

**CITY OF DOVER PLANNING COMMISSION
OCTOBER 16, 2017**

The Regular Meeting of the City of Dover Planning Commission was held on Monday, October 16, 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, Mrs. Welsh, Ms. Maucher and Mr. Tolbert. Dr. Jones was absent.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Julian Swierczek and Mrs. Kristen Mullaney. Also present were Mr. Alex Schmidt, Mr. Sam Chick, Mr. Garth Jones, Mr. Conny Malmberg, Mr. Jamie Sedler and Mr. Brian Finnegan.

APPROVAL OF AGENDA

Mrs. Welsh moved to approve the agenda as submitted, seconded by Mr. Holt and the motion was unanimously carried 8-0 with Dr. Jones absent.

**APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF
SEPTEMBER 18, 2017**

Mr. Holt moved to approve the Planning Commission Meeting minutes of September 18, 2017, seconded by Mrs. Welsh and the motion was unanimously carried 8-0 with Dr. Jones absent.

COMMUNICATIONS & REPORTS

Mr. Hugg stated the Annual Meeting of the Planning Commission which would normally be held in July that would have included the election of the Chairman and Vice Chairman will be rescheduled for a future meeting upon completion of the appointment process. We are still waiting for Council's action he believes.

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Monday, November 20, 2017 at 7:00pm in the City Council Chambers.

Mr. Hugg stated that the Planning Commission Quarterly Workshop scheduled in November 2017 has been canceled. They do not have a date for another meeting at this time.

Mr. Hugg provided an update on the regular City Council and various Committee meetings held on September 25 & 26, 2017 and October 9 & 10, 2017.

Mrs. Melson-Williams stated that the Planning Office did meet this past week to do some type of long range planning for the Planning Office. They will certainly be bringing a number of items forward to the Planning Commission as a result of these various studies, research and Ordinance writing in the upcoming year.

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-17-19 Bay Road Office Park Master Plan: Revised Plan – Update on Plan Revisions to a Site Development Master Plan conditionally approved by the Planning Commission on July 17, 2017. The Revised Plan for the construction of Bay Road Office Park is now proposed to consist of three buildings and a stormwater management facility in three phases. The buildings proposed include three office buildings; the previously proposed flex/warehouse building has been replaced with a stormwater management facility. The subject properties consist of a 5.00 acre +/- parcel and a 1.46 acre +/- parcel. The properties are zoned C-4 (Highway Commercial Zone). The property is located on the southwest side of Bay Road and south of Miller Drive with access from Cowgill Street and Martin Street. The owner of record is Bay Road One, LLC. Property Address: 550 Bay Road. Tax Parcels: ED-05-077.00-01-10.01-000 and ED-05-077.00-01-11.00-000. Council District 2.

Representatives: Mr. Alex Schmidt, Century Engineering

Mrs. Melson-Williams stated that this is an update on what was a Master Plan that was reviewed by the Planning Commission in July 2017. That proposal for the Bay Road Office Park consisted of a project that was to be four buildings in four phases. The engineer has continued to work on the refinement of the site design for this project and as such, has communicated to the Planning Office that there are some proposed revisions. Specifically, there are two main things that have happened. In testing the soils on the site, it has turned out that they will need a very large stormwater management facility. They have chosen to locate that on the far western portion of the property which was the location of the proposed Building 4 which was to be a flex warehouse space. Phase 4 Building 4 is no more and there is a stormwater management facility that will likely be constructed in the early phases of the project in that location instead. Secondly, the applicant has worked to include a cross access connection from this main parcel to the parcel to the south. That is a requirement of some of their workings with DelDOT in regards to the project site. This site's location on Bay Road requires Entrance Plan approval with DelDOT and the cross-access connection is now being shown on the plan. It is an item of information and if there are questions, they can certainly try to address those. With it being a Master Plan, the Master Plan appeared before the Planning Commission and then with that approval, it makes the project eligible for the Planning Office's Administrative Site Plan review process for each phase.

Mr. Schmidt stated that the overview sounded good to him and he is happy to answer any questions that the Commissioners may have. He agrees with the comments and will work with Staff.

Mr. Holden questioned if the Kent Conservation District is allowing them to claim quality treatment and stormwater with a wet pond? Responding to Mr. Holden, Mr. Schmidt stated that they are. Under the new revisions to the stormwater regulations, if you provide 48 hour extended detention in the wet pond they will allow that to be considered quality treatment.

Mrs. Welsh moved to approve S-17-19 Bay Road Office Park Master Plan Revised Plan, seconded by Mr. Holt and the motion was carried 8-0 by roll call vote. Mr. Holden voting yes; it's a change required due to site considerations that doesn't cause any impingement upon the original plan. Mr. Roach voting yes. Ms. Edwards voting yes; based on the reasons previously stated. Mr. Holt voting yes; based on the reasons previously stated. Mr. Baldwin voting yes; based on the reasons previously stated. Mrs. Welsh voting yes; the change is due to environmental conditions that have been addressed quite well. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; the revision is a necessity and will facilitate the progress of this application.

