CITY OF DOVER PLANNING COMMISSION
May 20, 2013

The Regular Meeting of the City of Dover Planning Commission was held on Monday, May 20, 2013 at 7:00 PM with Chairman Colonel Welsh presiding. Members present were Mr. Holden, Mr. Shomo, Mr. Tolbert, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Still, Mr. Ambruso and Colonel Welsh.

Staff members present were Mrs. Townshend, Mrs. Melson-Williams, Ms. Cornwell, Ms. Duca and Mrs. Mullaney. Also present were Mr. Gregory Moore, Mr. Walter McEvilly, Mr. Keith Kooker and Mr. Doug Liberman. Also speaking from the public were Mr. John Grady, Mr. Ken Richter, Mr. Gary Coy and Mr. Jim Galvin, Mr. Bobby Wilson and Mr. Tolano Anderson.

APPROVAL OF AGENDA

Mrs. Townshend stated that in making a motion to approve the agenda, Commission members should acknowledge the correspondence from North Point Engineering requesting that S-13-11 Woodmill Apartments be withdrawn from this evening's agenda and placed on next month's agenda.

Mr. Tolbert moved to approve the agenda as submitted, seconded by Dr. Jones and the motion was unanimously carried 9-0.

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

Mr. Ambruso moved to approve the Planning Commission minutes of April 15, 2013, seconded by Ms. Still and the motion was unanimously carried 9-0.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Planning Commission Quarterly Workshop scheduled for Tuesday, May 21, 2013 at 4:00pm in the City Hall Conference Room is canceled.

Mrs. Townshend stated that the next Planning Commission meeting will be held on Monday, June 17, 2013 at 7:00PM in the City Hall Council Chambers.

Mrs. Townshend stated that each Commission member received a flyer about the "Pedestrian and Bicycle Planning Webcast and Local Value Added Session" being held on June 5, 2013 from 4:00pm to 7:00pm at the Milford Public Library. The Webcast is by the National American Planning Association; it is about planning for bicyclists and pedestrians. Following the national Webcast they will have local speakers: Rich Vetter from the Dover/Kent County MPO; Gary Norris, Planner for the City of Milford; and Mary Betts from the City of Milford Parks and Recreation Department. Mr. Vetter will be talking about the Kent County Bike Plan; Mr. Norris and Mrs. Betts will be talking about the Milford Riverwalk. The cost is $10.00 for Planning Commission members because they are non-members of APA, but the City can pay the fee.

Mrs. Townshend stated that the next Webcast will be the "2013 Planning Law Review" which will be held on Wednesday, June 26, 2013 from 4:00pm to 5:30pm at the Kent County Building. This is a national look at the court decisions affecting planning.

Mrs. Townshend provided an update on the regular City Council and Utility Committee meetings held on April 22, 2013 and May 13, 2013.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval:
   a) S-11-07 Weston Drive Property: Mini-Storage Facility – Request for a second one year extension of the Planning Commission approval granted May 16, 2011 for a Site Plan of the construction of three mini-storage buildings for a total of 16,800 S.F. of new buildings and other associated site improvements at 200 Weston Drive. The property is 5.36 acres ± and is zone IPM (Industrial Park/Manufacturing Zone). The property is located at the north end of Weston Drive. The owner of record is Stoltzfus Mast, LLL. Property Address: 200 Weston Drive. Tax Parcel: ED05-076.08-01-11.01-000. Council District 4. *Previously, a one year extension was granted on May 21, 2013 by the Planning Commission.*

Representative: None

Mr. Tolbert questioned the limit on granting extensions? Responding to Mr. Tolbert, Mrs. Townshend stated that it is a total of three (3) years.

Mr. Ambruso moved to grant approval of a second one year extension for S-11-07 Weston Drive Property: Mini Storage Facility, seconded by Mr. Holt and the motion was unanimously carried 9-0.

   b) S-11-08 Loockerman East: Lands of Hub Associates, LLC – Request for a second one year extension of the Planning Commission approval granted May 16, 2011 for a Site Plan for the redevelopment of four parcels of land (to be consolidated) in order to construct a 92 room hotel, an 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 4.26 acres ± and is zoned C-4 (Highway Commercial Zone) and C-PO (Commercial/Profession Office Development District). The property is located at the southwest corner of South DuPont Highway and Loockerman Street. The owners of record are Hub Associates, LLC and A&G Kramedas Associates. Property Addresses: 514 East Loockerman Street, 516 East Loockerman Street, 554 East Loockerman Street, and 222 South DuPont Highway. Tax Parcels: ED05-077.06-01-62.00-000, ED05-077.06-01-63.00-000, ED05-077.06-01-64.00-000 and ED05-077.06-01-87.00-000. Council District 2. *Previously, a one year extension was granted on May 21, 2012 by the Planning Commission.*

Representative: None

The Planning Commission had no questions on the request.

Dr. Jones moved to grant approval of a second one year extension for S-11-08 Loockerman East: Lands of Hub Associates, LLC, seconded by Mr. Shomo and the motion was unanimously carried 8-0 with Mr. Holden abstaining from the vote due to his employer working on this project.

2) Review of Development Application:
   a) S-13-05 Lands of KGH Development Corporation at 625 South State Street – Continuation of the Review of a Site Plan for the extension of the existing parking lot for an additional 130 parking spaces located at 625 South State Street and 100 Scull Terrace. The property is zoned IO (Institutional and Office Zone) and a portion of the property is subject to the SWPOZ (Source Water Protection Overlay Zone) Tier 1 – Wellhead Protection Area and Tier 3 – Excellent Recharge Area. The property is located on the east side of South State Street in the block between South Street and Hope Street. The owners of record are KGH Development Corporation and Central DE Surgery Center. Addresses: 625 South State Street, 100 Scull Terrace, and 150 Scull Terrace. Tax Parcel: ED-05-077.13-01-51.00-000. Council District 2. *Waiver Requested: Partial Elimination of Curbing and Consideration of Joint Parking Facilities. At the April 15, 2013 meeting, the Planning Commission tabled this application seeking additional information at their April 15, 2013 meeting.*

Representatives: Mr. Gregory Moore, Becker Morgan Group; Mr. Walter McEvilly, Bayhealth Medical Center

Mrs. Melson-Williams stated that this application began its review process at last month's meeting. At that time the Planning Commission took action to defer their action on this application seeking some additional information regarding the applicant speaking with their adjoining property neighbor the Holy Cross Church. At the April meeting, the Public Hearing was conducted and closed on the application.

Mrs. Melson-Williams stated that the application is a Site Plan for development of some parking lots on the property at 625 South State Street. The property may be known to most people as the Scull Mansion property. There is an existing office building being the Mansion House that the Hospital utilizes. Also on the property is the Outpatient Surgery Center and then in the far back the day care facility. There is existing parking that exists on the site that was previously developed. With this project, they are looking to expand that parking in several locations on the site but continuing to use what is the shared access drive from South State Street, named Scull Terrace that serves this property as well as serves as the entrance to the Holy Cross Church. The project is a Site Plan so they presented the locations of the parking, tree planting and preliminary plans for stormwater management on the site.

