CITY OF DOVER PLANNING COMMISSION
January 17, 2012

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

Staff members present were Mrs. Melson-Williams, Mrs. Duca, Ms. Cornwell and Ms. Metsch. Also present was Mr. Greg Scott.

Mr. Hemmig stated that a note for the public for anyone who is here for application C-11-06 Kent County 911 Center: Parking Expansion at 911 Public Safety Boulevard will not be heard this evening.

APPROVAL OF AGENDA

Mr. Nichols moved to approve the agenda as submitted, seconded by Mr. Baldwin and the motion was unanimously carried 6-0 with Mr. Friedman, Mr. Holt and Colonel Welsh absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF DECEMBER 19, 2011

Mr. Tolbert moved to approve the regular Planning Commission meeting minutes of December 19, 2011, seconded by Mr. Shomo and the motion was unanimously carried 6-0 with Mr. Friedman, Mr. Holt and Colonel Welsh absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that tomorrow afternoon there will be an Audio Web Conference held at the Kent County Administration Building beginning at 4:00 PM with the topic for this month being "Resilient Planning Agencies." This is part of the series that is done by the American Planning Association and sponsored by the Delaware Chapter of that group for this session and the Kent County Planning Services Office.

Mrs. Melson-Williams stated that the next Planning Commission Meeting will be held on Tuesday, February 21, 2012 at 7:00 PM in the City Hall Council Chambers. The next Quarterly Workshop is scheduled for Wednesday February 22, 2012 at 4:00 PM in the City Hall Conference Room.

Mrs. Melson-Williams stated that of note, there were no second meetings in December for City Council as they were cancelled due to the holidays. She provided an update on the regular City Council, Utility Committee, Parks, Recreation and Community Enhancement Committee, and Legislative, Finance and Administration Committee meetings of January 9, 2012.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

Mrs. Melson-Williams presented the audience information on policies and procedures for the meeting.

OLD BUSINESS

S-11-16 Governors Avenue Animal Hospital at 1008 South Governors Avenue – Information to clarify the building size for the project Site Plan involving renovations an existing building and construction of a two story building addition to the veterinary hospital building and associated site improvements. The subject site consists of one parcel for a total of 0.8379 acres +/- (36,497 S.F. +/-) of land. The property is situated on the southwest corner of South Governors Avenue and Wyoming Avenue. The property is zoned C-1A (Limited Commercial Zone). The owner of record is Governors Avenue Realty, LLC. Property Address: 1008 South Governors Avenue. Tax Parcel: ED-05-077.17-06-20.00-000. Council District 2. *The Planning Commission previously approved Application S-11-16 on September 19, 2011 with Final Plan Approval granted December 22, 2011.*

Representative: None

Ms. Cornwell stated that this is an informational item. This application was before the Planning Commission as a Site Plan in September 2011. At that time, the square footage of the building was stated as being 7,900 square feet; however, it was determined that the actual square footage of the building is 9,280 square feet. The difference in the number is that the mechanical areas are now included in the overall calculation. Mechanical areas are removed when calculating parking. No changes were made to the building footprint and the Final Plan was granted Final Plan approval in December 2011.

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

NEW DEVELOPMENT APPLICATIONS

SB-12-01 Lands of Donnelly at 99 Pine Valley Road – Public Hearing and Review of a Minor Subdivision to allow for the re-establishment of two (2) parcels to be known as Lot 13 and Lot 14 within the subdivision known as The Retreat. The land is currently shown as one property/parcel. This request will re-subdivide the land into two parcels of consisting of 28,425 S.F. and 21,809 S.F. The subject parcel of land is zoned R-10 (One Family Residence Zone) and is located on the southwest corner of the intersection of Pine Valley Road and Augusta Court. The owners of record are Francis Donnelly and Deloris Donnelly. Property Address: 99 Pine Valley Road. Tax Parcel: ED-05-066.12-01-34.00-000. Council District 1.

Representatives – Mr. Greg Scott, Scott Engineering.

Mrs. Melson-Williams stated that this request is to allow for the re-establishment of two (2) parcels from this tract of land. Originally, when The Retreat was platted, this tract of land was two (2) lots; Lots 13 & 14 of that subdivision. Over the years, the tract was combined into one (1) piece of property. The request this evening is to go back to two (2) pieces of property.

Mrs. Melson-Williams further stated that there is an existing home constructed on what is Lot 13 of the subdivision and Lot 14 is currently vacant that does include woodland areas. The proposal divides it into two (2) lots and those lots do meet the requirements for the R-10 zone related to

minimum lot area. They have the sufficient space for the various setbacks that would be met. There would be lot coverage maximums established for each individual lot.

