

**CITY OF DOVER PLANNING COMMISSION
MAY 21, 2018**

The Regular Meeting of the City of Dover Planning Commission was held on Monday, May 21, 2018 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Roach, Ms. Edwards, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh and Mr. Tolbert. Mr. Holden and Ms. Maucher were absent.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Jason Lyon, Mr. Julian Swierczek, Mrs. Tracey Harvey and Mrs. Kristen Mullaney. Also present were Ms. Latoya Boseman, Mr. Jason Yoder, Mr. LB Steele, Mr. Aly Prado, Mr. Jason Lyon and Captain David Spicer. Speaking from the public were Mr. Robert Hartman, Mr. John McCracken and Mrs. Diane McCracken.

APPROVAL OF AGENDA

Mr. Tolbert stated that application C-18-03 Kidz Business Day Care Center at 65 North DuPont Highway will not be heard by the Planning Commission on May 21, 2018 due to incomplete public notice. This application and its public hearing will be rescheduled for a future Planning Commission meeting and will be subject to public notice requirements for the new meeting date.

Mrs. Welsh moved to approve the agenda as submitted, seconded by Dr. Jones and the motion was unanimously carried 7-0 with Mr. Holden and Ms. Maucher absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF APRIL 16, 2018

Mr. Holt moved to approve the Planning Commission Meeting minutes of April 16, 2018, seconded by Mr. Baldwin and the motion was unanimously carried 7-0 with Mr. Holden and Ms. Maucher absent.

COMMUNICATIONS & REPORTS

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Monday, June 18, 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 April 23 & 24, 2018 and May 14 & 15, 2018.

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

Mrs. Melson-Williams stated that they have no new information to report to the Commission.

NEW APPLICATIONS:

- 1) C-18-02 All Beautiful Children Learning Academy Day Care Center at 822 South State Street – Public Hearing and Review of Application for Conditional Use to permit conversion of an existing 3,526 SF one-story building into a Child Day Care Center to serve 52 children. The subject site contains three (3) separate buildings, and the Day Care Center is proposed to occupy only the southernmost structure which is the largest. The property consists of a 0.585-acre parcel and is located on the west side of South State Street, south of Gooden Avenue and north of Wyoming Avenue. The property is zoned C-1A (Limited Commercial Zone). The owner of record is TVEN3, LLC and the applicant (lessee) is Latoya Boseman. Location Address: 822 South State Street. Tax Parcel: ED-05-077.17-03-43.00-000. Council District 2.

Representatives: Ms. Latoya Boseman and Mr. Jason Yoder

Mrs. Harvey stated that this Conditional Use Plan is to permit the conversion of an existing vacant 3,500 SF one store building into child day care center. The property site area consists of over 25,000 SF located on the west side of South State Street, north of Wyoming Avenue. The existing parcel has a single family home addressed as 818 South State Street and a detached garage that will not be utilized as the child day care center. The applicant is proposing a child day care center that will serve 52 children with 28 children for the present use and 24 additional children that will be serviced in the future. A fence is proposed to surround the 1,200 SF playground area and the rear of the building. The property is zoned C-1A (Limited Commercial Zone). The property address is 822 South State Street. The owner of record is TVEN 3, LLC and the applicant lease is Latoya Boseman.

Day care centers require one parking space for every ten children and one parking space for every adult attendant. Based on the number of proposed children at 52 and 5 adult attendants, a total of 11 parking spaces are required. The Site Plan dated April 6, 2018 indicates that there are 14 parking spaces with 1 handicapped parking space on the property. The existing parking lot does not include curbing and Planning Staff will not require the installation of upright curbing due to proposed concrete parking bumpers to be installed at the head of each parking space. Based on the number of required parking spaces, one bicycle parking space is required. Bicycle parking for two has been identified on the plan at the northeast corner of the building. Sidewalks exist along the property’s entire street frontage of South State Street connecting to the side of the building with the paved area connecting to the entrance of the child day care center. The applicant is not proposing any exterior improvements or additions to the existing building. A total of 4 trees are required to be planted per the Landscaping Plan with two existing trees in the yard by the dwelling.