Mrs. Melson-Williams further stated that the project does include two (2) waiver requests. One is for the partial elimination of curbing in areas to facilitate stormwater management and also the consideration of a joint parking facilities provision to look at the parking for the Bayhealth Medical Campus as a Campus Plan involving this property as well as other holdings of Bayhealth including the main Hospital block and other parking lots located along Hope Street, South Street and South Governors Avenue. This was all outlined in the DAC report. Also in that report were the comments from the various agencies. The Planning Commission took action to postpone the application seeking some input from both the Hospital and the Holy Cross Church to meet and discuss the project. Commission members have several pieces of correspondence dealing with the meetings that were held between the two entities. There is a letter dated May 17, 2013 addressed to the Planning Commission on letterhead from Grady and Hampton, LLC regarding the meeting that was held between the two entities. That letter refers to a letter of May 16, 2013 that the Hospital by way of their lawyers Stevens and Lee outlined their information and then a subsequent letter dated

May 20, 2013 also by the Hospital's attorneys Stevens and Lee that is a response to the letter of May 17, 2013 from Grady and Hampton, LLC. These letters reflect some of the happenings since the Planning Commission meeting held in April 2013.

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

Mrs. Townshend stated that the Commission members have a letter dated May 17, 2013 to the Planning Commission from Mr. Grady and attached to that is a letter from Stevens and Lee to Holy Cross Church. There is also a letter dated May 20, 2013 to the Planning Commission in response to Mr. Grady's letter. In terms of summary, the letter today from Mr. McEvilly on behalf of Kent General summarizes the three (3) points and where Kent General stands on the three (3) points. Kent General is willing to eliminate the parallel parking on the south side of the entrance road; however, they do not see a need for additional signage associated with the shared parking easement stating that the spaces are available to both Holy Cross Church and Bayhealth.

Mrs. Townshend stated that the Public Hearing has been closed on this matter but if the Commission members have any questions regarding the letters, they can ask questions.

Mr. Holt stated that it looks like Holy Cross Church and Bayhealth have agreed upon the general parking plan for that area, according to the last letter from Stevens and Lee. He questioned if that were the case? Responding to Mr. Holt, Mr. Moore stated that the two big issues are the parking that currently exists on the entrance road as you come in the drive. There is some parallel parking along the right hand side. By the Hospital agreeing to move those spots, it allows clearer flow access for the patrons coming into the Holy Cross Church to make that right hand turn. It is easier; there is more space and there is no conflict with any cars which helps especially buses in the morning. There are people actually parking in the grass that are not on the actual plans for parking. People are apparently parking there and the Hospital is now aware of that. They plan to block people from parking there by their design. There will be no parking along that one section that encompasses the entrance into Holy Cross Church. They think that is the majority of the issues revolving around safety and revolving around turning into the Holy Cross Church which will make that situation better. What the Hospital does not want to do is put signs up on this property to designate more crossover parking. There has been joint use of these facilities for parking for twenty five (25) years by Bayhealth and Holy Cross Church ever since that drive was put in. People from Holy Cross Church are allowed to park there especially on the weekends when they have big events and that is there for them to use and it has functioned well. The Hospital does not want to sign it because it confuses the issue when you sign portions of it.

Colonel Welsh questioned that if it was a shared parking lot and when signs are put up that would denote ownership? Responding to Colonel Welsh, Mr. Moore stated yes.

Mr. Ambruso questioned if Mr. Grady concurred with what had been said? Mr. Grady stated that it is correct that Holy Cross Church and Bayhealth have met and they have concurred on the issue of eliminating the parking on the entrance way. They are also in concurrence on the issue with people no longer being able to park on the grass area. The third issue was the signage, in the past there had been some signs stating "Bayhealth only." It is his understanding those signs are going to be removed so

that there will no longer be signs for either entity. He feels that if there are no signs there then everything will be fine. He thanked the hospital for working with Holy Cross Church on these issues.

Colonel Welsh questioned if Kent General was in agreement with Mr. Grady's statements? Responding to Colonel Welsh, Mr. McEvilly stated that he was the attorney for the hospital and that Mr. Grady has summed it up well; they have reached an agreement.

Mr. Holt moved to approve S-13-05 Lands of KGH Development Corporation located at 625 South State Street, with the conditions in the letter of agreement and including the partial elimination of curbing and consideration of the joint parking facilities provisions in the Zoning Ordinance, seconded by Mr. Ambruso and the motion was unanimously carried 8-0 with Mr. Holden abstaining from the vote due to his employer working on this project.

NEW BUSINESS

1) Resolution honoring Diane Metsch for her service as Secretary to the Planning Commission:

Resolution

Whereas, Diane Metsch *was designated to serve as Secretary of the City of Dover Planning Commission on April 16, 2001 and has served with diligence and distinction in this capacity; and,*
Whereas, Diane Metsch *as part of her duties and responsibilities as Secretary kept minutes of Planning Commission meetings and Quarterly Workshops as a record of the Commission's activities; and,*

Whereas, Diane Metsch *assisted the processing of applications filed for review, the preparation of information packets for each Planning Commission Meeting in hard copy and electronic formats, and maintained and distributed correspondence for the Planning Commission; and,*

Whereas, Diane Metsch *completed her service as Secretary to the City of Dover Planning Commission on December 17, 2012.*

Now Therefore Be It Resolved That*, the City of Dover Planning Commission does hereby express its sincere appreciation to* ***Diane Metsch*** *for her service to the City of Dover Planning Commission, and extends its very best wishes to* ***Diane Metsch*** *for a bright and prosperous future.*

The Commission was in approval of the resolution and presented it to Diane Metsch who was present at the meeting.

NEW DEVELOPMENT APPLICATION

1) C-13-03 Luther Village III: Planned Neighborhood Design – Senior Citizen Housing Option on Babb Drive – Public Hearing and Review of a Conditional Use Site Plan for the development of Luther Village Planned Neighborhood Design – Senior Citizen Housing Option consisting of 524 apartment units in a total of nine phases; it was previously established by application C-02-02. Luther Village Phases 1 and 2 have been constructed (Applications S-03-07 and S-07-10). The plan for Phase 3 consists of the construction of a four story apartment building with 48 units, the construction of a one story 3,566 SF resident activity room and associated site improvements. The plan also includes a Minor Subdivision to create two (2) parcels of land and a 26.95 acre ± parcel. The property is zoned

RG-2 (General Residence Zone). The property is located on the east side of John Hunn Brown Road and on the west side of Babb Drive. Tax Parcel: ED05-077.06-02-90.00-000. Council District 2. *Consideration of Alternative Design Standards for PND: Building Setback from Property Line, Building Spacing, Building Height, Number of Stories, Average Number of Dwelling Units Per Building and Off-Street Parking Reduction. Waivers Requested: Reduction in Bicycle Parking Requirement, Elimination of Rear Emergency Access, Partial Elimination of Curbing and Subdivision Waiver of Requirement for Lot Frontage on a Public Street.*

