SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

A G E N D A

October 28, 2008 - 6:00 P.M. - Council Chambers - City Hall - City of Dover

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at Tmcdowell@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. Review of Requested Waivers, Land Subdivision Regulations, Streets: Right-of-Way Width and Length of Dead-end Street for College Road Professional Park (SB-08-01C) *(Deferred by Committee on September 23, 2008)*

2. Request for Subdivision Street Waiver - Parking on One Side - Persimmon Park Place

3. Update on State Council Transportation Hearing of 9/16/08 (Chairman Leary)

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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

PETITION TO WAIVE CERTAIN SUBDIVISION STREET DESIGN STANDARDS
Before the City Council Safety Advisory & Transportation Committee
September 23, 2008

Plan Title:	College Road Professional Park SB-08-01C
Plan Type:	Conceptual Subdivision Plan
Site Area:	30.78 Acres +/-
Proposed Use:	Manufacturing subdivision- 4 parcels
Zoning Classification:	M (Manufacturing Zone)
Waivers Recommended:	*Land Subdivision Regulations* (Street requirements) Article VI § A13.1 Reduction in the Minimum Street Right-of-Way *Land Subdivision Regulations* (Street requirements) Article VI § A15 Exceed the Maximum Length of a Dead-end Street

PLAN SUMMARY:
This is a Conceptual Subdivision Plan Review to permit the subdivision of land totaling thirty (30) acres ± into four (4) parcels. The property is zoned M (Manufacturing Zone). This property is located on the north side of College Road just east of the railroad corridor. The owners of record are College Road Management Inc., Kent Storage Facilities, Inc. and Loralex Company LLC. Tax Parcels: ED-05-067.00-02-53.00-000, ED-05-067.00-02-54.00-000, ED-05-067.00-02-55.00-000 and ED-05-067.00-02-56.00-000.

Request for Waiver for an Reduction in the Minimum Street Right-of-Way:
The minimum street width right-of-way for dedication is sixty (60) feet (*Land Subdivision Regulations* Article VI § A13.1). The applicant is requesting a reduction in the width to thirty-five (35) feet. The applicant is asking for the reduction in the right-of-way based on the railroad to the west of the site and for consistency with the other streets in the area. The paved width will meet the required 26 feet with no parking permitted on the street.

The waiver for the reduction in the minimum street right-of-way is for both Railroad Avenue and the unnamed dead-end street. The two streets are proposed for dedication to the City of Dover.

Request for Waiver for Exceeding the Maximum Length of a Dead-End Street:
The proposed dead end street is 450 feet in length. The proposed dead end street exceeds the

permitted length of a dead end street per the *Land Subdivision Regulations* Article VI § A15. The size of the property and the layout of the lots support the need to extend beyond 400 feet in length.

The requested waivers are further summarized in the following chart:

Summary

Street Design Standard	Required/Permitted	Proposed	Waiver
Minimum Street Right-of-way	60 feet	35 feet	10 feet
Maximum Length of a dead-end street	400 feet	450 feet +/-	50 feet +/-

Findings and Recommendations of the Dover Planning Commission

The Planning Commission at its meeting on August 18, 2008 reviewed the proposed waiver requests as part of its review of the Conceptual Subdivision Plan for the College Road Professional Park. **The Planning Commission recommends approval of the waiver to allow the Reduction in the Minimum Street Right-of-way from 60 feet to 35 feet for both road segments and the waiver to exceed the maximum length of a dead-end street.** The motion passed unanimously 8-0 of the members present.

