CITY OF DOVER PLANNING COMMISSION
QUARTERLY WORKSHOP
August 16, 2011

The Regular Quarterly Workshop Meeting of the City of Dover Planning Commission was held on Tuesday August 16, 2011 at 4:00 PM with Chairman Hemmig presiding. Members present were Mr. Hemmig, Mr. Tolbert, Mr. Shomo, Mr. Baldwin, Mr. Nichols, and Mr. Holt. Mr. Friedman, Colonel Welsh, and Mr. Ambruso were absent.

Staff members present were Mrs. Townshend, (arriving at 4:06) Ms. Cornwell, Mr. Albert, and Ms. Metsch.

Planning Commission Comments and Concerns

Mr. Holt stated that he noticed on the highway on Route 13 that the last month or so we have had a lot of these cash and carry furniture vendors where they drop the furniture in plastic and leave it there for a while and sell it for cash. Is there a limit on this kind of stuff? Does the City get any reimbursement from these people for doing that as it is taking business away from local furniture dealers? They do not have to worry about rent or anything. Responding to Mr. Holt, Ms. Cornwell stated that normally these vendors are located on private property with permission from that property owner in written format. The City will issue a Business License that is usually good for a week or two. When we have a vendor that shows up and does not obtain a Business License, we will send an Inspector out to remind them to come in and get it or we will request that they leave.

Mr. Holt further stated that another concern that he has is crime that is on the increase everywhere not just in Dover. He is wondering if some of these Plans that we receive should we send some of these Site Plans to the Police Department for them to comment on the area. Everyone comments on the Plans such as the Electric, Water & Sewer Departments. The Plan that was presented last night by the Downtown Development Partnership stated that they would have security cameras. He would like to see more done upfront to deter crime in certain neighborhoods. There are certain areas where we need to be careful about that. You need to ask yourself if you would walk down in that area at night and there are some areas in Dover where he would say no. Responding to Mr. Holt, Ms. Cornwell stated that the Police Department does get a copy of the applications and the DAC Agenda as they are part of the DAC process.

Mr. Holt further stated that the Police Department would make a comment if they felt that the area was particularly hazardous because if you are going to put apartments in an area with older people walking in and out, what type of security is there going to be because older people are prime targets for vandalism and being mugged. What would deter that would be fencing, lighting, and cameras or maybe they would recommend that the area is not safe for that type of use. Responding to Mr. Holt, Ms. Cornwell stated that in the DAC process, Staff takes a look at fencing and lighting.

Mr. Holt further stated with the application last night the fencing was an open fence and a cyclone fence you can see through even though it was four (4) feet; however, anyone would be able to get over a four (4) foot fence. A six (6) foot high fence would be more secure.
Mr. Tolbert stated that there is a lot of crime that takes place right in parking lots and that is more dangerous than anything especially at nighttime.

Mr. Holt stated just so they get an idea of who is going to live in this area and what the activity would be like after dark. This is stuff that maybe we could address or the Police Department who could make a suggestion up front before something does happen it would help keep some of the crime down a little bit.

Mr. Hemmig stated that he is sure that the Police patrol some of the areas where there is higher crime. Fences are okay; however, unless it is going to be completely fenced, gated, and guarded it is not going to do any good. Lighting and cameras are good things to have. Just the fact that an area is getting developed will help improve and reduce crime in that area because there would be more people in the area.

Mr. Nichols questioned if the project for the Bayard Plaza will be all Section 8 housing? Responding to Mr. Nichols, Mrs. Townshend stated that this will be a low income housing tax credit project. The developer would receive tax credits for providing apartments for people between 50 and 60 percent of area medium income

Mr. Hemmig stated that there really is not much that this Commission can do to tell people that they cannot build where they want to because it is crime ridden. Responding to Mr. Hemmig, Mr. Holt stated that you could let the developer know that they need to do more security for the building and the way that the building is situated; type of fencing, lighting, and cameras goes a long way up front.

Mr. Albert stated interestingly enough a lot of times Staff is on the opposite side of what businesses want to do in terms of site planning which is how they describe their safety practices. When we require real windows or faux windows for a building and telling them not to have a blank wall, they are doing that because this is an entry point for activity. When we require extra entrances for site connectivity, they would prefer it to be one entrance in and out because it is something that can be closed off. Developers are interested in having well populated well-built areas where people are involved on a routine basis with routine activities.