Representatives: Mr. Keith Kooker, Landmark Engineering; Mr. Ken Richter, Luther Village III; Mr. Gary Coy, Luther Village III

Mrs. Melson-Williams stated that this application is a proposal for a Planned Neighborhood Design – Senior Citizen Housing Option. We are looking at the overall Conditional Use for the PND as well as the Site Plan specifically for Phase 3 of the project which also includes a Minor Subdivision Plan. This is not the first time that this project has been to the Planning Commission. The overall plan for Luther Village started back in 2002 when a Planned Neighborhood Design – Senior Citizen Housing Option was approved by this body that laid out a series of nine (9) phases and consisted of a total of five hundred twenty-four (524) apartment units spread out among eight (8) buildings. Over time there has actually been two (2) phases of construction that have occurred and have been completed. Those being Phase 1 and Phase 2 which are buildings that can be seen on the site today. Those are up and functioning; however, due to a time delay the project must now restart the approval process for the entire Planned Neighborhood Design (PND) and at the same time they are picking up with what would be Phase 3 of the project. Phase 3 of the project would be if you continued to the west of both Phases 1 and 2, it is located to the north of both of those existing buildings. The project review process for Planned Neighborhood Design (PND) starts with the City Council. They reviewed the project in April 2013 and found that the Luther Village concept for a Planned Neighborhood Design (PND) – Senior Housing Option warranted further review. Hence it was referred to the Planning Commission. Commission members will be looking specifically at the Conditional Use for the entire nine (9) phase project as well as the more detailed Site Plan for Phase 3. The report outlines more specific details about how this Planned Neighborhood Design (PND) process works. The overall site layout is really two (2) groupings of buildings, a series of buildings on the west side of the campus and then more of a quad-like system in the east that is proposed in the future.

Mrs. Melson-Williams further stated that if you are counting closely on the plan, you will notice that as currently shown it does not result in five hundred twenty-four (524) dwelling units. There are some units that have not been programmed into the later phases as of yet. If the applicant choses to do that then the Commission members will see the Master Plan again but for planning purposes at this point they are sticking with that five hundred twenty-four (524) dwelling units which gives the project an overall density of 15.6 dwelling units per acre. That is one of the things that needs to be considered tonight, whether the project density as proposed at that rate is compatible with the development pattern for the area that it is in.

Mrs. Melson-Williams stated that along with the Planned Neighborhood Design (PND) there is the ability for the applicant to ask for a series of Alternative Design Standards and this project is doing that. Page 5 of the Staff Report gives a summary chart and highlights the areas where they are seeking some Alternative Design Standards for this project. Specifically, those Alternative Design Standards relate to the off-street parking calculation for the site, building setbacks from property lines, building

spacing, the building height, the number of stories and the number of dwelling units per building. The building height for this Phase 3 project is proposed at four stories. The existing buildings on the site are a two (2) story building and then a three (3) story building. So with the new project, the applicant is looking to go to a four (4) story building but to still maintain a reasonable number of units at forty eight (48) dwelling units within that building. The building architecture follows what is currently on the site. It is a multi-story brick building, asphalt shingle roof, windows on pretty much every side of the building because of how the layout of the dwelling units are and the roofs are not flat they are pitched roofs. Phase 3 also includes a one story resident activity building that is connected both to this Phase 3 building and to the Phase 2 building that already exists on the campus. With Phase 3, one of the requirements for a four story building involves requirements for rear emergency access. The applicant is requesting a waiver of this requirement. This requirement would require a twenty four (24) foot primary fire lane to the rear of the building; however, the applicant is citing the fire protection requirements that will be in place for this building itself. As are required under the fire codes that the Fire Marshal's Office enforces for the City of Dover, it is in regards to the primary fire lane that has to cover a certain percentage of the building itself, the fact that the building will be sprinklered and that there are multiple exits around the building. However, it is a requirement in the *Zoning Ordinance* so the applicant is seeking a waiver request for relief from this requirement. That waiver will be a recommendation from this body; it has to go on through a committee and then final action by City Council.

Mrs. Melson-Williams further stated that she had mentioned that the applicant is seeking a parking reduction. Typically, apartments require two (2) parking spaces per dwelling unit and then additional parking spaces based on office space areas and visitor space areas. The applicant is seeking a waiver regards to parking for the facility. They are proposing that the Phase 3 area and really the balance of the site be served at a rate of one (1) parking space per dwelling unit and with some additional parking accounted for based on floor areas of office areas and meeting room spaces that are proposed. The existing facilities in Phases 1 and Phase 2 follow the one (1) parking space per dwelling unit in how it's constructed. The applicant in making their request has noted that this has not created any problems or difficulties for the site as it currently exists. A second waiver request related to parking is for a reduction in bicycle parking. The City of Dover Code now has a bicycle parking requirement since this plan was first adopted back in 2002. Overall, the site would require a total of twenty seven (27) bicycle parking spaces for the site. There are some existing spaces between Phase 1 and Phase 2 buildings but the applicant is seeking a reduction in that overall number of spaces required. The other waiver request is related to the elimination of curbing. There is a small area along one of the proposed parking lot areas that they are seeking not to use curbing but have proposed the use of parking bumpers. This is to facilitate some of the stormwater management planning that is proposed on the site for sheet flow proposes.

Mrs. Melson-Williams stated that this project is required to have an Active Recreation Plan. There is an active recreation rate that they have to provide overall based on per dwelling unit. With this project specifically for Phase 3, they are continuing to expand the walking path system that is on the campus and they are also doing several things up closer to the building in the form of a terrace area and opportunities for gardening for the residents. The overall Master Plan laid out a very sophisticated Active Recreation Plan for the development. Most significantly in Phase 1 there was a walking loop with a croquet court that was constructed and the beginning of a walking path that will encircle the entire complex. So Active Recreation is well at hand. Since there were no changes to what proposed this most recent submission did not go to the City of Dover Parks and Recreation Committee because

the amenities are already in place and exceed what would be the requirement for sizing even to include the Phase 3 building that is proposed. However, if in the future the applicant wants to change any of the Active Recreation Areas then additional review would be required. This plan like most also includes the tree planting and landscape planting. It is a mix of trees that are proposed near the building and near what is the loop road for the campus itself.

