SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

The Safety Advisory and Transportation Committee Meeting was held on October 24, 2012 at 5:00 p.m. with Chairman Hutchison presiding. Members present were Mr. Davis and Mr. Keller. Mr. Perza was absent.

AGENDA ADDITIONS/DELETIONS

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

Proposed Resolution No. 2012-14 - Designating a Redevelopment Area on Properties Bounded by U.S. Route 13 (North DuPont Highway) on the East, Kings Highway on the North and West, and Delaware Route 8 (East Division Street) on the South

Mrs. Ann Marie Townshend, Director of Planning and Community Development, advised members that Delaware Department of Transportation (DelDOT) Standards and Regulations for Subdivision Streets and State Highway Access include level of service (LOS) criteria. She explained that DelDOT has limited flexibility to relax its LOS standards unless an area is designated as a redevelopment area. Mrs. Townshend noted that in the development process, the developer is typically responsible for the transportation upgrades necessary to support the proposed development project and must bring the road segment or intersection up to an acceptable level of service. She indicated that this becomes a challenge in highly developed urban areas as upgrades may involve property acquisition or condemnation, which can be costly enough to make a project economically infeasible.

Mrs. Townshend explained that the property located in the area bound by U.S. Route 13 on the east, Kings Highway on the north and west, and Delaware Route 8 on the south was in an area where current transportation challenges create an impediment to redevelopment without flexibility of the LOS standard. Although the language in the City's Comprehensive Plan supports redevelopment of underutilized sites along the Route 13 corridor, after discussing this matter with DelDOT, it was determined that the Comprehensive Plan was not specific enough to allow DelDOT to require only that the current LOS be maintained.

Mrs. Townshend reviewed Proposed Resolution No. 2012-14, designating a redevelopment area on Properties Bounded by U.S. Route 13 (North DuPont Highway) on the East, Kings Highway on the North and West, and Delaware Route 8 (East Division Street) on the South. She stated that the proposed Resolution would allow DelDOT to require the developer to contribute only a portion of the cost of improvement that is proportional to the traffic generated by the proposed development rather than making costly upgrades to the intersection that would make the project infeasible.

Mrs. Townshend assured members that the Proposed Resolution had been reviewed by DelDOT and no concerns were indicated; however, DelDOT staff forwarded the Resolution to the Deputy Attorney General for review before providing their approval. After speaking with representatives of DelDOT, she stated that it was suggested that the Proposed Resolution be presented to the Committee for their review and recommendation in hopes that approval from the Deputy Attorney General would be received prior to submission to City Council on November 13, 2012. Mrs. Townshend stated that if the approval were not received by that date, the matter would be removed from the Consent Agenda.

At the request of Mr. Hutchison, Mrs. Townshend assured members that the proposed Resolution would be forwarded to the City Solicitor's Office for review prior to its consideration by City Council.

Mr. Davis moved to recommend adoption of Resolution No. 2012-14 *(Attachment #1)*, provided that approval of the Resolution was received from the Deputy Attorney General and City Solicitor, seconded by Mr. Keller and unanimously carried.

Review of Rear Access Waiver for Leander Lakes Apartments

Members considered a request for a waiver of the emergency rear access requirements for the Leander Lakes Apartments. Mrs. Ann Marie Townshend, Director of Planning and Community Development, reviewed the site plan provided to members and explained that the subject property consists of one (1) parcel of land totaling $28.67^{+/-}$ acres. The subject property is zoned RM-1 (Medium Density Residence Zone) and is subject to the COZ-1 (Corridor Overlay Zone). This property is located on the south side of Forrest Avenue west of Dover High Drive and the property of Dover High School and east of Artis Drive. The owner of record is Leander Lakes, LLC (Tax Parcel: ED-05-075.00-01-05.01-000).

Mrs. Townshend advised members that the Site Plan proposes 240 apartment dwelling units in a series of three (3) story apartment buildings. The development will consist of a total of ten (10) apartment buildings, a clubhouse, and residual land to be used for stormwater management, the entry road, and open space. The entrances leading into the apartment complex site are off Dover High Drive, which connects to Forrest Avenue. The continuation of Dover High Drive is currently under construction and will connect to Tribbitt Street in the Cannon Mill subdivision.

