of the Conditional Use Site Plan and the Minor Subdivision Plan, the Plan must be revised to meet all conditions of approval from the Development Advisory Committee or as otherwise noted. A Check Print must be submitted for review by Planning Office Staff. Upon determination that the Plan is complete and all agency approvals have been received, copies of the Final Plat may be submitted for final endorsement.

5) Upon final approval and endorsement, this Minor Subdivision Plan must be recorded at the Kent County Recorder of Deeds Office.

6) Construction may effect on the adjacent church property and site access. Any work requiring the closing or rerouting of owners or visitors to the property, nearby streets, and site access shall be coordinated with the Planning Office and other City Staff as to offer the least amount of inconvenience. It is recommended that construction access not occur via the adjacent residential subdivision.

7) The applicant/developer shall be aware that prior to any ground disturbing activities on the site the appropriate site inspections and permits are required.

8) The applicant shall be aware that Conditional Use Site Plan and Minor Subdivision Plan approval do not represent a Building Permit and associated construction activity permits. A Building Permit will be utilized as a tracking mechanism for the site improvements. A separate application process is required for issuance of a Building Permit from the City of Dover.

9) The applicant shall be aware that Plan approval does not represent a Sign Permit, nor does it convey permission to place any sign on the premises. Certain types of signage require a Sign Permit from the City of Dover prior to placement of any such sign; please consult with Planning Staff in regards to signage.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

STAFF D.A.C. MEETING DATE: AUGUST 28, 2013

CITY OF DOVER Electric & Public Works Departments

APPLICATION: **W. DENNEYS ROAD ELEVATED WATER TANK FOR CITY OF DOVER**

FILE #: **C-13-10**

REVIEWING AGENCY: **City of Dover Electric and Public Works Departments**

CONTACT PERSON: **Steve Enss - Electric**
Sharon J. Duca, P.E. – Public Works

CONTACT PHONE #: **ELECTRIC - 302-736-7070 / PUBLIC WORKS – 302-736-7025**

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS

ELECTRIC

1. Owner is responsible for following the requirements outlined in the City of Dover's Electric Service Handbook. The handbook is now available on the website at the following link: http://www.cityofdover.com/Public-Documents-4017/.

WATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. All water utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.
3. It is our understanding that there will be no domestic water use at this facility and that all infrastructure proposed will be for the operational purposes of the Public Water System. If this is not the case please provide clarification.
4. Sheet S1 indicates that a new twelve-inch (12") water main is to be installed. As such, please provide the following:
   a. Indicate on the plan that the existing eight-inch (8") water main must be abandoned at the main on West Denney's Road.
   b. Indicate on the plan the anticipated saw cut limits and pavement rehabilitation area on West Denney's Road. Construction details shall be provided in conformance with DelDOT Central District requirements.
   c. Please provide clarification as to the benefit of the proposed water main alignment. It appears as though the sanitary sewer main is off adequate depth to accommodate hydrant lead and service line crossing above the main. This would also allow for the proposed water main to stay consistently on the same side of the sanitary sewer main.
   d. Provide a material data table on the plan indicating the specific materials required such as Twelve-inch (12") Cement Lined Class 52 Ductile Iron Pipe and Darling Co. Five-foot (5') Bury B-62-B Breakaway Fire Hydrant.
   e. Provide a note on the plan indicating that a minimum cover of forty-eight (48") is required over all water mains.

WASTEWATER

1. Our office has no objection to the conditional use proposed for the subject property.
2. All wastewater utility components must meet the requirements of the Water Wastewater Handbook, effective date March 22, 2010. Please contact our office for more information.

3. It is our understanding that there will be no wastewater utility components proposed as part of this plan. If this is not the case please provide clarification.
4. The size, length, slope, type and flow directions must be shown on all existing and proposed sanitary sewer lines. Rim and invert elevations must be labeled on all sanitary structures, including cleanouts.