To meet the Code requirements in accordance with *Zoning Ordinance*, Article 10 Section 1, Subsections 1.1-1.3, Planning Staff recommends the addition of traffic control signage and directional arrow striping in the parking lot drive aisles to establish one way circulation.

Mr. Yoder stated that they do not have any questions or statements to make at this time. They are

in complete agreement with what Mrs. Harvey has stated.

Mr. Tolbert opened a public hearing.

Mr. Robert Hartman – 35 Lotus Street Dover, DE 19904

Mr. Hartman stated that he hopes that the new business is successful. He questioned if the bright LED signs that are on the building right now will be coming down. Responding to Mr. Hartman, Ms. Boseman stated that she believes that the signs will be taken down because they will have to get permits for the signs that they want to use. Those signs were for the previous use.

Mr. Hartman stated that those existing signs were for Delmarva Repair and they have been out of business for a long time but those signs have continued to bother the neighborhood. Those are very bright signs and they should have never been approved for our neighborhood. He travels Pine Street and Lotus Street and he passes that building many times a day. At night when you are driving down State Street, those LED lights if they are set at a certain program, are distracting to traffic. The neighbors can see them all the way down to the end of Pine Street, almost all the way to the highway. He would encourage the applicant to take them down and he would encourage the Commission to consider the neighborhood the next time that they approve of those kinds of signs. The area where the business will be gets very busy at 8:00AM when traffic backs up at the school light at South Dover Elementary. There is traffic that backs up to Mom's Day Care Center. He knows that the existing parking lot is difficult to park in. He has parked in it many times and doesn't know where those 14 parking spaces are. Are they on the alley side of the building? Responding to Mr. Hartman, Mrs. Harvey stated that they are located along the side of the building and they are going to be striped. People are going to enter off of the alley to get into the parking lot.

Mr. Hartman stated that he can't imagine 14 parking spaces on the side of the building. It's difficult to back out of the parking lot when there are just 2 or 3 cars there because of the way the present parking is. He cautions the applicant on the traffic during school days and the parking lot because you have people trying to come out of Lotus Street and Pine Street and traffic backs up. He doesn't know if they have been to the location at 8:00AM on a school day but they might want to go down and take a look at it.

Mr. Tolbert questioned if Mr. Hartman had spoken to DelDOT about the traffic problem that he is anticipating? Responding to Mr. Tolbert, Mr. Hartman stated that he has talked to DelDOT and has been involved with some traffic studies before. He thinks this is more in the purview of the City and the applicant to talk to DelDOT about that traffic problem. He can avoid it because he is retired and can adjust his schedule to avoid it. But people that are dropping their children off for day care, people that are going to South Dover Elementary and people that are coming to Dover for work can't avoid that traffic.

Mr. Tolbert questioned if Mr. Hartman had spoken to his neighbors about it? Responding to Mr. Tolbert, Mr. Hartman stated that he was the lead for the neighborhood's Nextdoor site. The one thing that he brought up was the traffic problems and nobody really had a concern about it other than him.

Mr. Tolbert closed the public hearing.

Mr. Holt stated that one of the recommendations is about traffic control and directional arrows for the drive aisle for one way traffic. Is that okay with the applicant? Responding to Mr. Holt, Mr. Yoder stated yes, they would be willing to do that. They intend to do the angled parking and a one way in off of State Street and then back out to the alley because it is a tight space there.

Mr. Tolbert questioned if the applicant had the State license for the child care center? Responding to Mr. Tolbert, Ms. Boseman stated yes.

Mr. Tolbert further questioned how many children she anticipated having at this point. Responding to Mr. Tolbert, Ms. Boseman stated that they plan to begin operating with 28 children only with the future amount being 24 more children. There is a space in the building that is not renovated that they plan to use as future use.

