CITY OF DOVER PLANNING COMMISSION
July 18, 2011

The Regular Meeting of the City of Dover Planning Commission was held on Monday July 18, 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. Albert and Ms. Metsch. Also present were Mr. Jordan Ashburn (in audience), Mr. Doug Liberman, Mr. Franklin Penco and Mr. Douglas Ditty.

APPROVAL OF AGENDA

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

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF JUNE 20, 2011

Mr. Nichols moved to approve the regular Planning Commission meeting minutes of June 20, 2011, seconded by Colonel Welsh 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 Conference room.

Mrs. Townshend provided an update on the regular City Council and Legislative & Finance Administration Committee meetings of June 27, 2011; the Safety Advisory and Transportation Committee meeting of June 29, 2011; and the regular City Council, Utility Committee, the Parks Recreation and Community Enhancement Committee meetings of July 11, 2011.

Mrs. Townshend provided an update on the library project. Construction is underway and fundraising continues. There is a new Memorial Brick Program where you can have something inscribed on a brick and then it will go in the brickwork that will go around the library.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

C-10-02 The Arbors at 1051 College Road – Request for extension of the conditional approval granted on August 16, 2010 by the Planning Commission to the Conditional Use Site Plan Review to permit the construction of a 55,350 S.F. multi-family building with 48 total units (condominium style units) and associated site improvements. The project is located on one parcel of land totaling 4.32 acres ± and is zoned RG-2 (General Residence Zone). The subject area is located on the north side of College Road, just west of McKee Road. The owner of record is JNK, LLC. Tax Parcel: ED-05-067.00-01-35.03-000. Council District 1.

Representatives: Mr. Jordan Ashburn, Ashburn Homes was present in the audience.

Mr. Hemmig questioned if there would be any items that would affect the extension with regards to changes in the *Zoning Ordinance*? Responding to Mr. Hemmig, Mrs. Townshend stated that no there was not.

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

Mr. Nichols moved to approve a one year extension for C-10-02, The Arbors located at 1051 College Road, seconded by Mr. Holt and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

NEW DEVELOPMENT APPLICATIONS

S-11-09 State Street Plaza at 1004 S. State Street – Public Hearing and Review of a Site Plan for the construction of a 9,942 SF office building and other associated site improvements at 1004 South State Street. The property is 0.7635 acres ± and is zoned C-2A (Limited Central Commercial Zone). The property is located on the west side of South State Street at the intersection with Wyoming Avenue. The owner of record is Gateway South Professional Center, LLC and the equitable owner is ADP Properties, Inc. Property Address: 1004 South State Street. Tax Parcel: ED05-077.17-07-21.00-000. Council District 2.

Representatives: Mr. Doug Liberman, Larson Engineering; Mr. Franklin Penco and Mr. Douglas Ditty, Principal Owners.

Mr. Albert provided an overview of the application.

Mr. Liberman stated that this is a re-approval of the same Plan that went through before. Originally, it was going to be a retail space and at this time, we would like to do a medical office. There are two (2) of the three (3) principals of the new ownership group who are here this evening in the audience if you have any questions for them. With regards to access, there is full access off of Wyoming Avenue and a rights-in access off of South State Street. There are DelDOT improvements that are to be done associated with the Plan which were mandated by DelDOT for additional pedestrian heads which will make it safer for pedestrians in this area at this intersection. Most of the approvals from before will stand. We will have to go back through DelDOT to see if any standards have changed for those plans. The pedestrian signal layout and entrance design will all stay the same. The Kent Conservation District will be a re-approval. The utilities may be a little different for the office use as opposed to the retail use. We have redistributed some of the landscaping along the front so that it has a more uniform look to the landscaping along South State Street.

Mr. Liberman further stated that with regards to the building elevations that they presented, they will probably not going to be what is going to go up there. The owners would like to do more of a professional office space look to the building as opposed to a converted retail space. As it is listed in the Plan review comments, any changes to the building will have to come back to the Planning Commission for re-approval. This has been discussed with Staff and the owners and is something

they look forward to doing to end up with a better looking building than what was originally proposed.

