CITY OF DOVER PLANNING COMMISSION
September 17, 2012

The Regular Meeting of the City of Dover Planning Commission was held on Monday, September 17, 2012 at 7:00 PM with Chairman Welsh presiding. Members present were Mr. Shomo, Mr. Tolbert, Mr. Holt, Mr. Ambruso, Colonel Welsh, Mrs. Still, Mr. Holden and Mr. Nichols. Mr. Baldwin was absent.

Staff members present were Mrs. Townshend, Ms. Cornwell, Mrs. Melson-Williams, Ms. Duca, and Ms. Metsch. Also present were Mr. David Braun, Mr. Nick Alessandro, Mr. Gregg Moore, and Mr. Mike Hartman. Also present speaking from the public was Mrs. Mary Conrad, Councilman Bill Hare, and Mrs. Linda Burdick.

Colonel Welsh announced that if there was anyone here concerning the House of Pride properties, they have agreed to the revocation of the Conditional Use Permit and there will be no public hearing this evening. There will still be some discussion regarding the revocation.

Mrs. Townshend stated that the agenda would be amended to move the House of Pride up under New Business.

APPROVAL OF AGENDA

Mr. Tolbert moved to approve the agenda as amended, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF AUGUST 20, 2012

Mr. Shomo moved to approve the regular Planning Commission meeting minutes of August 20, 2012, seconded by Mr. Tolbert and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

APPROVAL OF THE PLANNING COMMISSION QUARTERLY WORKSHOP MINUTES OF AUGUST 21, 2012

Mrs. Still moved to approve the Planning Commission Quarterly Workshop minutes of August 21, 2012, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next regular Planning Commission Meeting is scheduled for Monday, October 15, 2012 at 7:00 PM in the City Hall Council Chambers.

Mrs. Townshend further stated that the Delaware Chapter of the American Planning Association has an Audio Web Conference series with the next session title "Planning Mistakes, Accessing, Learning and Adapting." This will be held on October 10, 2012 at 4:00 PM in the Kent County Administrative Complex Building, Room 220.

Mrs. Townshend provided an update on the regular City Council meeting of August 27, 2012; the Safety Advisory and Transportation Committee Meeting of August 29, 2012; and the regular City Council, Legislative, Finance and Administration Committee, and the Parks, Recreation and

Community Enhancement Committee meetings of September 10, 2012.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

S-10-17 Duncan Plaza at 600 Forest Street - Request for an extension of the Planning Commission approval granted on September 20, 2010 with the one year extension of September 19, 2011 for a Site Development Plan and Architectural Review Certification for construction of a four story 32,624 S.F office building with coffee shop and the associated site improvements. The project site is zoned IO (Institutional and Office Zone) and subject to the H (Historic District Zone) and the SWPOZ (Source Water Protection Overlay Zone). The property site is located on the south side of Forest Street just west of the intersection of West Loockerman Street, South Kirkwood Street, and Slaughter Street. The owner of record is 1776 Investments & Holdings (Robert Duncan). Property Address: 600 Forest Street. Tax Parcel: ED-05-076.12-02-44.00-000. (Parcel ED-05-076.12-02-45.00-000 is reputed to be a City of Dover owned parcel). Council District 4. *Final Site Plan approval has not been granted.*

Representative: None

There were no comments or questions from any Commission members at this time.

Mr. Shomo moved to grant approval of a one year extension for S-10-17Duncan Plaza located at 600 Forest Street, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

S-10-21 NBR Properties at 850 New Burton Road - Request for an extension of the Planning Commission approval granted on September 20, 2010 with a one year extension of September 19, 2011 for a Site Development Plan to permit the construction of a 20,000 S.F. office building with the associated site improvements on a 1.671 acre parcel. The property is zoned C-1A (Limited Commercial Zone). The property is located southwest of the intersection of New Burton Road/Queen Street and West Street. The owner of record is NBR Properties, LLC. Property Address: 850 New Burton Road. Tax Parcel: ED-05-76.00-01-23.00-000. Council District 2. *Final Site Plan approval was issued on January 30, 2012; however, construction has not commenced.*

Representative: None

Mr. Holden recused himself from the application due to his employer working on this project.

There were no comments or questions from any Commission members at this time.

Mr. Tolbert moved to grant approval of a one year extension for S-10-21, S-10-21 NBR Properties located at 850 New Burton Road, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Baldwin absent and Mr. Holden recusing himself.

NEW BUSINESS

C-08-01 House of Pride at Properties on North New Street and South New Street - Public Hearing and Consideration of Revocation of the Conditional Use Permit for the House of Pride properties, a philanthropic use and social service agency, including a residential recovery program and transitional housing. The project is located on seven (7) properties on North New Street and South New Street. The application involved the establishment of a multi-use philanthropic use relating to substance abuse prevention, intervention, treatment, education, and aftercare. The buildings include office, recovery houses, and transitional houses. The properties are zoned RG-1 (General Residential Zone) with the exception of 105 South New Street which is zoned C-2 (Central Commercial Zone). The owner of record is The House of Pride, Inc. The property addresses and associated tax parcels numbers are listed below. Council District 4.