NEW BUSINESS

- 1) HI-17-03 Sign Permit #17-1484: Wall Sign at 115 West Loockerman Street– Appeal of the Historic District Commission's Review of the Architectural Review Certification for Sign Permit application #17-1484 pertaining to the installation of an internally lit wall sign at Puffster Smoke Vape Lounge. The property is zoned C-2 (Central Commercial Zone) and is subject to the H (Historic District Zone). The property is located on the north side of West Loockerman Street between South Governors Avenue and South Bradford Street. The owners of record are Samuel G. and Nicole M. Chick. Property Address: 115 West Loockerman Street. Tax Parcel: ED-05-077.09-02-07.00-000. *This application was referred by the City Planner to Historic District Commission for their meeting on September 21, 2017.*

Representatives: Mr. Sam Chick, Owner

Mrs. Melson-Williams stated that this application is a Sign Permit specifically related to a wall sign at 115 West Loockerman Street. This is an appeal of the Historic District Commission action regarding this Sign Permit. Provided in the Commission's packet is the Architectural Review Report and a number of attachments pertaining to this item. This project started with a Sign Permit application, Permit #17-1484 that was submitted for review. The property at 115 West Loockerman Street is located within the Historic District and as such, any exterior improvements are subject to the Architectural Review Certification process. Typically with Sign Permits, they are a type of application that can be reviewed by Planning Staff as part of the permit process. This Sign Permit started with that review and ultimately was issued on September 9, 2017 with conditions specific to that Architectural Review Certification. The wall sign that was approved is a sign that is mounted on the front façade of the building between the awning and the second floor windows on that building. The specific details of the Sign Permit application are actually included in the packet. Staff had a series of findings in review of that Sign Permit application specifically outlined in the Report that address sign format, its location and size. The specific question then relates to sign materials and the illumination of the sign. The permit was issued with the caveat that the sign could not be internally illuminated. Staff found that that was not in keeping with the *Design Standards and Guidelines of the Historic District Zone* which is the guiding document for review of exterior work in the district. Staff did refer the Sign Permit to the Historic District Commission so that they could consider that proposal for the installation of what would be an internally light wall sign and to deal with that portion of the sign. The Historic District Commission met at their meeting of September 21, 2017. They were

provided the Sign Permit application materials as well as a reference report of the Staff's findings and the references to the *Design Standards and Guidelines*. Specifically in the *Design Standards and Guidelines* there is a section of Chapter 5 that deals with signage specifically. They have provided that excerpt from the *Design Standards and Guidelines* to the Commission.

At the Historic District Commission meeting, there were four members present. There were two motions. Both motions failed in that they resulted in tie votes of the members present. The first motion was to not recommend the backlighting of the sign; that motion failed. The second motion was to allow the lighting of that sign and that motion also failed as a result of the 2-2 vote. Therefore, coming out of the Historic District Commission, there was no additional action so the decision of the City Planner that the Architectural Review Certification was not issued for the internal illumination of the wall sign stood. At the Historic District meeting, Staff did identify a number of options for the applicant in that they could seek to defer action with the Historic District Commission seeking a full complement of their members being present or they could make an appeal to the Planning Commission. They verbally expressed an interest to appeal the decision on this Architectural Review Certification to the Planning Commission. The Planning Commission is charged with determining if the proposal for internal illumination of the wall sign should be granted Architectural Review Certification. Tonight, the packet includes the initial letter of referral to the applicant that sent the permit initially to the Historic District Commission and a copy of the Sign Permit application materials including the permit copy as issued for the installation of the sign with the no illumination condition placed upon it. There is also the excerpt on signage from the *Design Standards and Guidelines* as well as a copy of the Draft Meeting Minutes from the Historic District Commission meeting. This evening is the opportunity for the Planning Commission to determine if the proposal should be granted an Architectural Review Certificate in order to illuminate the sign internally.

Mr. Holt questioned what alternative the applicant would have for his sign? He has got to be able to show off his business and people have to be able to see his sign and know where the business is.

