CITY OF DOVER PLANNING COMMISSION
August 15, 2011

The Regular Meeting of the City of Dover Planning Commission was held on Monday August 15, 2011 at 7:00 PM with Chairman Hemmig presiding. Members present were Mr. Hemmig, Mr. Tolbert, Colonel Welsh, Mr. Baldwin, Mr. Nichols, Mr. Holt, and Mr. Shomo. Mr. Friedman and Mr. Ambruso were absent.

Staff members present were Mrs. Melson-Williams, Mrs. Townshend, Mr. Koenig, Ms. Cornwell and Ms. Metsch. Also present were Mr. Keith Kooker, Mr. Zach Carter, Mr. Conny Malmberg, Mr. Mike Harrington, Sr., Mr. Joseph Sparone, Mr. Gregg Moore, Mr. Garth Jones, Mr. Jonathon Street, Mr. John Paradee, and Mr. John Fellows. Also speaking from the public was Mrs. Paula Kinsey, Mr. Michael Maciarello, Mrs. Teresa Mathis, Mr. Michael Harrington, Sr., Mr. Tanner Polce, Mrs. Nancy Gardner, Mr. Dennis Lynch, Mr. William Goodrich, Mrs. Yvonne Hall, Mr. Ashalom Pellach, Mrs. Susan Yoist, Mr. Bill Johnston, Mr. Bob Herbert, and Mr. John Gardner.

APPROVAL OF AGENDA

Colonel Welsh moved that Item #3 under Old Business: Continuation of the Review of Draft "Policy on Physical Posting Requirements" be moved to the end of the meeting so as to minimize the impact on the public, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

Colonel Welsh moved to approve the agenda as amended, seconded by Mr. Tolbert and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JULY 18, 2011

Mr. Nichols moved to approve the regular Planning Commission meeting minutes of July 18, 2011, seconded by Mr. Baldwin and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

COMMUNICATIONS & REPORTS

Mrs. Townshend stated that the next Quarterly Workshop is scheduled for Tuesday, August 16, 2011 at 4:00 PM in the City Hall Caucus Room.

Mrs. Townshend further stated that there is a memo provided in your packet from her dated August 5, 2011 titled "Annual Review of the House of Pride Conditional Use Permit." What was determined at your February Commission meeting was that the annual review of the Conditional Use Permit for the House of Pride would be done in August so as not to put us in the difficult position during the cold months. Our Inspections Staff and Fire Marshal Staff have attempted to schedule inspections so that the review could take place this evening; however, they were unsuccessful in scheduling. At this point, those inspections are scheduled for September 7th and 8th. This item will be on the September Planning Commission agenda.

Mrs. Townshend provided an update on the regular City Council meeting of July 25, 2011; and the regular City Council, Legislative & Finance Administration Committee, and the Parks

Recreation and Community Enhancement Committee meetings of August 8, 2011.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

S-09-13 Leander Lakes Apartments at 2161 Forrest Avenue – Request for an extension of the Planning Commission approval first granted on August 17, 2009 of the Site Plan to permit a subdivision to create a parcel of 30 acres from the overall parcel of 42 acres and the subsequent construction of ten (10) apartment buildings totaling 240 units with the associated site improvements. The property is zoned RM-2 (Medium Density Residence Zone). The subject area is located on the south side of Forrest Avenue, west of the land currently under development as the new Dover High School. The owners of record are the Jireh Christian Center, Inc. and Leander Lakes, LLC. Property Address: 2161 Forrest Avenue. Tax Parcels: ED-05-075.00-01-05.00-000 and ED-05-075.00-01-5.01-000. Council District 1. *Previously, a one year extension was granted by the Planning Commission on July 19, 2010 setting the plan expiration date as August 31, 2011.Under the provisions proposed in Ordinance #2011-14 unexpired plans shall be eligible for an extension of approval not to exceed 36 months from the initial approval date.*

Representative: Mr. Keith Kooker, Landmark, JCM.

Mrs. Townshend stated that Staff would note that this is the first extension under the new extension requirements under the Article 10 revisions. This project was initially approved by the Planning Commission in August 2009. A one year extension was granted in August 2010 and under the newly adopted Code language from last week, this project is now eligible for one additional one year extension.

Mrs. Townshend further stated that Staff would note that this is the Leander Lakes property directly adjacent to and west of the Dover High School property which is application #C-10-05 which was reviewed and approved by the Planning Commission in December 2010. The Planning Office has hosted a number of meetings to coordinate the development of Leander Lakes and the new Dover High School site in a way that meets the needs of each property owner and contributes to the orderly development of the larger area. To this end, the Capital School District and Rinnier Development have entered into an agreement regarding the division of responsibility and sharing of costs associated with developing the shared infrastructure that will be shared by both projects.

Mrs. Townshend further stated that Staff would recommend that if an extension is granted on this application, that it be conditioned upon the agreements made between the Capital School District and Rinnier Development as well as the continued coordination with the City of Dover, DelDOT and the Capital School District regarding land planning for the projects.

Mr. Holt questioned how much longer they would need to get started, another year? Responding to Mr. Holt, Mr. Kooker stated that the goal is to move forward at some point next year before the expiration of this extension.

Colonel Welsh moved to approve the extension request for S-09-13 Leander Lakes Apartments at 2161 Forrest Avenue dependent upon the requirements established and set forth by the Planning Staff which is incorporated in the agreements between Rinnier Development, DelDOT, and the Capital School District, seconded by Mr. Nichols and the motion carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

HI-09-01 Dover Public Library – Update and Review of the selected exterior finish materials for the Dover Public Library. Previously, the Architectural Review Certification for the project was issued upon recommendation of the Historic District Commission on June 17, 2009 and action by the Planning Commission March 15, 2010. Construction of a two story library building of 46,000 S.F with the associated parking, walkways, landscaping, and stormwater management facilities is underway. The project area consists of 4.67 acres ± of land zoned I-O (Institutional and Office Zone) and subject to the H (Historic District Zone). The property site is located on the north side of Loockerman Plaza between South State Street and Legislative Avenue. The owner of record is the City of Dover. The property address is 35 Loockerman Plaza. Tax Parcel: ED-05-077.05-04-55.00-000. Council District #2. *The Historic District Commission reviewed this revision request on July 21, 2011 and has provided a recommendation.*

Representative: Mr. Zach Carter, Parks and Recreation Director, City of Dover.

Mrs. Melson-Williams stated that this is an update and review of the exterior finish materials for the library project as associated with the Architectural Review Certification for the project. As part of the on-going design tasks, construction bidding, and other engineering initiatives some of the exterior finish materials for the library project have been slightly revised.

Mrs. Melson-Williams further stated that the applicant submitted a letter that outlined these revisions and it was included in the Commissioner's packet this evening. The letter focuses on three (3) items. First, the library "bookends" which are the end pieces of the library building were initially proposed as stone and are now proposed as a utility size brick which is larger than a normal size brick. The second element is the standing seam metal roof that is the roof of choice for the main section of the library building which was originally proposed to be slate. The third element focuses on the roof monitors which are the chimney-like elements that allow light to come into the library space. Originally, they were shown to be clad with a slate material; however, they were, at the time, considering other materials and have ultimately also selected to stay with the slate shingles.

Mrs. Melson-Williams further stated that the potential revisions to the materials were reviewed at the July 21, 2011 Historic District Commission meeting and they are recommending approval of the changes specifically for the utility size brick for the "bookends," the use of the standing seam metal roof in a grey color for the main roof of the building, and then slate shingles for the light monitors.

Mrs. Melson-Williams further stated that as part of your information on this application, we provided detail on the project history. It was originally reviewed by the Historic District Commission in June 2009 and then appeared before the Planning Commission in March 2010 with regards to its Site Plan and Architectural Review Certification. With any Architectural Review Certificate you are reviewing the proposal in regards to the established *Design Standards*

and Guidelines for the City of Dover Historic District Zone. As part of the packet, there was information on the original recommendation report for the Architectural Review Certification and meeting minutes from the June 2009 Historic District Commission meeting and the Planning Commission meeting in March 2010.

Mr. Carter stated that when they first met with the Historic District Commission one of the things that they talked about was the stone "bookends." There was no other building in the Downtown area that has this stone bookend. Along with looking at the cost difference between the stone and the brick, we went to the larger size brick as we felt this fit in better with the Downtown area and it is a material that is being used in the area.

Colonel Welsh questioned if they were talking about the "bookends?" This is a nice contrast. Responding to Colonel Welsh, Mr. Carter stated that yes, he was.

Mr. Hemmig stated that this application does not require public hearing.

Mr. Hemmig stated as a reminder for the motion maker to include in the motion the Architectural Review Certification and the Historic District Commission recommendations.

Colonel Welsh moved to approve HI-09-01 Dover Public Library update and review of the selected exterior finish as reviewed and approved by the Historic District Commission on July 21, 2011, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

HI-05-03 State Street Commons – Update and Review of Request for use of alternative material for building entrance railings at porches and porticos. Previously, the Architectural Review Certification for the project was issued upon recommendation of the Historic District Commission on March 16, 2006 and action by the Planning Commission on June 20, 2006 for the project known as State Street Commons. Construction commenced on two connected 2 ½ story office buildings of 12,000 S.F. each for a total of 24,000 S.F with a two level parking garage. The existing brick office building at 502 South State Street consisting of 3,222 S.F. will remain. The property consists 35,061 square feet ± of land zoned RG-O (General Residence and Office Zone) and subject to the H (Historic District Zone). The property is located at the southwest corner of South State Street and Water Street. The owner of record is YOZIMA, LLC; request received from Onix-Z, LLC. Tax Parcel: ED-05-077.09-03-70.00-000. Council District #2. *The Historic District Commission reviewed this revision request on July 21, 2011 and has provided a recommendation.*

Representative: Mr. Conny Malmberg, Representing the Applicant.

Mrs. Melson-Williams stated that this is a review for the request of alternative materials for the project known as State Street Commons. This was reviewed by the Historic District Commission at their most recent meeting and their comments have been provided as a result of the July 21, 2011 meeting.

Mrs. Melson-Williams further stated that the request, from the applicant in this case is for the use of an alternative building material for the buildings entrance railings. Specifically, the porches

and porticos on the two segments of the new building that front on South State Street and West Water Street. They are seeking the approval to allow the use of white vinyl PVC railing system that has already been installed by the project developer. The Historic District Commission in their action is recommending that the white vinyl railing system can be replaced with a black metal railing system throughout all the entrance railing locations and that landscaping plantings be designed to be appropriate to the structure and location to those general areas.
Mrs. Melson-Williams further stated with regards to project history, the Historic District Commission first reviewed the project in March 2006 and it then appeared before the Planning Commission in June 2006. At that time, the information regarding the project form was not specific as to what the railing systems were to be constructed of. There was discussion at the Planning Commission meeting at that time in 2006 regarding the use of metal railings for what is a parking garage wall system located on the west and south faces of the project. After the Planning Commission review of the project, it did receive final Site Plan approval in June 2008 and a Building Permit was issued in that same year for construction of what is the building shell. The construction plans that were submitted and approved as part of that Building Permit identified the railing system for these building entrances as a metal stair railing with larger columns of composite material.

Mrs. Melson-Williams further stated the building has not completed construction and a Certificate of Occupancy has not been issued. With this Architectural Review Certification, you look to the *Design Standard and Guidelines of the City of Dover Historic District Zone*. It does not specifically discuss railings or the use of vinyl PVC materials within the district.