20 North New Street	ED-05-076.08-05-20.00-000
29 South New Street	ED-05-077.05-03-10.00-000
37 South New Street	ED-05-077.05-03-08.00-000
38 South New Street	ED-05-076.08-05-84.00-000
55-57 South New Street	ED-05-077.05-03-02.00-000
105 South New Street	ED-05-077.09-01-37.00-000
110 South New Street	ED-05-077.09-01-31.00-000

****Initial approval of the Conditional Use by the Planning Commission on January 22, 2008. At the January 18, 2011 meeting, the Planning Commission acted to provisionally continue the Conditional Use Permit and required that it be subject to annual review by the Planning Commission. At the September 19, 2011 the Planning Commission acted to provisionally continue the Conditional Use Permit and directed the Annual Review to occur in July 2012. The Annual Review by the Planning Commission was rescheduled from the July meeting to the August 20, 2012 meeting to allow for completion of property inspections. However, after review of the Inspection Reports the Planning Office initiated the Process for Revocation of the Conditional Use.*

Representatives: Sandra Dean, Board of Directors and Attorney for House of Pride.

Mrs. Townshend stated that a letter was received dated September 12, 2012 that states "Dear Mrs. Townshend, The Board of Directors of the House of Pride, Inc. met yesterday and authorized this letter. First, we are glad to report that all properties of the House of Pride have passed inspection and are in compliance with City Codes except for 38 S. New Street which is under renovations and 110 S. New Street which is vacant. The House of Pride requests that all Conditional Use permits be revoked immediately. All properties except for 105 S. New Street is being immediately converted to residential rentals. 105 S. New Street will continue as a commercial use as the rental office. The House of Pride is embarking on a new broader purpose which is to provide community service and motivation to all persons in need. The House of Pride is no longer operating a residential recovery center and transitional housing is eliminated. We are excited about this new purpose and embark with new resolve to help all in need. We understand that all properties will now be subject to City property tax and applications will be submitted for rental licenses. Also, of course, part of our mission is to the keep the rental properties in compliance of all Codes, in partnership with the City of Dover. Yours truly, Sandra W. Dean."

Mrs. Townshend stated that with receipt of this letter, Staff has determined that a public hearing is not necessary as the Conditional Use would essentially be agreed upon to be revoked by the applicant. Staff would ask that the Planning Commission confirm this through a motion.

Mrs. Townshend further stated that a couple of points that she would like to recognize is that we do have two (2) pieces of correspondence that she will recognize for the record. A letter received from Christopher and Rebecca Raubacher and another from Kathleen Sarchet. She stated that there was a question that she had heard with regards to 105 S. New Street continuing as commercial use as the rental office. 105 S. New Street is zoned C-2 which is Central Commercial which would allow the office and business as a permitted use by right in that district. The letter also references 38 S. New Street which is the house that had a fire back in January. That house will be restored to a one family dwelling unit. Currently, the property located at 110 S. New Street is vacant and prior to reoccupying that house, a Certificate of Occupancy must be obtained and all the requirements associated with a Certificate of Occupancy met. As rental units, they will still be subject to City Inspections and will still be required to make any corrections necessary to meet Code requirements.

Mr. Tolbert stated that according to the letter, the various properties will be subject to City property tax. Will they not be rented under the House of Pride's 501c3 tax exemption? Responding to Mr. Tolbert, Mrs. Townshend stated that this is an issue that will be addressed with the Tax Office; however, according to the Tax Office, the properties that are owned by non-profit and not used for the non-profit purpose, so it will be a market rental.

Mr. Ambruso questioned if there were any inhabitants in any of these properties currently in use? Responding to Mr. Ambruso, Mrs. Dean stated that yes.

Mr. Ambruso further questioned what would happen to these inhabitants? Responding to Mr. Ambruso, Mrs. Dean stated that all of the people who are presently living in the houses are executing rental agreements with the House of Pride. Some of them have been in transitional housing and are now able to begin paying rent and become regular tenants. Some of the occupants are being given the option that if they wish to provide all or part consideration for their rent by doing community service or work for the House of Pride they are being given that option. The definition of a tenant is someone who gives the landlord "consideration." The "consideration" is usually money; however, not always.

Mr. Tolbert moved to approve the revocation of the Conditional Use Permit for the House of Pride, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

NEW DEVELOPMENT APPLICATIONS

C-12-06 Dover First Christian School at 647 Wyoming Avenue - Public Hearing and Review of a Conditional Use Site Plan to allow for the construction of a 4,000 SF school building and associated site improvements. The application also includes a Conditional Use to allow for the temporary use of the existing hall within the church as the school. The property is zoned R-8 (One Family Residence Zone). The property is located on the north side of Wyoming Avenue east of New Burton Road and west of Woodford Drive. The owner of record is Seventh Day Adventist Church. Address: 647 Wyoming Avenue. Tax Parcel: ED-05-76.20-01-78.00-000. Council District 2. *Waiver Requests: Elimination of Sidewalk along New Burton Road, Elimination of Sidewalk along Konschak Avenue, Elimination of Upright Curbing, Reduction in Parking*

Representatives: Mr. David Braun, Braun Engineering; Nick Alessandro, Diamond State Pole Buildings.