Colonel Welsh stated that he does not like the architectural design as it looks pedestrian and something that you would find at a strip mall. He would hope that you could someway find a way to do a pitched roof. Something that will make it look a lot more residential like it belongs in a residential neighborhood which it is. He is tired of flat roofs with small façades that come out to make it look like something it is not. He hopes that they incorporate some type of pitched roof design in their redesign.

Mr. Nichols stated that when Joe Melvin's Sunoco station was on this site, they had an A-roof on that building and it made it a nice looking building. The fake mini-mansard roofs that you show on here now look ridiculous. He would go along with Colonel Welsh and feels that you should put an A-roof on this building. Responding to Mr. Nichols, Mr. Liberman stated that given the depth of the building, he is not sure how much peak they could put on it; however, we can review this with the architect and see what they can come up with.

Mr. Holt stated that he agrees with the A-roof because when he owned his business his building had a flat roof on it and he constantly had leaking problems. An A-roof will eliminate any future leaking problems that you might have. Economically, it costs a little more; however, in the long run it is going to be worth it.

Mr. Hemmig questioned with regards to the traffic pattern. He knows you are squeezing space; however, he is concerned that if a car comes in off of Wyoming Avenue and all the spaces on the north side of the building are occupied and you come around the east side of the building looking for a space and you get down to the end and there is a car coming off of State Street, you will have cars abutting one another and where will those cars go? They would have to turn around in the entrance area when cars are coming in off of State Street. Did you look at the possibility of turning the office the other way and putting most of the parking on this side of the building?

Responding to Mr. Hemmig, Mr. Liberman stated that no because they had to push so much of the site entrance away from the intersection. It dictated the location of where the entrance off of Wyoming Avenue was going to be and we pushed it as far to the west as we could. This held the location of the building in this area. With regards to the situation you refer to, we are over in parking spaces. We have thirty-six proposed with thirty-four provided. We could X-out a space to provide for a turnaround area near the entrance. He understands your concern with two vehicles coming head-to-head especially in that area.

Mr. Hemmig further questioned how many separate offices would there be and how many employees? Responding to Mr. Hemmig, Mr. Liberman stated there would be three (3) offices.

Mr. Franklin Penco and Mr. Douglas Ditty came down from the audience to the podium at this time to speak. Mr. Penco stated that what they are looking at is eight (8) to twelve (12) office staff. It will all depend on if they open a second office which they are considering. If this is the case, it would be more on the lower side of eight (8). If they are both in the office at the same time, it would be more towards the twelve (12).

Mr. Hemmig questioned what type of medical services would be provided? Responding to Mr. Hemmig, Mr. Penco stated it would be an oral/malofacial surgery service.

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

Colonel Welsh moved to approve S-11-09 State Street Plaza located at 1004 S. State Street with recommended changes for the roof line to be further reviewed either by the Architectural Review Sub-Committee or to the Planning Commission for final approval.

Colonel Welsh further stated that it would not make sense. How could we approve it if we need them to come back for additional approval? Responding to Colonel Welsh, Mr. Hemmig recommended at least thirty (30) days and the Architectural Review Sub-Committee.

Mrs. Townshend stated that the question becomes does it need to go to the Committee or are you giving the applicant direction in terms of architecture that they could then bring back to you? Responding to Mrs. Townshend, Colonel Welsh stated that they have been clear on the terms of their direction. He does not believe that it needs to go to the Architectural Review Sub-Committee.

Colonel Welsh stated that he would amend the motion to ask that they return in August which would give them thirty (30) days to consider changes.

Mr. Penco stated that he hears your concerns regarding the flat roof. He currently practices at 712 S. Governors Avenue that has a flat roof on it and the roof constantly leaks and has been leaking like this since 1956 when the roof was first put on. Both he and Dr. Ditty are not happy with it being a flat to slightly pitched roof. We have discussed with the architect in making this more of an A-framed residential building. We are just looking to move forward with the construction process while the architect is working on those plans.