Mrs. Melson-Williams further stated that the project does include a Minor Subdivision Plan. Like with Phases 1 and 2, the applicant has cut out a land area around each of the buildings and it is held as its own parcel separate from the parcel of land for Luther Village that is held by the Martin Luther Foundation. Likewise, they propose to cut out a similar parcel around Lot 3. In doing so, there is a waiver that the applicant needs to seek regarding that because they would be creating a lot that does not have frontage on a public street. The loop road is private and internal to the campus. The closest public street is where the main access to the site comes off of Babb Drive. So Commission members will be considering a waiver for this street frontage requirement. Associated with a subdivision, it also ties into some of the design standards alternatives that they are seeking related to setbacks because when you strike property lines fairly close you end up with some issues with the building setbacks from those property lines. There is a very lengthy DAC Report and comments from the other agencies including the City of Dover's Electric and Public Works Departments and the Fire Marshal's Office. In this case, DelDOT has no comments because they are not on a State maintained road with this project. The Kent Conservation District notes that a sediment and stormwater management plan will be required for the site. They also note that it appears that this project is draining to the existing stormwater management area that was already constructed during Phases 1 and 2 and that they will just have to verify that the existing facility can take the additional run-off that is related to Phase 3 of the project. There are two letters on the desks of the Commissioners that will be entered into the record. One letter is from an adjacent property owner expressing concern about the stormwater management planning and how the existing pond on Luther Village and then out-falls into a facility on their property. The letter is from May 10, 2013 from Trout, Segall and Doyle Delaware Properties LLC. Attached to this letter is the response letter that was received from Landmark in regards to the Luther Village III project that notes how this site when it was originally designed and master planned that the first several phases including Phase 3 would be accommodated in this existing pond that was constructed in the first construction activities on the site.

Mrs. Townshend stated that this information was confirmed by the Kent Conservation District, that the calculations for that pond did include this phase of the project.

Mrs. Melson-Williams stated the Commission members would be doing a Conditional Use Site Plan review for the Luther Village Planned Neighborhood Design – Senior Citizen Housing Option which is for all nine (9) phases of the project. They would also be considering a Site Plan for Luther Village III which is specifically to Phase 3 and the associated Minor Subdivision Plan for Phase 3. With this project, there are a number of waivers that would need to be addressed. The first waiver would be the PND considerations which are the alternative design standards for the PND relating to building setback, building spacing, height, number of stories, number of dwelling units per building and the off-street parking. Then there are a series of waiver requests. Those being the elimination of the rear emergency access, the reduction of the bicycle parking requirement, the partial elimination of curbing and the subdivision waiver requirement for lot frontage on a public street.

Mr. Kooker stated that they were fine with the DAC comments. He pointed out that Luther Village did send out a notice to the neighbors in addition to the notice of the public hearing tonight as well as asked them if they would like to come by so that the project could be explained. The applicant did hold a meeting on Monday, May 13, 2013 at Luther Village I and there were four (4) attendees. Some of the adjacent property owners in one area located on East Loockerman Street attended the meeting and found out about the project.

Dr. Jones questioned a statement from the letter dated May 13, 2013 from Landmark Science Engineering. Paragraph 2 referred to the fact that the discharge run-off would go to the existing Luther Village stormwater pond which would then discharge to the Target stormwater pond. She asked if there were any reasons for concern with this matter. Responding to Dr. Jones, Mrs. Townshend stated that Target is associated with Trout, Segal and Doyle. All of the stormwater design was predicated on the out-fall into that pond and the Kent Conservation District will continue to review their calculations as they finalize their design and they will make sure that it complies with the calculations that have been approved.

Mr. Holt questioned if there were any plans in the future to build the buildings higher because they seem to be running out of space in this area? Responding to Mr. Holt, Mr. Coy stated that originally the plan was eight (8) separate apartment buildings with three (3) stories each. They have found that there is a limit with seniors and you don't want to go too high. They figured that four (4) story buildings are about as high as they want to go and it has a lot to do with evacuation of the building. There is an elevator in the buildings but it does not work when the fire signals go off. From a senior perspective, higher buildings are not better and their average age of tenants is seventy six (76).

Mr. Tolbert questioned the applicant's experience with bicycles in the existing facilities? Responding to Mr. Tolbert, Mr. Coy stated that he thinks they have two (2) separate bicycle racks in place at Luther Towers and they have two hundred ninety-one (291) apartments and they maybe have eight (8) bicycles. They do not have a lot of bicycle riders at the ages of their residents. They have a few residents that are younger that come in but they do not have a lot of riders at all.

Mr. Tolbert stated that according to what he is reading in the newspaper in the last few days, the number of bicycle riders in seniors is increasing because seniors are increasing and are becoming very active. Responding to Mr. Tolbert, Mr. Coy stated that they have not witnessed this trend and they currently have two hundred ninety-one (291) apartments. They do have twenty (20) spaces for bicycles located on the site.

Colonel Welsh stated that he liked the applicant's plan. He has visited the site a couple of times and it looks like there is plenty of room to expand. He did witness a woman having trouble navigating on the sidewalk in a motorized wheelchair. He stated that the sidewalk is very narrow and that he could see that she was probably running off of the sidewalk area. He questioned if there were any thoughts on expanding the width of the sidewalks? Responding to Colonel Welsh, Mr. Coy stated that the sidewalks were ADA required five (5) feet wide. They have a number of residents who have difficulty driving as you can find in their apartments with all sorts of the holes in the walls.

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

Mr. Holden questioned that the plan discussed a garden area but the Staff report mentioned that they were not quite sure where the garden area was located? Responding to Mr. Holden, Mr. Coy stated that they put planters near the buildings and they are raised planters. They used to have a garden in the ground behind the buildings. They found that the seniors have trouble gardening sometimes, especially those who use wheelchairs and motorized scooters. What they have discovered is that building raised gardens that are the height that someone sitting in a mobility device can reach over and do gardening. They have put as many of those things up as they need along with a watering hose.

Dr. Jones questioned if there were five hundred twenty-four (524) parking spaces for the total complex or is there five hundred fifty-seven (557) parking spaces? Responding to Dr. Jones, Mr. Coy stated that the number of spaces should be based on the number of dwelling units proposed which is five hundred twenty-four (524) with a 1: 1 ratio.

Dr. Jones stated that on Page 2 of the DAC comments is states that total complex parking will be five hundred fifty-seven (557) parking spaces including twenty six (26) handicap parking spaces. Responding to Dr. Jones, Mr. Coy stated that the difference in parking spaces account for the additional parking spaces required for office area.

Dr. Jones further questioned if twenty six (26) handicap parking spaces for five hundred twenty-four (524) residents was consist in terms of a ratio? Responding to Dr. Jones, Mr. Coy stated that it is based on ADA requirements. Once you required a certain number of spaces that makes you provide a number of those spaces as being handicap accessible.

Colonel Welsh stated that he did notice that every time he visited the site, the parking lot was not anywhere near full. There were tons of empty parking spaces available so he does not thing parking spaces availability would be an issue.

Mr. Coy stated that as far as the parking is concerned, it is somewhere between one-third to half of the residents may have a vehicle. This is due to the fact that it is a low income facility. Another reason is purely the age. Luther Village does provide transportation for their residents, both medical transportation three (3) days a week as well as a bus to go shopping two (2) days a week. This relieves them from the need to drive.

Dr. Jones questioned if everyone living in these apartments were low income? Responding to Dr. Jones, Mr. Coy stated yes.