Ms. Cornwell stated that the Planning Commission previously approved a Conditional Use Site Plan for a daycare center to be built on this site in 2004. The daycare was not constructed and the Site Plan expired in 2006. The new building will be constructed at the west end of the parking lot and the outdoor play area will be located to the north of the building.

Ms. Cornwell further stated that with a Conditional Use Site Plan, the Planning Commission is to consider the use and whether it is in harmony, size and character of its location. The Site Plan is providing the required number of parking and bicycle parking spaces, dumpster pads, and trees.

Ms. Cornwell further stated that the applicant is requesting four (4) waivers. The first is for the use of combined parking. The church is required to provide sixty-three (63) parking spaces based on the seats within the church. The school is required to provide eight (8) parking spaces based on the number of students and teachers for a total of seventy-one (71) parking spaces. The site has sixty-three (63) parking spaces on site. The Planning Commission may allow a reduction in parking spaces if it can be demonstrated that the two uses generate demand for parking at different times. The second waiver request is to allow for the elimination of curbing within the parking lot to allow for drainage into the stormwater management area. The third and fourth waivers are both for the elimination of sidewalk. The applicant is requesting for the elimination of sidewalk along Konshack Avenue and are also requesting for the elimination of sidewalk along New Burton Road. Sidewalk does exist along Wyoming Avenue and sidewalk will be constructed as a part of this plan along Woodford Drive.

Ms. Cornwell further stated that the building will be constructed of metal with a pitched roof with windows and shutters along all sides of the building with porticos located over all of the doors. There will be a watertable feature around the entire building. The other agencies reviewing this application have provided their comments.

Mr. Ambruso questioned if this was to be a temporary building? Responding to Mr. Ambruso, Ms. Cornwell stated that no, the new building will be a permanent building; however, they are looking to use the existing church that has a hall in it to be used temporarily as the school so that they can have the school on site while the new building is being constructed. Once the new building is constructed, they will no longer use the existing church and the school will move into the new building.

Mrs. Still questioned in looking at the elevations that were provided and the existing building that is there, is there something that could be done to make it more in keeping with the residential look? Metal siding she does not feel is quite in keeping with the residential properties that are adjacent. Responding to Mrs. Still, Mr. Alessandro stated that the metal siding provides several advantages obviously the green building product that it is completely recyclable. As far as the product itself, there are twenty-one (21) different colors that can be chosen for both the wainscoting, the siding material, the roofing material, and all the trim. As far as color matching, they could match almost all of the vinyl siding that is in the neighboring housing. The church is brick and one of the issues that the church has is their budget. The church did not know that they would have to plant so many trees and other City Code issues; that it has eaten the budget. Currently, with building the structure as it is and other requirements, the budget is just not there. As the contractor, we are building a huge portion of this at cost with concrete being donated and the mason donating time to put in the sidewalks just to

keep us within budget so that the entire building can be built. If they are unable to build this due to budget constraints, there would be no trees or sidewalk built down New Burton Road.

Mr. Alessandro further stated that the church made changes from the initial standpoint with the porticos that we put over the doors and the wainscoting was not part of the first estimate. The church was willing to do what they could within budget to make the building attractive. Initially, the colors that the church chose were two shades of grey. They are willing to make any changes that the committee wants to see as far as color options. By putting on the wainscoting and porticos, which is fairly expensive, the whole idea was to make it more attractive for the surrounding area.

Mrs. Still further stated that from the perspective of compatibility, she would still like to see something akin to brick whether it is a wainscot or horizontal siding as opposed to vertical siding. It would definitely give it a more residential feeling. Responding to Mrs. Still, Mr. Alessandro stated that the very first commercial structure that is north of the church, which is the old Agway building, has steel vertical siding on it. The very first commercial structure south is Michael's Hair Care which has brick and vertical siding. The third house in on the left if you go down Konshack Avenue has vertical siding as well. It is within the realm of what is nearby and what is consistent with commercial structures. He feels that what are more important than vertical siding would be the colors that are chosen for aesthetics of the building. On New Burton Road he does not feel that you would be able to see the siding and whether it is vertical or horizontal. Doing brick wainscoting is going to be adding another $15,000 to $20,000 to the budget. Doing steel siding is like doing any other siding whether it is vinyl or cement board, it can easily be removed and changed at any point.

Mr. Nichols stated he has some concerns with this building. Back in 2006, this same type of building was submitted and he believes that Mr. Braun was the engineer on the building at that time and it was submitted as a metal building. At that time, it was also projected that the building should be brick with asphalt shingles on the roof. This building is not in keeping with what is nearby. If you have a pole building that is fine on a farm; however, this is not a farm. It is a residential area and the metal building does not set well in this area at all. It needs to be built of brick with asphalt shingles on the roof to match the existing. You have a lot of houses here that are brick with various types of siding. This is going to have to be done before the building can be approved.