Mrs. Melson-Williams further stated that as part of the packet, there was a letter of request, the original recommendation report with regards to the overall project, and the meeting minutes from March 2006 Historic District Commission and the June 2006 Planning Commission meetings. There were photographs by the applicant placed on your desk this evening that provides some examples of black metal railing systems that could be utilized for the project.

Mr. Malmberg stated that he is unsure how this got constructed as it is; however, there was nothing specific about what materials to use and assumes that the developer and builder just built it. It is not like it was built contrary to what was approved on the plan. His client does not care whether it is black or white; however, it will cost $12,000 to change the color. He would like to make clear that the photographs that you see before you are what would be the kind of metal railing that would need to be used to meet the IBC Code that was adopted last year. This is not a historic looking railing and changes the color for $12,000.

Colonel Welsh stated that he understands where the Historic District is coming from; however, by the same token, we are trying to establish historic preservation. Certainly, there was white fencing and railing back in the 1700's when these buildings would have been built. He does not feel that it is that far out of place. Certainly, this does not depict a wrought iron railing like the original would have been.

Mr. Hemmig stated that after seeing pictures of the proposed black railing he feels that the white would look better as the architectural interest. The black railing looks very round and almost prison looking. He feels that the white looks more pleasing.

Mr. Hemmig stated that this application does not require a public hearing.

Mr. Hemmig questioned if the Historic District Commission was aware of this type of railing (referring to the photos of black metal railing)? Responding to Mr. Hemmig, Mrs. Melson-Williams stated that their discussion was a black metal railing system. They did not get into building code compliance issues as to what that would have to look like.
Mr. Hemmig further stated that there are a couple of units that already have black wrought iron on the south end and by the corner. Responding to Mr. Hemmig, Mrs. Melson-Williams stated that the existing building known as the Rectory has a black metal railing for its entrance; however, on the new construction there is none, it is all vinyl product. Staff, in their original recommendation, suggested that you could utilize black on the end units where columns are not involved and retain the white vinyl in the other areas.

Colonel Welsh stated that there is a lot of white trim that exists in those buildings and feels that the white railing would certainly be a nice fit.

Mr. Malmberg stated that it is his client's preference clearly to not have to change over from white to black; however, they do not want to mix up the colors. From an aesthetic look for the building, they would rather spend the money and switch it to all black. They do not like the look of bookending from black to white.

Mr. Nichols questioned if this was approved by the Historic District Commission (referring to the black railing photographs)? Responding to Mr. Nichols, Mr. Malmberg stated that they did not see that. What happened between the time that this project went to the Historic District Commission and tonight is a little research was done on what you can do with black railing. We cannot do wrought iron because it does not meet the 2009 IBC (International Building Code) for ADA purposes.

Mr. Holt stated that with regards to the price of $12,000 to replace this with black iron railing, they are both functional to do the same job as far as safety goes.

Colonel Welsh stated that while he respects the Historic District Commissions opinion, based on the type of railing that is presented to be used in the form of black railing, that perhaps in this case, the white is a more historic looking and would better preserve the historic aspect of the buildings.

Colonel Welsh moved to approve HI-05-03 State Street Commons to continue with the white railings as they exist at the present time, seconded by Mr. Holt and the motion carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

Mr. Nichols stated that if you read their wording, the Historic District Commission states a black metal. It is not definitive on "wrought iron" and it could be anything.

NEW DEVELOPMENT APPLICATIONS

Z-11-05 Lands of Harrington Commercial at 601 Fulton Street – Public Hearing and Review for Recommendation to City Council on a rezoning application consisting of one parcel of land

totaling of 0.486 acres ±. The property is currently zoned M (Manufacturing Zone). The proposed zoning is C-3 (Service Commercial Zone). The subject property is located on the north side of Fulton Street between Ridgely Street and the railroad corridor. The owner of record is Harrington Commercial, LLC. The equitable owner is Michael J. Harrington, Sr. Property Address: 601 Fulton Street. Tax Parcel: ED05-076.08-01-14.00-000. Council District 4.

Representative: Mr. Michael Harrington, Sr., Property Owner.

Mrs. Townshend stated that this property currently houses the Prime Care Medical Transport operation that was reviewed in 2009 by the Planning Commission as a Conditional Use. The east side of the building consists of several garage bays that were not renovated or occupied as part of the Prime Care Medical Transport location at this site.

Mrs. Townshend further described that the zoning surrounding the property. Immediately adjacent there are properties that are zoned IPM (Industrial Park Manufacturing) and M (Manufacturing). Directly adjacent across the railroad track is M (Manufacturing). There are a number of properties within the area that are not contiguous to this property that are zoned C-3 (Service Commercial) some of which have been recently zoned to that classification. The *2008 Comprehensive Plan* shows this area as Industrial and Public Utilities uses. Both the current and the proposed zoning are consistent with this classification.

Mrs. Townshend further stated that the primary difference between the zoning classifications is that the C-3 (Service Commercial) classification functions in many ways as a light industrial zone. The primary difference as it relates with some of the things happening in this area is if you read the M (Manufacturing) zone, all uses and the establishment of any use within the M zone requires Conditional Use approval by the Planning Commission. Where in the Service Commercial zone there are some uses that are permitted by right without a Conditional Use application.

Mrs. Townshend further stated that Staff would recommend in favor of the rezoning. It is consistent with the Comprehensive Plan and is consistent with the zoning and surrounding areas as it is a mix of Manufacturing, Industrial Park Manufacturing, and Service Commercial zoning. Many of the same uses are permitted in the M zone and the C-3 zone. It would be a matter of whether a Conditional Use application would be required to establish a use.

Mr. Harrington stated that presently, the Prime Care Medical Transport is there and we had to go through a Conditional Use in order for them to move in there. They have four (4) garages there that are currently being used for storage; however, he has to apply for a Conditional Use to be able to use them for storage. It is awkward to have to go through this every time we want to rent a garage. It makes sense to approve this as C-3.

Mr. Nichols asked if they were using this as a contractor's yard, is this correct? Responding to Mr. Nichols, Mr. Harrington stated that yes, they are.

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

Mr. Holt moved to forward a recommendation of approval to City Council for Z-11-05 Lands of Harrington Commercial located at 601 Fulton Street to change the zoning from M (Manufacturing Zone) to C-3 (Service Commercial Zone), second by Mr. Tolbert and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

US-11-02 McDonald's USA, LLC: Comprehensive Signage Plan – Public Hearing and Review of a Comprehensive Unified Sign Plan. The plan provides for multiple sign types (pylon, wall, and directional signs) and number of signs for the McDonald's at 1788 North DuPont Highway. The parcel is zoned C-4 (Highway Commercial Zone). The site is located on the west side of North DuPont Highway (Route 13) just south of the Scarborough Road intersection. The owner of record is McDonalds USA, LLC. Property Address: 1788 North DuPont Highway. Tax Parcel: ED05-057.01-02-02.00-000. Council District 4.

Representatives – Mr. Conny Malmberg, representing the Applicant; and Mr. Joseph Sparone, Dynamic Engineering.

Ms. Cornwell stated that this site qualifies for a Unified Sign Plan as there are three (3) businesses located on one parcel of land under common ownership. The site originally came before the Planning Commission in 2000 and at the time, the Sign Plan addressed signage for the then under construction Holiday Inn Express, the existing McDonald's, and a proposed restaurant.

Ms. Cornwell further stated that in 2008 the Plan was updated to address signage for the Sleep Inn Motel. The original application recognized the existing signage for McDonald's that included two (2) existing wall signs, three (3) directional signs, and the existing pylon sign. The applicant is requesting a change in signage that requires review by the Planning Commission. The existing wall signs are proposed to be replaced with five (5) new wall signs located on three (3) sides of the building. Staff has made its recommendation and is requesting an affirmation of the existing pylon and directional signs be a part of this application.

Mr. Sparone stated that McDonald's is proposing five (5) new wall signs on the site as part of the renovation to the existing McDonald's located at 1788 North DuPont Highway. He is sure that many of you are aware of the recent McDonald's that was just rebuilt at 879 North DuPont Highway. This is part of that program where basically it is a nationwide initiative by McDonald's to go through and upgrade its restaurants. The only difference with this McDonalds is that the existing building will remain and we'll just be renovating it. The façade will be upgraded as well as the interior.

Mr. Sparone further stated that as part of that renovation, there are five (5) new wall signs that are proposed. One sign is proposed for the front façade that faces North DuPont Highway that will be approximately fourteen (14) square feet which equates to two (2) percent of the wall area. On the left and right sides of the building, there is a McDonald's identification sign that spells out the word McDonald's and the "M" logo sign. The McDonald's identification sign is 41.4 square feet and is 27.5 inches tall by eighteen (18) feet wide. The "M" logo sign which will be on all three (3) sides of the building is 42 inches tall by 48 inches wide for a total of fourteen (14) square feet. The McDonald's identification sign plus the "M" logo sign is a total of 55.4 square feet on each side of the building which equates to 3.2 percent of the wall area on the left

and right sides of the building. The freestanding sign is proposed to remain as it stands today which includes the identification sign and the three (3) directional signs that are located on the site.

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

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

Colonel Welsh moved to approve US-11-02 McDonald's USA, LLC: Comprehensive Signage Plan noting that it may exceed the allowable square footage and to maintain the existing pylon and directional signs, seconded by Mr. Tolbert and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

S-11-11 Lands of Downtown Dover Partnership at 120 S. Governors Avenue – Public Hearing and Review of a Site Development Master Plan and Architectural Review Certificate for the construction of a four story 47,042 S.F. mixed-use building consisting of a retail component and 27 apartments, a four story 34,896 S.F. apartment building of 24 apartments with ground level parking in the building, and other associated site improvements on the property at 120 South Governors Avenue. The existing 16,783 SF commercial building on the property is proposed for demolition. The application also includes a Minor Subdivision Plan to divide the property into two lots. The property consists of 1.7653 acres ± and is zoned C-2 (Central Commercial Zone) and subject to the H (Historic District zone). The property site spans the block between South Governors Avenue and South New Street located north of, but not adjacent to, West Loockerman Street. The owner of record is the Downtown Dover Partnership (formerly the Downtown Dover Development Corporation). Property Address: 120 South Governors Avenue. Tax Parcel: ED05-077.09-01-44.00-000. Council District 4. *The Historic District Commission reviewed this application at their meeting on July 21, 2011 (HI-11-04). The Project includes review of an Active Recreation Plan.*

Mrs. Townshend recused herself from this application as she is a member on the Downtown Dover Partnership Board.

Representative: Mr. Gregg Moore, President of Downtown Dover Partnership.

Ms. Cornwell stated that the application is proposing three (3) phases of development. The first phase is for the construction of a mixed-use building located off of South Governors Avenue. The second phase is for demolition of the existing building which is the auto parts supply building and the daycare center. The third phase is for the construction of the apartment building along South New Street.

Ms. Cornwell further stated that the overall development will include fifty-one (51) apartments and 11,800 square feet of new retail space. The site is providing adequate parking, bicycle parking, sidewalk connections into the site, and tree plantings. The site will have two entrances to the site: one off of South Governors Avenue and the other off of South New Street. The two entrances lead into a shared parking lot between the two (2) buildings. The entrance off of South New Street will also provide access to the first floor parking on the South New Street building.