Ms. Edwards questioned if any of the other businesses in Downtown Dover that have box signs have the ability and permission to light internally? Responding to Ms. Edwards, Mrs. Melson-Williams stated that there are a number of box signs that exist along the Loockerman Street corridor. Some of them pre-date the existence of the *Design Standards and Guidelines* for the Historic District. They are allowed to be refaced. She is not sure how many of them may include internal illumination. For example, there are some that very clearly date from at least the 1960's such as the one that was most recently for the Brunch N Lunch. The Zuha Trend is a more recent reface of those box signs for that tenant. She is not sure if they are actually illuminated in the evening. Most illumination of signs in the district occurs by what they call the indirect lighting. They are externally illuminated through a light fixture that then shines down on the wall surface for the sign. The other sign of note related to internal illumination or external illumination came with the Family Dollar development a number of years ago. If you look at those signs, they look like the regular sign that could be internally lit; however, as part of their approval process through the Historic District Commission they were only allowed to be externally lit. You can see the goose neck lamps over those letters. When you get further down to the gas station facility, certainly some of that is somewhat internally illuminated but in the case of that site there

have been some applications that dealt with the signage and the lighting on that property. It's a mixed situation.

Mrs. Welsh stated that she would like to tag on to the issue of the Brunch N Lunch, the Family Dollar and the Suds Bar signs. She did check those signs out in the evening and they are not internally lit.

Ms. Maucher questioned if "Inappropriate" was a defined term in the Ordinance? Responding to Ms. Maucher, Mrs. Melson-Williams stated that the *Design Standards and Guidelines* setup a series of practices. There are Recommended practices, Not Recommended practices and Inappropriate. Specifically in the *Design Standards and Guidelines* in Chapter 3 it kind of gives some definition to those terms; they call them types of treatments and they are grouped under the categories of Recommended, Not Recommended and Inappropriate. The *Design Standards and Guidelines* states: "Guidelines that are Recommended represent the best preservation practice that is those treatments that are most respectful of existing historic fabric. Projects that follow Recommended guidelines should receive Architectural Review Certificate with little or no comment. Projects that employ treatments that are Not Recommended, may or may not receive an Architectural Review Certificate depending upon the valuation and determination by the Historic District Commission of the overall impact of those treatments on the character of the structure and the Dover Historic District Zone as a whole. Project that employ Inappropriate treatments should not receive an Architectural Review Certificate unless there are extenuating circumstances that warrant approval."

Mr. Chick stated that he would like to start by saying that this is a decision about whether Dover wants to be pro-business or anti-business. For as long as he can remember and for the last few decades, Dover has been trying to re-invigorate Downtown. For a commercial business, part of that is signage. They have a business that is open during the day and also at night. They are open on Friday and Saturday until 1:00AM. It is imperative that they have a lit up internally illuminated sign. They have already had many customers come in and tell us that they thought that they were closed because the sign was off. This is costing them money; it's their living and it's a very important issue for them. Within a block of their location there are seven other signs that are internally illuminated and there is another one that is not included on the hand out which is the Suds Bar. The Suds Bar has the ability to illuminate although they are not open at night. The Brunch N Lunch did illuminate in the morning; they were not open in the evenings obviously because it's a breakfast establishment. Two doors down from their location is Irish Mike's with a sign that is much larger and brighter than what they have.

They made a video about this and posted it online to get support from the community. Over 350 people commented on that video that they agreed and that this sign should be illuminated.

Mr. Chick read several comments from a Facebook post.

Mr. Chick asked that the Commission please let them turn the sign on. He got a great deal on it, he found it at a business that was re-doing their sign. It only costed him \$100 and then another \$1,100 to get it refaced. \$1,200 for a sign like this is a fantastic deal. As a business person, especially with a new business, he has to save money where he can. The option of having to look

at several thousand dollars for an alternative sign is not appealing to him. For the Family Dollar, they decided not to take this to appeals like he did and he thinks that it looks ridiculous. They have little curly lamps that come over top of the Family Dollar. It looks way out of character. They were forced to spend money on that that they didn't need to spend. In the very same letter that Mr. Diaz sent to him that rejected the permit in the first place, also said that his sign was too large. Thankfully Mr. Hugg sided on him with this because the Code allowed 64 SF. Originally, they said that this sign would be out of character for the area because it was too large even though there is a sign that is two doors away that was larger. Also, inside his building there is an old wall sign that went up the entire height of the building that was an old advertisement. By these very same Historic District Guidelines today, that sign would not be allowed. How can you tell them that there is a sign on this building that pre-existed these guidelines and somehow that sign is not historical enough for whatever some architect thinks is the proper appeal for Downtown?

Ms. Edwards stated that she rode down West Loockerman Street at night and she looked at all of the signs. Her biggest concern here is whether or not there were other signs and businesses in the area along this corridor that can turn on backlight fluorescent lights. Irish Mike's sign is very softly lit. That was one of the questions that she had was how is that sign lit because it's a very soft light? She is imagining that the sign for Puffsters is going to be very bright since it's fluorescent and back lit. Responding to Ms. Edwards, Mr. Chick stated that Irish Mike's is fluorescent lit as well; it will be about the same brightness as Irish Mike's.