Mr. Nichols further stated that the six (6) inch sewer that is coming out is going to have to have a shallow manhole in the bend in order to reflect the curve in there. You cannot just put a 90 degree there it will not work. Responding to Mr. Nichols, Mr. Alessandro stated that the housing development that is there appears to be at least 20 to 30 years old and back then steel was not a viable option for siding. We put steel siding on residential homes all the time and the same thing with the roof. This is a roof that will last for sixty (60) years. There is no asphalt roof that is going to last that long. It makes good sense from that point of view; aestheticwise as you would not see that on a farm.

Mr. Holt questioned how many children that are members of the church who would go to the school and what would the hours of operation be? Responding to Mr. Holt, Mr. Alessandro stated that the building can occupy up to 50 and would not all be members of the church. The hours of operation would be 7:30 AM to 3:30 PM.

Mr. Tolbert questioned that the building would accommodate 50 children and while you are waiting for the building to go up, you would have children in the temporary building? Responding to Mr.

Tolbert, Mr. Alessandro stated that the church has a hall that would occupy the children until the new structure is built. Currently, there are not 50 children enrolled.

Mr. Tolbert further questioned if the church hall would accommodate the number of children during this timeframe and is suitable to house the school? How long will it take before they can get into the building? Responding to Mr. Tolbert, Mr. Alessandro stated yes it's suitable to house their needs. Typical construction for a building of this size is about four (4) months.

Ms. Cornwell stated that Staff recommended that if the Conditional Use is granted that if the temporary use of the church is granted that this temporary use cease on September 30, 2013 whether or not the building was built. If they were still under construction, the use of the temporary use ceases then.

Colonel Welsh opened a public hearing.

Mrs. Mary Conrad – 932 Shank Road – Stated that she has a couple of questions. In her notice, it stated that there would be thirty-seven (37) maximum students; is this correct? Responding to Mrs. Conrad, Mr. Alessandro stated yes.

Mrs. Conrad further questioned with regards to New Burton Road, this is a busy road will there be something along the edge of roadway that will prevent the children from running out into the roadway? Responding to Mrs. Conrad, Mr. Braun stated that the play area where they will be outside will be fenced and parents will be walking the students from the parking lot into the building.

Mrs. Conrad further stated that her next concern is the traffic in this residential area. You will be adding more traffic in the morning when the residents are trying to get out going to work and you are adding more traffic in the evening when the residents are coming home, there will be parents in this mix as well. This is a concern that she has living in this area and already Wyoming Avenue is very busy because of people coming from New Burton Road trying to get over to Route 13.

Mr. Bill Hare – 23 Woodburn Circle – Stated that he is a Councilman for the Second District. He has spoken to most all of the residents that live in that area and they have some concerns. The majority of them are against taking this from residential to whatever it will be realizing that it may happen regardless of how they may feel. The traffic concerns about getting out onto New Burton Road are already a problem that has been mentioned numerous times to the City Manager. Secondly, if it is approved, the trees that are proposed would be the buffer that they like to see. Plus a pole building does not sit well with anyone in the neighborhood. The church has been a good neighbor with not being an eyesore. With the bricks structure that is there, they would like to see the continuation of the same type of structure that is in the neighborhood currently. He does not care how pretty steel or metal roofs can be it is not conducive to the neighborhood. They are very adamantly against the rezoning to begin with and secondly, if it does happen, they are hoping that it will at least be something that will flow with what is on the property now not a pretty steel or metal roof. To address some other things, Michael's Hair Care used to be Dobie's Liquor Store which was there before the neighborhood was. It was Dobie who was complaining about the houses being built. Agway and Southern States were there considerably before the development really got going; also which was already zoned commercial not residential trying to become commercial.

Colonel Welsh stated that as a point of clarification they are not seeking a rezoning on this; it is a Conditional Use Site Plan in a residentially zoned neighborhood.

Mrs. Linda Burdick – 54 Konschak Avenue – Stated that she was here to let you know that there are two (2) parcels that the church is laying claim to; however, we do not believe that they own. One of the parcels is subject to litigation currently. Responding to Mrs. Burdick, Mrs. Townshend stated that the area where the building is proposed is not within any of the setbacks to the area that is in question.

Colonel Welsh closed the public hearing after seeing no one else wishing to speak.