STORMWATER

1. Final site plan approval will not be granted until a copy of the approved Stormwater/Erosion and Sediment Control Plan from Kent Conservation District is submitted to our office.
2. The size, length, slope, type and flow directions must be shown on all existing and proposed storm sewer lines. Rim and invert elevations must be labeled on all stormwater structures.
3. Provide confirmation that the storm sewer lines to be rerouted will remain privately owned and maintained by the property owner (First United Pentecostal Church of Dover).

STREETS / SANITATION/ GROUNDS

1. None.

GENERAL

1. All existing utilities shall be adjusted to final grade in accordance with current City of Dover requirements and practices. This must be included as a note on the plan.
2. The final site plan must be submitted in the following compatible digital formats:
   a. AutoCAD 2004 (.dwg format).
   b. Adobe Reader (.pdf format).

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES

ELECTRIC

1. None

WATER / WASTEWATER / STORMWATER / STREETS / /SANITATION / GROUNDS / GENERAL

1. None.

ADVISORY COMMENTS TO THE APPLICANT

ELECTRIC

1. None

WATER

1. Prior to plan approval, the water system plans must be submitted to the Division of Public Health, Office of Drinking Water for review and approval. The owner/developer will be responsible for providing all completed forms and plan sets to the City of Dover as required for submission to the Office of Drinking Water. Plans will not be submitted to the Office of Drinking Water until review has been completed by our office.

WASTEWATER / STORMWATER / SANITATION / STREETS / GROUNDS

1. None

GENERAL

1. Construction plans will not be reviewed by our office unless all previous comments have been clearly addressed within the plan set and accordingly identified within an itemized response letter and with the Water/Wastewater Initial Plan Submission Checklist, which can be obtained from the following website: https://imageserv9.team-logic.com/mediaLibrary/198/WaterWastewaterHandbookFinal_1.pdf, page 88.

IF YOU HAVE ANY QUESTIONS OR NEED TO DISCUSS ANY OF THE ABOVE COMMENTS, PLEASE CALL THE ABOVE CONTACT PERSON AND THE PLANNING DEPARTMENT AS SOON AS POSSIBLE.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: August 28, 2013

D E L D O T

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APPLICATION: W. Denneys Road Elevated Water Tank for City of Dover
FILE#: C-13-10 REVIEWING AGENCY: DelDOT

CONTACT PERSON: Julio F. Seneus PHONE#: 760-2145

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THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY & STATE CODE REQUIREMENTS:

1. In order to be issued a Letter of No Objection (LONO), the department will require the applicant to provide the proper forms, fees, and plans.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:

ADVISORY COMMENTS TO THE APPLICANT:

- The applicant is required to obtain a utility permit from the DelDOT Central District for this project prior to performing any construction works within the right-of-way.

If you have any questions or need to discuss any of the above comments, please call the above contact person and the planning department as soon as possible.

KENT CONSERVATION DISTRICT
800 BAY ROAD SUITE 2 • DOVER, DELAWARE • 19901 (302) 741-2600 EXT. 3 • FAX (302) 741-0347

CITY OF DOVER
DEVELOPMENT ADVISORY COMMITTEE
APPLICATION REVIEW COMMENTARY
September 2013

APPLICATION: Denney's road elevated Water Tank

FILE #: C-10-10

REVIEWING AGENCY: *Kent Conservation District*

CONTACT PERSON: *David C. Cahill* **PHONE #:** *741-2600 ext.3*

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE. THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESSED BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. *Kent Conservation District has no objection to conditional use site plan of the above referenced site.*

The Following comments are advisory and apply to the development of a detailed site plan for this project.
ADVISORY COMMENTS TO THE APPLICANT:

1. If the land disturbing activities are less 5,000 square feet; the project is exempt from Delaware Sediment Stormwater regulations' and no permit is required.

