

**CITY OF DOVER PLANNING COMMISSION
DECEMBER 18, 2017**

The Regular Meeting of the City of Dover Planning Commission was held on Monday, December 18, 2017 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Mr. Roach, Ms. Edwards, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh, Ms. Maucher and Mr. Tolbert.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Jason Lyon and Mrs. Kristen Mullaney. Also present were Mr. Mark Strickland, Mr. Mark Parker and Mrs. Kim Diehl.

APPROVAL OF AGENDA

Mr. Holt moved to approve the agenda as submitted, seconded by Mrs. Welsh and the motion was unanimously carried 9-0.

Mrs. Melson-Williams stated that she just wanted to make sure that the members of the audience are aware that the Conditional Use Application C-17-06 Pride of Dover Elks Lodge at 217 North Kirkwood Street will not be heard this evening by the Planning Commission at the request of the applicant. The applicant wished to defer consideration of that application. The application and it's public hearing will be rescheduled for a future meeting of the Planning Commission and there will have to be public notice completed again for that specific meeting. There may have been some members of the public that saw the initial public notice for the hearing on that application that was at one point scheduled to be heard this evening.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF NOVEMBER 20, 2017

Mrs. Welsh moved to approve the Planning Commission Meeting minutes of November 20, 2017, seconded by Mr. Baldwin and the motion was unanimously carried 9-0.

COMMUNICATIONS & REPORTS

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Tuesday, January 16, 2018 at 7:00pm in the City Council Chambers.

Mr. Hugg provided an update on the regular City Council and various Committee meetings held on November 27 & 28, 2017 and December 11 & 12, 2017.

Mrs. Melson-Williams stated that Mr. Dave Hugg is officially the City Planning Director. City Council took action as a result of their meetings on December 11, 2017 to make that appointment permanent from an "acting" status. Staff has been working on their schedule of deadlines and meetings for 2018. The schedules pertaining to the types of applications that the Planning Commission considers has been placed on the Commissioner's desks. Any application that would be appearing before the Planning Commission is subject to a process for applying for that application which starts with a pre-application meeting with Planning Staff that can be scheduled at any time and then they can file an application. These are the schedules related to Conditional Uses, Site Plans, Subdivisions, Rezoning and Annexation.

Mr. Tolbert took a moment to congratulate Mr. Hugg as being the Director of Planning. He doesn't think that they could have gotten a better, more experienced person and we are going to do everything to make his appointment a pleasant one.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

2) Revisions to Applications:

- A. S-16-24 Advantech at 151 Garrison Oak Drive, Garrison Oak Technical Park Lot #13 – Revised Plan & Architecture – Update on Revisions to Site Plan and Building Architecture associated with the Site Development Plan application for Advantech approved by the Planning Commission on November 21, 2016 with Final Plan approval granted June 16, 2017. The size and configuration of the building has been reduced in size to 14,700 S.F. from a 15,989 S.F. office building and light manufacturing facility. Associated revisions are also proposed for the outdoor loading and parking areas and other site improvements. The Performance Standards Review Application was previously approved indicating the project as conforming to the applicable performance standards as outlined in *Zoning Ordinance*, Article 5 §8 Performance Standards. The subject property consists of 10.06 acres and is located on the east side of Garrison Oak Drive north of White Oak Road; also known as Lot 13 of the Garrison Oak Technical Park. The property is zoned IPM-2 (Industrial Park Manufacturing Zone - Technology Center). The owner of record is Protective Properties, LLC. Property Address: 151 Garrison Oak Drive. Tax Parcel: LC-05-068.00-02-13.00-000. Council District 3.