Mrs. Townshend stated that correspondence was received with a letter dated September 4, 2012 from Mr. L. Steady who again, echoes some of the concerns of compatibility that has previously been raised. A letter received from a Walter and Shirley Wharton of 955 Woodford Drive concerned about issues of traffic and the concern that if it does end up being successful that they may be looking to expand in the future. A letter was received from Jim Galvin located at 825 Westview Terrace, he indicates that he is concerned about the impact it will have on the quality of the neighborhood specifically is the metal clad building and metal roof. He believes that it is not in keeping with the character of the neighborhood and that it be constructed of a material more in keeping with the neighborhood and the adjacent church building. A letter was received from Aliticia Bickling located at 949 Woodford Drive, she is located directly across from the proposed daycare (school) and she expresses three (3) concerns. One is the impact on her property values, second is traffic, and third is the peacefulness of the neighborhood and how the cars coming and going and the playground activity would impact the peace and quiet in the neighborhood.

Mr. Holden questioned if there has been any discussion as to potentially reducing the size to address the exterior aesthetics of the building to better keep in harmony with the neighbors? Responding to Mr. Holden, Mr. Alessandro stated that the building is as small as it can be to accommodate that many children. If they needed to reduce the size of the structure for the budget, they would not be able to house that many children. They need to house this many children to pay for the construction of this project. If they are required to make some concessions on siding, roofing, or both, he would ask to be able to do what is minimum. Vinyl siding would be in keeping with the neighborhood; however, it is an inferior product. The steel has a thirty year warranty against fading and will look nice for a lot longer period of time.

Mr. Holden further questioned if there were steps or changes that could be done to have the new structure blend better with the existing structure that is already on the property? Responding to Mr. Holden, Mr. Alessandro stated that other than changing the outside of the building there is nothing on the interior that could change.

Mr. Holden further questioned the properties potentially under some disagreement of ownership. Are they located on the property and do they impact the sidewalks there? Responding to Mr. Holden, Ms. Townshend stated that it does not affect any of the sidewalk locations, it is up closer to Konschak Avenue.

Mrs. Still stated that she would prefer that there be some efforts made to revitalize the exterior of the facility to try to make it more in keeping with the residential neighborhood particularly with some sort of addition of brick so that is looks more cohesive with the existing building. Responding to Mrs.

Still, Mr. Alessandro asked that she keep in mind that the church is not reluctant to make the building look consistent with its neighbors. It is all budget issues that is an enormous amount of money that is just not there. Currently, the children that are associated with this church getting a Christian education are bused to Maryland. So this will be a much improved place for the kids to go as they are local kids going an hour in a bus to get an education.

Mr. Nichols stated with reference to New Burton Road, the trees that are on the southeast corner he met with these people years ago to try to get in there and cut those trees down because when you look south you cannot see the traffic. He refuses to cut those trees down on the southeast corner of Wyoming Avenue and New Burton Road. These trees are roughly about forty (40) feet tall that is an arborvitae type of tree. He will not cut them down and he would guess that the only way to get them down would be to have the State condemn the property to take the trees out so that it would alleviate a lot of problems on Wyoming Avenue.

Colonel Welsh stated that this is not on the church property and that Mr. Nichols was simply making an observation.

Mr. Nichols stated that what was brought up was the problem of getting out from Wyoming Avenue onto New Burton Road. He originally tried to get the property owner to remove those trees so that it would be easier for traffic.

Colonel Welsh stated that part of our charge in the Planning Commission is to ensure that the architecture of the building reflects the architecture so it has to blend in and tie in. There are no other steel structure buildings in the area. He personally thinks that steel structure buildings are fine in an industrial park and limited uses in a residential area. As a minimum, what he would like to see is a brick wainscoting that would tie in with the church so that it would flow with the church. He does not have a problem with 2/3 vertical steel siding of a neutral color. Again it would tie in with the existing facility which is the church. He does not have a problem with a metal roof as they are very functional and are certainly longer lasting than asphalt; however, there is no place in the neighborhood that has steel roofs. He thinks that something open for consideration would be to take this to the Architectural Review Committee who will take input from the community, input from the developer to try and come up with a solution. This committee is made up of two (2) members from the Planning Commission, the Mayor's designee and two (2) design professionals. If the Planning Commission approves the construction of the building; however, cannot or does not approve of the architectural style or material of the building then this is something that we may need to refer to the Architectural Review Committee for resolution.

Colonel Welsh further stated that he understands that this will adversely impact you if more requirements are placed on you; however, part of our charge is to ensure that you tie in with the community. We either put this burden on you or we put it on your neighbors and he does not feel that it is fair to put it on your neighbors.

Mr. Tolbert moved to table Application C-12-06 Dover First Christian School at 647 Wyoming Avenue until next month and during that period in-between that they work with the Staff to come up with a building that is more suitable and acceptable to the community and to the Planning Commission, seconded by Mr. Holt.

Colonel Welsh questioned if he did not want to see it go to the Architectural Review Committee for their involvement?

Mr. Tolbert questioned that it goes to the Architectural Review Committee then what happens after that? Responding to Mr. Tolbert, Colonel Welsh stated that it would be part of the process. There are two things that we have got to do. As a result of the questions that have come up and the conflicts this evening, first we need to approve the concept of having the building there and if we do, we have to agree on or come up with a solution to resolve the architectural issue differences that exist which would be done through the Architectural Review Committee.

