SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee Meeting was held on May 29, 2013, at 5:00 p.m. with Chairman Hutchison presiding. Members present were Mr. Dixon (arrived at 5:10 p.m.), Mr. Davis, and Mr. Keller. Mr. Perza was absent.

AGENDA ADDITIONS/DELETIONS

Mr. Keller moved for approval of the agenda, seconded by Mr. Davis and unanimously carried.

Planned Neighborhood Design: Senior Citizen Housing Option - Luther Village III

Mrs. Dawn-Melson Williams, Principal Planner, advised members that a Conditional Use Site Plan application was received for property located east of John Hunn Brown Road and on the west side of Babb Drive, owned by Martin Luther Foundation of Dover, which proposed the development of Luther Village Planned Neighborhood Design - Senior Citizen Housing Option consisting of 524 age-restricted apartment units in a total of nine (9) phases. It was previously established by application C-02-02, and Luther Village Phases I and II (total of 100 apartment units) have been constructed (Applications S-03-07 and S-07-10). The project also includes the Site Plan for Luther Village Phase III, which consists of the construction of a four (4) story apartment building with 48 units (age-restricted), the construction of a one (1) story 3,566 S.F. resident activity room, and associated site improvements. The plan also includes a Minor Subdivision to create a parcel of land for Phase III from the existing 29.8 acre$^{+/-}$ parcel owned by the Martin Luther Foundation of Dover (Phases I and II already exist on individual parcels).

At their May 20, 2013 meeting, the Planning Commission conducted a public hearing and took action to grant conditional approval for the overall Luther Village Planned Neighborhood Design - Senior Citizen Housing Option and the Site Plan for Phase III. The Planning Commission also made recommendations for approval of the waiver requests for the subdivision waiver of the requirement for lot frontage on a public street and for elimination of the rear emergency access requirement.

Request for Waiver of Appendix A - Subdivisions, Article VI - Subdivision General Requirements and Design Standards, Section E - Lots (5) Requirement for Lot Frontage on a Public Street

Mrs. Dawn-Melson Williams, Principal Planner, reviewed a Petition to Waive Subdivision Standards for Luther Village Planned Neighborhood Design - Senior Housing Option - Luther Village III (C-13-03). She explained that a Minor Subdivision Plan is associated with this project that proposes to subdivide a 2.85 acre parcel from the 29.8 acres of the overall Luther Village remaining parcel. This subdivision includes the Phase III apartment building and the immediately surrounding area. The proposed parcel for Luther Village Phase III is within the larger tract of land and therefore will not have frontage on a public street. She noted that the waiver would allow the subdivision of the parcel to create a parcel for Phase III without public street frontage but with access to the public street as established by an easement across the adjacent property (Lands of Martin Luther Foundation of Dover).

Staff recommended approval of the waiver to allow for creation of a parcel without street frontage, noting that the main parcel of the complex, including the entrance, maintains frontage along a public street. The creation of this parcel focused on Phase III is necessary to comply with funding and/or ownership requirements for the project. Similar waivers were approved for Phase I and Phase II.

The Planning Commission recommended approval of the subdivision waiver of the requirement of lot frontage on public street for the Minor Subdivision Plan associated with C-13-03.

Mr. Davis moved to recommend approval of the subdivision waiver of the requirement of lot frontage on a public street for the Luther Village Planned Neighborhood Design - Senior Citizen Housing Option - Luther Village III, as recommended by the Planning Commission. The motion was seconded by Mr. Keller and unanimously carried.

Request for Waiver of Appendix B - Zoning, Article 5 - Supplementary Regulations, Section 17 - Emergency Access Requirements

Mrs. Dawn Melson-Williams, Principal Planner, reviewed a Petition to Waive Emergency Access Requirements for Luther Village Planned Neighborhood Design - Senior Housing Option - Luther Village III (C-13-03). She advised members that the Zoning Ordinance requires a 24-foot primary fire lane to provide emergency access to the rear of the four (4) story apartment buildings (Article 5 §17.5(a)). The applicant is requesting a waiver for the elimination of this requirement. The building has fire protection requirements under the Fire Codes including the following: a required the building to be sprinklered, a requirement for a primary fire lane for the primary entrance and exit side of the building, and fire lane coverage required for 35% of the building.

Staff recommended approval of the waiver request to eliminate the emergency rear access for apartment units, finding that the building would be sprinklered and would include other required fire lane coverage.

The Planning Commission recommended approval of the waiver to eliminate the Emergency Rear Access Requirement for the apartment buildings.

Mr. Davis expressed his concern regarding waiving the requirement for a 24-foot primary lane for rear access for the Fire Department, noting that the Fire Marshal had reviewed the plan and included comments but did not make a recommendation.