Representative: Mr. Mark Strickland, Century Engineering, Inc

Mrs. Melson-Williams stated that this is the project known as S-16-24 Advantech. It's a proposal for an office and light manufacturing facility to be located in the Garrison Oak Technical Park. What is seen on the screen is the architecture of the building that was presented a little over a year ago, specifically at the Planning Commission's November 21, 2016 meeting. The Planning Commission, at that point, did grant conditional approval of the architecture of the building as well as the Site Plan for the project. Ultimately, the project moved through the process to achieve Final Site Plan approval. Final Site Plan approval for the project was granted in June 2017. Over time, there have been some design revisions to the building architecture and the Site Plan. What you see on the screen now is the revised architecture for this building. Specifically, the building footprint has been reduced in size from what was originally proposed at 15,989 SF to a building of 14,700 SF. By doing that, they also have simplified the building architecture. The main entry still remains on what is the southwest side of the building that faces Garrison Oak Drive but the overall massing of the building has slightly changed in the roof configuration as well as the exterior finish materials for the project. You see a slightly different roof form with the front part of the building being the office area and then the rear of the building is more of the manufacturing type facility with the larger roll up doors on the sides of the facility.

The Site Plan did achieve Final Site Plan approval. Basically, you can see from Garrison Oak Drive that there are two entry points into the site with circulation across the front of the building and then parking on either side of the building including the larger area which was more of a loading and work yard area surrounding the building. The building itself that the Planning Commission saw and what ultimately had Final Site Plan approval was more of a “T” shaped building. The next slide shows that while the entrances from Garrison Oak Drive and the general location of parking remains relatively the same, the shape of the building has changed. It’s more of a standard rectangular shape at this point. In reducing the building footprint, there has been a reduction in the total impervious cover of the site. They have basically maintained the general grading on the site because of the stormwater management that was already done at the facility. There are a number of changes to some of the parking locations; some of which provide a better accessibility and alignment to getting into those spaces and also to react to the changes in the building itself.

This evening, they bring this Revised plan and the building architecture as an update to the project. What the applicant will need to be doing now is updating the plans in order to once again achieve Final Site Plan approval because of the changes to the site and the building information. It is not subject to public hearing. The applicant submitted a detailed cover letter and then the series of plans and elevations that they just ran through. She’s sure that they can identify any additional things that she has missed with what has changed with the project. This is an informational item brought to the Planning Commission to make them aware of the changes in order to get Final Site Plan approval. For the Revised plan, Planning Staff will be confirming compliance with the *Zoning Ordinance* for things like parking and any of the changes that may have been triggered by the reduction in the building size.

Mr. Tolbert questioned if the changes that are proposed will substantially change what the applicant originally wanted to do? Responding to Mr. Tolbert, Mr. Strickland stated no, not at all.

Mr. Strickland stated that he thinks Mrs. Melson-Williams covered everything pretty well. If anyone has any more questions about the specific details of it, he will be glad to go into more detail but he doesn’t want to repeat everything that she just said. The site is going to be the exact same purpose. The building is just a little smaller because they are trying to do cost saving and value engineering and reduce the overall cost of the project. They brought in the parking areas around the building to accommodate the small building so that there was not a big open space between the parking areas and the building. They shifted a few parking spaces around to better use the layout of the site with the smaller building. The purpose of the project is exactly the same.

Mr. Tolbert questioned if the applicant was in agreement with Mrs. Melson-Williams’ overview of the application? Responding to Mr. Tolbert, Mr. Strickland stated yes.

Mr. Holt questioned the reason for the change in the roofing material from asphalt to metal? Responding to Mr. Holt, Mr. Strickland stated that he is not the architect who did that but the

whole purpose of the architectural changes was all cost reduction. He is going to assume that it was a cost reduction measure but he is not 100% positive.

Mr. Tolbert stated that Mr. Hugg says that there is a longer life involved with a metal roof.

Mr. Hugg stated that he is just speculating but he would assume that compared to an asphalt roof you have at least twice as much life and much less maintenance. Wasn't a portion of the original building metal roofed to begin with? Responding to Mr. Hugg, Mr. Strickland stated yes; a portion of the warehouse was going to be metal roofed to begin with.

Mr. Hugg stated that this is a change but it's not a significant change. Responding to Mr. Hugg, Mr. Strickland stated that the office building up front is now going to be all metal.