Mr. Ambruso moved to approve C-13-03 Luther Village III: Planned Neighborhood Design – Senior Citizen Housing Option consisting of five hundred twenty-four (524) apartment units in a total of nine (9) phases. He also moved to approve the plan for Phase 3 that consists of the construction of a four (4) story apartment building with forty eight (48) units, the construction of a one (1) story resident activity room which is three thousand five hundred sixty-six (3,566) square feet and associated site improvements. The plan also includes a Minor Subdivision to create two (2) parcels of land from the existing 29.8 acre ± parcel. The parcel will be subdivided into a 2.85 acre ± parcel and a 26.95 acre ± parcel. Along with the waivers requested by the applicant for bicycle parking requirements, the elimination of rear emergency access, partial elimination of curbing and subdivision waiver of requirement for lot frontage on a public street and the Alternative Design Standards for PND: Building Setback from Property Line, Building Spacing, Building Height, Number of Stories, Average

Number of Dwelling Units Per Building, Off-Street Parking Reduction and the density is appropriate, seconded by Mr. Holt and the motion was unanimously carried 9-0.

2) S-13-12 Family Dollar at 300 West Loockerman Street - Public Hearing and Review of Site Plan and Architectural Review Certificate for the construction of an 8,316 SF building and associated site improvements. The property is located on the southwest corner of West Loockerman Street and South New Street. The owner of record is Fisher/Grimes Partnership. The equitable owner is Chesapeake Group, LLC. Address: 300 West Loockerman Street. Tax Parcel: ED05-077.09-01-69.00-000. Council District 4. *Waivers Requested: Partial Elimination of Curbing. Associated with Application HI-13-02 reviewed by the Historic District Commission on March 21, 2013.*

Representatives: Mr. Doug Liberman, Larson Engineering

Ms. Cornwell stated that this application is a Site Plan and Architectural Review Certification for the property located at 300 West Loockerman Street. The property is zoned C-2 (Central Commercial Zone) and is subject to the Historic District Zone. The application proposes the demolition of the existing building and the construction of a new 8,316 SF building. As part of the Site Plan it proposes one loading space, sixteen (16) parking spaces which exceed the fourteen (14) required parking spaces. Based on the location within the Downtown Re-development Target Area, the site is eligible for up to a 50% parking reduction. One bicycle parking space is required based on the number of parking spaces and is being proposed at the corner of West Loockerman Street and South New Street. Staff did make a recommendation for additional bicycle parking to be provided on site. The Site Plan provides the two (2) required dumpster pads and they are located off of the alley that runs along the rear of the property. There is sidewalk provided along West Loockerman Street and South New Street. Staff notes that any sidewalk that's being disturbed should be replaced in kind with the existing brick concrete pattern that exists along both street frontages.

Ms. Cornwell stated that there is a waiver request for the application. The waiver is for a partial elimination of curbing to allow for stormwater management. The elimination of curbing is along the building and the parking spaces along the alley. Parking bumpers will be located at those parking spaces to allow for stoppage. The building architecture along West Loockerman Street consists of two storefront appearances. The west section contains EIFS with faux windows, a brick watertable and two types of siding. The east section is mainly brick with an aluminum storefront windows and awning. Staff notes that if the awning projects out into the street, a waiver from the City Manager is required, which would be something the applicant would deal with while going through the final plan approval process. The South New Street side of the building repeats the West Loockerman Street façade with three additional EIFS sections, faux windows and the two types of siding. The rear of the building is primarily along the alley which is primary concrete block with a brick watertable and two brick columns at the ends of each section. The west side of the building is again primary concrete block with a brick watertable, a standing seam metal roof and a brick column where the new proposed building will meet the existing building that is to the west. There is also a three (3) foot brick wall that is proposed at the corner of West Loockerman Street and South New Street. That is proposed to block some of the parking that is proposed along South New Street.

Ms. Cornwell stated that as a part of the Architecture Review Certificate, the Historic District Commission did review the application at their meeting on March 21, 2013. The Historic District Commission recommended approval of the Architecture Review Certificate to allow for the demolition

of the existing building subject to some Staff recommendations. They also recommended approval of the building and that the brick wall be placed at the intersection to screen the parking lot. The Historic District Commission recommendations can be found in the Architectural Review Report that was part of the DAC Report. The other agencies reviewing this application provided their comments that include the Kent Conservation District regarding stormwater, the Fire Marshal's Office regarding fire lanes, the Public Works Department regarding water and sewer access and locations of where those utilities lie. DelDOT has made comments regarding making sure an entrance permit is obtained and all ADA compliant intersections are met. The Kent County MPO also made comments. Staff has made multiple recommendations regarding the layout of the building and parking lot for the site. Those recommendations are in the Staff Report and the Staff will be happy to answer any questions.

Mr. Liberman stated that he has comments about two of the requirements and a couple of the recommendations listed in the DAC Report. Under the City and State requirements, Item #2 states to remove the striping of the parking space at the southeast corner of the building on all Plan Sheets. The reason that striped out area was shown at the southeast corner was because there is an emergency access door that fronts on South New Street in that area. He thinks the way they show in plan right now, the striping goes from the corner to where the door is located. He thinks Staff is looking for the applicant to add curbing in that area to help define those parking spaces, which he thinks they can do at the corner and then also switch the parking around just a little bit to be able to define that area better. But they will need a striped area for access to that door. That was one of the comments from the Historic District Commission that they tried to address. Comment #11 was a question on the windows along the West Loockerman Street side of the building and the first bay of the building. The first bay of windows along West Loockerman Street will be clear windows. The remaining windows will be false windows. As far as recommendations, the main recommendation is Item #3 concerning the layout of the building relative to the parking being located on the corner. The applicant presented a different concept plan that would have met Staff recommendations. It put the building on the right-of-way line on both West Loockerman Street and South New Street. Family Dollar did not like the concept so much that they were not going to make the deal and come to Dover unless it was done the way that it has been presented here. So they feel strongly about the portion of the layout needs to be approved how they are presenting it in order to keep Family Dollar as a new retailer to Downtown Dover.

Colonel Welsh questioned specifically what Family Dollar's objection was to any kind of re-design of the footprint of the building? Responding to Colonel Welsh, Mr. Liberman stated that Family Dollar wanted to have parking convenient to the front door. He knows that with it being in Downtown Dover that they are expecting to have the majority of the people using site to be walk up customers. Family Dollar still considering themselves as a convenient store and part of the convenience is being able to get to the store as easily as possible. In doing so, they want the parking as close to the front door as they can. If the applicant had to go with the alternate plan, the front door would face South New Street and the parking would end up being behind the building, which they did not deem as being convenient enough. One other thing that makes Family Dollar sticklers came from a fatality at another Family Dollar site; they will not allow a situation where the delivery truck has to back from an alley into the site. They want the delivery truck to be able to pull through the site for deliveries which is the way it is designed at this point. The way that they had it designed with the building up on the corner and the parking along South New Street, had the loading door in the same southwest corner of the building. The truck would have to come in the alley from either South New Street or South Queen Street and

then back into the site to get to the loading space. While there seemed to be enough room for that to happen, but Family Dollar would not accept that.

