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