Mr. Holden questioned if this application needs a motion to approve or is this advisory? Responding to Mr. Holden, Mrs. Melson-Williams stated that this is brought to the Commission as an advisory update on the project. The Commission could certainly accept the revision and direct the applicant to continue to work with Staff in achieving a Revised Site Plan Approval.

Mr. Holden moved to approve S-16-24 Advantech at 151 Garrison Oak Drive, Garrison Oak Technical Park Lot #13-Revised Plan & Architecture, to grant Planning Commission approval of this advisory plan and to require the applicant to continue to work with Planning Staff towards Final Site Plan Approval, seconded by Mr. Holt and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; the plan retains compliance with Code and the Performance Standards and they are going to be a welcomed addition in the Technical Park for the City. Mr. Roach voting yes; for all of the reasons previously stated. Ms. Edwards voting yes; based on all of the reasons previously stated. Mr. Holt voting yes; he thinks that it's going to be a nice addition to the Technical Park. Mr. Baldwin voting yes; based on the reasons previously stated. Dr. Jones voting yes; based on previous reasons stated. Mrs. Welsh voting yes; for all for the reasons previously stated. Mrs. Maucher voting yes; for reasons previously stated. Mr. Tolbert voting yes; for all of the reasons stated and they can appreciate the work that's being done there. The changes and revisions are not substantially changing the original plan.

NEW APPLICATIONS

- 1) US-17-02 Chesapeake Utilities Dover Campus Unified Comprehensive Sign Plan – Public Hearing and Review of a Unified Comprehensive Sign Plan for the campus of Chesapeake Utilities and Eastern Shore Natural Gas consisting of a series of freestanding signs, wall signs, and canopy signs to identify the various aspects of the campus. The campus consists of an office building, warehouse building, vehicle and material storage areas, compressed natural gas dispensers and associated site improvements of parking and landscaping. The property consists of 20.57 +/- acres and is located on the south side of Krisko Circle between Bay Road and State Route 1. The property is zoned IPM (Industrial Park Manufacturing Zone) and is partially subject to the SWPOZ (Source Water Protection Overlay Zone). The owner of record is Eastern Shore Natural Gas. Property Addresses: 500 and 600 Krisko Circle. Tax Parcel: ED05-077.00-03-06.00-000. Council District 2. *The campus is currently under development as per Site Plan S-16-11. Also under review is a Request for a Street Name Change (MI-17-07) which*

seeks to have the name of Krisko Circle changed to Energy Lane.

Representatives: Mr. Mark Parker, Eastern Shore Natural Gas; Mrs. Kim Diehl, Kent Sign Co.

Mr. Diaz stated that this is a Unified Comprehensive Sign Plan for Chesapeake Utilities and Eastern Shore Natural Gas. They are building a new complex in the Stover Professional Campus that is just off of Bay Road. That area is zoned IPM (Industrial Park Manufacturing Zone). This property was previously addressed as 500 and 600 Krisko Circle but as of last Monday, is now addressed as 500 and 600 Energy Lane after a successful reading at City Council.

This property qualifies for a Unified Comprehensive Sign Plan because it contains four principle structures that are under common ownership and in this case, an office building towards the north of the site, a warehouse building that is towards the east, a truck shelter at the south portion of the site and then a gas station in the very southwest portion of the site. As a reminder, Planning Commission approval of a Unified Comprehensive Sign Plan supersedes the standard Sign Regulations of the *Zoning Ordinance* so that the applicant is no longer held to the typical standards of size, number or type of signs. They are instead held to what the approved Comprehensive Sign Plan allows.

The display slides show the specific signs that the applicant has asked for. They instead have two monument signs labeled “A” and “B”, three wall signs labeled “C” and “D” and six gas station canopy signs labeled “E1” and “E2”. There is a total of 297 SF and the applicant’s sign book contains the specifics of all of the signs that they are asking for. Monument sign A is about 24 SF of signage with the structure being a bit larger than that. Monument sign B is also on a relatively large structure. Another rendering shows two of the wall signs; one is a “Customer Care” that is just over their entrance and then two copies of a bird logo that would be mounted on the second floor. Finally, they have an example of the gas canopy signage with the specific labels that they would like to adhere to that canopy.