Ms. Cornwell further stated that the Plan provides for one (1) dumpster on site, the Code requires five (5) dumpster pads. Several of the dumpster pads may be reserved and built at a later date if it is determined that they are necessary. The two (2) buildings proposed are both four (4) story buildings. The first building on South Governors Avenue is a retail building with 11,800 square feet on the first floor and then twenty-seven (27) apartments on floors two (2) through four (4). The building is primarily a brick building with stucco and Hardie-board as the other exterior finishes. Windows are provided throughout as are balconies on floors two (2) through four (4). Building #2 on South New Street is also a four (4) story building with the first floor as parking and twenty-four (24) apartments on floors two (2) through four (4).

Ms. Cornwell further stated that as the site is located within the Historic District, the Historic District Commission reviewed the application at their meeting of July 21, 2011. The Historic District Commission made their recommendation regarding the Architectural Review Certificate and that recommendation and report was included with the DAC (Development Advisory Committee) Report.

Ms. Cornwell further stated that the Planning Commission shall act upon the Architectural Review Certificate as a part of the application this evening. Also as part of the application is the active recreation area. New residential development located within the Downtown Re-development Target Area requires seventy-five (75) feet of active recreation area provided per dwelling unit. The site provides two (2) separate areas of the active recreation area on the site. The first is located behind the South Governors Avenue building that contains a garden area with a walking path, benches, and a grass area. This area is a little over 2,000 square feet and meets the requirement for the building on South Governors Avenue. The second area is located on the north side of the South New Street building. This area includes picnic tables and a grass area. The gazebo as shown on the plan is not permitted as this would be considered a structure by the Building Code and is located too close to the setbacks on the site. The gazebo will be removed; however, it will be replaced by a picnic and grill area and it does meet the requirement for square footage. The Active Recreation Area was reviewed by the Parks, Recreation, and Community Enhancement Committee at their meeting on July 11, 2011and a recommendation of approval was made including Staff comments.

Ms. Cornwell further stated that there is a waiver request with this application and it is part of the Architectural Review Certificate. The waiver request is for a bulk standard for the side yard of Building #1 on South Governors Avenue. The Code requires that the side yard be either zero or ten (10) feet. The Plan, as shown, is seven (7) feet. This waiver was not included as part of the Architectural Review Certificate presented to the Historic District Commission. The waiver request will be reviewed by the Historic District Commission at their August 18, 2011 meeting. What Staff is recommending is if the Planning Commission wants to approve this, that they conditionally approve the waiver request as a part of the Architectural Review Certificate upon a favorable recommendation by the Historic District Commission.

Mr. Moore stated that they agree with all Staff comments and recommendations. The Plan that you are seeing today is one of the plans that came out of the Charrette. This is the execution by the Downtown Dover Partnership of the first set of plans. The building you are seeing on South Governors Avenue is a part of that presentation. Once they gain approval of this Plan, they will actively market the property for sale to a developer and selling it with the designs that we have to a developer who will execute the construction, oversight, and management of this project. The

Downtown Dover Partnership does not intend to build the buildings; we are simply trying to stimulate Downtown growth.

Mr. Hemmig questioned with regards to the dumpster locations do you have a dumpster location as they are required? Responding to Mr. Hemmig, Mr. Moore stated that they showed one (1) dumpster location for both buildings. Staff agrees that at a minimum there would be two (2), one for each building. Beyond that, we feel that it would be overkill given the size of the buildings and Staff agrees with that. What they have agreed to do is install two (2) to start and they will show on the Plan the location of where the added ones to meet Code would be in case there is a problem. We are slightly over parked so they do have the flexibility to reduce parking to make this work.

Mr. Hemmig further questioned if this included space as part of the Staff's recommendation for recycling? Responding to Mr. Hemmig, Mr. Moore stated that they are a number of spaces over parked and would be able to accommodate for that.

Mr. Tolbert questioned if they could do something with the flat roof on the one building? Responding to Mr. Tolbert, Mr. Moore stated that it was approved this way by the Historic District Commission and they liked this better than they did the pitched roof on the other building.

Mr. Tolbert further stated that we have expressed problems in the past with these flat roofs. Responding to Mr. Tolbert, Mr. Moore stated that they would hope to gain approval of what they are presenting and in that this is a full masonry building with brick detailing, we feel it will be very pleasing on Governors Avenue.

Mr. Hemmig questioned if there were any issues with regards to height restrictions? Responding to Mr. Hemmig, Ms. Cornwell stated that the overall building height for the C-2 zoning district is sixty (60) feet. The proposed building is very close to being sixty (60) feet.

Mr. Nichols questioned if the stores underneath the apartments would be individual stores or one or two large stores? Responding to Mr. Nichols, Mr. Moore stated that they designed them so that they could be a number of individual stores. We could combine them and have a couple larger stores. We will be doing this versatile so that we are able to meet the market at either small or large. Hopefully, the developer would come in bringing tenants with him. We are asking for this to be phased because we are hoping that Kunkel's or the other tenant may be able to come into these other units; and if they need a larger space, it could be created for someone like that.

Mr. Nichols further questions if there would be curtainwalls in-between? Responding to Mr. Nichols, Mr. Moore stated that what they would do is shell the building out with no walls in-between with just doing the storefront so that it could be broken down to allow the decision of where the wall would go based on when we find tenants.

Mr. Nichols further questioned how many elevators there are? Responding to Mr. Nichols, Mr. Moore stated that there are two (2) along with stairwells that are for fire related purposes.

Mr. Baldwin questioned if they planned to demolish the building before you sell the property? Responding to Mr. Baldwin, Mr. Moore stated that no, what they are trying to do is sell the property in total with the building on it and allow the developer the opportunity to work with the current

tenants there and perhaps move them into the space that they have on the first floor. Currently, the Downtown Dover Partnership owns and manages it; however, we do not have the ability or cash flow to build two (2) buildings of this scale.

Mr. Holt stated with regards to the location in this area of Dover, they have had some crime in that area. You plan to place a four (4) foot fence all the way around the property and also some lighting. Will the lighting be adequate enough for nighttime activity? Responding to Mr. Holt, Mr. Moore stated that they would meet the Code for lighting which is 1.5 foot-candles at ground level which would be in all the parking lots and buildings. The fence would separate the more residential area to the north. In terms of the safety issue Downtown, the Downtown Dover Partnership with Police representation on its board is actively trying to obtain as much policing Downtown so that it is as safe as can be. The Downtown Dover Partnership has paid for the cameras that are going up Downtown where the Police can view real time activities in the Downtown area.

Mr. Hemmig opened a public hearing.

Ms. Paula Kinsey – Questioned if the apartment balconies would have restrictions on the use of those balconies? You are worrying about the roof and the brick; however, she has seen a lot of times where apartments are put up and they have clothes hanging off of them and other unsightly things. She thinks you need to think about the use and if there could be restrictions placed on that part.

Mr. Hemmig questioned if there were any City Codes that could keep these balconies from becoming messy and unsightly? Responding to Mr. Hemmig, Ms. Cornwell stated that they would not be able to place indoor furniture out on the balcony; it would have to be outdoor furniture. This is the only restriction that she is aware of. Everything else would have to either be handled through a deed restriction or within the tenant/lease agreement.

Mr. Hemmig questioned if these were going to be apartment rental situations above the retail floor managed by one management company. Who will run these apartments? Responding to Mr. Hemmig, Mr. Moore stated their hope is to sell to a developer who would then be the manager of operations that would oversee the apartments. We, the Downtown Dover Partnership, at a minimum, would enforce the City Code and let the developer choose what those additional regulations or requirements might be under their leases.

Mr. Hemmig further questioned if there might be an opportunity for this lady to speak to the developer once that is established regarding these restrictions? Responding to Mr. Hemmig, Ms. Cornwell stated that she believes that may be possible; however, at that point, we may not have that control over the situation depending on how willing the developer is to meet with Staff. The intent is that the developer would take over the application to get it through the final plan approval process. We could meet with that developer to let them know of any concerns that were raised at the Planning Commission meeting regarding the use of the balconies.

Mr. Hemmig suggested that Mr. Moore also pass along information regarding the use of these balconies. Responding to Mr. Hemmig, Mr. Moore stated that what their plans are is to present the drawings and plans that they have as well as the DAC Report and all of the record of the hearings

that will become a part of their sale agreement so that they are aware of any conditions that were made.

Mr. Hemmig closed the public hearing after seeing no one else wishing to speak.

Mr. Tolbert questioned that the building has to be purchased by a developer, what is the likelihood that what you are presenting to us this evening and is approved that a developer would want to make significant changes? Responding to Mr. Tolbert, Mr. Moore stated that if the developer wants to make changes that are significant enough to affect the appearance of this building, that it will be Staff advising the developer that he has to come back to this Commission to present to you what those ideas are. As part of their sale, the Downtown Dover Partnership would like to see the project built in the form that he is presenting. Part of their discussion and agreement of sale will be trying to have the developer conform with the Plans that have been presented.

Colonel Welsh moved to approve S-11-11 Lands of Downtown Dover Partnership located at 120 S. Governors Avenue to include the Architectural Review Certification and the Active Recreation Plan to include the setback waiver and to conditionally approve the waiver dependent upon the Historic District Commission recommendation and all DAC comments of record, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

S-11-12 Dove View Apartments at 101-405 DoveView Drive – Public Hearing and Review of a Site Plan for the construction of a four story 43,885 SF apartment building and other associated site improvements including the completion of two partially constructed apartment buildings for a total of 144 apartment units. The property is 6.73 acres ± and is zoned RG-5 (General Residence Zone for Mid-Rise Apartments) and subject to the COZ-1 (Corridor Overlay Zone). The property is located on the north side of Forrest Avenue (Route 8) just west of the Saulsbury Road intersection. The owner of record is CRM Mid-Atlantic, LLC. Property Addresses: 101-405 DoveView Drive. Tax Parcel: ED05-076.07-01-30.00-000. Council District 1. *The Project includes review of an Active Recreation Plan. A previous application for the property was reviewed as C-06-02 DoveView Senior Apartments: Planned Neighborhood Design – Senior Citizen Housing Option in August 2006.*

Representative – Mr. Garth Jones, Becker Morgan Group, Inc.

Ms. Cornwell stated that this is a development for three (3) apartment buildings. This application was previously reviewed by the Planning Commission in 2006. At that time, the application was for four (4) buildings and was part of a Planned Neighborhood Design: Senior Housing option. The Planning Commission also reviewed this site as part of a Rezoning application in February 2011. The Rezoning request to go from Institutional Office (I/O) and also subject to the Corridor Overlay Zone (COZ-1) to RG-5 (General Residence for Mid-Rise Apartments Zone) and also subject to the Corridor Overlay Zone (COZ-1) was approved by City Council.

Ms. Cornwell further stated that the application began with the construction of two (2) buildings partially constructed back in 2008/2009. The Building Permits and Site Plan have both since expired. The project will then be starting with a new application for this site. The site is providing the required parking, bicycle parking, tree planting requirement, and dumpsters. The site needs to

provide a pedestrian connection to the west to the Modern Maturity Center. The placement of that pedestrian connection shall align with the existing connection that is on the Modern Maturity's site.