Mr. Tolbert stated that he read somewhere that the limit is 50 children. Responding to Mr. Tolbert, Mrs. Harvey stated Child Care Licensing requires 50 children depending on the size of the day care. It's really up to Child Care Licensing on what they would allow based on the size (of the building). The City limits 50 but if Child Care Licensing establishes that they can have more children then they can increase that number.

Mrs. Melson-Williams stated that the City Code limits the number of children to 50 as a maximum in a residential zone. This property is not residentially zoned; it is zoned C-1A (Limited Commercial Zone). The City's *Zoning Ordinance* does not limit the number of children; it's more a caveat of how big is the building, what can you fit on the site parking wise and then in addition what your requirements are from the State.

Mr. Tolbert questioned the hours of operation? Responding to Mr. Tolbert, Ms. Boseman stated that the hours of operation will be 6AM to 6PM with extended hours available but with no one child's hours extending 12 hours. If a child comes in at 6AM they cannot stay later than 6PM.

Mr. Roach questioned if the responsibility would be on the applicant in regards to making sure the signage is removed since she is taking over the business. Responding to Mr. Roach, Mrs. Melson-Williams stated that with signs that are "abandoned" meaning that the business is no longer there, the sign regulations limit how long those old signs can be in place. Staff will check to see if we are at that threshold point where they need to be removed. In order to place new signage on the property, the applicant would be subject to Sign Permits. Even if they were to reface the existing signage that is there with the new business, it still requires a permit. The City's sign regulations do have requirements based on how frequently the LED changeable copy can change and there are also provisions in our Code about the illumination factor and how bright the sign is. There are a couple of things there that we can work to address even if they are choosing to continue with that type of sign format.

Mrs. Welsh moved to approve C-18-02 All Beautiful Children Learning Academy Day Care Center, seconded by Dr. Jones and the motion was carried 7-0 by roll call vote. Mr. Roach voting yes; he wishes success for this business and he just hopes that even if children aren't as

appealing to the eye they will still be allowed to come to your day care. Ms. Edwards voting yes; based on the applicant's willingness to work with Staff's recommendations concerning the traffic control signage and the arrows and angled parking. Mr. Holt voting yes; hopefully all children beautiful or not beautiful will be accepted. Mr. Baldwin voting yes; it meets the required Code. Dr. Jones voting yes; based upon comments made. It takes a lot of courage to be with children all day. Also based on the comments from DAC and Staff. Mrs. Welsh voting yes; she thinks it's a good idea and very useful for the area. Mr. Tolbert voting yes; they are in complete compliance with the Code and regulations.

- 2) SB-18-02 Minor Subdivision Plan for Leander Lakes Apartments at 100 Isabelle Isle – Public Hearing and Review of a Minor Subdivision Plan application to permit subdivision of the 28.67 +/- acre parcel of the Leander Lakes Apartment complex into two (2) new lots. Parcel A is proposed to have 22.94 acres (Buildings 1-8) and Parcel B is proposed to have 5.73 acres (Buildings 9 and 10). The property is zoned RM-2 (Medium Density Residence Zone) and is subject to the COZ-1 (Corridor Overlay Zone) requirements. The property is located on the southeast side of Forrest Avenue, and southwest of Dover High Drive. The owner of record is Leander Lakes, LLC. Property Address: 100 Isabelle Isle. Tax Parcel: ED-05-075.00-01-05.01-000. Council District 1.