Mr. Roach questioned what the hours of operation are for the business other than Friday and Saturday night? Responding to Mr. Roach, Mr. Chick stated that they are closed on Sundays and Mondays, open 11AM-7PM on Tuesdays, Wednesdays and Thursdays so that means that now that we are going into winter the sign is going to come on at 5PM and then they are open on Fridays and Saturdays until 1AM. During OktDoverFest he lost tons of business because people thought that he was closed because they looked at the sign and it was off.

Mr. Holden stated that he thinks in the City they have been challenged sometimes to both desire a Loockerman Street that looked like the Loockerman Street that some remember and also wanting a Loockerman Street that is currently active in terms of the business sense and have people that are frequenting those businesses so it's tough balance that we seek. To Mr. Chick, Codes change and signs that were allowed before may not be allowed now. The Codes that existed when the sign that you spoke of in your store may have been different. The manner in which you bring requests to the City, he thinks is important. He noted in his (Mr. Chick's) testimony to the Historic District Commission that he had bought the sign before he was aware of what the guidelines were and that he was intent to put a sign out front saying that "Dover is bad for business." He thinks that those are notable statements. Some of these things are sometimes a challenge to move forward but he thinks that the manner in which you move forward with them is also important and sets an important statement. Have you explored the financial cost to front light the sign versus back light the sign? Responding to Mr. Holden, Mr. Chick stated no he hasn't and frankly he is not interested in front lighting the sign because it just would look right with the little lights going over it. He is not sure exactly what he will do if this Commission rejects it and then City Council rejects it and then he has to go to court and it's shut down. He is not sure what he will do at that point.

Mr. Holden further questioned if Mr. Chick was exploring permitting pathways to place the “Dover is bad for business” sign in front of the business? Responding to Mr. Holden, Mr. Chick stated that he doesn’t think that he needs a permit to do that.

Ms. Maucher moved to approve HI-17-03 Sign Permit #17-1484: Wall Sign at 115 West Loockerman Street to include back lighting of the sign, seconded by Mr. Roach and the motion carried 7-1 by roll call vote with Dr. Jones absent. Mr. Holden voting yes; he thinks that they need to be cognizant to allow pathways that may differ from some of our historical preferences and that having viable businesses Downtown is important to us. Mr. Roach voting yes; being a person in Dover that frequents Downtown he knows hundreds of people that say that they would love to see a vape lounge in the Downtown Dover area. He also agrees that the signage looks very conducive with the nature of the Downtown Dover District. He also agrees that turning around situations pertaining to backlighting and signage is a major issue but he feels as though the preservation of things that we don’t have in the area is more important than technicalities at certain times. He does agree with Mr. Holden that sometimes you have to be a little more careful. He understands being a business owner but at the same time, they have steps. He loves the signage and Mr. Chick is right. He rode down Loockerman Street today and he did not even see the business. Ms. Edwards voting yes; based on the fact that there are already existing businesses in Downtown Dover, especially Irish Mike’s two doors down, that already have lit signage. Mr. Holt voting yes; other signs are near him and he thinks that the business end of it is very important for Downtown Dover. Mr. Baldwin voting yes; for the reasons stated. It is an improvement; however, he does think that we should be aware of the number of illumens that will be coming from this sign so that it doesn’t stand out over and above the other existing signs. Mrs. Welsh voting yes; she does have reservations and she is in agreement with some of the comments from Mr. Holden regarding the pro-activeness that she sees in the minutes as far as not there not being an attempt to find out what sign could be put up before ordering the sign. But she does understand that there is a business aspect and there are other signs like this one existing in the Downtown. Ms. Maucher voting yes; for the reasons previously stated. It’s a changing Downtown and it needs to be kept current and people look for that. She finds it far less offensive than some of the neon lights that she sees in the store windows when she goes by. Mr. Tolbert voting no; the area is the historic area of Dover and the historic area of any city is very important for financial reasons and other reasons. It’s a major attraction for the City. It brings in a number of visitors into the City. It enhances the appeal of the City. When you start to compromise your Historic District with all of the new technology, it loses its attractiveness. He hates to see Dover lose its attractiveness at this time. We are moving right ahead with new businesses all the time and he doesn’t like to see us go backwards.

NEW APPLICATIONS

- 1) MI-17-07 Request for Street Name Change: Krisko Circle to Energy Lane– Review for Recommendation of a Request for a Street Name Change for the remaining segment of Krisko Circle which runs in a west-east direction from Stover Boulevard just east of Bay Road. The new street name proposed is Energy Lane. The request was filed in accordance with *Dover Code of Ordinances*, Chapter 98, Article II, Section 98-45 Street name change procedure which also references Appendix A: *Land Subdivision Regulations*, Article VI,

Section A. Streets. *The name change procedure requires review and comments by the Development Advisory Committee (DAC) and review by the Planning Commission prior to public hearing and consideration by the City Council.*