Ms. Cornwell further stated that as the application is a residential development an active recreation area is required. The site is required to provide 150 square feet of active recreation per dwelling unit. The application is providing three (3) areas of active recreation area. The first is a walking path with benches and picnic tables around the stormwater management pond. The second is a horseshoe pit with picnic tables in the southwest corner of the site. The third is a shuffle board court, swing set, and picnic tables in the northeast corner of the site.

Ms. Cornwell further stated that the Parks, Recreation, and Community Enhancement Committee reviewed the active recreation area at their July 11, 2011 meeting and made recommendations of approval in accordance with the Staff recommendations. The architecture of the building is proposed to be what is currently existing on one of the buildings which is a mixture of vinyl siding and stone veneer.

Mr. Jones stated that they have no objections to the Staff report comments.

Mr. Baldwin stated that they have gone through this several times, is this going to not be a restricted age project? Responding to Mr. Baldwin, Ms. Cornwell stated that they have rezoned the property so that they would have the ability to open it up to all age groups.

Mr. Nichols questioned regarding the one building that has been open to the weather, will this building have to be condemned? Responding to Mr. Nichols, Mrs. Townshend stated that they have informed the applicant that before any continuation of work on either of the buildings could be authorized, we would need a Structural Engineering Report to validate that the buildings are sound and what corrections need to be made and an Environmental Report that documents the degree, if any, of mold and any remediation that needs to take place. This would need to be done before any authorization of Building Permits for the two (2) partially completed buildings. At this point, we cannot say for sure that the one particular building would be salvaged or not.

Mr. Holt questioned with regards to the trees, he noticed that there was no crepe myrtle on the tree list. At this time of the year, they are beautiful trees that provide a lot of color. Is there a reason for not adding them? Responding to Mr. Holt, Mr. Jones stated that there was no reason why they left off crepe myrtles and can certainly consider putting some in.

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

Mr. Tolbert moved to approve S-11-12 Dove View Apartments located at 101-405 DoveView Drive as presented with the condition that steps are taken to ensure that the building that has been left open all of this time is safe and secure as stated by Staff. Approval of the Active Recreation Plan as presented as well as all the DAC comments of record, seconded by Mr. Shomo and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

S-11-13 Wesley College Master Plan for Streetscape Campus Enhancements – Public Hearing and Review of a Site Development Master Plan for the site planning and streetscape campus

enhancements associated with the abandonment of designated sections of North Bradford Street, Fulton Street, Cecil Street, and several alleys in the Wesley College campus area. The submission includes the Record Plan for vacated right-of-way and a Master Plan consisting of five phases of site improvements including pedestrian amenities, paving, landscaping, and parking lot reconfiguration/construction. This project is located in the area of the Wesley College campus generally located north of Division Street between North Governors Avenue and North State Street. The properties are zoned IO (Institutional and Office Zone) and RGO (General Residence and Office Zone) with a property subject to the H (Historic District Zone). The applicant is Wesley College. Property Addresses: Multiple. Tax Parcels: Multiple. Council Districts 3 and 4. *This project is associated with MI-10-06 Request for Street and Alley Abandonment: Wesley College reviewed by the Planning Commission in April 2010 and as approved by City Council August 9, 2010.*

Representatives – Mr. Gregg Moore, Becker Morgan Group, Inc.; and Mr. Jonathon Street, Becker Morgan Group, Inc.

Mrs. Melson-Williams stated that this application is for the Wesley College Master Plan: Streetscape and Campus Enhancements. A Site Development Master Plan means they identified a series of phases for construction as part of the application process and it appears in front of the Planning Commission as a Master Plan. This Plan focuses on the Wesley College Campus that is located to the north of Division Street and between what is State Street and Governors Avenue up to just north of what is Cecil Street.

Mrs. Melson-Williams further stated that this application is associated with what is a previous application known as MI-10-06 which was a request for street and alley abandonments that Wesley College made back in the spring and summer of 2010. Giving some background on the project, the street and alley request was first reviewed by the Planning Commission in April of 2010 and then moved through the City Council review and hearing process on August 9, 2010. The City Council approved what is known as Resolution #2010-07 that approved the alley and street abandonment for seven (7) specific areas along with a series of conditions. The areas are detailed out in the report to the Planning Commission. There is a series of specific conditions related to the approval of the street abandonments which included items such as requirements for utility easements and public access easement requirements. It also discussed timing of abandonment and the requirement that on-street parking that was displaced by the project would be replaced. (A display depicted the areas in shade that are approved for abandonment.) An area of note is Area #8 which is identified on the Plan that has not been abandoned and was not a part of the original application. It is for a segment of alley that actually exists between North Bradford Street and the North State Street Alley specifically known as the Fulton Street Alley South and is part of an existing parking lot that does not have a defined area that you could discern on the site; however, since it has not been formally abandoned, the process for abandonment must be requested for Area #8 and move through the specific review process.

Mrs. Melson-Williams further stated that the application before you this evening is a Site Development Master Plan that focuses on site planning and campus enhancements for the areas that are associated with the abandoned sections of what are North Bradford Street, Fulton Street, Cecil Street, and several alleys that are also in this specific area. The Plan proposes phases of

construction that will include pedestrian amenities, paving, landscaping improvements, and parking lot reconfiguration and construction.

Mrs. Melson-Williams further stated that there is a Record Plan that would note all the series of easements that are required both of utilities and public access as well as the disbursement of what is the vacated right-of-way from the City of Dover to Wesley College. As noted, the project proposal is a series of five (5) phases. Specifically, it begins with project work in Phases 1-3 on what is the south end of the campus focusing on reconfiguring an existing parking lot, the pedestrian and paving improvements on what is the south side of the DuPont Building, and the construction of a new parking lot behind the series of three (3) buildings that front on North State Street that the college occupies turning into an expansion of what is the existing parking lot at the corner of Fulton Street and the associated alley.

Mrs. Melson-Williams further stated that the later Phases 4 and 5 focus on the northern section of the campus around the Cecil/North Bradford Street area and involve paving, landscaping, and the re-working of parking lots between the two dorm buildings at the end of North Bradford Street.

Mrs. Melson-Williams further stated that specifically with this project, there is the requirement for parking spaces that are displaced by the street vacations that happen along what is Fulton Street and Cecil Street and that those parking spaces be accounted for. They are doing that with the construction of a new parking lot area, the reconfiguration of existing parking, and the reclamation of parking spaces that previously were not in college use; however, in use of the school that exists there on the segment of Bradford Street. Sidewalks are existing throughout the campus and are augmented by the pedestrian walkways and amenities that are proposed with the project. With this proposal, they are also showing a Landscape Plan. There are some existing trees that would be removed in order to accommodate the new pathways and parking lot circulation; however, there are a significant number of existing trees to remain and the additional plantings of trees to line these pedestrian areas and infill other spots along those vacated streets and within the parking lots.

Mrs. Melson-Williams further stated that the DAC comments include the comments from the Planning Office in regards to the Record Plan and the Master Plan submission. A number of them are what are called plan correction items. Specifically, the applicant will be working with City Staff and the City Solicitor in regards to the Record Plan and the associated documents conveying what is the right-of-way that has been approved for vacation or abandonment to Wesley College. There are also some recommendations that the Planning Staff has made as part of our report and one of those is related to the Record Plan. Staff is recommending that there appears to be some opportunities for a parcel consolidation on behalf of the Wesley College campus so that property lines do not cross through buildings and things of that nature.

Mrs. Melson-Williams further stated that specifically with the Plan itself, we are recommending some changes on the remaining public street segment of Cecil Street specifically related to formatting a turn-around at the terminus of that street and realigning what is angled parking on the south side of the street to be in the opposite orientation. The other issue is with a terminus that occurs happens in the North Bradford Street area. With the North Bradford Street becoming a two way circulation pattern a turn-around mechanism will be needed at the end of that public street as well.

Mrs. Melson-Williams further stated that another recommendation of the Planning Staff includes providing bicycle parking opportunities. There is a Code requirement; however, we feel that this is an excellent opportunity to provide bicycle parking throughout the campus in that a number of their changes are going to encourage bicycling and walking throughout the campus. One thing of note related to the parking lot is that the southernmost parcel is within the City of Dover Historic District Zone. Typically, activities within the Historic District Zone require Architectural Review Certification; however, in this case, it is not required because the parking lot is not visible from the public way and in this instance the public way is North State Street.
Mrs. Melson-Williams further stated that with the DAC Report there are agency comments from the City's Department of Public Utilities regarding water, wastewater, stormwater, and electric. Comments included needs for utility easements and utility planning as associated with this project. The City's Fire Marshal has provided comments related to fire protection needs. There are comments from State agencies the first being DelDOT with correspondence in the record regarding what was originally proposed as a requirement for traffic counts at a number of intersections near this project. The applicant submitted a letter stating their case with regards that the site project does not meet the warrants for a Traffic Impact Study as set forth by the DelDOT regulations. The City's Planning Office concurred with that and submitted a letter to that affect to DelDOT as part of the comments. That original request has been removed from the DelDOT concerns on the project. From the Kent Conservation District, which deals with stormwater management for projects, this application will have to provide an Erosion and Settlement Control Plan as the site disturbance exceeds 5,000 square feet. Another agency providing comments is the Dover Kent County MPO. They are encouraged by seeing pedestrian facilities on the Plan. They will also accommodate bicycles and they also note the number of transit sites that are also in the vicinity of the college property.

Mr. Moore stated that they are in conformance with all of the DAC comments as presented. We have submitted to Staff, the turnarounds that Staff asked for and the revised layouts associated with those. The turnarounds are DelDOT approved turnarounds that are a part of their Design Manual.

Mr. Moore further stated that there are a couple of points that he would like to make clear. The first is part of the reason that Wesley College is doing this project is to better define what we will call "the edge" of their campus so that there is a separation between the neighborhoods and the Wesley Campus. We also would like to create a more walking friendly zone within and around the main buildings between Wesley College; however, the big issue is to improve safety. To improve safety, where there are students that used to be going back in forth between buildings and places of residence, this is going to be safer for them to cross a walking path and cross areas where outside traffic is not progressing through. Second, the locations where we have the brick pavers what we will do is provide college campus walking paths through the current existing buildings. We are not proposing any new buildings. We are allowing students to walk through the campus to get from State Street to Governors Avenue. What you are seeing on the map is the connections between Governors Avenue walk all the way through to State Street. We will make these public use right-of-ways and twenty-four feet wide paved and brick areas that will allow the public as well as Wesley College students to walk through this zone just as they are doing today. Third, we have committed that we will replace all of the parking that we displaced along the roadways and have done that in this Plan. We have provided public parking that is located behind the homes on State Street. The parking lot located next to it is also a public parking lot.

Mr. Holt stated with regards to parking, he knows that Wesley College has always had a problem with parking and has had complaints from nearby residents. His suggestion a year or two ago was to eliminate freshman students from being allowed to bring cars to the campus. A lot of larger colleges do it this way. This Plan should eliminate a lot of parking problems. Responding to Mr. Holt, Mr. Moore stated that there is a Campus Community School which is located behind the parking lot which is a new parking lot that they are proposing. However, there is parking on both sides of that building for a total of about 37-40 parking spaces that are currently being used by that Campus Community School. We are proposing our schedule to commence after their departure next year. Wesley College has been working with the school and making them aware that they do need this space. We currently expect this school to depart this building next spring and at that point in time, Wesley College would be using the building for their purposes. The parking that is in that location would then become part of the Wesley College campus. We feel that this will help correct parking problems and this was included in the parking count of the parking spaces that Wesley College students could use. We also think that this will do a great thing in improving the traffic and safety around this campus. Currently, there are a lot of people who pick up students at the Campus Community School who are younger children. We think that all these changes will help enhance safety, improve traffic, and add parking to the area.