Mr. Holt questioned if Family Dollar and Dollar General were the same corporation? Responding to Mr. Holt, Mr. Liberman stated no they are separate. They are actually competitors and he is working on a site in Rock Hall where a Family Dollar and a Dollar General are both going.

Mr. Holt further questioned if the businesses and product were similar? Responding to Mr. Holt, Mr. Liberman stated yes, they are both a variety store.

Mr. Holden questioned the curbing waiver request. He stated that he did not understand what the stormwater benefit is to using the bumpers versus putting curbing and sidewalk against the building. Responding to Mr. Holden, Mr. Liberman stated that they are trying to disturb as little ground as possible while re-doing the building. Where he is referring to the stormwater is the five spaces along the alley. The grade flows from the building to the alley so if you put curbing across those parking spaces they would be damning up water in that area. This is why they chose to use the parking bumpers and therefore are requesting the waiver. They are trying to maintain the sheet flow condition that is existing. There is not any storm drain to tie into on South New Street. He thinks there might be a drain on South New Street and West North Street but that is a couple hundred feet away. Doing one of these stores is a fairly tight deal for the developer so they are trying to minimize some cost.

Mr. Holden further questioned the need is then on the southern portion of the site to allow stormwater to sheet flow in? Responding to Mr. Holden, Mr. Liberman stated that he was correct. They were asking for it along the building but the curb really does not need to be along the building because with the curb being at the end of the parking space, a car would hit the building before it even got to the curb. So it is better suited for all concerned if the parking bumpers are along the building so the front wheels of the car would hit the parking bumpers before they would hit the building.

Mr. Holden stated that he shares some of the Staff's concerns that parking lot is really tight and that the northern end of the parking lot is hard to maneuver. It seems if the applicant had curb and sidewalk along the building you could allow pedestrians to walk and you would have curb further away from the building that would preclude cars from hitting the building. The curb would serve the same propose as the bumpers. Responding to Mr. Holden, Mr. Liberman stated that the site is really narrow and they would run out of space pretty quickly when we start adding in curb and sidewalk along the building. They would no longer have room for a drive aisle to stay within the site and to stay out of the right-of-way. As far as locations for people to walk, they can walk up the sidewalk that will be along South New Street. That area is much differentiated between the parking lot and South New Street with a curb along the area. So they do have curb and sidewalk for people to safely access the front of the site.

Mr. Holt stated that in looking at the site, it looks like the present NAPA building adjoins a tavern, My Place Tavern. He questioned if the tavern was going to be coming down as well? Responding to Mr. Holt, Mr. Liberman stated that the building will not be coming down. He believes that the buildings are separate and they plan to maintain as much as that western wall as possible which will also help defray some costs for Family Dollar.

Mr. Tolbert stated that he noticed the flat roof design on the Family Dollar. The building will be situated right in the center of the City and that flat roof design is somewhat non-descript. He questioned if anything could be done with the roof line? Responding to Mr. Tolbert, Mr. Liberman stated that they tried to differentiate the heights of the building. They did try to vary the fronts with different architectural elements but the flat roof kind of controls costs for the building itself. They split the building up to provide several different faces along all four (4) elevations in trying to address staff comments and also comments from the Historic District Commission as well. He feels that the awning that Ms. Cornwell discussed as being over the main windows under the Family Dollar logo will provide some relief. There are several buildings in the area that do have flat roofs. For example, the building directly adjacent to them, My Place Tavern also has a flat roof. Several of the other buildings in the area along the south side of West Loockerman Street are much taller and have a flat roof as well. He pointed out that the three (3) story building on the northeast corner of West Loockerman Street and South New Street does not have a peaked roof.

Colonel Welsh opened a public hearing.

Mr. Gary Patterson – 41 Park Drive Dover DE 19901

Mr. Patterson stated that he was a member of the Downtown Dover Partnership. He is here as he was at the Historic District Commission on behalf of the Downtown Dover Partnership to enthusiastically endorse this application as it is represented to the Commission members tonight, other than the technical aspects to agree with applicant on their overall site design. The Downtown Dover Partnership is excited to see a national retailer come to West Loockerman Street, to have that degree of optimism and to bring their particular brand to Downtown Dover. This is important because it is the third block of West Loockerman Street and they have been waiting for development in this area. The building that currently occupies the site is empty because of their efforts to rehabilitate the former scrapyard site and move the previous tenant to their new location. So they feel somewhat responsible for this building being empty but they also think it's delightful that this building which is a bit of an anomaly on West Loockerman Street would finally come down. They appreciate the concerns of Staff on the placement of parking and the desire to have it located to the rear of the building but Family Dollar is a national operator and they think that they probably understand their clients best. They understand what brings people in the stories, both suburban and in city locations such as this. He thinks there is still a perception of security so if people will feel more secure parking on the side and walking around to the front of the building, he will grant them that and want them to come downtown and be happy, secure shoppers. He knows there is concern of breaking with what they would hope for in a downtown but this building will be up against West Loockerman Street, a goal that the Downtown Dover Partnership encourages and is part of their long range planning as well. He can only suggest, as he did to the Historic District Commission, that you have to look at the circumstances. Across South New Street, there is a dirt surface parking lot up against the curb. The next block down, the Johnson Victrola Museum has at sidewalk parking lot. The third block down, there is a strip shopping center with at sidewalk parking. Four blocks down, Spences Bazaar is another one (1) acre dirt lot, parking not at the sidewalks but on the sidewalks on most Tuesdays and Fridays. One block north, the former Acme site which the Downtown Dover Partnership controls and is part of the downtown parking scheme, has at sidewalk parking as does the lot that Downtown Dover Partnership created after the two (2) former furniture store buildings adjacent to Harry Louie Laundry. This is a far greater improvement to South New Street and West Loockerman Street than we have now or that could be envisioned in short term. Again, they encourage the approval of this application. They are enthusiastic about this

and they think Family Dollar is a national retailer who best understands their customer mix as well as what it takes to bring them in the door and they have great respect for that.