Attachments: Site Plan
Waiver Requests:

REQUEST FOR STREET WIDTH WAIVER

Before the Dover Safety Advisory and Transportation Committee
October 28, 2008

Applicants/Owners:	Referred to Planning Commission by City Council through the Safety Advisory and Transportation Committee.
Location:	Persimmon Park Place
Request:	Some residents of Persimmon Park Place have requested that on-street parking be permitted in the development. The request is that parking be permitted on one side of the street, not both sides. Streets within the development vary from 22 to 24 feet in width. The Subdivision Ordinance requires that streets have a minimum width of 24 feet with no on-street parking, and that the width increase by 6 feet per side where parking is provided. Therefore, in this circumstance, the streets would be required to be 36 feet wide. Therefore, a waiver from the Subdivision Ordinance is necessary to permit on-street parking.
Action Necessary:	The Safety Advisory and Transportation Committee shall make a recommendation to City Council on issuance of the requested waiver.
Planning Commission Recommendation:	Following a public hearing before the Planning Commission on September 15, 2008, the Planning Commission passed a motion to recommend denial of the requested waiver. The motion was as follows: *Colonel Welsh moved to forward a recommendation to City Council of denial of MI-08-15 Persimmon Park Place: Waiver Request for On-Street Parking, seconded by Mr. von Reider and the motion was unanimously carried 7-0. (Mr. Tolbert recused from this application)*
File Number:	MI-08-15

Summary of Code Requirements

According to Dover Code, Appendix A, Subdivisions, Article VI Subdivision – General, Section A – Streets, Subsection 13:

13. Street rights-of-way and roadway shall be as shown on the official map or development plan and, if not shown thereon, said widths for the various street types, shall not be less than [as] follows:

13.1 Rights-of-way and roadway widths for the various street types, with no on-street parking, shall not be less than as follows:
TABLE INSET:

Street Type	Right-of-Way (feet)	Roadway (feet)
Arterial	80 to 110	60 to 80
Collector	60	38
Local for all residential areas	60	24
Local for commercial areas	60	26
Cul-de-sacs and dead-ends	60	24
Marginal access	60	24
Alley, one-way	16	12

13.2 The minimum roadway widths provided in [sub]section 13.1 are to be utilized on streets with no on-street parking.

13.3 In areas where off-street parking does not exceed that required in appendix B and on all local commercial streets, roadway widths shall be increased by six feet for parking to be allowed on one side of the roadway and by 12 feet for parking to be allowed on both sides of the roadway. These street width requirements shall not be amended by any alternative street widths provided for in §13.4 or § 13.5 of this section.

According to Dover Code, Appendix A, Subdivisions, Article VII Special Provisions, Section A – Variance and Waiver:

A. Variance and waiver.
1. Upon the findings of the commission that, due to special conditions peculiar to a subdivision or a site, certain requirements of these regulations are inappropriate, or that strict compliance with said requirements may cause extraordinary and unnecessary hardships, the commission may recommend to the city council, and the city council may vary or waive said requirements, provided that such variance or waiver shall not be detrimental to the public health, safety, or general welfare, or have the effect of nullifying the intent and purpose of the official map, the zoning ordinance, the development plan or these regulations.

In varying or waiving certain requirements, the council may specify such conditions as will, in its judgment, secure substantially the objectives of the requirements so varied or waived.

2. Upon the findings of the commission that, due to special natural features or physical amenities peculiar to a proposed subdivision having the qualities of a single-family suburban residential subdivision with a density of less than two dwelling units per gross acre, certain requirements of these regulations are inappropriate, or that strict compliance with these regulations would have a detrimental effect on the desired preservation of the natural features or amenities, or that the overall design of the subdivision would be enhanced by taking advantage of the natural features or amenities which would not be possible if these regulations were strictly complied with, the commission may recommend to the city council, and the city council may vary or waive the requirements of article VI of these regulations with respect to streets, sidewalks, curbs and gutters, provided that such variance or waiver shall not be detrimental to the public health, safety or general welfare, or have the effect of nullifying the intent and purpose of the official map, the zoning ordinance, and development plan or these regulations. In varying or waiving certain requirements, the council may specify such conditions as will, in its judgment, secure substantially the objectives of the requirements varied or waived.

MI-08-15 Persimmon Park Place: Waiver Request for On-Street Parking - Public Hearing and Recommendation to City Council on a waiver request for allow for on-street parking in the development of Persimmon Park Place. The existing street widths are 22 feet to 26 feet and the City of Dover *Land Subdivision Regulations* require a street width of thirty (30) feet for parking on one side of the street (Article VI §A.13). Persimmon Park Place is located on the south side of Persimmon Tree Lane, east of State Route 1. The property is zoned MHP (Mobile Home Park zone). Location: portion of Persimmon Circle, Carolyn Court, Gordon Drive, Gordon Place, Beth Place, Susan Place, Karen Place, Primrose Drive, and Welch Drive.