In the process of reviewing the application, they came across a few uncertainties. They couldn’t get a good look at the bird logo sign that was on the east side of the building and they weren’t sure how that would be mounted. They also weren’t sure whether the “Customer Care” letters were a wall sign or a roof sign. But they did learn from the applicant that the bird sign on the eastern side would be mounted at the same height and would have the same lighting scheme as the bird sign that you see on the slide shown on the display. They learned that the “Customer Care” letters would be a roof sign. Roof signs aren’t typically permitted but they can be allowed through a Comprehensive Sign Plan. They also learned that the bird signs would be with a halo affect rather than the face of it being lit up which does make them a bit dimmer than they first thought they would be. They were a little leery at first about the amount of signage on the gas canopy because this gas station is right next to Route 1. They typically try to limit the amount of private signage that’s visible from Route 1 but they worked with the applicant to reduce the signage to what they believe is an acceptable level. Staff thinks that the rest of the signage is appropriate to the nature of the use and the size of the campus so their recommendation now is just that the Planning Commission approve the Unified Comprehensive Sign Plan as presented.

Mr. Parker stated that there are no further comments at this time.

Mr. Tolbert questioned if the applicant was willing to cooperate and work with the Planning Staff regarding the signage? Responding to Mr. Tolbert, Mr. Parker stated yes.

Ms. Maucher questioned if the fueling station would be operating 24/7? Responding to Ms. Maucher, Mr. Parker stated that it likely will be. It's a natural gas fueling station; it's a destination location and he thinks that the intention is to have it available for 24/7 operation.

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

Mrs. Welsh moved to approve US-17-02 Chesapeake Utilities Dover Campus Unified Comprehensive Sign Plan inclusive of all of the DAC Comments, seconded by Ms. Edwards and the motion was carried 8-0 by roll call vote with Mr. Holden recused. Mr. Roach voting yes. Ms. Edwards voting yes; based on Staff recommendations. Mr. Holt voting yes; he will know where to go when he goes to pay his bill. Mr. Baldwin voting yes; based on Staff recommendations. Dr. Jones voting yes; based upon previous discussion and the applicant's willingness to work with the Planning Staff and consider the DAC Comments. Mrs. Welsh voting yes; the proposal is well thought out and well done. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; the signage presents no problem and is very tastefully done.

Mrs. Melson-Williams noted for the record that Mr. Holden recused himself because he is an employee of said applicant.

NEW BUSINESS

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

Mrs. Melson-Williams stated that a copy of the By-laws of the Planning Commission was on their desks. The officers of the Commission consist of a Chairman and a Vice-Chairman. The Chairman shall preside at the meetings and hearings of the Planning Commission and shall have the duties usually conferred upon a presiding officer. He/She continues to exercise the prerogative of an individual member of the Planning Commission while performing their duties of presiding officer. Meaning that they could make motions if they so choose. The Vice-Chairman is the presiding officer in the absence of the Chairman. The By-laws in Section 6 go on to explain how the election of the officers is to occur. The officers are supposed to be elected by the Commission at the annual organizational meeting which is typically scheduled in July of each calendar year. However, because of the continued delay for fully appointing the Commission, they pushed the annual meeting until this evening. The By-laws do note that the election of officers shall be held by secret ballot once the nominations are put forth. A motion to suspend rules can be made if the Commission doesn't feel that a secret ballot is necessary. Obviously, the candidate receiving the majority vote of the entire membership is declared elected and serves for a period of one year until their successor takes office. The Chairman and Vice-Chairman are limited to three consecutive one year terms in that office. Once you have held either of those positions for three consecutive terms, you have to vacate the position for at least one year before you could be elected again. Mr. Tolbert was elected Chairman in July 2015 and then again in July 2016 so as of today he would be finishing up his second term and is eligible for re-election

to the Chairman position for one additional year.