Mr. Hemmig opened a public hearing.

Mr. Michael Maciarello – 11 Cecil Street – Stated that he is bordered on the west and north by Wesley College and on the east by the Cecil Street Alley. The submission for public inspection is unfortunately incomplete. Sheet C103 as referenced in Sheet C-101 and C-102 is absent with zero sheets submitted although they are referenced on every page. There is no Traffic Impact Study that was made or submitted according to DelDOT standards Section 2.3.1.1-.5. He takes issue with everyone one of these five points. For example, the first one; the 400 trip requirement that would kick in requiring a Traffic Impact Study. There has been correspondence and the exemption from this requirement has been requested; however, in the Becker Morgan correspondence, it equates a trip with a commuter student. You have to assume that we do not have 400 commuter students on a daily basis so you do not have 400 trips. You have to assume that any commuter student is going to return home. One student equals two trips not one trip and any additional trips such as going out to lunch so there are more than 400 trips. There are equal fallacies among all five points requested in this exception.

Mr. Maciarello further stated that property lines indicated on page C-102 incorrectly show his barn on the northern property line or over the northern property line with Wesley College. He mentioned this in passing and did not formally write it at the Planning Commission meeting of April 19, 2010 and it was not corrected. He mentioned it a month later on May 24, 2010 when it had not been corrected and that was at a Utility Committee meeting and it is still not corrected. We subsequently hired a surveyor as did Becker Morgan Group, Inc. and both groups concur that his barn sits 5 feet 5 inches inside of his property line. He thinks what caused the error is there is inadequate scaling on these plans. If you look on the Plan C-102/C-101 sheets you see the scale is one inch to twenty feet; however, directly below that it states one inch equals thirty feet. They use both systems of scaling and he feels it is impossible for the public to view these Plans. He does not feel that it is too much to ask for the public to have an accurate set of plans.

Mr. Maciarello further stated with regards to parking, the parking counts that are reflected are wrong. This is not what we were promised in every stage of this. At the April 19, 2010 meeting, there were sixty-eight (68) public parking spaces on Cecil Street. Forty-two (42) on the south side and twenty-six (26) on the north side and an additional forty (40) spaces on the section of Bradford Street north of the Dupont Center for a total of 108 parking spaces not ninety-nine (99) as shown on the submission. He verified this today and determined that no one from the City has determined it. He also asked the two surveyor teams that came by and no one checked it. He does not feel that this was malicious; they used a satellite photograph. Seven (7) of the proposed new parking spaces come from the removal of a fire lane on the north side of the DuPont Center which is immediately at the south end of the alley. Currently, that alley is so narrow people drive over the corner of his property to get in. Without the wide loop that they can make, it is going to aggravate the situation immensely. He has to insist that these seven (7) parking spaces created from eliminating the fire lane be relocated somewhere else. Relative to the alley, at every stage it was acknowledge that the Cecil Street alley is going to take more traffic. During the repaving of the alley, it was shifted four (4) inches onto his property that is fifty-six (56) square feet that has been paved. He is taking the brunt of the additional traffic. Additionally, the northeast corner of the property marker is underneath the blacktop which has been removed by the surveyors hired by Becker Morgan Group, Inc.

At this time Mr. Hemmig stated that he would have to cut Mr. Maciarello off as he had well exceeded his three (3) minutes to speak. He will be allowed to return for further comment at the end of the rest of the public wishing to speak.

Mrs. Teresa Mathis – 234 N. Bradford Street – Stated that she lives at the corner of North Bradford and Mary Street and did not receive notification. She did attend the information session held at Wesley College with Becker Morgan Group, Inc. and Dr. Johnston and she is in favor of the Plans designating the edges for the perimeters of Wesley College to better define where the campus ends and where the community begins. Some of the students have quite a difficult time with that particularly on North Bradford Street where the freshman are housed and they do not yet have their adult manners on. There has been some rumor that she has a question on and that is if North Bradford Street is going to be a dead end in both directions or will it be complete thru traffic in both directions? Responding to Mrs. Mathis, Mr. Moore stated that North Bradford Street would be two-way traffic so that you could come in and park. You will not be able to drive through it. You would have to turn around.

Mrs. Mathis further stated that she supports this project and the efforts that are being made by the Becker Morgan Group, Inc. and Dr. Johnston to more clearly define the campus. She is here representing five (5) people who were present in the audience.

Mr. Michael Harrington, Sr. – Stated that he owns fifteen (15) properties surrounding this proposed Plan. He is also in the real estate profession and does not feel that it will affect the value of homes and will only help the value of homes. He feels that this will help the college to recruit more students. His properties are located up and down State Street, Bradford Street, and Governors Avenue. He is here to speak in favor of the application.

Mr. Tanner Polce – President of the Student Government Association of Wesley College – Stated that he would give you a different perspective from a student. It was just a year ago that he

spoke to City Council about this matter and really urged the Council members to pass this. One, the overall mission of the institution is to provide a solid holistic education and safe environment for incoming students through three, four or six years. This Plan absolutely does that. It provides a safe environment enabling us to travel throughout the whole campus without worrying about looking both ways and whether there is a car coming. We are all at the age where yes, we can look both ways and can cross the street and don't need our mommy to hold our hands. Something like this is elemental and truly critical as a basic element in providing a safer environment. The green space addition is also critical. So much so that a motion, towards the end of his last year, came across his table of a $20,000 allocation for the Student Government Association to make to this specific project and the motion passed 27-0 by our student organization. Therefore, he was truly privy to cut a $20,000 check to this specific project. That's how much this project means to the students and yes, he may not live in Dover and the majority of students may not live in Dover; however, he represents more than 1,500 student voices and this project is critical.

Mrs. Nancy Gardner – 213 N. State Street – Stated that she and her husband have lived in the neighborhood for about forty (40) years now and we have been very pleased to see Wesley College grow. We are in fact very pleased to see Wesley College's attempt to meet what is a national movement to make college campuses greener and more walking friendly. We know living across the street from Wesley College that we stand to benefit she hopes in part of this. It has been quite apparent now for the last several years. (Congratulations to Gregg Moore, the newest trustee who will speak to us with many hats.) She is not quite sure what abandoning alleys means. She is not sure what these turnarounds actually mean in terms of traffic. From her perspective, because she can with great care park behind her house, she does park on State Street and she is close enough to Wesley College to know that sometimes six (6) or eight (8) cars park in front of our house in the course of the day as it is a commuter school. We also have a handicap parking space which is not a private parking space; it is open to the public and gets used by the public. There are times when she is very grateful to have Cecil Street open across the way because in the case of a snow emergency we have to be off the street immediately. We are obliged of course to plow out immediately. She can tell you that living between two buildings that rent to students who are also grandfathered and do not provide proper parking, that these are students who are fun to get to know. They are often at a real disadvantage as renters. You are not answering the need for this neighborhood to continue to also be a residential neighborhood. She frankly feels on her end of the block redlined at this point and she does not like that feeling. She is seeing apartment houses with little or no maintenance and her feeling is with Wesley College expansion plans, that they have not heard the last of where Wesley College proposes to go. If this creates a new walking safer opportunity that's fine; however, she is well experienced with traveling over Cecil Street at 2:00 or 3:00 in the morning and finding students outside at that time.

Mr. Dennis Lynch – 411 N. Governors Avenue – Stated that he lives about a block away from Wesley College. He is very interested in the walkway being that his wife is handicapped and in a wheelchair. He passes by Wesley College and is not a student of Wesley College; however, he is a student at Delaware State University. His comment is that he wanted to make sure that the area is ADA accessible because his wife is in a wheelchair and that these areas that are not ADA accessible are because of the fact that they are historic. Responding to Mr. Lynch, Mr. Moore stated that all of their walkways and accesses through to their walkways would be ADA accessible so that students in a wheelchair would be able to have full access throughout the campus.

Mr. William Goodrich – 229 N. Bradford Street – Stated that he has the misfortune to live on North Bradford Street. We have put up with fifty-five (55) foot tractor trailers all summer long and that takes one awful long cul-de-sac to turn around. He does not feel that you have made provisions for this. Wesley College has been working on the two (2) dorms all summer long and it has presented some problems as it takes one large cul-de-sac to handle that. You cannot turn around in the existing street without making a 180 degree turn. You cannot swing a car around it. He does not feel that they have made provisions to handle this type of traffic. Will this take out the large Pecan tree on the corner of the dorm? Responding to Mr. Goodrich, Mrs. Townshend stated that we have a recent submission that would show the turnarounds and there is one tree that may be affected.

Mrs. Melson-Williams stated that with the two current dorms there is angled parking for both. The segment of North Bradford Street currently is a one way traffic pattern. This Plan would convert that back to two-way traffic with parallel parking along the public street segment. Then along the terminus, this is what they call a "Hammerhead" meaning there is space on either side where the road widens out to do the turnaround. It appears that one tree ends up in this pavement area and would have to be removed; it is located on the west side of the street.

Mr. Goodrich further stated that he is not real thrilled with what he is seeing for consideration of traffic for the general public and those of us unfortunate enough to own property. If Wesley College wants to buy the property, he wishes they would try and go ahead and do it. He feels that this is what it will boil down to at some point in time.

Mrs. Yvonne Hall – 228 N. State Street – Stated that they own the State Street Inn and she and her husband are very much in favor of this proposed Plan for Wesley College. We feel that it can only enhance the neighborhood and will also give more parking in front of their home because Wesley College is going to accommodate giving extra parking at the college itself on the campus. She feels that it will be a nice place to walk and a safe place to walk. It is not always safe now in their community and she is very much in favor of this Plan.

Mr. Ashalom Pellach – 9 S. Governors Avenue – Stated that about a year ago he paid $2,000 to make the asphalt as per the City of Dover. He has a receipt for the $2,000 as per Code as you cannot put an egress for a car on grass. He wants to know where he puts his car now on the street. Where does he put his car if it snows? They are pissing in his alley and he is not saying anything to them as they can do whatever they want; however, he needs to put the car there. They do not have the right to take his house from him, only if they buy it. If they do not buy it, this is not right that they take his parking lot. He is also in a wheelchair too; however, he can still walk some. He is only getting older not younger. He has a handicap permit for his car and just wants to know where he puts his car.

Responding to Mr. Pellach, Mr. Koenig stated that his residence is off of the campus area. He has an alley located behind his house and the $2,000 that you are talking about was an improvement to your driveway that you needed to make. The issue in front of your house is that you live on Governors Avenue which is an approved snow route for the City so two (2) hours after snowfall starts, the City of Dover Police Department has the right to go down the road and tell you to move your car. You can move your cars to either side streets, public parking lots, or you can park in the rear off your alley on your property. This is the case for all of these houses on Governors Avenue

and also on State Street. In your particular case, you simply have to move your car from out in front on Governors Avenue to behind your house or one of the side streets. The alley that is being considered to be closed is north of Division Street not the alley that you live off of.