Mrs. Melson-Williams explained that this requirement was part of the Zoning Ordinance relating to emergency access provisions that list requirements for certain types of housing units and requirements for apartment buildings depend on the number of stories. She stated that the plan meets all Fire Code requirements and that the Fire Code includes provisions for a means of egress from the building.

Mr. Davis stated that his concern was the age of the proposed inhabitants, noting that egress from the building would not be as quick as if it were a standard apartment building with multi-age groups. He was concerned that fire trucks would not have access if there were a fire at the rear of the building.

Mr. Hutchison stated his belief that the required sprinkler system would reduce risk.

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that the project would receive federal funding; therefore, federal requirements for housing inspections must be met in addition to City requirements. The City is required to comply with State fire prevention regulations, which are developed by the State Fire Commission, and National Fire Protection Association (NFPA) 2012 standards, which are developed by technical experts. She advised members that the Zoning Ordinance provisions were another level of requirements and that staff had had some discussions questioning whether these City requirements were needed. She confirmed that all Fire Code requirements for the project had been met.

Mr. Hutchison stated that he was more than satisfied with the project based upon the recommendations of staff and the Planning Commission.

Mr. Davis moved to recommend approval of the waiver to eliminate the emergency rear access requirement for the Luther Village Planned Neighborhood Design - Senior Citizen Housing Option - Luther Village III, as recommended by the Planning Commission. The motion was seconded by Mr. Keller and unanimously carried.

UPDATES

Dover High School Pedestrian Study

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that the Delaware Department of Transportation (DelDOT) had approved a HAWK System pedestrian-activated signal for the intersection of Route 8 and Heatherfield Way. She noted that the gaps in the sidewalk on the north side of Route 8 must be addressed in order to utilize the signal and there was an additional gap on the south side. She stated that staff had worked with DelDOT, Senator Bushweller, and the State Budget Office to have funding allocated to install sidewalks on the north side of Route 8. Mrs. Townshend noted her concern that this project had been included in DelDOT's budget for the next fiscal year and she was anxious to expedite it. She indicated that she was notified that this project would be completed by DelDOT in-house rather than being contracted out, and DelDOT's Traffic Solutions Branch was performing sidewalk design work and would manage construction. She noted that DelDOT was aware of time constraints and the priority of the project. Mrs. Townshend explained that, in a conversation with the State Budget Director, she was able to use information provided by the Capital School District indicating that the minimum cost to bus students who live just north of Route 8 would be more than $75,000 per year; therefore, an investment of $0.5M in sidewalk installation would pay for itself relatively quickly. She stated that obtaining public involvement would be necessary for both the sidewalk and the traffic signal projects, and this would probably occur in the Fall of 2013.

In response to Mr. Hutchison, Mrs. Townshend stated that she would have an opportunity to see a HAWK signal in operation in Newark next month as she had a meeting scheduled in that area in June.

Responding to Mr. Dixon, Mrs. Townshend explained that public involvement would probably include holding a public workshop and providing public notice to property owners in the area to make them aware of the project and allow them to express concerns. She stated that she would keep members apprised regarding this matter.

Mr. Keller noted that he would prefer to see a traditional traffic signal at the location and encouraged the City to keep this issue "in the crosshairs." Responding, Mrs. Townshend explained that the legislators had expressed the same concern. She noted that once the signal design and the infrastructure in the road were complete, it would be easy to change to a conventional signal and that staff would continue to advocate for this.

Report from Bicycle and Pedestrian Subcommittee

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that the Bicycle and Pedestrian Subcommittee had continued to meet for several months and was working on completion of a City application to the American League of Cyclists in July for a Bike-Friendly Community designation, noting that this application would be due in July. She indicated that the Subcommittee hoped to receive at least honorable mention, noting that Newark and Lewes received honorable mention when they first applied, received ideas for improvement, and reapplied before receiving the bike-friendly designation. Mrs. Townshend informed members that the Subcommittee had also planned a Bike to Work Day in conjunction with the Delaware Department of Transportation (DelDOT). City employees were invited to participate and Mrs. Townshend stated that she was pleased with the turnout for this first-time event, noting that approximately 35 people participated including more than seven (7) City employees. She hoped to build on this next year by involving the Department of Natural Resources and Environmental Control (DNREC).

Mr. Hutchison stated the importance of promoting bicycle safety.

In response to Mr. Keller, Mrs. Townshend explained that a Bike-Friendly Community designation would be helpful in promoting the City and attracting others to the community. She noted that the State had begun work on the first phase of the Capital City Trail near Family Court and that projects like this would make the City more bicycle friendly.

Mr. Davis moved for adjournment, seconded by Mr. Keller and unanimously carried.

Meeting adjourned at 5:22 p.m.

James L. Hutchison, Sr.
Chairman

JLH/js
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