Colonel Welsh stated that he does not know how they could approve it conditionally and have you come back for approval in thirty (30) days and have you start construction now. He does not know how that concept would work. Responding to Colonel Welsh, Mrs. Townshend stated that they would not begin construction until this issue is resolved. The Site Plan approval from the Planning Commission essentially gives some assurances that they are able to proceed with the site layout.

Colonel Welsh amended the motion for S-11-09 to conditionally approve the Site Plan pending review of the amended architecture to be presented at the August Planning Commission meeting and to reserve the last parking space on the south end as a turnaround space and approval of the waiver request for partial elimination of curbing, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

MI-11-06 Text Amendment: Revisions to Article 10 of the Zoning Ordinance (Appendix B) – Public Hearing and Review for Recommendation to City Council of a series of Amendments to the Article 10 of the *Zoning Ordinance* related to the procedures and requirements for applications to the Planning Commission and Historic District Commission. The proposed changes are aimed at improving consistency within the ordinance, clarifying and streamlining

review processes, removing antiquated language, and expanding public notification requirements. Ordinance #2011-14.

Mrs. Townshend provided a Power Point presentation. (See Attachment #1)

Mrs. Townshend stated what you have before you is a complete overhaul of Article 10 of the *Zoning Ordinance.* This is the procedure process for all Planning Applications except for the Board of Adjustment. It would include Conditional Use Permits, Site Development Plans, Historic District Commission and Architectural Review Certification in the Historic District and amendments to the *Zoning Ordinance* both in map and text.

Mrs. Townshend further stated that the purpose of the proposed changes is multi-purposed. One is to clarify the process and procedures for the various applications; two, to improve consistency from one application type to another; three, to help streamline the process to make things easier for the applicants and Staff to navigate; four, to improve the business friendliness of the process; and five, to expand public notification requirement.

Mrs. Townshend stated that the first thing to look at is the expiration of plans. Currently, plans expire after twelve (12) months from Planning Commission approval if construction has not commenced. Applicants have the opportunity for one twelve month extension so there is a total plan life of 24 months. What the proposal would do is extend the initial approval timeline for twenty-four months so from when this body takes action with one twelve (12) month extension taking the total plan life from twenty-four (24) months to thirty-six (36) months. Site Development Master Plans would remain active for five (5) years provided that construction has started within two (2) years of approval. The amendment would also clarify the expiration of Architectural Review Certificates which is not specified in the current Ordinance and would remove the expiration of Rezoning applications. With regards to the extension of previously done Rezoning's, the whole idea of reverting to the prior zone would go away. The thought process there is when you do a Rezoning there is a finding of fact that indicates that regardless of what use proposed is the zoning is appropriate for the site. In addition, in accordance with State law, we do a Comprehensive Rezoning every five (5) years so if there is something that needs to be changed; we have the opportunity every five years with the Comprehensive Plan and then the Comprehensive Rezoning.

Mrs. Townshend further stated that with regards to the public notice requirements, this has changed since they went through the process. Currently, a mailed notice is sent to all property owners within 200 feet of the subject property at least ten (10) days prior to the Planning Commission or Historic District Commission meeting. What we are proposing at this point is that the mail notice be mailed to all property owners within 200 feet fifteen (15) days prior to the meeting. The newspaper ad currently runs ten (10) days prior to the Planning Commission or Historic District Commission meeting, and again we are looking at changing it to fifteen (15) days. Currently, there is no physical posting required. What is being proposed is that physical posting be placed in a conspicuous location on the subject property at least fifteen (15) days prior to the Planning Commission meeting. In a subsequent agenda item this evening, we have what we are proposing in terms of the policy for this physical posting to discuss.

Mrs. Townshend further stated that the big change in terms of where we initially were and where we are is the original version of this is the Ordinance had expanded the mailing distance to 300 feet. After review with the Business Community, Real Estate Community, and the Legislative Finance and Administration Committee, this was kept at 200 feet where it is now.