Mr. Baldwin questioned on these projects do we have anyone who can follow-up on completion of these projects? An example is the CVS that was constructed on Route 8. They had to disturb some of the park fixtures by taking them down and what was there before they started was a nice dogwood tree with blooms and a monument with Reverend Williams on it and a nice sign. Now that they have completed the project, all they have is the sign, the monument and tree is not there. Responding to Mr. Baldwin, Mrs. Townshend **s**tated that in this case, she believes that they received permission through the City Manager's Office to use the park as a laydown area and they should have restored it. She will check it and if this has not been entirely done. She will make sure what needs to get done to restore the park gets done.

Mr. Baldwin further questioned when the Planning Commission issues specific instructions to a specific project, Code Enforcement does some follow-up; however, do we have anyone that goes through and make sure that those instructions issued by the Planning Commission has been followed? Responding to Mr. Baldwin, Mrs. Townshend stated that for each project that comes before the Planning Commission and goes to construction, prior to issuance of a Certificate of Occupancy the Planner that has been reviewing the Plan will take the Final Site Plan out and count trees, parking spaces, make sure the building footprint is where it is supposed to be, and

the landscaping is where it is supposed to be. If it is not, then Staff will either hold up the Certificate of Occupancy completely or issue a Temporary Certificate of Occupancy depending on how severe the issues are.

Mr. Baldwin further questioned what if the business is up and operating and six (6) months down the road they start violating some of those instructions? Responding to Mr. Baldwin, Mrs. Townshend stated that this would be addressed through Code Enforcement. Typically, Code Enforcement will be out in an area and notice something or we will get a complaint and take a look at the Site Plan. If there is something going on contrary to what is on the Site Plan, we will send Code Enforcement Staff out to follow-up.

Mr. Hemmig stated that the City has a website where you can log complaints that you may see while out.

Mr. Nichols stated with regards to grass, the J&W property in back of the C.F. Schwartz Motor Company is about four (4) feet tall. He is not sure who owns it. The Capital School District New Dover High School Project also has tall grass. Responding to Mr. Nichols, Mrs. Townshend stated that she would send a Code Enforcement Officer out to check.

Mr. Hemmig questioned if anyone knew what was going on with the lot across from Lexington Glenn on East Division Street where they are dumping dirt and it is piling up? Responding to Mr. Hemmig, Mrs. Townshend stated that she has no idea and thinks that this might be out of City limits.

Responding to Mr. Hemmig, Mr. Albert stated that he thought that this was fill dirt for Lexington Glen. The way that it exits the development it looks as if they had driven straight from Lexington Glen, scooped, and went back. They have been working on the townhouses in front of the development recently.

Mrs. Townshend stated that she thought this was fill dirt for Rojan Meadows as they were supposed to start their pump station.

Mr. Nichols questioned with regards to 70 Mifflin Road is this in the City of Dover? Responding to Mr. Nichols, Mrs. Townshend stated that yes it is. It was declared dangerous by City Council last week and if it is not demolished by August 18, 2011 then the City will proceed with demolition.

Mr. Nichols further questioned if it was an insurance problem? Responding to Mr. Nichols, Mrs. Townshend stated that the homeowner did not have insurance.

Mr. Tolbert questioned if the owner would be responsible for demolition? Responding to Mr. Tolbert, Mrs. Townshend stated that the City will demolish it, bill the owner, and place a lien on the property. After the date of August 18th it will probably be another week or so as the City will have to receive bids on the price of demolition.
Mr. Nichols further stated with regards to a sprinkler system and he has talked to the Fire Marshal several times and he agrees that it should go down to 5,000 feet instead of 10,000 feet. If we could agree on it, you could send him a letter with the agreement and present it to City Council. Responding to Mr. Nichols, Mrs. Townshend stated that she thinks that she would have

to be assigned by City Council and she would be very surprised if City Council would seriously entertain that idea.

Mr. Nichols further stated that there are some real estate people who are fighting this idea and the Fire Marshal stated that he would work on it if he could get a letter of agreement. With this 10,000 feet everyone wants to build buildings that are 9,999 feet and he is saying go down to 5,000 feet. Responding to Mr. Nichols, Mrs. Townshend stated that this is something the City Council would have to adopt so it would have to go through the Committee process. The Fire Marshal could certainly ask to have it placed on an agenda and she will talk to him about that; however, she thinks that it would be an uphill battle.

Mr. Hemmig stated that he would bring forth on behalf of Colonel Welsh that he is expressing concern over the amount of paper we receive. There are typically things in here for details for stormwater and landscaping. Are these available in PDF format? Responding to Mr. Hemmig, Mrs. Townshend stated that Staff has begun requesting digital files so she would say that most of them; however, not all are available in PDF format.