Representatives: Brought forward by Staff upon referral to the Planning Commission from the Safety Advisory and Transportation Committee of City Council.

Mr. Tolbert requested to be recused from this case as he is an officer on condominium council for Persimmon Park Place.

Note: The minutes for this application were not prepared using the "Action Minute" format.

Mrs. Townshend stated that this application was referred to the Planning Commission by City Council through the Safety Advisory and Transportation Committee. Some residents of Persimmon Park Place have requested that on-street parking be permitted within the development. The street widths vary from twenty-two (22) to twenty-four (24) feet and do not meet the requirements in order to have parking on both sides of the street. The streets would have to be thirty-six (36) feet wide or thirty (30) feet wide for parking on one side of the street.

Mrs. Townshend further stated in order to allow on-street parking the Planning Commission would need to make a recommendation to City Council on issuing a waiver from the requirement of the Subdivision Regulations. Staff has included in the packet a summary of the Code requirements regarding street widths and how they relate to waivers and variances from the Subdivision Regulations.

Mrs. Townshend further stated that there were no comments received from Public Utilities. It would be the position of the Fire Marshal's Office that it not be approved. A memorandum was received from the Public Services Manager and City Engineer, Mr. Scott Koenig, who recommends that no on-street parking be permitted. You also have on your desks this evening three additional pieces of correspondence related to this matter. One is from the Emergency Management Coordinator, Mr. Wayne Hutchison, stating that he has concerns about the on-street parking and requests that you not recommend in favor of it. Second, a letter from Mr. David Carey, Fire Chief, along with some attached pictures that demonstrate the Fire Department's concerns with permitting on-street parking in Persimmon Park Place. Third, a letter received from Mr. Rolf Harding, President of the Persimmon Park Place Condominium Association.

Mr. von Reider stated in driving through the community and given the preponderance problem from various emergency services and Mr. Harding's letter, he would agree with the recommendation to not approve this request. The streets are definitely too narrow for on-street parking and access for emergency vehicles.

Colonel Welsh stated that he would also agree that the preponderance of evidence is that it is not safe to allow on-street parking.

Mr. Baldwin stated that he too drove through the neighborhood and also feels that on-street parking should not be allowed. He parked his car and tried to see what it would be like to try and get out of the driveway and it is just not safe.

Mr. Holt, Mr. Shomo and Mr. Nichols also agreed that it was not safe to park on the street.

Mr. Friedman opened a public hearing.

Mrs. Cheryl Biddle – 110 Susan Place – Questioned the aerial view map that was presented on the overhead screen and who generated it.

Mrs. Susan Krs – 106 Susan Place – Stated that the request that they asked for is for one side parking only. We were working with Councilman Tim Slavin and he was the one who originally requested the ordinance and the waiver. She stated that she knows you have ridden through the development. When the development was contracted and built, they got waivers to make the streets that small and the City of Dover approved it for Mr. Miller and Separe Development to construct those roads with a waiver for that narrow width. The development is almost full now and some of the homeowners do not have three car parking pads. Some only have two car parking pads and you are talking about walking approximately ½ mile to a mile if you are required to park at the clubhouse if you have a guest or have three cars in your family. One side street parking would curtail the safety issue.

Mr. Domingo Reyes – 129 Beth Place – Stated that he would agree with the people here that it is unsafe. The streets are too small for either one side or two sided parking. He has seen where people do need room for three cars and he only has room for two cars. If he did have a third car, he would either expand his driveway or push his car in and park the other two cars behind it which may stick it out a little bit onto the sidewalk. There are very few people who do park on

the street; however, there are some who make it a habit to park in the street especially around the curve on Beth Place and sometimes he has to go around them and there are kids playing around them and the Fire Department would never be able to get through here unless they go on the grass or push the cars out of the way. Leave it the way it is as it is good the way that it is.