Mrs. Townshend further stated with regards to Conditional Use and the changes you will see is it sets different requirements for Conditional Use involving Site Plans versus not involving Site Plans. One of the things that we continually struggle with in the Planning Office is if there is a Conditional Use application where they are only changing the use and there is nothing in terms of the site that is being proposed to change and there is nothing specified in the Ordinance as to what they need to submit that is different. The idea is that you have a site where they are not paving anything, not adding any paving, and they are not adding any buildings; it is just that the use needs the review. The set of requirements for what they need to submit is specified in that proposal differently from if they were building as an example, apartments. We tried to break out what is required for Conditional Use versus Conditional Use Site Plan.

Mrs. Townshend further stated that we set forth a clear process for revocation of the Conditional Use. When we had the issues come up with the House of Pride, there was no clear process for revocation. Staff did what we felt is a good due process and have tried to build that into the proposal that we have brought forward. It requires a description of the proposed use as well. Sometimes with a Conditional Use it is a grey area and we need to know exactly what they are proposing so that the Planning Commission and the public know at the time of approval exactly what the Conditional Use is.

Mrs. Townshend further stated with regards to the Site Development Plan, currently there are three types of review; this would add a fourth type of review. The Planning Commission Site Plan is what you see every month and the Site Development Master Plan for larger projects. We currently have Administrative Site Plans below the threshold of coming to the Planning Commission; however, they go through the same administrative process. They just do not have the public process side of it. What Staff has proposed to do is add a Zoning Review for things where there is no physical alteration of the property. For instance, an office going into where a retail used to be, we would conduct a Zoning Review to ensure that the zoning allows the use and make sure that it doesn't create any non-conformities; however, it would not require an Administrative Site Plan which has created a problem when things try to change out in shopping centers and they come in we tell them they need a Site Plan. This would improve our interaction with the business community especially the small business owners that are simply trying to open a business that is allowed at the location. The Zoning Review would essentially simplify things for those folks.

Mrs. Townshend further stated that another change is the change of threshold for Planning Commission review. Currently, if you are adjacent to a residential use and are greater than 500 square feet of disturbance, it comes to the Planning Commission. Staff is proposing to raise the threshold to 1,500 square feet because there have been some very minor things that would come to the Planning Commission due to disturbance that really are minor in nature. Every other threshold would remain the same. With the Historic District Commission and the Architectural Review Certification, it is currently vague or unclear as to which Architectural Review Certificate can be issued by the Planner versus which need to go to the Historic District

Commission for approval. We have broken it out by approval by the Planner, approval by the Historic District Commission, and then the recommendation of the Historic District Commission to the Planning Commission. In terms of what would be recommended by the Historic District Commission to the Planning Commission, this does not change demolition and construction which is the main things that this Commission sees. It also clarifies "Demolition by Neglect" and the due process for the property owner and in the case that we are taking forward. This is something that this Commission has not seen. We have had some buildings that we have had to take to the Historic District Commission under the "Demolition by Neglect" provisions and there is nothing in the Code that requires that we notify the property owner or hold any type of hearing. We have added those provisions in what we have as the proposed Ordinance.

Mrs. Townshend stated with regards to the amendments to the *Zoning Ordinance.* Staff has tried to break it out in terms of three (3) specific processes for the three (3) different types of amendments you would expect. One would be the map amendment by application which is the applicant who comes in for Rezoning. They want to rezone their property and this gives them a process as well as a public notification process. The other would be an amendment to the Zoning Text which essentially would be either brought forward by Staff or brought forward by three (3) sponsors of City Council. Because we are adding the idea of physical posting and mailing, it is very clear that the Text Amendments go in the paper. This will make it very clear as to what the requirements are for a Text Amendment versus a map amendment. We also wanted to firm up the process for the Comprehensive Map Amendment following the Comprehensive Plan or other formal study. We added "other formal study" in there because there could be other things other than a Comprehensive Plan. Staff is working on the Dover Air Force Base ALCUZ Study. Staff will likely be bringing changes forward to the Airport Environs Overlay Zone based on that study that came out by the Base. The idea is that this is a Comprehensive Rezoning and is handled in a way that is different from applicants bringing forward a Rezoning application.