Mr. Jim Galvin – 825 Westview Terrace Dover DE 19904

Mr. Galvin stated that he lived kind of right on the boarder of the officially sanctioned Downtown definition that the City of Dover has. He is also the Principal Planner with the Dover/Kent County MPO. This is an unusual night in his memory. With a member of the DAC coming up to speak on a project that he has given comments on. He thinks it's because he feels that this is such an important project. He agrees with Mr. Patterson, this is a great opportunity for the City of Dover to have a franchise located on West Loockerman Street that can bring both pedestrian and vehicle traffic to the site. He cannot as enthusiastically endorse the project. The Dover/Kent County MPO sponsored a Dover Transit Center Neighborhood Plan. In that plan, they had consultants take a look at the Downtown area. The gist of the plan is that the building should be facing the street, adjoining the street and the parking lot should not be seen from West Loockerman Street. The Historic District Commission compromised with this brick wall which shows that it's a very important point. The Commission felt that the parking should not be seen from West Loockerman Street. In his comments, he had two (2) recommendations by the Dover/Kent County MPO. One was to bring the building to the corner and actually face both West Loockerman Street and South New Street. The second recommendation was, much like the Bayard Plaza, they should consider a multi-storied building. He was unaware of any single storied buildings up to that point on West Loockerman Street except for My Place Tavern. He thinks that there is an opportunity for more for the City regarding that site than is indicated in the plan. Mr. Liberman has a client that he has to satisfy. He is sure that a pharmacy on the corner of South Governors Avenue and West Loockerman Street would much rather prefer a single story if it were a chain franchise pharmacy. But instead, they built a multi-storied building with commercial use on the ground floor, residential use on the upper floors in keeping with the mixed use development idea that is adherent in the plan. While it is great that they are coming to the site and it is great that we are going to have that new presence Downtown, he feels there is more that the City of Dover could expect from the development of a site along West Loockerman Street. The MPO's recommendation is that it be brought to the corner on both street fronts, that parking be provided in the rear and then it would be very nice to see a multi-storied building so that they are adding more to the neighborhood than has been there before.

Mr. Bobby Wilson – 1561 Nathaniel Mitchell Rd Dover DE 19904

Mr. Wilson stated that he endorses the building of the Family Dollar Store but his concern is jobs. Who will the Family Dollar Store hire as contractors and where jobs will go for the community? Responding to Mr. Wilson, Mr. Liberman stated that the construction jobs will all be local. There is a general contractor who the developer is talking with now that is local, that will be constructing the building. He will be looking to get local subcontractors to do the work for the site. As far as the jobs, he believes that Family Dollar will have ten to twelve (10-12) positions available once constructed. They will have a manager, an assistant manager and then six (6) full time employees and anywhere from four to six (4-6) additional employees as part time employees.

Mr. Liberman stated that as far as Mr. Galvin's comment about the mixed use building, they presented the option to the developer about a multi-use building with apartments on the second floor but they declined and did not want to be involved with something like that.

Mr. Wilson further questioned if the Family Dollar Store has a supplied diversity program in their building as a requirement for the general contractor awarded the project? Responding to Mr. Wilson, Colonel Welsh stated that he appreciated his concerns and questions but none of that is within their authority of approval. The Commissioners are here to consider the building not who is building it and not where the labor will come from once the building is completed. Those are questions that you can ask the developer about at a later date but in this forum, he does not think they are appropriate.

Mrs. Townshend stated that the role of the Planning Commission is administering the *Zoning Ordinance* as it relates to the Site Plan. The Planning Commission does not have a role in how the construction is bid or a role in issuance of a building permit. They are looking strictly at the Site Development Plan as it relates to the *Zoning Ordinance*.

Mr. Wilson further questioned when his questions should be brought up? Responding to Mr. Wilson, Mrs. Townshend stated that is a discussion for him to have with Family Dollar. City Council does not have any prevue; it is a private transaction between Family Dollar and whoever they hire.

Mr. Tolano Anderson – 50 Dove Creek Terrace Dover DE 19901

Mr. Anderson is here to speak on behalf of the application. As Progress, LLC, he and his partnership own the property directly across the street from this site. They have nine (9) parcels there with five (5) located on South New Street and then wrapping the block, they have an additional four (4) parcels directly on West Loockerman Street. They are mixed use, both commercial and residential. He wanted to speak on behalf of this application because he thinks this is a good opportunity. It would be nice to wait for a perfect world and maybe have the mixed use for this site but they could continue to wait for another five to ten years for that as well. He thinks this part of West Loockerman Street needs the development and that it is good to have someone who is going to bring in the foot traffic as well as the automobile traffic. He also thinks that it is going to not only help revitalize the area but it is going to increase the excitement about what is going on in this location. He and his wife own properties personally outside of Progress, LLC in the Downtown area as well, three (3) other parcels. He thinks that it's time the area has some fresh blood pumped into the area. They are really excited about what happened with the old Bayard Hotel building. Their company is named Progress, LLC because that is what they like to see in Dover, progress. We have invested heavily into this area and they are very much committed. Some people may be concerned with the design and maybe other aesthetic issues but he also understands what it means especially in this economy, to try and save money. To try to develop in a way that makes it feasible in order to engage in this type of venture. He wanted to speak on behalf of the application and for Progress, LLC and say that they endorse this project.

Colonel Welsh closed the public hearing.

Mr. Holden stated that he understands Family Dollar's desire to have parking adjacent to the front entrance and not the back for safety concerns. He understands Mr. Galvin's concerns about West Loockerman Street and road frontage and how typically you do not see a parking lot from West Loockerman Street. From a safety aspect, it seems like the two handicap parking spaces for those vehicles to get in and out they are essentially backing into the front door. Is Family Dollar adamant that the parking can't be pushed to the south slightly? It seems like the whole entry area into the

front door with the handicap vehicle trying to back up towards the brick wall and people trying to get in the front door, is really a tight spot. It seems like Staff is saying that the applicant meets or exceeds the parking. There is street parking available. The Historic District Commission is willing to work with Family Dollar's design concerns and having them park adjacent to the front door seems like the parking is almost in the front door. Responding to Mr. Holden, Mr. Liberman stated that it is close. They did provide the five (5) foot cut out on the drive aisle to allow more room for backing up in that area. They are over on parking but he knows that the developer does not want to go below what is required. He can talk to the developer about maybe losing another space to get down closer to the required parking so that they could provide some additional space at that point. That would help gain a little bit of width at that point. He thinks they are just over twenty (20) feet at the narrowest section of that point. It would be around twenty and a half (20.5) feet if they lost a space to slide that front parking back and provide a wider area along the front of the building.

Mr. Holden noted that he shared Mr. Patterson's statements about parking on the roadside along sidewalks in a number of spots downtown and he thinks that if you lose an individual parking spot and give another eight (8) feet for pedestrians or for that one person backing up towards the front entrance that it will make it safer as well as aesthetically by pushing the parking slightly away from the front door. He questioned Mrs. Townshend how the Commission members could affect that and act on the application at the same time? Responding to Mr. Holden, Mrs. Townshend stated that in a motion to approve, they could include in a motion the requirement of losing one parking space toward the front of the building.