Mrs. Susan Yoist – 11 Cecil Street – Stated that she has many concerns. She was very disappointed that this was approved last year especially since so many people who were for it actually work for Wesley College or have spouses who work for Wesley College including members of the City Council. She lives on Cecil Street on the alley and one of her concerns is this alley. You will have people coming down Cecil Street and hitting this dead-end from State Street onto Cecil Street. In theory turning around, they will shoot up the alley instead and go north and two cars cannot pass in the alley. She does not know what they will do when they have traffic jams in the alley, who do you call? People are already speeding up the alley now. It is going to have a lot of traffic as turning around is going to be hard. Another concern she has is with parking. Her husband counted 108 parking spaces that will disappear on Cecil Street and Fulton Street when you close them. There was talk about a parking garage last year when all this came up and she did not hear that tonight. All she heard tonight was that Wesley College was going to realign the spaces they have and add a few from Campus Community School. Will someone be checking to see if we really get 108 parking spaces back? She is glad that some of this is public; however, it is off in the corner and not the same as all the public parking we have on those two (2) streets now. Her third concern is safety. She understands that students, during the daytime when school is in session, it is good to have the streets closed so that they can cross between the dorms and the buildings; this makes sense. However, she lives here and all summer long at night and weekends those streets will be dark and gloomy with no cars. Cars actually make those streets safe for residents. I walk in the neighborhood and at night and on the weekends. When she walks in the evening, she walks where there are cars on State Street and on Cecil and Fulton Streets because cars make it safe. Look at Wesley College Campus if you walk there now, you wouldn't walk into the campus it is dark and dangerous. It is going to be green; however, it is not going to be resident friendly except during the daytime when school is in session, but what about nighttime, the summer, and weekends? A lot of this is based on if the Campus Community School is going to move; however, do they have a place to move? Are they definitely moving or is this something that is going to be put off and then we will have horrible traffic problems in the mean time?

Responding to Mrs. Yoist, Mr. Hemmig stated that he believes the college owns this property. (Referring to the school property.)

Also responding to Mrs. Yoist, Mrs. Townshend stated that the Campus Community School has been told that they will be leaving.

Mrs. Yoist further stated that when that happens, what do we do with our problems when cars are racing up and down her alley right by her house? Responding to Mrs. Yoist, Mr. Hemmig stated that this would be a City of Dover Police Department enforcement issue and should be reported to them if you are having problems with cars anywhere in the City.

Dr. Bill Johnston – President at Wesley College – Stated that last year in presenting to the Planning Commission, we listened to all the interest and concerns as we also did with the City Council. We feel as though we are coming back with a very strong presentation and Plan that will

assist the community and the broader community in Dover. We feel that it is going to quickly become an asset to our community.

Mr. Bob Herbert – 223 N. Bradford Street – Stated that he is not connected with the College; however, lives as close to the College as you possibly could as he lives right next door to the dorm. His wife and he are very much in favor of this entire concept as it will make the campus safer, the students safer, and will be more attractive. He cannot see any downside to it as it is a well thought out idea. As far as the traffic on the alley, he guesses there will be more traffic; however, you cannot go to fast on this alley. You can go much faster on North Bradford Street where we live; however, after this goes into effect, it will alleviate that problem. As far as a gloomy neighborhood, they lived in Newark near the University of Delaware and he can tell you that Wesley College is lighted better than the University of Delaware is. There is plenty of light on campus.

Mr. John Gardner – 213 N. State Street – Stated that he has been very concerned with the alley that parallels State Street between State and Bradford Streets. As he understands the Plan that was originally put forth by Wesley College, that was going to be more or less restricted and that there would be no traffic whatsoever on Cecil Street and it would be closed. I take it there have been modifications in that and that the Plan now is that there can be traffic east and west on Cecil Street to where you have this turnaround and that this will be beyond the alley is this correct? Responding to Mr. Gardner, Mr. Hemmig stated that this is correct.

Mr. Gardner further stated that he can see problems because of the narrowness of the alley at the same time there is no way of expanding it without taking property away from people who own properties along the alley including Mrs. Yoist and Mr. Maciarello and the owners of the bed and breakfast not to mention everything in-between. We are concerned because of the arbitrary way in which Wesley College made Bradford Street one way and got it through the City without much input from the people in the community. He regularly uses Cecil Street when he is coming from the north to park in front of his house. He comes south on Governors Avenue, goes across on Cecil Street, and then turns north to the front of his house. Many of us feel that Cecil Street and Fulton Street are extremely different. Basically on Fulton Street, everything that you are closing on both sides of it belongs to Wesley College already. Cecil Street is not that way.

Mrs. Paula Kinsey – 224 N. State Street – Stated that she is one of those people who does not have any affiliation with Wesley College. She lives on that famous alley and her garage sits right on it so if it is ever widened, it will be on the other side because she doubts they would want to purchase that big barn. The only question that she has is the amount of parking spaces that we are going to have extra then what they do now. When she bought her property three (3) years ago next to the bed and breakfast, the lawyer told her she owned two (2) parking spaces and that it was in the deed. Lots of times she does not feel too well because she has a new knee and does not feel like going up and down the steps and having to go all the way to the back to the garage to get her car. She is really interested in how many parking spaces because sometimes she has to go out and then she can't find parking when she gets back because she cannot get in and out herself. She is all for public parking on the State Street area near Wesley College and on Cecil Street. It is just that she feels that they need enough parking spaces that homeowners up and down here do not have to put up with people parking in front of our houses all day. As you can see most of the owners in this area are over 50.

Responding to Mrs. Kinsley, Mrs. Townshend stated that with regards to these parking spaces, it is part of the requirement so Staff will be counting and confirming each parking space existing and proposed.

Also responding Mrs. Melson-Williams stated that there are recent changes to the Plan to accommodate the turnarounds and Staff will be recalculating all the parking displaced and then provided as part of the formal Plan review process should this move forward this evening.

Mrs. Kinsely further stated that also regarding the alley she is probably at the wrong place to even suggest this; however, have you ever thought about putting "residential drive only." Responding to Mrs. Kinsley, Mr. Koenig stated that no, they have not.

Mr. Michael Maciarello (Continued Testimony) – Stated that there are several flaws with this Plan and he hopes that his comments were not construed as being opposed to this Plan as we have this situation regardless and he is just determined to make it the best it can be. He went around and placed a chalk mark in every single parking space and he has not even gotten to the south side of the college; it was washed away last night. There are in fact 108 parking spaces on Cecil and Bradford Street that are being displaced and this plan shows 90 spaces. Additionally, the fire line is also a critical turnaround because all of these people who live on the alley who are in favor of it all have appliances delivered, garbage, and recycling services and he does not want that truck driving over his property every single time eroding away the wall. This is an intolerable situation. He would like to move rapidly to the south side because this seems to be the most critical. Have the parking spaces been counted?

Responding to Mr. Maciarello, Mr. Hemmig stated that the parking spaces have been counted as part of the Plan and will be reviewed again as the Plan moves forward. The Planning Staff will ensure that any spaces that were displaced will be added.

Mr. Maciarello further stated that he would like to know if the architect had counted these parking spaces. There is an issue with the south side of the DuPont Center where Bradford Street narrows. There are eleven (11) angled parking spaces and this is some kind of mathematical phenomenon because there is no way that eleven (11) parking spaces can fit in there. They are angled in such a way that if you look on page L-101 parking space 11 is on the grass. This goes back to the scaling issue where there are two sets of scaling being used. Additionally, these are angled in such a way that requires someone to pull into it at a sharply angled parking space then back into one-way traffic into a significantly narrower one-way street to proceed on. He would say that these parking spaces need to be reconfigured, the diagonal turned around that would allow a person to back into the parking space and pull into the flow of traffic as this would be desirable. On the exit to the parking lot which is now off Fulton Street, there is an island stuck in there. There is a visual impairment in the form of those utility poles that cause you to go out into Fulton Street so now they will have to go out to the end of this alley decreasing the turning radius. The turning radius is less than ten (10) feet.

At this point, Mr. Hemmig stated that he would have to conclude his testimony at this time.

Mr. Hemmig stated that his comments were appreciated and most of these will be addressed by Staff as part of the design elements. Responding to Mr. Hemmig, Mr. Maciarello stated that he has

worked with Staff for days now and none of the issues have even been realized. When he directed questions to the Planning Staff they stated "they did not know." Before you approve this I would like the community to see an accurate Plan.

Mrs. Townshend stated that a letter was received dated August 12, 2011 from Colonel F.A. Stratford, Jr. USAF (Retired) and Carol D. Stratford located at 16 N. State Street. The letter is regarding the Preservation of N. State Street private property owners entrance/exit from N. State Street via Fulton to alleyway. She would then cut to the end sheet that starts by discussing the concerns that she raised back in 2010 and states that "A June 25, 2010 discussion with George Chabbot concerning the Site Plan and President Johnston's letter prompted George to contact Becker Morgan Group, Inc. in which they advised that the Site Plan was already under revision and that the alley property owners would now have three (3) entrance/exits: Division Street and alleyway; N. State Street/Fulton Street and alleyway; and N. Bradford Street/Parking lot/alleyway. Review of the current Site Plan appears to confirm the revision. We are delighted with the revisions but request that Dr. Johnston's letter and intent be incorporated into any future Planning Commission decisions and thereby preserve the pre-1885 access."

Mrs. Townshend further stated attached to this is a letter from Dr. Bill Johnston from June 22, 2010 to Carol Stratford indicating that the alley behind the homes at North State Street between Division Street and Fulton Street would not be closed off and that they would have access to enter and exit other than only the use of Division Street.

Mr. Hemmig closed the public hearing after seeing no one else wishing to speak.

Mrs. Townshend stated that she would like to clarify some points. First, at this point, the City Staff has not counted parking spaces on Bradford, Cecil and Fulton Streets. She would commit that she will send a City Staff person out to document the number of on-street parking spaces so that we can essentially ensure that the information provided is correct.

Mrs. Townshend further stated that she would like to provide the Planning Commission and members of the public a clear understanding of how the process goes from tonight when the Planning Commission takes action on this to the commencement of construction. What the Planning Commission sees is preliminary plans. You have the Development Advisory Committee Report that always identifies corrections that will need to be made to the Plans prior to Final Plan approval. There are always conditions and in this case, we know that some of the conditions associated with the alley and street abandonment specifically relate to any displaced parking being made up on the Wesley campus. Between the time that the Planning Commission takes action and the Plan receives final approval any incorrect or incomplete information will need to be corrected and/or completed and Staff will verify that all of the conditions of the alley and street abandonment and the Site Plan approval itself are incorporated into the Final Plan documents.

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

Mr. Hemmig stated that this is a hot button issue among the public and affects many people in different ways. Most of the comments this evening were very positive in favor of it with some concerns expressed. The Plan, as presented, is rather complete and will be a phased Plan. Certain things will not happen until others do such as the Campus Community School has to be relocated

before anything can take place on North Bradford Street. It looks like Wesley College is taking efforts to ensure additional parking spaces are provided for those that are lost on the street. Consolidating parking into a parking lot helps bring students to the campus without spreading them out around the campus.