Mr. Hemmig stated that he knows that they would be rather large files; however, possibly we could arrange that each of us could give you a flash drive and you could load them on that which could come in the packet.

Responding to Mr. Hemmig, Mrs. Townshend stated that the City could provide the flash drives. The question would be who would want no paper and who would want paper.

Mr. Hemmig stated that he and Colonel Welsh would welcome having the Plans on a flash drive.

Mr. Tolbert stated that his concern would be if we do not have all the paper and an issue comes up, we would not have it to refer to. Responding to Mr. Tolbert, Mrs. Townshend stated that it would not be that you do not have it. It would be that you do not have it on paper. You would have it digitally so you would look at it on your computer then. It maybe great; however, if you're not, it would just depend on how you would want to review things.

Mr. Holt and Mr. Tolbert stated that they did not mind receiving all the paper in the packet.

Mrs. Metsch stated as a reminder as I was looking around the room last night and all of the Commission members were leaning back in their chairs very comfortably. If you are going to speak could you please lean forward and pull the microphone towards you so that the recording is audible.

Update of Zoning Ordinance Article 10

Mrs. Townshend stated that last week City Council adopted the revisions to *Article 10 Zoning Ordinance* which is the significant change in the way that Staff processes applications. There are a number of things that previously went through Administrative Site Plan Review. Those items, if it is just a change of use and no site work, those things will just have a Zoning Review to comply with the zoning requirements. The threshold for being an Administrative Site Plan has increased to 1,500 square feet of disturbance, if it is adjacent to residential. All the other thresholds would remain the same.

Mrs. Townshend further stated that the most significant change is that when you approve a Site Plan or a Conditional Use permit, that approval is good for two (2) years now instead of one (1) year with the opportunity for one (1) additional year extension. Any Site Plan or Conditional Use that was unexpired as of adoption of the Ordinance would be eligible for a second one (1) year extension.

Mrs. Townshend further stated that the public notice changed from ten (10) days prior to the meeting to fifteen (15) days prior to the meeting. You probably remember nights when people stated that they had just received the notice three days ago. Because these letters are certified mail, if you are not home when they deliver, the Post Office will leave a note and you then have to go the Post Office to pick up the certified letter. The most significant change in the public notice is that there will now be a sign on the subject property and that will begin with the September Planning Commission applications. Staff has revised the DAC schedule and is making revisions to the packet materials to implement what will be coming to you in the next month. It will be interesting to see if this makes a difference. We did see last night where at least one speaker did say that they did not get the mailed notice and that they must be just outside of the area. If they routinely go by the subject property, they will now see this sign out there.

Mr. Holt stated that we should also be asking the public when they come up to speak if they saw the sign or if they received a mailed notice. Responding to Mr. Holt, Mrs. Townshend stated that this was something Staff could do.

Mrs. Townshend stated that she thinks that these changes would at some point be incorporated into the Board of Adjustment; however, at this point, it may not be a bad idea to wait and see how things work so that we do not end up with changes that do not work and then we have to change them back again.

DEPARTMENT OF PLANNING AND INSPECTIONS UPDATE

Status of Ordinance Amendments

Mrs. Townshend stated that there is not a lot in the queue You will be seeing swimming pool changes next month which is a re-alignment of the requirements for swimming pools so that they are more consistent with what the Building Code requires. The Article 10 revisions has been the big series of amendments that Staff has been working on. Now that this is done, we will probably be looking to bring forth some more. We are always identifying things that need to be fixed.

Mr. Nichols questioned if a Certificate of Occupancy could be issued on an in-ground swimming pool if there is no fence around it? Responding to Mr. Nichols, Mrs. Townshend stated that if it is an in-ground pool, it needs to have a four (4) foot safety barrier before a Certificate of Occupancy is issued which is a Building Code requirement. The idea is that there will be less in the *Zoning Ordinance* because it will refer it to the Building Code.
Mrs. Townshend further stated that the Ordinance for Solar and Wind was adopted as accessory structures that happened several months ago.

Mrs. Townshend further stated that Staff will be bringing forward the Airport Environs Overlay Zone because we have the updated Alcuz data from the Air Force Base. The noise zones have changed so those changes will need to be made. This would be considered a Comprehensive

Rezoning of sorts to modify this.

Mrs. Townshend further stated that she has been asked by City Council to look again at signage. So it is likely that once she gets direction from City Council on what she will be working on for this coming year, signs will be on that list.