2. Projects that are less than one acre of erosion and sediment control and stormwater management is not required; may be eligible for a commercial or residential standard plan approval. The standard plan and application must be reviewed and approved by the Kent Conservation District prior to any land disturbing activity (i.e. clearing, grubbing, filling, grading, etc.) taking place.

City of Dover

Waiver Request

Project Name:	W. Denneys Road 1.0 Million Gallon Elevated Tank
Tax Parcel Number:	ED-05-067.00-03-06.02
Address:	4462 W. Denneys Road, Dover, DE 19901
Planning Commission Meeting Date:	September 16, 2013

1. Elimination of the requirement for each Lot having Street Frontage

Code Reference:	The City of Dover Code of Ordinances, Appendix A, Article VI, Section E.5
Code Language:	*All lots in a subdivision shall have frontage on a public street.*
Justification for Waiver:	This property will only be utilized for the City of Dover, specifically the Department of Public Works. The need of street frontage is not necessary for the proposed use of this site. The property will not require any public services, additionally, the water storage tank will not be inhabited by any employees, therefore, the need for emergency services to the site is not necessary.

Respectfully Submitted,

Jason A. Lyon, P.E.
Water / Wastewater Manager
Department of Public Works
302-736-7025
jlyon@dover.de.us

City of Dover

Explanation of Sanitation Infrastructure

Project Name:	W. Denneys Road 1.0 Million Gallon Elevated Tank
Tax Parcel Number:	ED-05-067.00-03-06.02
Address:	4462 W. Denneys Road, Dover, DE 19901
Planning Commission Meeting Date:	September 16, 2013

1. Sanitation Infrastructure Explanation

Code Reference: The City of Dover Zoning Code, Article 5, Section 6.1

Code Language:

Location of trash receptacles or garbage disposal units. In all zones of the City of Dover (except in residential zones where standard City of Dover 90-gallon trash containers are used), all trash receptacles, garbage disposal units, and bulk recycling bins (excluding publicly operated recycling drop off centers), which shall be referred to collectively as "dumpsters" in this ordinance, are to be situated in order to allow safe and efficient access by trash collection vehicles, and shall be screened from public view. All dumpsters must comply with the following regulations:

6.11 Location and screening required. All dumpsters must be located in approved locations on the lot. Dumpsters may not be placed in designated parking spaces, fire lanes, or access ways. Outside storage of trash, cardboard, or shipping pallets is prohibited. A dumpster enclosure is required to screen the dumpster from view whenever these units are situated so that they will be visible from any public right-of-way or from an adjacent property.

6.12 Minimum dumpster pads required. All sites must have provisions for the minimum amount of dumpster pads based on the following table. A dumpster pad shall be provided for each dumpster present on the site. A concrete surface shall be provided to place each dumpster on (unless the pad is reserved for future use). The minimum dimensions for a dumpster pad are 12 feet deep and 12 feet wide. Uses not specified in the table must have dumpster capacity adequate for their needs.

SCOTT ENGINEERING, INC.
Consulting Engineers • Surveyors • Land Planners

RECEIVED
SEP 4 - 2013
CITY OF DOVER
PLANNING & INSPECTIONS

September 4, 2013

Ms. Dawn Melson-Williams
City of Dover
Department of Planning & Inspections
P.O. Box 475
Dover, DE 19903

RE: Rabail Enterprize, LLC
484 N. DuPont Highway
Dover, DE 19901
Tax Map Parcel No. ED-05-068.13-01-39.00-000

Dear Dawn:

On June 24, 2013, our firm submitted a proposed improvements plan for the above referenced site in order to show additional parking that was required in order to meet the City's zoning regulations. Based upon a review of the plan by the DAC, it was recommended that curbing be installed in the parking area of the site. We are requesting, on behalf of our client, that a waiver be granted for the requirement to install curbing for this project. However, it is my understanding that, although this plan met the requirements for an administrative review, the Planning staff does not have the ability to grant a waiver request for the curbing and that the waiver request can only be granted by the Planning Commission.