Mrs. Melson-Williams further stated that there is one waiver request to consider and that is a waiver request for the elimination of sidewalks. The *Zoning Ordinance* requires that any property appearing in front of the Planning Commission for review that has public street frontage, that sidewalk be established along those street frontages; however, the *Zoning Ordinance* does allow for the Planning Commission to modify that sidewalk requirement.

Mrs. Melson-Williams further stated that the applicant has submitted a waiver request seeking that relief noting that there are no sidewalks in the immediate vicinity of Retreat as it was developed without a sidewalk network tied to it. Since this is a wooded lot, there are clearing maximums that are established by the *Zoning Ordinance* and that is a maximum clearing of fifty percent of the woodland on the property that would be permitted.

Mrs. Melson-Williams further stated that the Planning Office has issued a series of comments to include corrections to the Plan. The Planning Staff is recommending approval of the waiver request to eliminate sidewalks because of it being so isolated and also the given difficulty of constructing those sidewalks in what is a wooded subdivision.

Mrs. Melson-Williams further stated that another thing of note is related to the driveway access for each lot. The applicant will need to work with the City's Public Works Office to determine the driveway curb cuts for each property. Currently, the driveway that serves the existing house would cross the second lot, Lot 14 in order to gain access to Lot 13. That is permitted; however, a cross access easement would need to be established.

Mrs. Melson-Williams further stated that the other agencies have supplied their comments including the City's Public Works Office with regards to water and wastewater services to the site and electric service to the site. Comments were received from DelDOT even though this is not a State maintained road, they made similar recommendations regarding the driveway and whether that should be on each individual lot or if a cross access easement would be necessary if it crosses both lots.

Mr. Scott stated that he would like to hand out a Revised Plan. They have no problems with the DAC comments. The only issue that we had to deal with is the driveway issue and after discussing it with our client, they have decided to take it to the driveway line. You can see on the westerly side of the driveway we have a line that we have taken away to keep the driveway totally on Lot 13 and not have to get a cross access easement onto Lot 14 knowing that the minimum frontage for a cul-de-sac lot is half of the required frontage for a typical lot which is eighty (80) feet. So we would have to have forty (40) feet out into the right-of-way line which is also the setback line. We actually have forty-two (42)+/- feet at the right-of-way and seventy-seven (77) feet at the setback so we would still have the required lot area.

Mr. Scott further stated that one of the things that he has shown on the lot towards the bottom right hand corner on Lot 14 is it indicates that he has drain pipes that is run by gravity from the house. One serves the roof drains coming off of the house and another one is a French drain in the basement which collects water from around the foundation drain and discharges it out to the swale

at the rear of the property. In order to alleviate having to relocate those lines, we have provided for a permanent easement that will allow us to leave those lines on Lot 14 so that they can be maintained as well.

Mr. Hemmig questioned if there were any comments from Staff regarding the revised drawings that were submitted that could present some problems for the application? Responding to Mr. Hemmig, Mrs. Melson-Williams stated that a quick review would be that there is probably none; however, Staff would review it more carefully through the Check Print review process should the application be successful this evening. The Public Works Office would also take a look at any Code issues that would be related to the basement drain pipes that cross onto the other property.

Mr. Tolbert questioned if the changes to the driveway eliminate the need for an easement? Responding to Mr. Tolbert, Mr. Hemmig stated that yes, it would because the portion of the driveway that is within the property line and would remain completely on Lot 13. Beyond the property it is City property (the right-of-way).

Mr. Nichols questioned if water and sewer is available on Lot 13 already? Responding to Mr. Nichols, Mr. Scott stated that the best that we can tell is yes; however, they were not able to locate it. Miss Utility was out there and marked all the way to the property line so we could not find the clean-out; however, we did find the curb stop for the water service.

Mr. Hemmig opened a public hearing and after seeing no one wishing to speak closed the public hearing.

Mr. Tolbert moved to approve SB-12-01 Lands of Donnelly located at 99 Pine Valley Road with the condition that the adjustment in the driveway be made as stated and that the waiver as requested for the elimination of sidewalk be approved and that the revised adjustment in the Plan that was provided this evening be accepted, seconded by Mr. Nichols and the motion was unanimously carried 6-0 with Mr. Friedman, Mr. Holt and Colonel Welsh absent.

Meeting Adjourned at 7:22 PM

Sincerely,

Diane Metsch
Secretary