Mrs. Townshend further stated in the Fair Housing Action Plan one of the things that needs to be done is an update the definition of "family" to make it so that it is not restrictive of allowing group homes in one family zones. This is already something that is required by State law so it is essentially aligning our definition with the State law. The definition in the Code is antiquated and needs some clean up. Staff will look at what the definitions are in the Planning literature so that we can have a better more solid definition of "family" that respects the character of the residential zones and does not open them up to all kinds of boarding and all of those things that are not permitted. However, it ends up in a grey area that gets very hard to enforce, but at the same time does not prevent those who are licensed through the State for people with disabilities.

Summary of 2011 Applications

Mrs. Townshend stated that halfway through the year we are about where we were at this time last year. Things seem to be coming back slowly and last night is probably one of the busier agendas that you have had in terms of projects that are real projects and not just little things.

Mr. Holt stated that there is money out there. It is just getting them to shake loose where they feel confident enough in the shape of this economy to shake loose some money.

Implementation of the Dover Transit Center Neighborhood Plan

Mrs. Townshend stated that you saw a piece of this in the application related to 120 S. Governors Avenue last night. It was several months ago when Juanita Worzerech was here to present the Neighborhood Plan to you. This property is owned by the Downtown Dover Partnership. There are a couple of other pieces that are coming along that you will see. The State of Delaware put three million dollars in the Bond Bill for improvements to the North Street Corridor between Federal Street and Governors Avenue. The three million dollars will be disbursed or has been disbursed to the Downtown Dover Partnership and there are three (3) projects included in that. One is the reconfiguration of a series of parking lots that are located on North Street on the south side; it is what is behind the Becker Morgan building and the State Housing Authority. What you have there is seven (7) different properties with five (5) different property owners. When she had to walk to a meeting over to the Housing Authority, she can tell you that you cannot even walk through these parking lots as they are just so segmented that it is an inefficient use of land and not an efficient use of parking either.

Mrs. Townshend further stated that the Downtown Dover Partnership has begun a process where they are meeting with the various property owners to get an agreement together and will likely be bringing forward a Site Plan that shows the consolidation of those parking lots into one parking lot where each of the entities would have permits that align with the number of spaces that they had in the original parking configuration. It would then free up some opportunities for metered parking to serve the Downtown.

Mrs. Townshend further stated that the second part of this is the corridor from South Governors Avenue to Federal Street. We will be doing street improvements: paving the street, burying

utility lines, installing sidewalks, and streetscaping. The third element of this is the Downtown Dover Partnership has entered into a contract for purchase of what was the Collegian site. The Plan there is to essentially develop through the center of the site a community plaza area with long term buildings flanking and looking out onto that plaza area. This is what the Neighborhood Plan called for and at this point, there is now real money available from the State so that the purchase and the land planning on that can begin. For a long time, those of us who have been involved in the Downtown efforts, have said if we could only get the Legislature to give us some money like they gave the waterfront in Wilmington we could start to make some progress and this is surely a good start. Hopefully, you will start to see these projects come in.

Mr. Nichols questioned the old Sears building on North Street is the garage still standing? Responding to Mr. Nichols, Mrs. Townshend stated that this has been demolished several years ago and provides parking now.

Mr. Nichols further questioned that the money that is coming from the State they are saying they will rebuild North Street from State Street to the Railroad, is this correct? Responding to Mr. Nichols, Mrs. Townshend stated that no, that is not correct. It says what this is for and will include. We might be able to get additional money to leverage it. The Bond Bill specifically states Federal Street to Governors Avenue. You will more than likely see some Zoning Text Amendments for Downtown as well.

Mr. Shomo stated that solar panels was mentioned earlier and his son-in-law installed solar panels on their house and last week they received their first electric bill was $7.16 down from about $250.00.

Dover Kent County MPO Bike Study Update

Mrs. Townshend stated that this is a process that is wrapping up. Mr. Albert has been the Staff member that has been working on this. Essentially, what they have done through this study was to identify gaps in the network and identify a system of prioritizing bicycle improvements. As projects come in, the Bike Plan will be something that with the MPO comments they will fall on the Bike Plan in terms of recommendations they will make and it will also probably be a requirement from DelDOT.

Mr. Albert stated that primarily they are trying to shift people's behavior to get them to bike to work and are shooting at the moon to try and change adult behavior. A lot of it is somewhat unfunded work or low funded work. For instance, taking lanes and putting in what they call "shared lanes" as primary focuses in the Plan. These are markings that show that these are also areas where bikes are permitted to go with the extent of that being unrealistic. Most of this should be a low budget cost. The big budget items would be striping and lane widening to allow bike paths.