Representatives: L.B. Steele, Leander Lakes, LLC; Mr. Aly Prado, Landmark Engineering

Mrs. Melson-Williams stated that this is an application for a Minor Subdivision Plan. It involves the property known as Leander Lakes Apartments. The main address is 100 Isabelle Isle which is actually the address of the Clubhouse Building. The complex has a series of internally named streets but it's basically located to the southwest of Forrest Avenue and is adjacent to Dover High Drive. The entire property is just over 28 acres and what they are proposing is to divide it into two parcels with the largest being Parcel A. Parcel A compasses what is the area of the Clubhouse and Buildings 1-8 and totals 22.94 acres. The second parcel that would be created is Parcel B and it encompasses the area that is where buildings 9 and 10 are currently under construction. The zoning of the property is RM-2 (Medium Density Residence Zone) that obviously allows for apartment construction. The portion of the property near Forrest Avenue is also subject to the COZ-1 (Corridor Overlay Zone). This project ultimately went through a Site Development Plan Review process back in 2012 and since that time, finalized that plan and has been under active construction. Buildings 1-8 are complete and are basically considered Phase 1 of the project. Buildings 9 and 10 are under active construction currently. The RM-2 (Medium Density Residence Zone) has some specific requirements for lot standards and the project seems to meet those. There are some requirements for the lot area. This project for the subdivision is really about striking property lines. They are doing this in order to address some finance issues with basically Buildings 1-8 already being constructed and complete versus the two that are still under construction. There are no changes to the site considerations for the property. The access to the site remains from Dover High Drive. There will be cross access easements put in place to ensure that Buildings 9 and 10 can still access Dover High Drive because they would have to cross over Parcel A to do so. There are also easements related to a number of utilities that cross back and forth between the proposed properties as well. There are no changes to the parking. Both of the areas include parking to need the buildings that are located on those sites and there is bicycle parking as well. The existing properties do have the street frontage sidewalks with a

multi-use path along Forrest Avenue and the sidewalk system along the Dover High Drive area of the frontage. The applicant has been working on their plan and has actually already addressed a number of the comments that the Planning Office had to create what is more of their formal Record Plan version. Staff presented that to the Commission but also included the colored version because it's a little easier to figure out the two properties that are being created with this project. The Planning Staff notes that the properties will remain zoned as RM-2 (Medium Density Residence Zone) and this is just the process to divide the large tract of land into two parcels. It was reviewed by the Development Advisory Committee. Most of the agencies had no objection to the subdivision as their main items of issues are related to construction and that has already been approved. The Public Works Office did note that there are a number of easements that they need to make sure carry forward with the subdivision.

Mr. Steele stated that he doesn't have any questions at this time. He appreciates the work of the Commission and the Development Advisory Committee for helping them put this together.

Mr. Tolbert questioned if the applicant would work collaboratively with Planning Staff? Responding to Mr. Tolbert, Mr. Steele stated yes.

Mr. Tolbert opened the public hearing.

Mr. John McCracken – 644 Artis Drive Dover, DE 19904

Mr. McCracken stated that he would like to know how far west they are going with this subdivision. Responding to Mr. McCracken, Mr. Steele stated that they are not making any functional change to the site right now other than a subdivision line. We are not adding, subtracting or changing anything that they have started building since the original Site Plan came out. To over simplify this, it is strictly paperwork.

Mr. McCracken further questioned how many buildings that they planned on putting up. Responding to Mr. McCracken, Mr. Steele stated that they have two more that are under construction and after that they are finished.

Mr. McCracken questioned if the last two that are being built right now would be it. Responding to Mr. McCracken, Mr. Steele stated yes, they are building what they were approved to build. What they are doing right now is strictly a paperwork subdivision.

Mr. McCracken questioned if this was considered city limits. Responding to Mr. McCracken, Mr. Steele stated yes.

Mr. McCracken stated that it just seems like the City is coming out further and further. We moved down here from up north to get away from all of this building. We are against the high school. We live on Artis Drive and every time that they have a football game going on it's impossible to get out of our driveway.

Mr. Tolbert questioned if Mr. McCracken has spoken to his neighbors about his concerns? Responding to Mr. Tolbert, Mr. McCracken stated that this has been an ongoing thing. All of the neighbors agree about the high school traffic.

Mr. Tolbert questioned if Mr. McCracken was speaking for himself or the community? Responding to Mr. Tolbert, Mr. McCracken stated that he was speaking for himself. These cars fly up and down this road and the speed limit is only 35 MPH. He would like a State Police Officer to come out and observe the traffic.