Representatives: Mr. Garth Jones, Chesapeake Utilities

Mrs. Melson-Williams stated that this is a request for a street name change. The provisions for how that process works are actually laid out in the main part of Dover Code in Chapter 98. As part of that process, any requests for name change is referred first to the Development Advisory Committee for comments from the various agencies that participate in that process and then it is forwarded to the Planning Commission for review and recommendation. There is not a requirement for a public hearing in front of the Planning Commission. The public hearing comes later once this request proceeds to the City Council level. This evening we are talking about what is the remaining segment of Krisko Circle. It is a road segment that runs east to west from Stover Boulevard. It is part of what is now known as the North Gate Center. The project area of Stover Boulevard and Krisko Circle was originally part of the Stover Professional Campus. It was an industrial park that was laid out a number of years ago with a series of twelve lots for development. The hotel was constructed and there were some concepts for other development in the park; however, what has transpired most recently was first the abandonment of the southern half of Krisko Circle and the consolidation of a series of lots there which has led to the current construction of the Chesapeake Utilities/Eastern Shore Natural Gas headquarters and warehouse location. That was the subject of a Site Plan approval that came before this body back in 2016. With that consolidation of properties, Krisko Circle is no longer a circle and the road segment ends in a cul-de-sac. The applicant has requested the name change to something that is maybe a little more appropriate given the current condition of the road that is no longer a circle. They are proposing the street name of Energy Lane. It does follow the guidelines for naming of streets in that short curving roads are either lanes or circles; so a lane makes sense from that perspective. Planning Staff is recommending approval of the name Energy Lane. The comments from the various DAC agencies (the Public Works Office, the Fire Marshal's Office, DelDOT and the Kent Conservation District) are indicating no objection to this request for name change. As mentioned, the Planning Commission is a recommending body. This has to move forward to the City's Utility Committee and onto City Council.

Mr. Holden abstained from discussion and voting on this application as the applicant is his employer.

Mr. Jones stated that he has read through the DAC Report and there are no comments and they have no objections.

Mr. Holt stated that he can see where Eastern Shore Natural Gas is a big energy source so he can see why they want to change the name to Energy Lane from Krisko Circle.

Mr. Holt moved to recommend approval to City Council for MI-17-07 Street Name Change from Krisko Circle to Energy Lane, seconded by Ms. Edwards and the motion was carried 7-0 with Mr. Holden abstained and Dr. Jones absent. Mr. Roach voting yes; we can't go around calling streets circles when it's not. Ms. Edwards voting yes. Mr. Hold voting yes; he thinks that it's a

very appropriate name change. Mr. Baldwin voting yes; for the reasons stated. Mrs. Welsh voting yes; for the reasons previously stated. Ms. Maucher voting yes; the applicant has followed the required methodology to change a street name and it's a fine fit. Mr. Tolbert voting yes; for the reasons previously stated.

- 2) S-17-25 Development of 219-229 Beiser Boulevard: Lots 2A and 3 at Enterprise Business Park – Public Hearing and Review of a Site Development Plan outlining four phases of construction for parking lot areas and two (2) 19,304 S.F. two-story office building along with the associated site improvements on two separate parcels adjoining one another. The properties are zoned IPM (Industrial Park Manufacturing Zone). The adjoining properties are located on the northwest side of Beiser Boulevard and are part of the Enterprise Business Park, a planned industrial park. The owner of record is Del-Homes Catalog Group, LLC. Property Addresses: Lot 2A is addressed as 219 Beiser Boulevard and Lot 3 is addressed as 229 Beiser Boulevard. Lot 2A Tax Parcel: ED05-076.11-01-46.00-000. Lot 3 Tax Parcel: ED05-076.15-01-03.08-000. Council District 1. *The project location was previously the subject of Minor Subdivision Plan SB-12-02 recorded in December 2012 creating the two lots; and also Site Plan S-07-23 Office Buildings at Enterprise Business Park which has expired.*

Representatives: Mr. Conny Malmberg, Young & Malmberg, PA

Mr. Swierczek stated that this is a Site Development Plan to permit the construction of two 19,304 SF office buildings on two adjoining sites; Lots 2A and 3 within the Enterprise Business Park. The two sites are addressed as 219 and 229 Beiser Boulevard and both are zoned IPM (Industrial Park and Manufacturing Zone) with the Planned Industrial Park Option. There are two previous applications for this site. One dating to 2007 which is pretty much the same proposal but when the two sites were previously joined. There was also an application from 2012; a Minor Subdivision Plan for a lot in the Enterprise Business Park creating Lots 2A and 3 as we see them now. The proposal before the Commission today is a four-phased construction process including two identical office buildings and accompanying parking lot areas. Phase 1 is planned to be the parking lot of Lot 3 which is the southern site with Phase 2 being its office building. Phase 3 would be the parking lot for Lot 2A on the northern side followed by Phase 4 which is to be the office building for Lot 2A. Both parcels of land are located along the western/northern edges of Beiser Boulevard within the Business Park.