Colonel Welsh stated his concern of tight parking spaces at the front of the building that are designated handicap spaces so there could be a chance of larger than normal vehicles parking in these spaces. If they are handicap vehicles, there are handicap people driving them who may have limited visibility or limited mobility to turn and look behind them while pulling out of a parking space. He does not see from the plan, where these people will have any room to maneuver in that first parking space and he would argue that maybe even down to the third parking spot there would be trouble maneuvering a vehicle. What really concerns him is that there is no sidewalk in front of the parking spaces. People will be parking down below or even south of the building in one of the five (5) spaces and they will either be walking up through the parking lot or they will be walking along the sidewalk. Those who are parked in the northern area of the parking lot will more than likely cut through the parking spaces to get to the entrance of the building. So there is the potential for someone to back into another customer in the parking lot. He has a small place in Florida and he sees this all of the time with the older drivers in the shopping centers who back out without even looking first. This is a real concern for him. It seems that a more creative way to handle the parking issue may be to severe a section of the southern part of the building. He knows that Family Dollar has said that they do not want any modifications to the building but perhaps these issues could be suggested from a safety perspective as well as an aesthetic perspective from the City. If the southern portion could be cut-off in order to make a parking area, there could still be a loading space there as well. Move part of the building up to the corner on the northern end and then start parking space after the second handicap parking spot. Responding to Colonel Welsh, Mr. Liberman stated that by having the building set up this way, the registers within the store would be located at the front door which would be closer to South New Street and West Loockerman Street. The employees would kind of lose the visibility of the back of the store if you are at the register, tucked away in that front corner. He did not know what the developer would be gaining from that perspective.

Colonel Welsh further stated that he thinks they would be gaining a better looking building. He thinks it will have every bit the functionality that the developer is looking for. He does not think that it is a safety issue with parking on the southern end and it will eliminate the potential for a vehicle and pedestrian incident.

Mr. Ambruso questioned the possibility of taking a space or two on the street for handicap parking? Responding to Mr. Ambruso, Mrs. Townshend stated that when you have off-street parking, you are required to have handicap parking as part of the off-street parking so they would then be out of compliance with ADA regulations which is not good for the City of Dover or the developer.

Mr. Liberman stated that one thing they have the access for the emergency access for the back of the building is going to be along South New Street. They could provide the access in that area with the handicap spaces on each side. They are technically not the most convenient to the front of the site for handicap access but it would give them the most room because the area is twenty eight (28) feet wide. If they did it this way, he would provide a crosswalk from the handicap space over to South New Street so the customers would be able to go up the sidewalk to South New Street to be able to access the front door.

Colonel Welsh questioned if the handicap customers would be able to do this? Responding to Colonel Welsh, Mr. Liberman stated he thinks if they provided a crosswalk that clearly defined it to run over to a handicap ramp then yes, the customers would do that.

Mrs. Duca stated that ADA requirements do not allow handicap people to go behind vehicle to access the store. They would not be in compliance by having a crosswalk behind parking spaces.

Mr. Liberman stated that he feels that this is an issue in just about every shopping center that we have. They double up the handicap parking every chance we get when shopping centers are built. For example, Bayard Plaza has both a sidewalk and a similar situation with parking along the building. There is a sidewalk there but the more convenient approach is to walk along the drive aisle into the front door which would be located further away from the building. Responding to Mr. Liberman, Mrs. Townshend stated that at Bayard Plaza there is a sidewalk in front of the parking spaces.

Mr. Liberman stated that he said there is a sidewalk in front of the parking spaces but the front door is more convenient to the back of the parking spaces instead of the front of the parking spaces in that area. He has a feeling that the same thing will happen at the Family Dollar site.

Colonel Welsh stated that Mr. Liberman makes a valid point. He looks at Acme, a handicap customer will get out of their vehicle and go behind the other cars to get into the building.

Mr. Holden stated that if the developer pulled the top two parking spaces and pulled the entry plaza down, they would be down to fourteen (14) parking spaces. They are required to have fourteen (14) spaces. They could slide those handicap spaces down to keep the two (2) handicap spaces that they are required to have. Would this keep them within the parking requirements? Responding to Mr. Holden, Mrs. Townshend stated yes and because they are in the Downtown, they could automatically get a 20% wavier and be eligible for up to a 50% waiver of required parking.

Mr. Holden further questioned that if they stayed at the fourteen (14) parking spaces but lost two (2) spaces, they would gain sixteen (16) feet by the entry door plaza, which he thinks is an aesthetic issue for West Loockerman Street and regarding the safety issue for people backing up into the front door. It does not resolve the fact that it is such a tight parking area. Responding to Mr. Holden, Mr. Liberman stated that the area could possibly be done as a landscaped area.

Mr. Holden stated that between having the brick wall and some additional landscaping in that area, the parking lot will be shielded a lot better. He certainly would lean more towards supporting it if they can get those two (2) addition spaces removed to allow more roomat the building front.

Colonel Welsh questioned if Mr. Holden was saying to eliminate the two handicap spaces and the space between them? Responding to Colonel Welsh, Mr. Holden stated that he was saying remove the first handicap space and the clear space which would be effectively two (2) spaces, sixteen (16) feet. They would be moving the northern boundary of the parking lot south sixteen (16) feet.

Colonel Welsh further questioned what is now the second handicap space would be the first handicap space? Responding to Colonel Welsh, Mr. Holden stated that was correct. This would keep them within parking requirements, which they have indicated that they want to do. It would give them sixteen (16) more feet to address clear space and safety.

Colonel Welsh stated that this would certainly give them more space for turn around. Responding to Colonel Welsh, Mr. Holden stated yes, more space for that top car to be able to get out of that parking spot as well as dressing up that area.

Mrs. Townshend stated that the applicant is only required one (1) handicap parking space. Responding to Mrs. Townshend, Mr. Liberman stated that provide the opening anyway so they typically usually provide two (2) handicap parking spaces.

Colonel Welsh questioned if there were some sidewalk issues, using the brick pavers? Responding to Colonel Welsh, Mr. Liberman stated no, they have to replace the curb along West Loockerman Street with up-right curb and in doing that they have to replace the sidewalk. With doing the sidewalk, they have to follow that same brick and concrete pattern that is Downtown. That is one thing that he did not catch on the plan so he thinks that is why it remained as a Staff comment.

Colonel Welsh further questioned if the sidewalk would be replaced with the same width as the previous block? Responding to Colonel Welsh, Mr. Liberman stated yes and the other thing that carried through with that is them providing three (3) trees along South New Street. They had to redo the site, they maintained the three (3) trees but that then gave them five (5) feet for access along the side of those which widened this area as well.

Mr. Holden moved to approve S-13-12 Family Dollar at 300 West Loockerman Street Site Plan inclusive of all Staff comments and an additional requirement that the parking lot northern boundary be moved to the south sixteen (16) feet, reducing parking space by two (2) to facilitate a safer entrance and a safer vehicle movement scenario in the parking lot, as well as for that space to include landscaping to provide additional parking lot visual screening. He also moved to approve their partial elimination of curb waiver. In inclusive of his motion, he moved that the plan is in

compliance with the Design Standards and Guidelines with the City of Dover Historic District Zone for new construction. Approval does not include Recommendation #3 in the Staff comments as the additional requirement regarding the parking will supersede Item #3, seconded by Ms. Still and the motion was unanimously carried 9-0.

Meeting adjourned at 8:59 PM

Sincerely,

Kristen Mullaney
Secretary