Noting the close proximity to the new Dover High School, Mrs. Townshend indicated that one (1) of the requirements of the Planning Commission was for the developers to work together to execute a Memorandum of Agreement (MOA), which has been accomplished. She stated that the MOA specifies which portions of the roadway would be built by the developers of Dover High School and which would be the responsibility of the builders for Leander Lakes Apartments.

Mrs. Townshend reminded members that the Planning Commission had originally granted conditional Site Plan approval (S-09-13) for a 240-unit apartment complex at their meeting in August 2009. Since construction did not commence, the plan expired on August 31, 2012. A Record Plan was previously recorded to subdivide the subject property from the Destiny Christian Church parcel. A Record Plan also recorded the contribution of forty (40) feet of property by Leander Lakes, LLC to create the right-of-way for Dover High Drive. She advised members that the request for a waiver to eliminate the emergency rear access requirement was part of this previous application and that City Council granted the waiver request at their meeting of September 14, 2009.

In accordance with Article 5 §17.5(a) of the Zoning Ordinance, Mrs. Townshend indicated that a 16-foot alley or an 18-foot secondary fire lane and an 18-foot subgrade emergency access lane would be required as emergency access to the rear building areas for two (2) and three (3) story apartment buildings. She noted that the applicant was requesting a waiver of these requirements. She stated that the existing circulation layout provides a 24-foot fire lane access across the front side of each

building and that the buildings will contain sprinkler systems. For informational purposes, Mrs. Townshend advised members that since waivers of this requirement are granted frequently, staff was considering the removal of this section from the Zoning Ordinance. After review by the Fire Marshal, staff felt confident that the necessary fire protection was provided through fire lane coverage and sprinkler systems; however, it was necessary to conduct the waiver process because rear access was a current Code requirement.

The Planning Commission recommended approval of the waiver for the elimination of the emergency rear access. Members were provided a summary of the requested waiver as follows:

Zoning Ordinance	Required	Proposed	Waiver
Emergency Rear Access for Two-Three story apartment buildings	16 ft. alley or 18 ft. secondary fire lane and an 18 ft. subgrade Emergency access lane	None	Elimination of the Required alleys/ Secondary fire lanes

Responding to Mr. Davis, Mrs. Townshend assured members that City Staff had been meeting with the Delaware Department of Transportation (DelDOT), explaining the need for the Route 8/Hazlettville Road connection project to be completed sooner than originally planned. She advised members that staff was expecting an application for development for property located at the corner of Dover High Drive and Route 8. As a result, she stated that she had requested a meeting with all project engineers involved to assure that the infrastructure being planned would tie in together. Mrs. Townshend indicated that Calvary Baptist Church, which occupies the adjacent property to the west, has placed their development plans on hold; however, they plan to develop the property as a church/church school site.

Mrs. Townshend further explained that the City has required cross access easements to the Destiny Christian Center property, the Dover High School property, and other adjacent properties.

In response to Mr. Hutchison, Mrs. Townshend indicated her understanding that the developers hope to begin construction within a year.

Mr. Keller moved to recommend approval of a waiver of the Zoning Code requirement for emergency rear access for Leander Lakes Apartments, as recommended by the Planning Commission. The motion was seconded by Mr. Davis and unanimously carried.

Creation of Bicycle and Pedestrian Committee

Mrs. Ann Marie Townshend, Director of Planning and Community Development, reminded members that the 2008 City of Dover Comprehensive Plan included a recommendation for the formation of a Bicycle/Pedestrian Advisory Group made up of bicyclists, pedestrians, DelDOT staff, MPO staff, and City staff to begin identifying gaps in the pedestrian and bicycle network.
She indicated that in September 2011, the Dover Kent County Metropolitan Planning Organization (MPO) approved the Kent County Regional Bicycle Plan, which aims to create an effective, safe bicycle system in central Delaware. It shows where there are bicycle trails, lanes, and similar facilities in central Delaware and where there are gaps in such a service. This plan identifies a number of priorities in the City of Dover. She explained that the proposed Bicycle and Pedestrian

Committee would work with the City, the Delaware Department of Transportation (DelDOT) and the Dover/Kent County MPO to prioritize projects for implementation and to promote safe opportunities for bicycling, walking, and jogging in the City of Dover.