Mr. Tolbert stated that Mr. McCracken would need to talk to the State Police about his concerns.

Mr. McCracken stated that there have been telephone poles in front of their house replaced because cars have run into them. There have been a couple of people killed on that curve and it's just a mess. The tractor trailers going down the road because of the Kraft Foods construction are messing up the paving of their road.

Mr. Tolbert stated that he would suggest getting the neighbors to join with them when they speak to the police so they will know that it is a community concern.

Mrs. Diane McCracken – 644 Artis Drive Dover, DE 19904

Mrs. McCracken stated that her issue with the development is the traffic. There is too much traffic and it is hard to get up and down Route 8. She knows that they put in a road to take everyone to Hazletville Road but that's not doing it. They are flying down Artis Drive and it can't withstand the traffic. They are speeding and we have two dogs that we like to walk but there are no shoulders on the streets. There are kids that live on that road. We were here when the Par 3 Gold Course wanted to develop and we fought back because of this issue. We moved down here to get away from it and now it's moving out. How far out are you planning on bringing this? She knows that there is more farmland out there that is being farmed but how far out is the City coming? Are they going to take up the other farm as well? There is a church that was just built and then there is the church close to Leander Lakes. There is also a site for another church where this farmland is. Is the City planning to take over that farmland too? Responding to Mrs. McCracken, Mrs. Melson-Williams stated that there are two churches that would actually show up on the map on the screen. There is the small one that has just finished construction and then the one that is surrounded by Leander Lakes Apartments. Both of those properties are within the city limits of Dover. To the west of this property is a property that is owned by a church. They did have a development plan at one point in the County but that has expired. If they are to move forward with any development of that farm field into some type of church facility, that will require a public hearing Site Plan process through this Commission. If you are a property owner within 200 feet you would receive notice of it. That land that is owned by the church is the western boundary of the City of Dover as it exists today. The City has an overall Annexation Plan; it does not go out as far as picking up everything on Artis Drive at this point in time.

Mrs. McCracken questioned what Mrs. Melson-Williams means by her statement of picking up everything on Artis Drive? Would it be the same side as the high school or would it be the side across the street? Responding to Mrs. McCracken, Mrs. Melson-Williams stated that as part of the City's Comprehensive Plan they are required to lay out what would be potential annexation areas. Areas being annexed into the City have to directly adjacent to land that's already in the City. The Annexation Plan does show properties along the east side (of Artis Drive), meaning the

side closer to the City as being Category 2, which would be areas for annexation within a 10 year planning horizon so they could potentially request annexation. It is something that the property owner would have to come through a very specific process to become part of the City of Dover if they are contiguous. The area on the west side of Artis Drive is considered to be a Category 3 which would be areas to be considered for long term annexation. The only way that lands on the west side of Artis Drive could even become part of the City would be if areas on the east actually became part of the City. It is actually near our boundary. The City is going through just starting their new Comprehensive Plan update where they will be looking at annexation and what that means for the future in the City. Staff would be happy to understand the concerns in that area about future annexation.

Mrs. McCracken stated that basically what is being said is that the east side would be the side where the high school is on so that would be their property that the City wants to annex. Responding to Mrs. McCracken, Mrs. Melson-Williams stated that it is shown on the plan that it could be potentially annexed. The City does not go after properties to annex. It has to be the request of the property owner to make that application.

Mrs. McCracken questioned if that would be in 10 years? Responding to Mrs. McCracken, Mrs. Melson-Williams stated that they have to provide a planning timeframe, a horizon of when you would expect that to potentially be considered. It does not mean that it will happen in that timeframe.