Mrs. Townshend stated that you would need to revoke your motion and make a motion to refer the project to the Architectural Review Committee for recommendation back to the Planning Commission next month after having worked with the applicant.

Mr. Tolbert questioned that this would not deal with the waiver requests? Responding to Mr. Tolbert, Mrs. Townshend stated that it would deal only with the architecture.

Mrs. Townshend stated that the motion could be to approve the Conditional Use C-12-06 with or without the waivers and not approving the architecture this evening; rather referring it to the Architecture Review Committee for a recommendation next month.

Colonel Welsh stated that it would be a two part motion. First, we are approving the concept of the school as it fits or does not fit in the neighborhood and then if we approve it as the concept then we need to refer it for further review for the architectural standards.

Mr. Tolbert moved to withdraw his first motion, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

Mrs. Townshend stated that the other option is to refer the architecture and vote on everything next month.

Mr. Tolbert moved to approve the application C-12-06 Dover First Christian School at 647 Wyoming Avenue for the construction of a school building on the condition that changes are made to the architecture and that said motion also include that the waiver not be approved for the elimination of sidewalk along New Burton Road and that it be referred to the Architectural Review Committee for approval at the October meeting for any architectural changes that need to be made to have a closer tie into the community.

Mrs. Townshend stated that you would need to specify that minus the sidewalk on New Burton Road, the other waiver requests would be approved as submitted and the temporary use of the fellowship hall as the school would be discontinued or all of the Staff recommendations.

Colonel Welsh stated to Mr. Tolbert that we are mudding the water the way that we are doing this. It might be cleaner if you withdraw your motion and then make a motion that Planning Staff and the Architectural Review Committee meet and table the application until next month.

Mr. Tolbert moved to withdraw the last motion, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

Mr. Tolbert moved to defer the application of C-12-06 Dover First Christian School at 647 Wyoming Avenue until the October meeting and to refer it to the Architectural Review Committee, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Mr. Baldwin absent.

Mr. Holden stated that he would be recusing himself from the next two (2) applications as his employer is the engineer of record for both projects.

S-12-15 DelTech Office of the President Building Addition – Public Hearing and Review of a Site Development Plan to allow for the construction of building additions totaling 6,029 S.F. to the existing Office of the President/Administration Building and associated site improvements on the campus of Delaware Technical Community College: Terry Campus. The subject parcel of land is zoned IO (Institutional/Office Zone). The property is located on the west side of North DuPont Highway south of West Denneys Road and north of Scarborough Road. The owner of record is State of Delaware - Delaware Technical Community College. Address: 100 Campus Drive. Tax Parcel: ED-05-057.00-01-01.00-000. Council District 3. *Waiver Requests: Elimination of Loading Space, Partial Elimination of Curbing.*

Representative – Mr. Gregg Moore, Becker Morgan Group, Inc.

Mrs. Harvey stated that the building addition is one story like the existing building and all renovations will match the existing design of the building. Two waiver requests were submitted with this application. One for the elimination of the loading space citing limitations on placement due to mature trees and other existing conditions. The second waiver request is for the partial elimination of curbing to allow for drainage into the stormwater management area. The Site Plan for this application includes the proposed construction of an expansion to create an adjacent parking lot in the future.

Mrs. Harvey further stated that a variance application has been filed for consideration by the Board of Adjustment at their meeting of September 19, 2012. The applicant is seeking to exceed the maximum parking limitation to allow for the expansion of the adjacent parking lot by twenty-two (22) parking spaces.

Mr. Nichols stated that he felt that this was a very good addition and is very compatible with the existing building that is currently in use there and will be well liked when it is completed. Mr. Tolbert and Colonel Welsh concurred with these comments.

Mr. Moore stated that they are making a modification for the entrance to this building to try and enhance the features of the entrance so that you know it is the main entrance as they make this building larger. There are comments in the DAC Report regarding adding sidewalk and they are agreeable to adding the sidewalk along the entrance to the facility. There is a double lane entrance with a median in the center and we would like to add the sidewalk along that side to allow bikers to use that. There is also a comment regarding a second sidewalk that would go from the backside of the new building to that sidewalk as well. This is a garden area and where the President's conference room and office is. We do not want to invite students to walk across here; we would rather they walk across the main entrance.

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

Mr. Tolbert moved to approve S-12-15 DelTech Office of the President Building Addition with the understanding that they (the applicant's) concur with all the DAC comments of record except the second sidewalk and that for the waivers requested: the elimination of the loading space and the waiver for partial elimination for upright curbing be approved, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Mr. Baldwin absent and Mr. Holden recusing himself.

Mrs. Townshend questioned whether the sidewalk connection would come out of the report or that the Planning Commission is not going to require that they build it? Responding to Mrs. Townshend, Mr. Tolbert stated that he would defer to Staff recommendations.

Mrs. Melson-Williams stated that Staff recommendation is that the sidewalk be constructed.