Mrs. Townshend further stated with regards to public outreach, Staff has worked very hard with a lot of affected communities to make sure we are getting this right. In April, we presented a presentation to the Historic District Commission of the areas in the Ordinance that relate to their prevue. On May 3, 2011 Staff held a meeting where we invited engineers, lawyers, realtors, developers, and home builders that was held at the Police Station where we received some feedback at that meeting. On May 19, 2011 Staff met with ACEC Consulting Engineers who also brought forward some suggestions. On May 25, 2011 Staff met with the Kent County Association of Realtors and then on June 10, 2011 with a number of land use attorneys who had a number of good ideas on how we could clarify some of the language. On June 13, 2011 it went to the Legislative, Finance and Administration Committee and some final changes were incorporated at that point.

Mrs. Townshend further stated that there is a table provided in your packet that summarizes the comments that have been received and the changes that were made and reflected in terms of what Staff has done with the various comments. Staff added back language that had been suggested for removal regarding the Historic District Commission reporting annually. We changed the mailed public notice distance from 300 feet to 200 feet which is essentially leaving it the way that it is and not expanding it as previously suggested. Coming out of the meeting with the attorneys, they brought forward a number of good suggestions on where we could clarify some of the language. Also included in your packet was the feedback that has been provided to Staff.

Mr. Tolbert questioned with regards to leaving the notification at 200 feet, the Planning Staff recommended that it go to 300 feet; is this the case? Responding to Mr. Tolbert, Mrs. Townshend stated that the initial proposal indicated 300 feet. Part of that was in response to instructions from City Council to her to expand it. The feedback that we received from the development community was to keep it at 200 feet. Staff does believe that 200 feet is adequate from the beginning and that physical posting will hit more people than the expanded mailing would. The reason it was changed to 300 feet was because we were specifically instructed to increase the mailing distance. 300 feet was the largest distance that we could find anywhere in the State of Delaware. 200 feet is standard and is what we saw most frequently.

Mr. Tolbert further stated that we have had instances where people have come in complaining that they have not received notices within the 200 feet. Responding to Mr. Tolbert, Mrs. Townshend stated that if they are within 200 feet and they did not receive the notice, we always verify that it was mailed as we have the mailed receipts. There were some cases where they stated they did not get the letter and we were able to find a signed green receipt so someone else in the home may have signed for it. Part of the issue that we will always have is no matter where you draw that line at 200 feet, 300 feet, or 1,000 feet, there is always going to be someone right on the other side of that line who will say that they did not know about it. Staff believes that the physical posting of the property that will be a bright color will be noticeable to people who are driving or walking by that is going to pick up more people than expanding the public notice mailing.

Mr. Hemmig stated that he agrees with the 300 feet.

Mr. Baldwin questioned what Staff hoped to accomplish by going from ten (10) days to fifteen (15) days notification because to him it would give people additional time to lose things. Responding to Mr. Baldwin, Mrs. Townshend stated that part of the issue with certified mail is the post office will try delivery and if you are not there, they will not leave it. It will go back to the post office. If it is mailed ten (10) days prior and say it takes three (3) days then you are already up to seven (7) days before and you are not home, you are not going to get it you would have to physically go to the post office and sign for it. There have been some cases where people have stated that they did not find out about the meeting until four (4) days prior because of the logistics of certified mail. The primary reason is because in the State Code, the requirement for the newspaper ad is fifteen (15) days prior to the meeting not ten (10). Our sense is that consistency is important.

Colonel Welsh stated that the more notice that you give people the better off you will be. You have people that would like to come to the meeting for whatever reason or to be heard and they are unable to change their plans because of such short notice.

Mr. Nichols stated that after having taken an hour to read through all of these sheets the only thing he really found out was that Colonel Scrafford really was not sure if they were going to have a Historic District Commission at all.

Colonel Welsh stated that he thinks that Staff has done an excellent job with this. It does make sense to give, particularly in today's economy, developers an opportunity to have an extended period of time without having to go through the expense and inconvenience of having to reapply.