Colonel Welsh moved to approve S-11-13 Wesley College Master Plan for Streetscape Campus Enhancements and includes the inclusion of any DAC comments and conditions of the previous abandonment by City Council, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

C-11-05 Royal Farms at 293 South Saulsbury Road - Public Hearing and Review of a Conditional Use Site Plan for the construction of a 5,786 S.F. retail store building, a 1,407 S.F. car wash building, eight doubled-sided gasoline pumps under two canopy structures, and other associated site improvements. The property consists of 3.64 acres ± and is zoned C-2A (Limited Central Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). In the C-2A Zone, the establishment of gasoline pumps is an accessory use requiring conditional use approval. The property is located on the northeast corner of Saulsbury Road and West North Street. The owner of record is Roadway Express, Inc. The equitable owner is F&B Properties, LLC. Property Addresses: 293 S. Saulsbury Road. Tax Parcel: ED05-076.11-01-43.00-000. Council District 4. *Waivers Requested: Partial Elimination of Upright Curbing.*

Representatives: Mr. John Paradee, Legal Representation for the Applicant; and Mr. John Fellows, Duffield Associates.

Mrs. Townshend stated that the Plan consists of a 5,786 square foot retail building, a 1,407 square foot carwash building, and eight (8) double sided gasoline pumps under two (2) canopy structures. Because there are gasoline pumps proposed, this comes forward as a Conditional Use Site Plan. In terms of the Plan details, the parking requires a total of twenty-four (24) parking spaces. Thirty (30) parking spaces are required and provided while this exceeds the minimum; it does not exceed the twenty-five (25) percent maximum. Based on the twenty-four (24) parking spaces required, two (2) bicycle spaces are required.

Mrs. Townshend further stated that in terms of the Corridor Overlay Zone, there are a number of items for consideration in the report. The gas pump canopy and associated pumps are considered to be a principle structure for the purposes of measuring the building setback. In that way, the Plan complies with the minimum and maximum front yard requirement. It also includes the parking configuration, the thirty-five (35) foot building height twenty-five (25) percent of the lot consists of open space, and the various requirements of the Corridor Overlay Zone. The Plan as submitted does not comply with one requirement of the Corridor Overlay Zone. Initially the applicant submitted a waiver request in this regard and after the applicant DAC meeting, they have indicated that they will comply with that requirement. That is the landscape buffer of twelve (12) feet around the building between the building and the parking areas. Six (6) feet of this needs to be sidewalk and the remainder landscaped. It will be incorporated into the plan.

Mrs. Townshend further stated with regards to site access, the site will have full access from Saulsbury Road and a right turn in and out from North Street. There is a Traffic Analysis Report that was submitted and reviewed by DelDOT and is part of the application file. The property is

located adjacent south and west to Simon Circle and comes around it. There is a sidewalk connection located in front of a house. What Staff is recommending is that the sidewalk connections continue into the site so that pedestrians do not have to come out to North Street and deal with more potential vehicle conflicts in this location.

Mrs. Townshend stated that based on the discussions we had at the Applicant DAC meeting, the applicant has agreed to pull the carwash building back to provide more direct pedestrian access into the site and a safer crosswalk in this area. (New site layout reflecting this was shown at the meeting.) There is one loading space on the north portion of the parking facility. As shown on a Site Plan map, there is an existing sidewalk located at Simon Circle Development and what Staff is proposing is that the applicant bring a sidewalk connection in at this location and also up from North Street and that they provide a crosswalk so that they can avoid vehicle and pedestrian conflicts especially because this is a right-in access and there will be a lot of vehicles coming in off of North Street.

Mrs. Townshend further stated that in terms of landscaping and tree planting, fifty-three (53) trees are required. The Plan is also required to provide a number of other plantings including the buffer between the residential property and the plantings associated with the Corridor Overlay Zone. Because of the degree of plantings, Staff will be making sure that things do not get double counted in terms of the final Landscape Plan.

Mrs. Townshend further stated that the applicant is proposing to install the opaque barrier component of the buffer. Staff would note that in areas where it comes into what is considered the front yard the fence will have to reduce to four (4) feet in height. Staff has also recommended that the fence stop just short of the sidewalk to the north. The applicant has requested a waiver from the curbing for the purposes of stormwater management. There are areas where initially they did not propose curbing. Staff would request this not be a part of this waiver and that curbing be everywhere except where it would not be needed to necessitate flow to stormwater areas.

Mrs. Townshend stated that the applicant reconfigured some things to separate the pedestrian traffic from vehicle traffic coming in off of North Street. The architecture that went out in the packet was replaced with what is on your desks this evening. Staff talked to the applicant about incorporating more brick into the architecture of the building and that has been incorporated. You will see a number of peaks on the roof line. The canopies will have a pitch to the roof and will not be flat canopies. The architecture of the carwash will be a glass carwash facility.

Mrs. Townshend further stated that other agencies commenting on the Plan have reviewed the Plan and submitted their comments. This is an area where DelDOT reviewed the Plan. The applicant submitted a Traffic Analysis Study and DelDOT concurred with that analysis and submitted a letter indicated that the Traffic Analysis Report would suffice in the place of a Traffic Impact Study.

Mr. Paradee stated that he would like to thank the Planning Staff as we had the opportunity to meet with them on a number of occasions to discuss the application before you. We made a number of revisions and concessions that make the project a much better application. We agree with all the DAC comments and recommendations and will comply with all of the Code requirements.

Colonel Welsh stated that he remembers when the Royal Farms Plan at Routes 13 and 113 came before this Commission and we made some adjustments to the building. Royal Farms complied with those adjustments. He knows that you have "cookie cutter" plans; however, he thinks the Royal Farms building changes had something to do with the roof line. Responding to Colonel Welsh, Mr. Paradee stated that they do have prototype "cookie cutter" plans; however, there are a number of revisions that were made to this Plan that this body has asked for before such as the pitched roof on the canopy and brick at the canopies and at the façade of the building. There are a number of significant deviations from the prototype that we are making here as a concession to the City. It makes this site a lot more attractive and we are sensitive to the fact that this is in an area that may be somewhat of a gateway from the western side.

Colonel Welsh further stated that he sees this on the awnings over the gas pumps; however, it still looks like the building itself is a flat roof with some gables on it. He questioned whether anyone went and looked at the Royal Farms building or recalls what the building looks like in terms of architecture? Responding to Colonel Welsh, Mrs. Melson-Williams stated that the building has a flat roof and may have a pitched element over the entrance.

Colonel Welsh questioned if the applicant would commit to this Commission to take a look at the building to see if there is some way you could incorporate the way the roof line was broken up on the Royal Farms on Route 13. This really is a gateway at the Route 13/113 intersection and Royal Farms was very good in working with us back then. Responding to Colonel Welsh, Mr. Paradee stated that they would be happy to take a look at it. If there is a difference, he would respectively submit to you, that he feels that this Plan goes further than that store did in terms of trying to offer some architectural features that break it up. The site that you are talking about is where the C&P Motors used to be located and it is also a flat roof just like the Wawa building on Court Street. He is sensitive to the Commission's desire to break up the architecture. This site does a much better job of that than the one you are taking about.

Mr. Nichols stated he feels that this is a very good addition to the site as it has been vacant for a few years now. The only thing that he is not happy with is the carwash. You have it jammed in there. You have thirty (30) feet between the rear of the parking on the east side to the side of the carwash. It is almost like you do not have any more room to put it there and you do have more room. You have another section in the back. You either need to move it in the back so that you have more room and more a viable movement of cars that are in there. He has looked at five (5) other stores last week including Smyrna which is a new store. Basically, they all have the flat roof system with an artificial mansard in the front with some of them having an "A" roof in the front and some of the entrances are on an angle. Everything else looks good except the carwash. Responding to Mr. Nichols, Mr. Paradee stated there are some constraints with this site. We did move the carwash back a little to the north from its original location at the request of Staff to free up some of the area.

Mr. Nichols further stated that what he is talking about is the area where is too jammed up, you have to do something to alleviate that situation. Responding to Mr. Nichols, Mr. Paradee stated that he would defer this question to Mr. John Fellows from Duffield Associates.

Mr. Fellows stated that this is a prototypical layout that Royal Farms has developed. They have established the required setbacks and the isolation distance they need for their proper circulation around the store. We have not deviated from that Plan except to move the carwash back. This is a

standard layout that comes from the Royal Farms Corporate Office. There is adequate room to back out and maneuver a car in that thirty-two (32) foot drive aisle.

Mr. Baldwin stated that he is concerned with the close proximity of the turn into Simon Circle and the turn off of North Street and the turnoff into the Royal Farms site. He feels that this is going to be a problem. Responding to Mr. Baldwin, Mrs. Townshend stated that the westernmost access to Simon Circle will be closed as there is only one house that it serves.

Mr. Paradee stated that this was a point that they negotiated with the Delaware State Housing Authority and they agreed that it would provide for safer access.

Mr. Hemmig questioned with regards to the sidewalk access coming across the carwash, do you honestly believe that people are going to walk across that sidewalk and make a forty-five (45) degree turn and then walk up there to make another right hand turn and walk back? They are going to walk right across the grass. Is there any reason you do not make sidewalks straight across in front of the sidewalk? Responding to Mr. Hemmig, Mr. Fellows stated that the sidewalk now goes in front of Simon Circle. The proposed sidewalk would take a slight angle down to the edge of the pavement with a crosswalk there. They could landscape there as he would hate to put the pedestrians out in front of the exit portion of the carwash. He would rather put a physical barrier there in the means of landscaping or some sort of low fence to discouraging people from walking there.

Mr. Paradee stated that he feels that they could find some landscape features that would address this concern.

Mr. Hemmig questioned where the stacking would be for the carwash once it is moved back? Responding to Mr. Hemmig, Mr. Fellows stated that there are two spaces provided for stacking and a couple more that could go in front of the dumpster pad location which line up around the back of the store where there is no parking during peak hours.

Mr. Hemmig further stated that given his disgust with how the Safeway gas station turned out because they made it smaller than what we approved, tractor trailers cannot pull in and have to back in, what is the ingress and egress for tractor trailer deliveries here? Responding to Mr. Hemmig, Mr. Fellows stated that gasoline deliveries take place in the front and are able to make delivery without interrupting the canopy or the gas sales that occur at the canopy. They can make the turn off of Saulsbury Road. What we have done is used AutoCad to show an auto turn where you can run a tractor trailer through our Plan.

Mr. Hemmig stated to not make this any smaller. Responding to Mr. Hemmig, Mr. Fellows stated that they would promise not to.

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

Colonel Welsh questioned, in thinking of the Engineer's response to the question of moving the carwash to the back area of the building and the response was that yes, this is an approved Royal Farms Plan. Is there any reason it cannot be moved back further? His concern is that you are

bordering public housing and you will have children there. Children are going to come to Royal Farms to buy food, candy or sodas. He feels that it is dangerous to have a child coming across an exit so close to the front of a carwash. After coming out of a carwash and being under a fan that is blowing the water off your car and washing it down the windshield, he can see someone coming out of the carwash with poor visibility and the combination of errors of a kid deciding to walk in front of a carwash at the last minute, we then have a fatality on our hands and it is something that could have been prevented.

Responding to Colonel Welsh, Mr. Fellows stated that they talked about two alternatives to this sidewalk connection. One was coming straight across from Simon Circle. The other alternative solution would be to direct pedestrians down to North Street and then back up into the site which would eliminate the crossing movement of going in front of the carwash. Moving the carwash further to the rear of the site is going to limit visibility of the carwash not only for sales but also for security of the carwash and vandalism. Having the carwash forward in the location that we have it now (as depicted on the presentation board at the meeting) is the most appropriate.