Mrs. Townshend also explained that the creation of this Committee would provide the City a mechanism for regular communication with the cycling and pedestrian community, which would help to improve the quality of life in the City, help the City to achieve a Bicycle Friendly Community designation, and put the City in a positive position to receive funding through the State Trails and Pathways Initiative.

Staff recommended the creation of a Bicycle and Pedestrian Committee consisting of five (5) City residents who are active pedestrians and cyclists selected by the Chair of the Safety Advisory and Transportation Committee, with participation from City departments, DelDOT, and the Dover/Kent County MPO.

In response to Mr. Hutchison, Mrs. Townshend stated that two (2) individuals had indicated an interest in serving the City in this capacity and another individual who may also wish to serve approached her at a Bike Summit. She suggested that recommendations be provided for consideration and that she meet with the Committee Chair prior to the end of the year to finalize the selection of members.

Mr. Keller questioned whether the City would be required to maintain the pathway, including snow removal. Mrs. Townshend expressed her opinion that the City would be responsible for snow removal but that this would be a lower priority than snow removal from City streets. She acknowledged the importance of pathway maintenance, noting that an asphalt pathway on North Street that travels to Schutte Park has not been actively maintained and, as a result, grass is protruding and damaging the asphalt. She stated that the proposed committee would be discussing these types of issues.

Mr. Davis moved to recommend the creation of a Bicycle and Pedestrian Committee as recommended by staff, and that staff work with the Committee Chair to develop a list of members to be considered for appointment to this committee. The motion was seconded by Mr. Keller and unanimously carried.

By unanimous consent, the meeting adjourned at 5:26 p.m.

James L. Hutchison
Chairman

JLH/DD/jg/js/mk/tm
S:\AGENDAS-MINUTES-PACKETS\Committee-Minutes\2012\10-24-2012 SA&T.wpd

Attachment
Attachment #1 - Proposed Resolution No. 2012-14 - Designating a Redevelopment Area

City of Dover

MAYOR AND COUNCIL

DRAFT PROPOSED COUNCIL RESOLUTION NO. 2012-14

A RESOLUTION DESIGNATING A REDEVELOPMENT AREA ON PROPERTIES BOUNDED BY U.S. ROUTE 13 (NORTH DUPONT HIGHWAY) ON THE EAST, KINGS HIGHWAY ON THE NORTH AND WEST, AND DELAWARE ROUTE 8 (EAST DIVISION STREET) ON THE SOUTH

WHEREAS, the City of Dover 2008 Comprehensive Plan, as amended, encourages redevelopment along the U.S. Route 13 corridor; and

WHEREAS, a number of intersections along the U.S. Route 13 corridor fail to meet the Level of Service Standards required by the State of Delaware, and the costs of modifying such intersections can cause redevelopment of certain properties to be financially infeasible; and

WHEREAS, economic growth, prosperity and redevelopment are identified priorities of the City of Dover, which wishes to work with the development community and the Delaware Department of Transportation to promote redevelopment while preserving and enhancing the transportation network.

NOW, THEREFORE BE IT RESOLVED THAT THE MAYOR AND COUNCIL OF THE CITY OF DOVER

1. Designates the area bounded by U.S. Route 13 (North DuPont Highway) on the east, Kings Highway on the north and west, and Delaware Route 8 (East Division Street) on the south as a redevelopment area, and requests that the Delaware Department of Transportation allow for development to proceed without requiring the developer to make all of the necessary improvements but rather requiring the developer to contribute a portion of the costs to be set aside for current and future improvements that is proportional to the traffic generated by the proposed development; and

2. Directs staff to work with the Delaware Department of Transportation and the Dover/Kent County Metropolitan Planning Organization to plan for and prioritize the transportation system improvements needed to facilitate redevelopment.

ADOPTED: *

S:\RESOLUTIONS & PROCLAMATIONS\2012\Draft\2012-14 Redevelopment Area.wpd

CARLETON E. CAREY, SR. MAYOR	THOMAS J. LEARY COUNCIL PRESIDENT

Actions History:
October 24, 2012 - Introduced at Safety Advisory and Transportation Committee

Draft