Mr. Hemmig questioned the clarification on the Conditional Use with regards to Site Plans. An example of where these may have affected us in our decisions was on Forrest Street just past the Capital School District offices where there was a house that we considered Conditional Use for a daycare. We turned it down I believe because it had a single driveway in and out to the back rear parking. He does not know that they would have known about that Conditional Use application had we not had something in front of us to show us. Responding to Mr. Hemmig, Mrs. Townshend stated that they would still have to show the Plan. The difference is in terms of if it is a Conditional Use Site Plan where they would have to do the tree planting, sidewalk and site improvements. If it is just the use, you would look at the site; however, not necessarily be making improvements to the site unless that were a conditional of the approval.

Mr. Hemmig further stated that we had a similar situation out on Webbs Lane with the Delaware State News where there were two buildings and one was being used as something else and there were issues with sidewalks. Would we have known that under this new idea? Responding to Mr. Hemmig, Mrs. Townshend stated that you would still get all of that information. The main thing is it gives you the ability to accept certain existing conditions rather than look at it as if it is new development. One of the challenges is with some of the Conditional Uses where it is truly just the occupant of the building if it makes sense with that occupancy to require additional parking or require a sidewalk that would be okay; however, it would give you the ability to accept certain existing conditions because you are only looking at the use.

Mr. Hemmig further questioned if they would be restricted from looking at the other things that we would be able to look at if it was a Site Plan? Responding to Mr. Hemmig, Mrs. Townshend stated that no because essentially it is primarily what they are turning in. If you start on Page 5 of 33 on the all-black ink version of the Ordinance starting with line 176 this starts the process. If you look at the legal data and all of the things that are required, it takes you all the way down to line 247. You are still getting everything; it is just what they would need to add to the site.

Mr. Hemmig further stated with regards to the 200 feet versus 300 feet, as Mr. Tolbert pointed out, we have occasionally had someone within the 200 feet who said that they did not get notified. However, more times than not, we have had people who are just outside the 200 feet that are still close enough to be strongly be affected by whatever development there is. He was very much in favor of the 300 feet and it appears that the City Council also was initially. Did the business community give you enough grief and you backed off of it? Responding to Mr. Hemmig, Mrs. Townshend stated that there was a significant change in City Council from the time that direction was given to Staff.

Mr. Hemmig further stated that what concerns him the most is if you have a development that is near a residential area and you have large residential lots 200 feet might include one, maybe two away; however, the third house may be just as affected. It becomes more important when you have more close up residential squeezed in where the lots are 50 feet and you go out 200 feet you might get three or four; however, the fifth person is still close enough to be affected. He feels that 200 feet does not make sense.

Colonel Welsh stated that it makes sense that the developers would oppose expanding that radius because people are not going to come here on their own to speak for the proposal. If you expand that radius by 300 feet, you are bringing more people in who would be opposed to the

development. Whose expenses are the mailings? Responding to Colonel Welsh, Mrs. Townshend stated that it would be the applicants and it is probably the bulk of the issue. It depends on the size of the subject property and the size of the parcels surrounding it.

Mr. Albert stated that if the mailing list is located Downtown, most mailing lists are between 30 and 50 properties if it is a large development. One thing you have to remember in looking at this is that when you expand the radius on the circle, the area that you are getting is not going up proportionately; it is going up exponentially. In his opinion, in preparing these lists every single month for all of the applications, 300 feet becomes burdensome. He is not advocating for either side; however, he sees every list. There are maybe a couple of times when large residential properties are adjacent to things and maybe the entire neighborhood should be notified; however, hopefully the physical posting will address that concern because anyone who goes near there will see the sign. The other component would be the newspaper notification that will be the catchall for the rest.

Colonel Welsh stated that we have come a long ways in easing the burden on the developer, the people who are investing the money in the community. Maybe we should try this notice for a while and see how that works. If we find we are still getting complaints, then maybe next year we consider extending it to 300 feet.

Mr. Tolbert stated that when people are not notified formally, do they assume that they can't come in and make comments on the project? Have you found that to be the case? Responding to Mr. Tolbert, Mrs. Townshend stated that they have not found this to be the case. If anyone calls our office and asks any questions, we encourage them to look at the file and we will sit down with people and go through the Site Plan with them. We always encourage people if they have any concerns at all to either be here at the meeting or put their concerns in writing. We don't want things to go through and have people unhappy because they felt they did not have the opportunity.