Colonel Welsh stated that certainly you would have security cameras and he is sure that they are being monitored by the attendants in the store so he would think security would not be an issue. He would rather see this and have some form of barrier to enforce this sidewalk movement down to North Street so that someone could not cut across there. Responding to Colonel Welsh, Mr. Fellows stated that their original Plan had the fence that would go all the way down that was eight (8) feet tall that we dropped to four (4) feet high within the setback and this would create the barrier that would keep people from crossing there and direct the pedestrian down to North Street and into the property.

Mr. Paradee stated that there is one other constraint to the property and that is the parcel just to the north. This is a parcel that may someday be developed and when this site came through for rezoning, we showed that as another potential pad. Relocating the carwash between the two (2) pad sites would be less than ideal. It may create more traffic issues. Rather than move it back further, we would prefer to eliminate the sidewalk conflict and direct the pedestrian traffic down to North Street and around that way. He feels this would be the fair way to address your concern that he shares.

Colonel Welsh agreed and stated that the only other concern that he has in doing that is what kind of blind turn it would have for people who are then making the right turn in off of North Street into Royal Farms and someone walking across the parking lot at that point? Responding to Colonel Welsh, Mr. Paradee stated that presumably the pedestrian traffic would go around the fence and turn north and walk a considerable distance before they get to the pedestrian crosswalk so hopefully there would be no one walking directly in front of the incoming traffic.

Responding to Colonel Welsh, Mr. Hemmig stated that it does not show on our Plan; however, they are going to put in an additional sidewalk from the eastern point of this right turn going straight up towards the carwash and then connect to the cross access.

Mrs. Townshend stated to clarify you would leave the carwash in that setback position. At the DAC meeting one of the things that was talked about was bringing pedestrians out to North Street and having the right-ins there, having to cross over, and then having people exiting the

carwash there. This would be a whole lot of movement going on there. Moving the carwash back helped part of that because what one of our concerns is if you look at the Plan that is in your packet, people are coming out of the carwash and they will be crossing over where people are turning right-in and you have an "x" pattern going on. By moving the carwash back, that eliminated that concern.

Colonel Welsh stated that he knows that you have talked about agreeing to move the carwash back a little bit. He thought what we had here was where the final position was going to be. You have moved it back to where he was going to recommend that you move it back to. He thinks that your initial Plan is better than bringing people down to North Street and then bringing them back up with the inbound traffic. As you have it currently depicted on the presentation board, this is not the ideal situation; however, it is a little better thought out.

Mr. Hemmig stated that he needs to back-up for just a minute as he forgot to include during the Public Hearing the incorporation of a letter that was on your desks to the City of Dover Planning Commission from Mark Prata, Project Manager, Eden Hill Commercial LLC.

Mrs. Townshend stated that Mr. Prata indicated in his letter that they strongly object to the two (2) entrances shown on the preliminary Site Development Plan. They are concerned about the proximity to the intersection of North Street and Saulsbury Road. The entrance on Saulsbury Road shows a right turn lane into the Royal Farms which seems to interfere with the right turn lane from North Street to Saulsbury Road. They then bring up the fact that in 2010, they (Eden Hill Commercial LLC) were looking at a right-in and it was quickly brought to their attention that they were too close to the intersection for this to happen so they had to relocate their entrances further from the intersection. They believe that a more in-depth study needs to take place. Therefore, if this request is granted that they (Eden Hill Commercial LLC) should be given the same consideration on their entrances. The letter is dated August 9, 2011 and submitted by Mark Prada on behalf of Eden Hill Commercial LLC.

Colonel Welsh stated that there is one element of that letter that is not valid and that is that there is also a concern with traffic within Simon Circle since that exit is going to be closing.

Mr. Hemmig stated that as part of this project, you will be actually constructing more of a right-turn lane is this correct? Responding to Mr. Hemmig, Mr. Paradee stated that this was correct. This is within the Traffic Analysis Report that DelDOT concurred with and incorporated those improvements.

Mrs. Townshend stated that this would also include the deceleration lane in front of Simon Circle. The closure of that western access to Simon Circle and a concrete median in the center of North Street so that you would not have the problem of traffic crossing and making illegal movements.

Mr. Fellows stated that they have been working with DelDOT very closely and this Plan conforms with their long-term plan for the West Dover Connector and all the improvements that are planned for that as well.

Mr. Hemmig further questioned given the blank parcel to the north, where would you imagine the most likely connection between that parcel and this parcel would occur? Responding to Mr. Hemmig, Mr. Fellows stated that they have a stub already in place and there would probably be a connection in the back off of the drive aisle into parking in the rear. This area is part of the Corridor Overlay Zone and therefore the building on the other parcel will be pushed to the front with parking located in the rear.

Colonel Welsh stated that it does not necessarily have to be pushed to the front. There is room for waivers on the Corridor Overlay Zone so you can have a building that is located in the rear of the lot with parking in the front if you can justify it.

Mr. Hemmig stated that the reason he is asking about the connection is because this adds fuel to the concern that Mr. Nichols had regarding the carwash and with stacking. You could have cars stacked out behind the carwash and they will be stacked right across where your feature entrance is going to be. Responding to Mr. Hemmig, Mr. Fellows stated that the stacking for the carwash would occur by the drive aisle where there is a ten (10) foot striped area that would then separate the stacking from that drive aisle. As this gets developed, we could provide for more stacking for more than two (2) cars to satisfy the carwash.

Mr. Hemmig further stated that there were some concerns with regards to curbing around the building. What is your final design for preventing cars from driving into the building? Responding to Mr. Hemmig, Mr. Fellows stated that they have upright curbing around the building except for where we have a handicap ramp accessibility route.

Mr. Nichols stated that you talk about a curb around the building and not to get off the subject; however, we had Wawa change from the elevation to the floor straight out to the hot mix at the sidewalk and place bollards around because the curb is a tripping hazard. The curb is a junk, trash, and water holder and elevation should be from the floor straight out with the slope line and with bollards around to keep cars from going into the building and eliminate the curb from around the building.

Mr. Fellows questioned if they should remove curbing around the entire building? Responding to Mr. Fellows, Mr. Nichols stated on the east and west side. On the north side you could keep the curbing in.

Mrs. Townshend stated that they did have this discussion with the applicant and the Code as written specifies that around the building you are supposed to have an upright six (6) inch curb, sidewalk, and landscaping. She is sure that the applicant would welcome not doing that. Again the Code specifies that this is the way it is to be done. In the case of Wawa, the curbing waiver addressed that. Staff has some concerns because the way the Code reads the curbing waiver is specifically for stormwater. Responding to Mrs. Townshend, Mr. Paradee stated that they would do whatever you prefer. Obviously, they would prefer not to have the curb as we think it could be a tripping hazard and an issue; however, they are prepared to do whatever this body prefers.

Mrs. Townshend stated to get around the Code it states that "the Regulations are adopted in order to promote and protect the public health safety, convenience, and general welfare. Ensure orderly growth and development of the City. The conservation, protection and proper use of the

land and adequate provision for housing, recreation, circulation, utilities, and services, safeguard the City from undue future expenditure for the maintenance of streets and public spaces." It is also specifically mentioned in the Corridor Overlay Zone that the twelve (12) foot landscape area around the building is supposed to be surrounded by six (6) inch upright curbing. Responding to Mrs. Townshend, Mr. Paradee stated that you do have a Wawa located in the Corridor Overlay Zone on Route 8 and he is not sure what they did.

Mrs. Townshend stated that her concern would be putting in a condition of approval that does not meet the Code. If we were challenged at some point in the future, it makes her uneasy.

Mr. Nichols stated that most people pull up to the building and there are six (6) inch bollards and they can walk straight in without jumping over a curb when going into the building. As far as he is concerned, this is not a safety factor; it is a stumbling block. Responding to Mr. Nichols, Mrs. Townshend stated that her concern is not whether or not it is something that has merit; it is whether or not the Code permits it.

Mr. Paradee stated that he would prefer not to do it and feels that is what you would prefer. You could approve it in that fashion and ask City Council to revisit the language of that Code provision to allow the Planning Commission to have the authority to waive that condition in appropriate circumstances and if they will not do that then we will have to put the curbs in.

Mrs. Townshend stated that they could take an amendment back as long as an amendment was adopted prior to the Final Site Plan. Responding to Mrs. Townshend, Mr. Paradee stated that this is one thing that they cannot afford because of contractual reasons to delay the final approval for this project.

Colonel Welsh stated that he would hate to disagree with his distinguished colleague; however, he has always liked the look of curbs. He is sure that Royal Farms just as Wawa does would do a good job of keeping the area clean. He feels that curbs present a cleaner image.

Mr. Koenig stated that part of the years ago debate regarding whether to curb around these buildings or not was the issue of vehicles encroaching on the sidewalk where if they did not put parking bumpers in people would pull all the way up to the edge of the curb and were encroaching over the sidewalk and it became a real ADA access issue. In the intermittent time, Wawa, Royal Farms, Wal-Mart, and Target all these larger national chains have developed the bollards and recessed ingress and egress. The reason for that is the requirement for the upright curb was to protect the pedestrians around the building and keeps cars and vehicles from encroaching into the landscaping and also up against the building. Yes, there is an aesthetic value about it; however, with ADA and a number of other things that are happening in the development world, he thinks the requirement for this vertical differentiation is going by the wayside. Some of these national chains are addressing it better by putting in either these six (6) or eight (8) inch bollards. What people used to put in before was a two (2) or four (4) inch bollard and a large truck would move them. He has not seen the ones from Royal Farms or Wawa get moved by anything at this point. The bollards are probably better constructed than some of the other stuff on site. Part of the reason for the curb was a safety issue to keep from encroaching on the pedestrian path.

Colonel Welsh stated that he would be happy either way. You came with a fairly straight forward Plan this evening.

Mr. Nichols moved to approve C-11-05 Royal Farms located at 293 South Saulsbury Road with all the comments that have been discussed and all the DAC comments of record and the partial elimination of curbing and to include the landscape and sidewalk buffer in the Plan. Also, approval of elimination of curbing and in its place the installation of bollards.

Mr. Hemmig stated that the original waiver for partial elimination of curbing was for stormwater off of the parking lot.

Mr. Nichols stated that they have two (2) handicap parking spaces and if both of those spaces are full and you have a handicap person in a wheelchair, how is this person supposed to get over top of the curb on the side of the building?

Colonel Welsh stated that what they are talking about is the partial elimination of curbing in the rest of the facility around the parking lot for stormwater runoff.

Mr. Hemmig clarified that the recommendation on the motion is to eliminate the curbing around the building to allow for flat egress and use of bollards to protect the building with the partial elimination of curbing where stormwater management begin; there is curbing everywhere else.

Mr. Nichols moved to amend the motion as stated above, seconded by Colonel Welsh and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

MI-11-06 Physical Posting Templates

Mr. Hemmig stated that Staff brought back a revised Template for the Commission to look at.

Mrs. Townshend stated that what Staff has done is a number of things. We reduced the wordiness of the Template. We have added the City seal on the Template. We tried to put all the important information up front and reduce the overall number of words. We placed a contact number for the Planning Office and what you have is the sample Template for the Site Development Plan and then the sample Template for a Rezoning Plan because that is different in that it has both Planning Commission and City Council review.

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

Colonel Welsh moved to approve MI-11-06 Physical Posting Templates as presented, seconded by Mr. Tolbert and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

Meeting Adjourned at 10:21 PM

Sincerely,

Diane Metsch
Secretary