Nominations for Chairman were opened to the floor.

Dr. Jones nominated Mr. Tolbert to serve as the Chairman.

Mr. Holt moved that the nominations for Chairman be closed on the said name, seconded by Mr. Roach.

Mr. Holden moved to suspend the secret ballot confident that they have one very qualified applicant nominated and nominations have been closed, seconded by Mr. Roach and the motion was unanimously carried.

Mr. Tolbert will serve as Chairman.

Nominations for Vice-Chairman were opened to the floor.

Mr. Roach nominated Mr. Holden to serve as the Vice-Chairman, seconded by Ms. Maucher.

Mr. Roach moved that the nomination for Vice-Chairman be closed on the said name and to suspend the secret ballot, seconded by Mrs. Welsh and the motion was unanimously carried.

Mr. Holden will serve as Vice-Chairman.

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

Mrs. Melson-Williams stated that included in the packets is the one page summary that gives the Code citation from the *Zoning Ordinance* in regards to this Subcommittee of Planning Commission. It is very specific in its membership in that two of the members are to be Planning Commission members, two additional people are to be design professionals and then the Mayor has seat on that Committee or his designee. There is also the opportunity to provide for alternates for the design professional positions. The one page sheet includes the current appointees as of the July 18, 2016 seating of the Subcommittee. This evening, the Planning Commission needs to address the membership of this Subcommittee. It only meets and is called upon if you so choose to refer the architecture of a particular application to that Committee for some additional consultation. In her experience here, they have had that happen at least once. It is something that is allowed in the Code and as part of the Planning Commission's annual meeting activities, the Commission needs to set the membership of that Subcommittee.

Mr. Tolbert questioned if the people who are currently serving on the Subcommittee could no longer serve on the Committee? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that there is no guidance given to the Planning Commission membership of this Subcommittee. They could continue to serve if the Commission so desires.

Mr. Tolbert questioned if they should have nominations for this Subcommittee?

Mr. Roach questioned if they should entertain the idea of asking the two Planning Commission members if they want to continue serving in that role before we decide to re-elect them or vote for someone else? Responding to Mr. Roach, Mr. Tolbert stated that they certainly can. The members from the Planning Commission who are involved are Mrs. Welsh and Mr. Holden. If we want them to continue, we can state that. If you want to nominate other members, we can do that as well.

Mr. Tolbert asked if Mrs. Welsh and Mr. Holden would still want to continue on the Subcommittee. Responding to Mr. Tolbert, Mr. Holden stated that he would be pleased to still serve if desired by the Commission.

Mr. Holt questioned how many times they have been called upon to render their opinions on architecture? Responding to Mr. Holt, Mrs. Melson-Williams stated that she can think of one project where the Committee did meet. It's probably been over five years now. It was the school building project at the Seventh Day Adventist Church that is on Wyoming Avenue. That project was referred to the Subcommittee to look at the architecture of that new building proposed on that site. That is the only one that readily comes to mind.

Mr. Holden mentioned that the other two individuals, Mrs. Keiffer and Dr. Chandler joined the Architectural Review Board when Mrs. Welsh and himself did and he believes that it was about a year and a half ago. They had been willing at that time but he is not sure if they need to address their positions as well. If they were interested before and haven't had to serve, if we would like to keep them we should probably check back with them just to be sure. Responding to Mr. Holden, Mrs. Melson-Williams stated that Planning Staff has not reached out to them. She knows that Mrs. Keiffer is still in her position as the Director with Kent County. She is not sure if Dr. Chandler is still with Delaware Tech but he certainly has the background. If the Commission would like those individuals to continue to serve, Planning Staff could certainly confirm that for you. If they are unwilling, then Planning Staff could come back to the Commission to seek other alternative appointments if necessary.

Mr. Tolbert questioned if the Commission has to vote on those positions too? Responding to Mr. Tolbert, Mrs. Melson-Williams stated yes, the *Zoning Ordinance* says that the Subcommittee is appointed by the Commission so that would include these two design professionals. You also have the opportunity to appoint alternative design professionals as well.