Mr. Hemmig questioned if there is anything on the website that encourages people to attend these meetings? Responding to Mr. Hemmig, Mrs. Townshend stated that we could certainly put something on the website.

Mr. Hemmig further questioned if we notify any Homeowners Associations that a development is coming in so that we can get it to all of the people in the community? Responding to Mr. Hemmig, Mrs. Townshend stated that we do not. The problem in doing that would be that we cannot do it consistently because we do not necessarily have contact information for each of the associations. If we cannot do it consistently, it puts us in a legal bind.

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

Mrs. Townshend stated that if there are any amendments that the Planning Commission would like to see, that you put those in the form of a motion first and vote on them and then vote on the overall. Mr. Hemmig brought up to her that in lines 295 to 297 there is some awkwardly worded stuff that we might need to change. Staff will be bringing forward an amendment to change that

to read "Site Development Plans shall be subject to review and approval by the Planning Commission if they meet the following thresholds:"

Colonel Welsh moved to amend Lines 295 to 297 to read as stated by Mrs. Townshend, seconded by Mr. Nichols and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

Colonel Welsh moved to forward to City Council approval of MI-11-06 Text Amendment: Revisions to Article 10 of the Zoning Ordinance (Appendix B) with the recommended amendment, seconded by Mr. Tolbert and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

NEW BUSINESS

Review of Draft "Policy on Physical Posting Requirements"

Mrs. Townshend provided a sign poster that is a bright yellow color so that it can be seen and is obvious when it is on a site. Staff has proposed that the sign be a minimum of 22x28 inches and no greater than 36x36 inches in size. The sign poster that was displayed is the minimum of 22x28 inches.

Colonel Welsh stated that he did not feel that at that size, it would be something you could catch on a drive-by. Responding to Colonel Welsh, Mr. Albert stated that in New Castle County you cannot read these signs from the road and they are bigger and have plans on them. It is seeing the color that draws attention.

Mrs. Townshend further stated that the idea is that over a period of time when people get accustom to seeing this they will associate it with an application.

Mr. Nichols stated that when you normally see one of these placards in front of a property, you know something is going on with that property.

Mrs. Townshend further stated that Staff made a conscience decision not to put the Site Plan drawing on the placard. Her personal concern was that if you put too much on it, you will have people pulling off on the side of the road in an unsafe condition to look at the details of the Site Plan. What Staff wants is if people are interested, we want them to contact Staff so that we can review the Site Plan with them when they are reviewing it not on the side of the road with cars flying by at 55 MPH.

Mr. Tolbert questioned if it would be appropriate to place a replica of the City's seal on it; then people would know it is official from the City? Responding to Mr. Tolbert, Mrs. Townsend stated that they could do that.

Mr. Albert stated that there is a great deal of text on this placard and the way that the program is setup to do that text; this is the minimum. If we place the seal on it, everything is going to get compressed by an order of magnitude. We could put the City seal on; however, it would not be noticeable as a City seal.

Mr. Hemmig stated on the placard at the top it states "Planning Commission Action" will this be just for Site Plans or for Rezonings also? Responding to Mr. Hemmig, Mrs. Townshend stated it would be for Site Plans and Rezonings. There will be two (2) different notices one for Site Plans and one for Rezonings that would both handle Planning Commission and City Council dates. The Planning Commission action addresses Site Plans and Conditional Uses.

Mr. Hemmig stated that he would like to see it made less wordy so that you can make the text as large as possible. It should state "Notice – Site Plan Proposed" or "Notice – Rezoning Proposed." He does not feel that they need all the text which states "The Dover Planning Commission will consider a Site Development Plan for,." He feels you should just post the notice of what it is and if it is a Site Plan or Rezoning with the address, date, and time it will be heard and possibly a contact phone number. He would severely cut down on the amount of verbiage so that you can make everything as large as possible.