Under the parking requirements for the IPM (Industrial Park and Manufacturing Zone) any office building is required to have one parking space for every 800 SF of office space. Whereas any medical office usage is required to have one parking space for every 300 SF of space. The Code also sets a maximum limit for parking spaces at 125%. There was some issue early on with the applicants that there may have been too many parking spaces on the plans but in further discussions with the applicant, they have indicated that the plans for Lot 2A are intended to contain 50% medical offices and 50% office space. Lot 3 plans to contain 100% medical office spaces. This would put the parking lot scheme as we see now in compliance with Code. There is also a requirement for parking spaces for bicycles. That will need to be calculated and added to future plans by the applicants.

In terms of access, there is an unnamed access drive already along the northern property line (towards the left of the screen) that's connecting to the adjacent property to the west. The plan also shows a two-way access point from this unnamed access road at the northern edge of Lot 2A. The main access point to both Lots 2A and 3 appears to be a full movement entrance from Beiser Boulevard. There is also an access point at the southwest corner of Lot 3 to the neighboring site. They also indicated in the plans a five-foot-wide sidewalk along the Beiser Boulevard frontage.

There were no building elevations provided; however, the applicants had previously commented that they would bring them up at a future Planning Commission meeting. The Site Plan indicates that they are well within compliance with tree planting and landscaping requirements. Other agencies have reviewed the plans and have not voiced any significant objections or concerns.

Mr. Malmberg stated that he is principal of the owning entity of this project. The back story is that this was an approved Subdivision Plan back in 2007. The crash came and his company bought the property. When they bought it, it had been partially constructed and the problem is that it was never really was finally stabilized. They really don't know that they are going to end up with two 20,000 SF buildings but they want to go in there and clean it up, put the parking lot in and have it more presentable than it has been and also more environmentally sound. That is why they presented this application in four phases. They want to keep their options open. They have to go through some kind of process and the easiest process right now is to have the Planning Commission bless Phase 1 and then they will be back with architecture or at least façade elevations and any tweaking to the plans once they know a little more.

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

Mr. Holden moved to approve S-17-25 Development of 219-229 Beiser Boulevard: Lots 2A and 3 at Enterprise Business Park as presented as it follows City Ordinance and would be nice infill development in a critical area of our City, seconded by Mr. Holt and the motion was carried 8-0 by roll call vote with Dr. Jones absent. Mr. Holden voting yes; for reasons previously stated. Mr. Roach voting yes; for reasons previously stated. Ms. Edwards voting yes; for reasons previously stated. Mr. Holt voting yes; he thinks that it is going to be a real plus for that area and will help the site get cleaned up and moving along to have some better looking buildings in that location. Mr. Baldwin voting yes; for the reasons previously stated. Mrs. Welsh voting yes; for the reasons previously stated. Ms. Maucher voting yes; for reasons previously stated. Mr. Tolbert voting yes; the area in which this project is being developed is needed there. It will fill up some empty space and will look nice.

- 3) US-17-01 Capital Station Development Unified Comprehensive Sign Plan – Public Hearing and Review of a Unified Comprehensive Sign Plan for Capital Station, a shopping center including five (5) future buildings and a series of freestanding signs and wall signs to identify the complex and its tenants. The property consists of 9.34 acres and is located on the west side of DuPont Highway, north of Division Street, and south of Maple Parkway. The property is zoned SC-1 (Neighborhood Shopping Center Zone) and subject to the SWPOZ (Source Water Protection Overlay Zone – Tier 1: Secondary

Wellhead Protection Area). The owner of record is Capital Station Dover LLC. Property Address: 50 North DuPont Highway. Tax Parcel: ED05-077.06-01-02.00-000. Council District 2. *The associated Site Plan S-17-12 Revised Capital Station Dover was granted conditional approval by the Planning Commission in June 2017.*

Representatives: Mr. Jamie Sedler, DDF, Inc; Mr. Brian Finnegan, Capital Station Dover LLC