Mrs. Joan Baker – 139 Beth Place – *(Read from a typed script)* Stated that she is against on-street parking because it is a safety hazard. Even with cars parked on only one side of the street it would make it nearly impossible for the fire engines or ambulances to get to their destinations and none of us wants to lose a family member or our home because help can't reach us in time. She is sure that homeowners would not like it if emergency equipment had to drive across their lawns to reach their destination. Another issue is that there are no sidewalks in Persimmon Park Place which is a safety issue for those of us who like to walk. Watching for the traffic is one thing; however, trying to walk around parked cars and watch for traffic is more hazardous.

Mrs. Saundra Stevens – 46 Primrose Drive – Stated that on-street parking was brought forward not for long term parking; however, for short term. If someone came to visit or if someone needed to drop someone off in the driveway, there was no where to park. If you have to walk, people have dogs that are not contained properly and if you have to park at the pool house and walk to the back of the park, for someone elderly, it is outrageous. She is not asking for people to be able to park on the street for hours at a time. Maybe if there were a time limit or certain days it would be an advantage to the park and to the people who are living in the park. There are people who are elderly that have people come and clean their house as well as nurses aids and there is no place for them to park. With equipment such as an oxygen tank it would be awful to have to carry it from the clubhouse to your destination.

Mr. Donald Moore – 112 Beth Place – Stated that he agrees with the Planning Commission that there should not be on-street parking because it is unsafe. Getting out of his driveway is unsafe as he has almost backed out into a car parked on the street. If you allow parking on one side, there is no control; they will park where they want to. It would be unsafe for kids and there are no sidewalks. It is totally unsafe to allow parking on either side of the street with the way that they are today.

Mrs. Erin Carvo – 121 Susan Place – Stated that they are requesting for one side street parking and the people who are talking about the danger of the children. We have people running through stop signs and parking by fire hydrants, we know that this is illegal and if you do it, you will get a ticket for it. Please take it into consideration and be smart about it and do what is right. They are worried about the kid's safety and they don't even want to put up a shelter for the children or a bus stop where they could be sheltered from the rain and whatever other dangers are out there.

Mrs. Cheryl Biddle – 110 Susan Place – Stated that she would like an explanation to be presented during this Commission meeting for how the design came about for this development that can't be brought up to Code. With regard to the twenty-six (26) feet width, there was a reason that they did that in the 70's and they need to give us a history of the development at that time because she thinks this is the point of contention on how they were in the 70's and how they are now in 2008. The reason why necessity of safety is such an issue based on what is on the

books and the Ordinance.

Mr. Friedman closed the public hearing.

Colonel Welsh moved to forward a recommendation to City Council of denial of MI-08-15 Persimmon Park Place: Waiver Request for On-Street Parking, seconded by Mr. von Reider and the motion was unanimously carried 7-0. (Mr. Tolbert recused from this application)

September 15, 2008

To: Ann Marie Townshend, AICP
Director of Planning and Inspections

From: Wayne C Hutchison
Emergency Management Coordinator

Ref: Request for on street parking

In regards to the request for a waiver to allow on street parking in the Mobile Home Park of Persimmon Park Place, I would like to go on record as opposing this request. The existing streets are 22 feet and 26 feet respectively. The average width of a car is 6 feet; times that by two and add in the fact that most people park 6 to 12 inches away from the curb, we have now lost 13 to 14 feet out of our original 22 or 26 feet of roadway. On a 22 foot wide street we would now have 9 feet of roadway and on a 26 foot wide street we would have 13 feet of roadway.

The average width of a Fire Department vehicle is eight feet and the average width of an Ambulance is also eight feet. If we allow parking on both sides of the street it will surely restrict the movement of Fire and Rescue equipment as well as EMS personnel and stretchers. Having to carry tools and equipment greater distances delays all facets of the response, the most important be direct patient care. Delayed treatment can be just as harmful as no treatment at all.