Colonel Welsh stated that they still need to have some idea of what is going to transpire. Responding to Colonel Welsh, Mrs. Townshend stated that it already states "Planning Commission Action, Site Development Plan, address, name of project, and instead of public comment we could state "Public Hearing." We could take out public comment and just state "Public Hearing, date, time, and a phone number" if people want to call with questions.

Colonel Welsh stated that you could cut down on the lower portion of the placard wording. He still feels that you need to leave the fact that there is an action taking place through the Planning Commission and what the proposal is in terms of site development, redevelopment or Rezoning for consideration.

Mr. Hemmig stated that there were some redundancies on the placard. It says "Planning Commission Action" and then it says "The Dover Planning Commission." You could remove the upper Planning Commission wording and state something like "Site Plan for Retail" or "Rezoning."

Colonel Welsh stated that it has to be something that would catch someone's attention in big bold letters and then "The Dover Planning Commission will hold a public hearing on this date."

Mrs. Townshend stated that the Ordinance is expected to go to City Council on August 8, 2011 and the Planning Commission meets on August 15, 2011. It would go in effect for applications for September 19, 2011. We could bring back a revised template at your August 15, 2011 meeting.

Mrs. Townshend further stated in terms of the Policy, the dimensions, are a minimum of 22x28 inches and a maximum of 36x36 inches and no taller than four (4) feet and no shorter than three (3) feet. The idea is that this is going to be the visual window for people who are driving. It will need to be affixed to the ground by a minimum of two (2) posts and printed on bright yellow. Handwritten postings are not permissible and need to be within the front yard setback with a maximum setback of ten (10) feet from the front property line. If it is Downtown where you just can't get it in the ground, then it would need to be affixed to a wall or window. On corner properties, it would be on the frontage of where the property is addressed. Where more than one parcel is involved, only one posting would be required unless parcels are separated by a street or

one single parcel divided by a road or if they are not adjacent to each other. If it is something that is part of a Master Plan, no more than three (3) postings would be required. Maintenance and removal would require the applicant to submit to Staff a date stamped photograph showing the location. This has been discussed at the Staff level and our Staff will also go out at the beginning of the fifteen (15) days and make sure that these are out as well. If the placard gets destroyed by natural causes or vandalism, the applicant would be required to replace it up to two (2) times. The placard needs to be removed seven (7) days after the public hearing and if not removed, they would be treated as abandoned signs. If the application is deferred, the placard will still need to be removed seven (7) days after the public hearing.

Colonel Welsh moved for approval to accept the policy; however, defer action on the templates until the August meeting at which time Staff will bring back less wordy templates, seconded by Mr. Tolbert and the motion was unanimously carried 7-0 with Mr. Friedman and Mr. Ambruso absent.

Nomination and Election of Officers (Chairman and Vice-Chairman)

Mr. Nichols moved to nominate Mr. Michael Hemmig as Chairman of the Planning Commission, seconded by Colonel Welsh. A secret ballot vote was completed at this time by the seven members present. The votes were tabulated and Mr. Hemmig announced as the Chairman of the Planning Commission.

Mr. Shomo nominated Colonel Welsh as Vice-Chairman of the Planning Commission, seconded by Mr. Nichols. A secret ballot vote was completed at this time by the seven members present. The votes were tabulated and Colonel Welsh announced as the Vice-Chairman of the Planning Commission.

Appointment of the Architectural Review Oversight Subcommittee of Planning Commission (in accordance with *Zoning Ordinance*, Article 10 §2.28)

Mrs. Townshend stated that the current members are Mr. Michael Hemmig, Colonel Robert Welsh, Mr. Terry Jackson, Mr. Jerry Peters, and Mr. Dave Bonar as the Mayor's designee.

Mr. Hemmig questioned if there was anyone who would like to volunteer to be on the Committee? Colonel Welsh stated that he would like to volunteer to continue on the Committee. Mr. Hemmig seeing no one else wishing to volunteer stated that he would remain on the Committee.

Mr. Hemmig stated that he would appoint Colonel Welsh and himself as members of the Architectural Review Oversight Committee.

Meeting Adjourned at 8:24 PM

Sincerely,

Diane Metsch
Secretary