Mrs. McCracken stated that as far as contacting DeIDOT, she has been on DeIDOT for years about the traffic issues and people speeding up and down the road. She did speak to the State Police in Camden about coming out and sitting in their driveway because they could make a lot of money. They have had many accidents and to be honest, she does not want to be annexed into the City. They did not move down here for that. Responding to Mrs. McCracken, Mr. Tolbert stated that they can't do anything about that but he wants to make sure that you understand that the more of you that speak to DeIDOT and the State Police and agencies of that sort, the more interest they will give you in solving your problem. You may want to talk to Mrs. Melson-Williams further because the issues involved are technical and you want to make sure you have a good understanding of the Code requirements and the Comprehensive Plan requirements. You also want to get a good understanding of your neighbors and where they really stand on the issues that you are expressing now.

Mrs. McCracken stated that some of them it won't affect but on our side it will affect everyone. It's not going to affect the people on the other side of the road, so what do they care? When it's going to affect you and you only have so many people on your side, what good is that going to do to get a petition? She doesn't want to be annexed. They did not move down here to be in the City. They moved down here to be in the country and now everything is moving out and there is too much traffic on Route 8, Artis Drive, and Hazletville Road. There is too much development. It's like the farmland is disappearing and every animal and every critter that lives in the woods that are being taken down are coming out to where they live. They are being overburdened by cats, skunks, foxes and everything. Animal control does not take care of that. Responding to Mrs. McCracken, Mr. Tolbert stated that she must make sure to the extent that you can, that DeIDOT hears your complaint and your concerns.

Mr. Tolbert questioned if Mrs. McCracken has talked to your County Commissioner about it? Responding to Mr. Tolbert, Mrs. McCracken stated that she is pretty sure that they know all about it.

Mr. Tolbert stated not to be so sure. You make sure that they understand. He is not sure what they know but if you tell them then you can make sure that they know.

Mrs. McCracken stated that if the City does come out there would they be willing to buy properties? Responding to Mrs. McCracken, Mr. Tolbert stated that he is not sure.

Mrs. McCracken stated that she would just as soon sell it than be annexed into the City. She knows that once it's done and the sewer and water and all of that is run through, when they go to sell the new owners would have to connect. Is that correct? Responding to Mrs. McCracken, Mr. Tolbert stated that the difficulty is that some of the issues that you are raising, the City has no control over. You have to get your neighbors together and speak to DelDOT and the State Police and the people that you need to speak to.

Mrs. McCracken stated that she understands that but what she is asking is once the sewer and water comes down Artis Drive, if they sell their property will the new owner then have to connect to the City utilities? Responding to Mrs. McCracken, Mr. Lyon stated he wanted to make one thing clear. As Mrs. Melson-Williams mentioned, the City can't make you annex. That is a direction made by the homeowner. With regards to your question about the hookup, he assumes that you currently have a septic tank and a well. The State of Delaware DNREC is not interested in having septic tanks since it's not good for the groundwater. If they ever fail they will generally say hookup to centralized sewer and water if available. If you are not annexed in there is no force to that.

Mrs. McCracken stated that there is if you have a new well and septic and if you have a loan through DNREC. Responding to Mrs. McCracken, Mr. Lyon stated that he cannot speak to the loan situation.

Mrs. McCracken stated that she used to work for a title company and a bunch of attorneys. She knows that once the City comes in and you sell that property it has to be hooked into City utilities. Responding to Mrs. McCracken, Mr. Lyon stated that the City does not force you to hookup to City water and sewer unless you are annexed in.

Mrs. McCracken stated that she doesn't want to pay City taxes. They pay enough in County taxes. All of the farmland is just disappearing and nobody cares. Why? Are more apartments and houses going to do any good? These apartments are so expensive so what's going to happen when they can't rent them out anymore and they just become abandoned or they start falling apart? You have a lot of properties in the City itself that can't be fixed. Why do you have to keep on building? Responding to Mrs. McCracken, Mr. Tolbert stated that some of the things that you are bringing up cannot be dealt with in this hearing. It's not that they want to disrespect what you are saying but for much of what you are saying there is nothing that they can do here.