Mr. Moore stated that they agree with the sidewalk along the main entrance which is the largest one and is the sidewalk that will take you to Denneys Road all the way in and get you to the campus. This building is the administrative headquarters for all of the campuses throughout the state and it is not there just for the administration of Dover. Because of that the various offices here, they do not want the students approaching the building to use the buildings as though it were for administration offices and because the President has his office and conference room off of that backside area and would rather this area be much more garden area and not a main throughway for the students. We would like Staff comments to include just the one sidewalk.

That Staff comment is with regards to a sidewalk connection leading to the multi-use path. It is Item #3 under Staff recommendations. The sidewalk along the entrance drive to the campus is a Code requirement for a linking sidewalk from the street frontage sidewalk into the site. On the east side of the building, the sidewalk connects from sidewalk to a multi-use path and is the Staff's recommendation to complete that connection.

Mr. Moore stated that their position is that the sidewalk they are going to build also does connect to the multi-use path so that there is an adequate connection for it. Responding to Mr. Moore, Colonel Welsh stated that your concern would be that you would have students walking by there unnecessarily. They will cut across and walk through the President's area and the main administration area and cause issues with the administrative complex.

Mrs. Townshend stated that Staff tends to believe that if you are on the bike path and you are going to go into the site, you will go in at a place that is most convenient so even if they do not construct it, it is likely to get utilized. If the concern is that it should not be utilized, we do not believe that not constructing the sidewalk necessarily accomplishes that. We think that establishing the sidewalk helps to make the campus friendlier to multi-modal transportation alternatives.

Mr. Tolbert stated that he would amend the motion to indicate that part of the sidewalk should be constructed, to include the sidewalk from behind the President's office to the multi-modal pathway seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Baldwin absent and Mr. Holden recusing himself.

S-12-16 Dick's Sporting Goods at the Dover Mall – Public Hearing and Review of a Site Development Plan to allow for the construction of a 53,183 SF addition and associated site improvements to the existing mall. The subject parcel of land is zoned SC-3 (Regional Shopping Center Zone) and are subject to the SWPOZ (Source Water Protection Overlay Zone) Tier 3 – Excellent Recharge Area. The property is located on the east side of North DuPont Highway south of Rustic Lane. The owner of record is Dover Mall, LLC. Address: 1365 North DuPont Highway. Tax Parcel: ED-05-057.00-01-14.00-000. Council District 3. *Waiver Request: Reduction in Bicycle Parking Spaces*

Representative – Mr. Gregg Moore, Becker Morgan Group, Inc.; and Mike Hartman, Simon Property Group.

Mrs. Melson-Williams stated that the overall addition to the building for this tenant will make use of some of the existing area within the mall building itself as well as additional square footage on the outside of the building for what is currently a parking lot area. Overall, the tenant space will be 53,183 square feet for the tenant. This is not the first addition to the Dover Mall since its construction back in the 1980's. There have been several expansions over time with the Boscov's, what is now Macy's, as well as the movie theater on the other side.

Mrs. Melson-Williams further stated that at this location, the area is currently an exterior exit from the main corridor of the mall facility. With this, the Dick's project will have direct access to the interior of the Mall; however, also has its own exterior entrance from the parking lot itself.

Mrs. Melson-Williams further stated that the architecture of the proposed building addition is a split face concrete block following very similarly to what the existing mall is. It does have additional detailing in the form of horizontal banding on the three sides that are exterior walls and then the main entrance on the west side of the building is much more highlighted with a column and metal wall system predominating what is the west side that faces the parking lot.

Mrs. Melson-Williams further stated with the Dover Mall property, the entrances to the Dover Mall facility itself from Route 13 remains unchanged. There is a south and north entrance that are signalized off of Route 13. She would also note that for the mall property a portion of it immediately adjacent to Route 13 is within the Source Water Protection Overlay Zone; however, this building addition does not impact that area of the property so you do not have to worry about those aspects of the code.

Mrs. Melson-Williams further stated that with the project, fire protection in the form of fire lanes, fire hydrants, and other protection measures will have to be evaluated to ensure compliance for both this tenant as well as the overall Mall since egress from the Mall will not be changing.

Mrs. Melson-Williams further stated that overall the parking requirements for such a property in SC-3 is one parking space per 300 square feet of leasable floor area. Given the overall size of the Mall including this addition would require 2,920 parking spaces. The Mall currently has over 4,400 parking spaces and well exceeds the parking requirements for the site; however, with this project with the location of the addition, there are obviously some changes to the parking lot and the overall number of parking spaces at the Mall will actually be reduced to 4,235 parking spaces overall. The parking spaces are considered legal non-conforming that are existing and allowed to continue. They

could not increase the number of parking spaces based on other regulations in our Code.

Mrs. Melson-Williams further stated that for this site, they obviously will need a loading area. Typically square footage for this tenant size would require three (3) loading spaces; however, for buildings that exceed 150,000 square feet overall, which the Mall itself does, loading is as needed and needs to be deemed sufficient to serve the facility. With this there is a dedicated loading area for this tenant space specifically. With the project, we also looked at bicycle parking. Bicycle parking requirements of the Code are newer since the Mall was originally constructed. There are bicycle parking spaces in several locations at the mall; however, it does not achieve the total number of spaces that would be 146 bicycle spaces. The applicant has submitted a waiver request to reduce the number of bicycle parking requirements for the project. They are seeking to only add the bicycle parking that would be required based on this tenant space which would be nine (9) bicycle parking spaces.