During the winter with snow removal we will further restrict this usable space by as much as 4 feet; this could prove to be an emergency onto itself. In closing I do not feel this community was designed to have on street parking and should not be given that option at this time.

CITY OF DOVER

DEVELOPMENT ADVISORY COMMITTEE

APPLICATION REVIEW COMMENTARY

D.A.C. MEETING DATE: September 4, 2008

CITY OF DOVER FIRE MARSHAL

APPLICATION: Persimmon Park Place: Waiver Request for On-Street Parking

FILE #: MI-08-15 REVIEWING AGENCY: City of Dover, Office of the Fire Marshal

CONTACT PERSON: David Truax, Fire Marshal PHONE #: (302) 736-7011

THE SUBJECT PROPOSAL HAS BEEN REVIEWED FOR CODE COMPLIANCE, PLAN CONFORMITY, AND COMPLETENESS IN ACCORDANCE WITH THIS AGENCY'S AUTHORITY AND AREA OF EXPERTISE.

THE FOLLOWING ITEMS HAVE BEEN IDENTIFIED AS ELEMENTS WHICH NEED TO BE ADDRESS BY THE APPLICANT:

CITY AND STATE CODE REQUIREMENTS:

1. It would be the position of the Fire Marshal's Office that the waiver for on-street parking not be approved. The City of Dover Land Subdivision Regulations requires a street to be 30 feet wide for parking on one side. By allowing parking on a street of 20 to 24 feet wide will cause a bottle neck affect for responding fire equipment. The Dover Fire Department will be making comment on this matter.

RECOMMENDATIONS SUGGESTED AS CONDITIONS OF APPROVAL TO MEET CODE OBJECTIVES:
None

ADVISORY COMMENTS TO THE APPLICANT:
None

If you have any questions or need to discuss any of the above comments, please call the above contact person and the Planning Department as soon as possible.

Memorandum

Public Services Manager
P. O. Box 475
City Hall/ The Plaza
Dover, Delaware 19903-0475
Phone: (302) 736-7026
Fax: (302) 736-7177
E-mail: skoenig@dover.de.us

TO: Development Advisory Committee

FROM: Scott D. Koenig, P.E.
Public Services Manager

DATE: September 4, 2008

SUBJECT: **PERSIMMON PARK PLACE – ON STREET PARKING**

As the Public Services Manager and the City Engineer, I have reviewed the request by the Persimmon Park Place Homeowners Association to allow on-street parking in the Persimmon Park Place Subdivision.

Attached is the field mark up of the road widths throughout the existing subdivision. They range from a paved width of 22 feet for most of the subdivision up to a very small segment of 26 feet wide pavement. Substantial parking on the street has the ability to impede service delivery for larger vehicles such as ambulances, fire trucks, sanitation trucks, snow plows, private delivery trucks, etc.

Based on the layout of the subdivision where there are long stretches of narrow road, I am recommending the "No On-Street Parking" restrictions remain in effect within this subdivision. The City of Dover should not be placed in a position to choose where parking should be allowed within this subdivision as parking anywhere on the street has the ability to erode public safety and welfare. The current parking restrictions allow for the easy access of emergency equipment. Most of the properties maintain three off street parking spaces for private cars and general visitation. In some cases, some property owners have enough property to expand their parking pads at their cost to accommodate additional parking. There is also an overflow parking facility located at the beginning of the subdivision which can be used by residents and visitors.

If you have any questions regarding this memorandum, please contact me at your convenience.

SDK/cto
Attachment


Persimmon Park
N
State Hwy 1
State Hwy 1
Plaza Dr
Primrose Drive
Persimmon Cir
Welch Dr
Karen Pl
Kurt Dr
Michelle Dr
Sutton Dr
Jonathan Dr
Weaver Dr
Moore Pl
Maureen Pl
Susan Pl
Beth Pl
Gordon Pl
Gordon Dr
Carolyn Ct
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1 inch equals 155 feet
DATE PRINTED: September 2, 2008
DATE CREATED: August 27, 2008
FILE: m:\mapdata\gis_data\projects\persimmonpark11x17
DEPARTMENT: Public Services GIS
City of Dover, Delaware