Mr. Diaz stated that this is an application for a Comprehensive Sign Plan for Capital Station. This is a 65,000 SF shopping center proposed for North DuPont Highway. The property is zoned SC-1 (Neighborhood Shopping Center Zone). The shopping center was conditionally approved by the Planning Commission in June 2017. It consists of five buildings including ALDI grocery store which is Building 5 near the intersection of North DuPont Highway and Division Street. It also includes a restaurant which is Building 4 near the intersection of North DuPont Highway and Maple Parkway on the northern end of the site. It includes three other buildings each of which may potentially be a single tenant building or multi-tenant buildings. This project qualifies for a Comprehensive Sign Plan because it will have at least three primary structures under common management on a single property. There are two primary purposes to a Comprehensive Sign Plan. The first is to allow for the increased signage needs of large complexes which may not be adequately addressed by standard sign regulations. The second is to establish alternative regulations that ensure architectural harmony between the signs as well as the buildings of the complex and to keep the overall amount of signage from being excessive. This particular Comprehensive Sign Plan is a bit different from ones that have been seen in the past because they don't know how many tenants will be in the shopping center or who most of those tenants will be. That means that they don't know what most of the signs will look like in the end. What this sign plan does rather than ask for specific signs for specific tenants, is to establish rules for where tenant signs can go. Those rules are divided into rules for placement of tenant panels on the complex's proposed free-standing signs and there are also rules for placement of the tenant's individual wall signs. For the free-standing signs, there are four main proposed free standing signs for the property. There are two pylon signs proposed to be 150 SF each, labeled Pylons A and B. The first pylon is at the location labeled A on the Site Plan on the DuPont Highway frontage. The second is at the location labeled B on the plan at the intersection of DuPont Highway and Maple Parkway. Each of these signs would be limited to a maximum of ten tenant panels. There are limits on the variations in the number of panel sizes and the positioning of these panels on the sign with the larger ones being required to be on top. All of these rules are detailed on Page 2 of the Plan Book. There may be one additional fifth free-standing sign at the intersection of DuPont Highway and Division Street that would just identify the property as a whole as Capital Station and not include any type of (tenant) panels. Construction of this sign would be at the applicant's discretion.

For the wall signs, the primary rule would be that every building elevation would be limited to having 15% of its wall area taken up by signage. This is different from the typical Sign Regulations where each individual sign is limited to 15% of the area of the wall that it's on. Another important rule would be that tenants would be limited to two primary signs for frontage and they would be allowed secondary signs that are subordinate in nature to the primary signs. Evaluating whether the secondary signs are subordinate will be part of the Sign Permit application process for individual tenants moving into the shopping center. The third rule is that

the sides of the buildings would not be for individual tenants but instead would be for multiple tenants with the owner or manager of the shopping center having some discretion over which tenants would be allowed signage on the side elevations. These elevations would still be subject to the 15% limitation and the two primary signs limitation. These rules are also on Page 2 of the Plan Book. The applicants have worked pretty extensively with Planning Staff to come up with a signage scheme that met the design guidelines for Comprehensive Sign Plans. For that reason, Staff is recommending approval of the Comprehensive Sign Plan. There were some comments from the Public Works Department through DAC on the placement of these signs relative to underground utilities on the site. That is for the signs to not be within ten feet of any underground utilities. For that reason, they are also recommending that the Commission approve the applicant's request to reduce the required setback for the pylon signs along North DuPont Highway from the typically required thirty-one feet to not less than 15 feet with the exact setback for the pylon signs to be determined as the plan moves forward and the utility locations are more closely defined.

Mr. Holt stated that it looks like they are kind of jumping the gun on the signage for this property since it hasn't really been developed yet. Once they get it developed maybe the different business entities in the property would want different types of signs than what's proposed here. Responding to Mr. Holt, Mr. Diaz stated that their discussions with the applicants really took into account the fact that they don't know what's going in here and they don't know what kind of signs the tenants will ultimately want. That's why they want to establish a set of rules as he previously described that will govern the placement and number of these signs. There are flexible rules so certainly the tenants when they come in will have a lot of options as to what size signs they will have and what the placement will be. Some of them may also have directional signs on the ground. Those could be permitted under this Comprehensive Sign Plan. But at the same time, it will keep the overall amount of signage in the center to a reasonable amount through the wide area of limitations which are more strict than what is typically allowed by Code.

Mr. Roach questioned if page number 17 was confirmed? Responding to Mr. Roach, Mr. Finnigan stated that it is not official yet. He spoke to the national tenant who was okay in providing this information to the City of Dover. The City asked for the architectural elevations to be part of the package going forward. They didn't get in trouble with it but it was a little off-setting to ALDI when they saw their name before they had signed the lease. He checked with Red Robin on this one and they are on the one yard line with them. As part of that, he put their architecture in here also because as a stipulation of their last time they were in front of the Planning Commission, they wanted to see their architecture again. This is the standard architecture that they will come in for when it comes time for them to go forth. With all the signage that comes with the site, they also have to come in and go back through for the sign permitting as well. He wants to thank the Planning Commission. Mrs. Melson-Williams' team was very helpful in working with them to make sure that they understood the latitude that was given in the current Code. It helps them to work with tenants to come out to the site. They can give them the latitude that they can work in for their signage package. A lot of these firms are difficult to deal with because they have very strict guidelines that they want to follow to get their branded signage up. It's very important for them to know what their left and right limit is. This way, at least they have a good idea of what they can offer them coming to the site so it's very

helpful in the planning process for them.