Mrs. Melson-Williams stated that overall there is curbing throughout the parking lot and it gets reconfigured along what would be sidewalk areas immediately adjacent to the building and some of the fire lane that serves the areas immediately adjacent to it. For dumpsters, this project would require two (2) as it is an anchor tenant. They are proposing a trash compactor so we will determine whether that meets the dumpster requirements for the site.

Mrs. Melson-Williams further stated that with regards to sidewalk overall the frontage along North DuPont Highway does have sidewalk. The one connecting sidewalk leading from Route 13 into this side is located along the northern entrance of the property. Along the south entrance there is not a sidewalk that links from Route 13 into the site.

Mrs. Melson-Williams further stated for tree planting they have to plant sixty-nine (69) trees with this project and that will be a mix of existing trees that will be retained in this area as well as new tree plantings in various parking lot islands in the area.

Mrs. Melson-Williams further stated that the Planning Staff provided a series of comments. Specifically, we have some recommendations with regards to the Site Plan itself. First, we do recommend approval of the bicycle parking reduction and recommend that this tenant provide the nine (9) bicycle parking spaces specific to its use itself. The second comment from staff is with regards to the connecting sidewalk. The Planning Staff is recommending that a connecting sidewalk or a multi-use type path be implemented along the south entrance from Route 13 leading into the site. Staff sites that the Code actually calls for pedestrian traffic to be separated from vehicular traffic in planning such properties and this will actually increase pedestrian safety because there are a significant number of pedestrian visitors that come to the site from the Delaware State University campus. They can use a cross walk to cross Route 13; however, they would then have to walk all the way to the north entrance to come in on a sidewalk. Whereas, if they are coming in from the south, an entrance connecting sidewalk along the south entrance would be more appropriate. The third comment from Staff to highlight is with regards to transit services. Currently, the location of where this addition is proposed is a bus stop so we are recommending that ongoing communication continue with DART First State and the Dover Mall to address where transit bus services exist on the property. We feel that transit services to the Mall are a key alternative mode of transportation that should be maintained.

Mrs. Melson-Williams further stated that various other agencies have provided comments including the City's Electric Department, water and wastewater from the Public Works Office, and the Fire Marshal's Office. Staff has received a comment from DelDOT in that they (the applicant) will make a payment towards an area wide study fee in lieu of performing a TIS for this project. The stormwater management plan will be subject to review and approval by the Kent Conservation District. The Kent County MPO also notes the concept for coordination of bus stops and also expresses their concerns regarding pedestrian connectivity from Route 13 into the site.

Mr. Moore stated that they are agreeable to placing the sidewalk along the side that does not currently have sidewalk that would be in the grass area alongside the pond by the entrance. The sidewalk would then terminate and there would be a crosswalk along the main road. We are calculating the nine (9) bicycle parking spaces which is based on the full size of Dick's which is 53,000 square feet and 14,000 square feet of interior space that is being renovated that would exceed the bicycle count for just this building. There are a number of bicycle racks around the Mall that are not overused in fact: they are generally underused.

Mr. Tolbert questioned if the applicant would be responsible to initiate coordination of a bus stop for Route 13 to the site? Responding to Mr. Tolbert, Mrs. Townshend stated that currently, there are bus stops at the Mall campus. One of the heavily utilized bus stops is in this location so the Delaware Transit Corporation specifically asked that the applicant work with them.

Mr. Moore stated that this is part of the DAC comments and we have contacted them and the Transit Corporation has not been able to get to the discussion; however, the Dover Mall wants to continue that and it could be moved as there are plenty of spots where we have main entrances that will take up what this used to be as a main entrance.

Mr. Nichols stated this is a good addition to come into the Mall. It is not as big as the one they will be building at the Christiana Mall; however, is something that has been needed here for quite some time.

Colonel Welsh stated to clarify, the applicant does agree to all of the DAC comments of record? Responding to Colonel Welsh, Mr. Moore stated yes they do.

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

Mr. Nichols moved to approve S-12-16 Dick's Sporting Goods at the Dover Mall to include the approval of the waiver request for bicycle parking, seconded by Mr. Tolbert and the motion was unanimously carried 7-0 with Mr. Baldwin absent and Mr. Holden recusing himself.

Mr. Moore stated for clarification, they did not need a waiver for the loading as we presented nor the trash facilities that was worked out with Staff? Responding to Mr. Moore, Colonel Welsh stated no.

Mr. Nichols announced his retirement from his position as a Planning Commissioner effective immediately. Other members thanked him for his years of service.

Meeting Adjourned at 8:31 PM

Sincerely,

Diane Metsch
Secretary