Educational and Training Opportunities

Mrs. Townshend stated that the new series starts in the fall and she is unsure what that series involves this year. Each of these audio web conferences that the American Planning Association puts on are hosted at the Kent County Administration Building.

IPA Training Series

Mrs. Townshend stated that the IPA Training Series will begin after December at the beginning of the year. She knows that a lot of you have been through the public administration sessions and she is unsure if they are adding anything new.

Mrs. Townshend further stated that one thing with regards to training that will be coming forward sometime towards the end of next year is we are going to be putting together Fair Housing training for the Planning Commission and other Boards and Commissions of City Council as part of the implementation of the Fair Housing Action Plan.

Other Activities and Discussion

Mr. Holt stated that he often goes to Philadelphia and they have the famous river walk that they just expanded again. They have a system of locks where they can raise sections at a time so that you can only go into certain sections at a time. He was thinking that we have the St. Jones River here that we really do not do as much as we could with. Responding to Mr. Holt, Mrs. Townshend stated that there is a lot of interest on the part of the Downtown Dover Partnership on trying to incorporate the river into our Downtown in a better way than we have in the past.

Mr. Holt stated that what they have a big problem with in San Antonio is floods. So they have flood locks that they can drop down in case of a storm and hold off some of the flooding because there are some very elaborate shops along there. Responding to Mr. Holt, Mrs. Townshend stated that we are probably looking at more passive recreation in this area because it is in a flood plain so it is not really buildable from a land perspective. There is a corporate desire to make improvements to the waterway and draw that in as part of the Downtown.

Mr. Holt suggested providing canoe rides with vendors on the side that could sell things in a small way.

Mr. Nichols questioned why the City Manager and the City Council are so against dredging Mirror Lake? He worked on this with the State before he retired to get this mess cleaned up down there. It was dredged back in the early 70's. Responding to Mr. Nichols, Mrs. Townshend stated that this is something that the Silver Lake Commission has talked a lot about in the last few years and her understanding is that they determined that dredging it is not going to fix the problem because the problem is upstream. As long as sediment continues to come downstream, it is just going to continue to collect.

Mr. Albert stated that the other issue is the contaminants at the bottom of it are serious enough that if they dredge it and they release that stuff, it would be enough of an environmental impact downstream. It is not just the cost of dredging; it is the cost of the cleaning when dredging at this point.

Mrs. Townshend stated that even if they were to dredge, disposal of the soil would be very expensive because of the way it needs to be disposed of. There is nowhere in the State that will take it because of the contaminants.

Mr. Holt stated that he had talked to the former City Manager, Tony DePrima and his thought was to develop an island in the middle of the lake with a dike around the island and dump the contaminates in the island, don't take it away leave it there and build a new island planted with

grasses with a bridge going over the island. Responding to Mr. Holt, Mrs. Townshend stated that the Silver Lake Commission has looked at this so she can get information on what their determination was. They determined for a number of reasons that it is not effective or economically feasible.

Mr. Nichols stated that there were a lot of oil spills there and George and Lynch Company put everything in barrels by truck loads of up to 50 to 100 barrels and everything was hauled to New Jersey and that is where it was separated.

Mr. Albert stated that this is wet material and to transport the wet material to New Jersey was prohibitively expensive so they had to have a place to dredge it, take it, and dry it and then reload it to take it out of there. We tried to do a grant application for this and it was beyond reasonable.

Mrs. Townshend questioned if there would be a benefit to have a sign-in sheet when you come in where people could sign in and indicate if they are interested in speaking and for which application so that we are not having people sign in while they are at the podium? We would then bring the sign-in sheet up to the Chairman so that he can call people.

Mr. Hemmig stated that this might work; however, a lot of people probably decide at the last minute. Responding to Mr. Hemmig, Mrs. Townshend stated that you could open it up and say are there any others wishing to speak.

Mr. Albert stated that we tried this during the Comprehensive Plan meetings and the problem for the public is that a lot of people thought that if they did not sign in they could not talk. Responding to Mr. Albert, Mrs. Townshend stated that we could try it. It just seems like we are always waiting on people to sign in while standing at the podium.

Mrs. Townshend questioned if all of you find, where Staff takes the Site Plans and uses markers to identify the building perimeter and colors certain things so that if we do not have something provided by the developer in color, there is something in color up there for you to look at. Does this help you in terms of discussion? (All Commission members agreed that this is a big help to them.)

Mr. Nichols questioned if it would be possible to put the Site Plans up on the screens? Responding to Mr. Nichols, Mrs. Townshend stated that this is something that could be done.

Meeting adjourned at 4:55 PM

Sincerely,

Diane Metsch
Secretary