We are requesting that a waiver for installing the curbing be granted and that this request and plan be submitted to the Planning Commission for their review and action at their September 16, 2013, meeting. The reason for the request is to allow for proper stormwater drainage and management. Presently, all grass areas of the site essentially drain to the existing drives and catch basins near the front of the site, with the exception of a small area at the rear of the property that drains to the alley. In addition, portions of Route 13 drain into the site. If curbing is installed around the perimeter of all parking areas and drives it will require the grade behind all curbing to be raised a minimum of 6" and will essentially trap water behind the curbing and not allow stormwater to drain to the location it presently drains. Installing curbing will significantly impact the drainage patterns and impede the drainage on the site.

For your use and consideration, I am enclosing twelve (12) copies of the Existing Conditions Plan and Proposed Site Plan for the proposed improvements at the above referenced site along with a CD with the PDF files of the plans. Should you need additional information or have any questions please let me know.

Sincerely,

SCOTT ENGINEERING, INC.

Gregory R. Scott, P.E.

22 Old Rudnick Lane • Suite 2 • Dover, Delaware 19901 • Tel.: 302-736-3058 • Fax: 302-736-3059
info@scottengineering.com • www.scottengineering.com

Justification for Waiver: This project is proposing the construction of an elevated water storage tank. No offices will be located within the tank, therefore, no refuse will be created. Any and all refuse that would be present would be from packaging of materials needed for the functioning of the tank, and would be a carry-in, carry-out scenario.

Respectfully Submitted,

Jason A. Lyon, P.E.
Water / Wastewater Manager
Department of Public Works
302-736-7025
jlyon@dover.de.us

West Denneys Road
1.0 MG Elevated Water Storage Tank

August 22, 2013

Dear Valued City of Dover Customers,

The City of Dover has submitted an application to the City of Dover Planning Commission for the construction of a new Elevated Water Storage Tank (EWST), on the property of 4462 West Denneys Road. A public hearing has been scheduled for Monday, September 16, 2013, 7:00 p.m. in the City Council Chambers of City Hall 15 Loockerman Plaza, Dover. The City of Dover will be experiencing increased demand in the near future which merits the need for this tank. This project will provide the following: improved water quality, improved water pressure, improved available capacity, increased system reliability and improved fire protection.

If this project is approved by the Planning Commission, services to you will not be affected during the construction phase of this project. All disturbances will occur on the 4462 West Denneys Road property. The awarded contractor will be responsible for proper erosion and sediment control, including limiting dust and containing all sediment to the project site.

We want you to know that the City has made a concerted effort investigating, and addressing, the water concerns of the residents of the City of Dover. An extensive Water System Master Plan was developed in 2006 outlining recommendations for improving our water system. One such project was the construction of a 1.0 million gallon EWST.

An exhibit on the extent of this project is on the opposite side of this page for your convenience. On behalf of the City of Dover Department of Public Works, we would like to sincerely thank you for your cooperation with this improvement project. If you have any questions or concerns, please don't hesitate to contact me, my phone number is below.

Sincerely,

Jason A. Lyon, P.E.
Water / Wastewater Manager
City of Dover
Department of Public Works
Phone: 302-736-7025
E-mail: jlyon@dover.de.us



Figure 1: Schematic View of Proposed Water Tower



Figure 2: Proposed Site Location

WEST DENNEYS ROAD
1.0 MG ELEVATED WATER STORAGE TANK

AUGUST 22, 2013

Dear Valued City of Dover Customers,

The City of Dover has submitted an application to the City of Dover Planning Commission for the construction of a new Elevated Water Storage Tank (EWST), on the property of 4462 West Denneys Road. A public hearing has been scheduled for Monday, September 16, 2013, 7:00 p.m. in the City Council Chambers of City Hall 15 Loockerman Plaza, Dover. The City of Dover will be experiencing increased demand in the near future which merits the need for this tank. This project will provide the following: improved water quality, improved water pressure, improved available capacity, increased system reliability and improved fire protection.