Mr. Finnigan stated that they went through the Staff notes that were provided and they are absolutely willing to work with Staff going forward.

Mr. Tolbert stated that when a motion is made, it needs to include that the applicant cooperates with Staff.

Mr. Finnigan stated that he would like the motion to also state that the architecture for that Building 4 was taken under consideration per their previous visit. He doesn't know if that is appropriate to be tacked on to something like this but it would save us from coming back together again. If anyone has any commentary towards that architecture they could speak to it now and maybe kill two birds with one stone.

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

Mr. Roach stated that he wanted to say that he appreciates the applicant given so many different examples in regards to different signage around Dover. It kind of goes along with the overall feel and gives an accurate depiction in regards to how you may be planning on doing it as the examples were taken from existing structures. He appreciates the thoroughness and detail in regards to this packet. It gave him a very clear idea of what they are going for.

Mr. Holden stated that relative to Building 4 and the provided architecture for Red Robin, is that an item that is up for our review and approval this evening in addition to the Comprehensive Signage Plan? Responding to Mr. Holden, Mrs. Melson-Williams stated that it is presented in the packet. Typically, the architecture would probably come back more specifically. She doesn't think that Staff looked at it that closely for architecture. They were more concerned about their opportunities for signage around that building because all four sides are very visible. The process for bringing the architecture back to the Commission is fairly easy. It would be considered an item of Old Business and it's not subject to the hearing process. They could certainly easily accommodate a future presentation specific to that once the tenant is formerly nailed down for the site at Building 4. It really wasn't presented to our DAC members that it also had the architecture for the building. They didn't know what it was going to look like before. She thinks that it's easy enough to come back before the Commission when they are ready for that. They are moving through the Site Development Plan Check Print review process for the entire site so she thinks that timingwise they are not at a crunch time yet. She thinks that it is certainly something that could be "thank you for presenting it to us this evening but we look forward to the more formal submission of it in the future."

Mr. Tolbert asked what affect that would have on the motion tonight? Can they approve it with that condition? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that the Commission can certainly make refence to the architecture for Building 4 in the motion noting that it was included in this Comprehensive Sign Plan as an informational piece. But they could express that they still want to see it in the future to confirm the tenant since they haven't signed on the dotted line. You would not have to defer the Comprehensive Sign Plan because that's what it is here

tonight. It establishes a sign package or rules for how signage would be placed on the building; whether it's the tenant that is potentially shown here or a future tenant.

Mr. Holt questioned what the story was on the old water tower? Is that going to remain or will it be coming down? Responding to Mr. Holt, Mr. Finnigan stated that the water tower would be coming down shortly. They have a company out of Michigan that comes to take the tower over a two-day period. That is all that the company does; they travel around the country removing towers like this. They are actually going to cut it into sections and lower them. He thinks that right now they are working with the public safety people from the City of Dover. They wanted to do that work off of theirs and having all of those people on top of that tank in the dark was a concern of the applicant. He thinks that they are trying to make sure that DelDOT and everybody is on the same sheet of paper with that. They are going to be removing that tower.

Ms. Maucher stated that because the building architecture was not publicly noticed to be consideration tonight would it even be appropriate to include it? Responding to Ms. Maucher, Mr. Diaz stated that the architecture for this building would be coming back as an item of old business relative to the original approval of the Site Development Plan which was approved in June 2017 together with the architecture for all of the rest of the buildings. Because it was being covered as an item of Old Business he believes that it would not require a public hearing.

Mr. Holden moved to approve US-17-01 Capital Station Development Unified Comprehensive Sign Plan as submitted requiring that the applicant continue to work with Staff and follow Staff and DAC comments, seconded by Mr. Holt and the motion as carried 8-0 by roll call vote with Dr. Jones absent. Mr. Holden voting yes; supporting that a signage plan complies with our Signage Ordinance and will support the redevelopment of a critical parcel in the City. Mr. Roach voting yes; he thinks the signage will look very nice in an area that definitely needs to be handled and hopefully we punch that ball in on the one yard line. Ms. Edwards voting yes; the presentation tonight was very well done and it's esthetically coordinated and she likes the idea that there is some flexibility built in for the future tenants. Mr. Holt voting yes; he thinks that it's a real plus for the area and it's long been needed and he is anxious to see the whole thing get along with it. He thinks the sign plan is a good way to go. Mr. Baldwin voting yes. Mrs. Welsh voting yes; the plan is very professionally presented and well thought out. Ms. Maucher voting yes; based on reasons previously stated as well as the added flexibility to the future tenants. Mr. Tolbert voting yes; the applicant has the willingness to work cooperatively with Staff and adhere to the DAC comments and concerns. The project itself will be an asset to the City of Dover.

Meeting adjourned at 8:26 PM.

Sincerely,

Kristen Mullaney
Secretary