Mr. Tolbert questioned if they are also supposed to vote on the Mayor's designee? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that the Mayor serves by name or he may designate somebody. She thinks that typically it is just listed as the Mayor. It would be in the best interest if you did have alternative design professionals. She thinks that they are placed as alternates in the instance where one or both of the other appointed design professional members are unavailable for a meeting of the Subcommittee.

Mr. Holden stated that he believes that what they did last time so that after the meeting where Mrs. Welsh and himself were put forth, they sought out and got some buy in from Mrs. Keiffer and Dr. Chandler and then brought them back at a later time.

Mr. Roach questioned if they could vote on the Planning Commission members and then table Mrs. Keiffer and Dr. Chandler until we reach out to them on their willingness to continue to serve on the Subcommittee and also have time to reach out for alternates? Responding to Mr. Roach, Mrs. Melson-Williams stated that you could certainly do that. If there are alternates that you have in mind, Planning Staff could certainly check as to their availability.

Mr. Holden stated that as an alternative, they could nominate Mrs. Keiffer and Dr. Chandler and if they wanted out then they could address that later too.

Mr. Tolbert stated that he is a little confused as to what they should be doing at this point. They are sure of Mrs. Welsh and Mr. Holden but they can't be sure of Mrs. Keiffer and Dr. Chandler.

Dr. Jones questioned if it would be more important to reach out to those individuals and then come back to vote or must we complete this process this evening? Responding to Dr. Jones, Mr. Tolbert stated that he would like to see the Planning Staff reach out to the members first and then they will know what they are doing.

Mrs. Melson-Williams stated that they could consider that proposal. It needs to be in the form of a motion so that we can move forward with something.

Ms. Maucher questioned if we could also ask Staff to make recommendations for the alternate? Responding to Ms. Maucher, Mrs. Melson-Williams stated that you could certainly ask Staff to do that as well.

Dr. Jones moved to approve that the Commission withhold any action on appointing the Design Professionals until Staff has reached out to the individuals, Ms. Keiffer and Dr. Chandler to determine whether or not that are willing to serve again and also that Staff be in the position to offer a name of a Design Professional as an alternate member of the Architectural Review Subcommittee, seconded by Mr. Holt.

Mr. Tolbert questioned if that included getting the name from the Mayor? Responding to Mr. Tolbert, Mr. Roach stated that Dr. Jones included the alternates.

Dr. Jones stated that she thinks that in her motion she did not included that based upon what Mrs. Melson-Williams had indicated about the Mayor's person.

Mr. Tolbert stated that he is aware of what Mrs. Melson-Williams said. They are going to reach out to Ms. Keiffer and Dr. Chandler but while they are reaching out, they can ask the Mayor as well. He may have an answer or he may not. But when they come back to the Commission, they will have whatever information that they have at that time which will certainly be more than what we have now.

Dr. Jones moved to approve that the Commission withhold any action on appointing the Design Professionals until Staff has reached out to the individuals, Ms. Keiffer and Dr. Chandler to determine whether or not that are willing to serve again and also that Staff be in the position to offer a name of a Design Professional as an alternate member of the Architectural Review

Subcommittee, seconded by Mr. Holt and the motion was unanimously carried 9-0.

Mr. Roach stated that he didn't think that the Commission had officially done a vote to nominate Mr. Holden and Mrs. Welsh.

Mrs. Melson-Williams stated that she is not sure that Dr. Jones addressed the Planning Commission membership so if someone would like to make a motion to nominate the two Planning Commission members of the Subcommittee they could since you have some indication of willingness to serve.

Mr. Holt moved to approve that the Planning Commission members, Mr. Holden and Mrs. Welsh be appointed to the Architectural Review Subcommittee if they are willing to serve, seconded by Dr. Jones and the motion was unanimously carried 9-0.

Meeting adjourned at 7:58 PM.

Sincerely,

**Kristen Mullaney
Secretary**