If this project is approved by the Planning Commission, services to you will not be affected during the construction phase of this project. All disturbances will occur on the 4462 West Denneys Road property. The awarded contractor will be responsible for proper erosion and sediment control, including limiting dust and containing all sediment to the project site.

We want you to know that the City has made a concerted effort investigating, and addressing, the water concerns of the residents of the City of Dover. An extensive Water System Master Plan was developed in 2006 outlining recommendations for improving our water system. One such project was the construction of a 1.0 million gallon EWST.

An exhibit on the extent of this project is on the opposite side of this page for your convenience. On behalf of the City of Dover Department of Public Works, we would like to sincerely thank you for your cooperation with this improvement project. If you have any questions or concerns, please don't hesitate to contact me, my phone number is below.

Sincerely,

Jason A. Lyon, P.E.
Water / Wastewater Manager
City of Dover
Department of Public Works
Phone: 302-736-7025
E-mail: jlyon@dover.de.us



Figure 1: Schematic View of Proposed Water Tower



Figure 2: Proposed Site Location

Public Comment

Townshend, Ann Marie

From:	jlhutch9595@yahoo.com
Sent:	Tuesday, September 03, 2013 12:02 PM
To:	Townshend, Ann Marie
Subject:	Fw: Water Tower Construction
Attachments:	DoverLetterwatertank1.jpg; DoverLetterwatertower2.jpg; DoverLetterwatertower3.jpg

Please call about this matter. Hutch
Sent from my Verizon Wireless BlackBerry

From: Glendadover@aol.com
Date: Tue, 3 Sep 2013 11:47:33 -0400 (EDT)
To: <jlhutch9595@yahoo.com>
Subject: Water Tower Construction

Mr. Hutchinson recently 5 residents of the Maple Glen Subdivision received the attached letter from the Planning Board about a Water Tower being constructed 200 feet from their property.

The Water Tower would not only effect the Property Values of these 5 homes but all of the residents of Maple Glen and the surrounding area of McKee and W. Denney's roads.

The residents of Maple Glen would like your help and support to make sure that this Tower us not built that close to this residential area.

Please give us your support and attend the Sept. 16th meeting of the Planning Board.

Sincerely

Glenda Vreeland, HOA Board Member.

Melson-Williams, Dawn

From: Townshend, Ann Marie
Sent: Wednesday, September 04, 2013 9:59 AM
To: Glendadover@aol.com
Cc: Hutchison, James L.; Lyon, Jason A; Duca, Sharon; Koenig, Scott; Melson-Williams, Dawn; Dietz-Sass, Kay
Subject: City of Dover Water Tower - Application to Planning Commission

Ms. Vreeland,

Councilman Hutchison forwarded me your e-mail and requested that I respond. As you are aware, on September 16, 2013, the Planning Commission will consider a Conditional Use application (C-13-10) for an elevated water tank located just south of Denney's Road. Several property owners in Maple Glen received the mailed notice that goes to property owners within 200 feet of the subject property.

The need for the proposed water tank was identified in the City's 2006 Water Master Plan, and after further evaluation , the proposed site was identified 2008. The proposed tank is necessary to support the water needs of the area.

The Planning Office will forward your concerns to the Planning Commission for them to consider during the Public Hearing on September 16, 2013. I would urge you to contact Jason Lyon, the City's Water/Wastewater Manager with any specific questions you may have about the proposed tower. Jason can be reached by phone at (302) 736-7025 or by e-mail at jlyon@dover.de.us.

Regards,

Ann Marie Townshend, AICP
Director, Planning & Community Development
City of Dover
P.O. Box 475
Dover, DE 19903

(302) 736-7196 (Phone)
(302) 736-4217 (FAX)