Mrs. McCracken stated that she understands but in Delaware, you can't move. Everybody worries about the pollution as far as the wells here and downstate. If the development would stop and they would just leave land out there, maybe there wouldn't be so many wells. Responding to Mrs. McCracken, Mr. Tolbert stated that she may be right, but development in itself is not a bad thing.

Mrs. McCracken stated that it's not a bad thing. But when you have too many cars on the road you can't move on Route 8 like when there is a function like Firefly or the race. It's bad enough when they have a game at the high school. Responding to Mrs. McCracken, Mr. Tolbert stated that they appreciate what she is saying but there is not much that this Commission can do with that and we do have to move on.

Mrs. McCracken questioned who she needed to talk to in order to stop it? She is not trying to be disrespectful, she is just trying to get the point across that the development needs to stop. This is why everything is contaminated; it's ridiculous. Responding to Mrs. McCracken, Mr. Tolbert stated that he understands what she is saying but we do want to move on with the hearing and we can't solve the problems that you are stating. It's not within our purview.

Mr. Tolbert closed the public hearing.

Dr. Jones moved to approve SB-18-02 Minor Subdivision Plan for Leander Lakes Apartments at 100 Isabelle Isle, seconded by Mr. Holt and the motion was carried 7-0 by roll call vote. Mr. Roach voting yes. Ms. Edwards voting yes. Mr. Holt voting yes; he thinks that it's a reasonable extension of what they already built. Mr. Baldwin voting yes. Dr. Jones voting yes; it's a very attractive complex. Mrs. Welsh voting yes; as it clarifies the necessary requirements of the parcels of land. Mr. Tolbert voting yes; it's a very worthwhile undertaking and he is pretty sure that this time they are going to complete the project.

- 3) S-18-04 Dover Police Department Impound Lot at 401 West Water Street – Public Hearing and Review of a Site Development Plan application to permit construction of a 11,940 S.F. Impound Lot for the Dover Police Department as a fenced area for motor vehicle storage. The site is located on the north side of Water Street between West Street and South Queen Street. The property is zoned IO (Institutional and Office Zone) and is 0.78 +/- acres. The owner of record is the City of Dover. Property Address: 401 W. Water Street. Tax Parcels: ED-05-076.12-04-35.00-000, ED-05-076.12-04-39.00-000 and ED-05-076.12-04-40.00-000. Council District 4.

Representatives: Mr. Jason Lyon, City of Dover Department of Public Works; Captain David Spicer, Dover Police Department

Mr. Diaz stated this application is for a Police Impound Lot on the grounds of the Dover Police Station. There are three parcels involved; two addressed as 401 and 415 West Water Street and one that doesn't have an address. The project site is at the corner of West Water Street and South Queen Street and is zoned IO (Institutional and Office Zone). The Police currently have their Impound Lot at Schutte Park and they are looking to move it closer to the Police Station so that they can observe it more directly. Planning Staff had some conversations with the Public Works

Department which designed the project and the Police Department which will ultimately own it about the design. One concern that they had was that the lot's originally proposed location might have been in conflict with the *2011 Dover Transit Center Neighborhood Plan* which calls for mixed use development around the Dover Transit Center next door to the site. Following our conversations with them, they redesigned the Lot so that it is no longer adjacent to either of the two streets. It's basically rotated 90 degrees along the existing drive aisle for the Police Station. With this change to the design then in the future a building could still be built at the street corner that would face out onto the Transit Center. At the time of this Commission hearing, they would still like the Commissioners to consider a few other things about the design of the lot. The current project calls for gravel surfacing, chain link fence with barbed wire and a light vegetative screening in the form of the five Red Maple trees along the south side of the Impound Lot. The Commission should consider that a combination of hard quality materials and more robust screening might improve the appearance of the project and make the neighborhood easier to redevelop in the long run in accordance with the goals of the *Transit Center Neighborhood Plan*. If the Planning Commission does not make a specific request related to the design of the site tonight, the Police Department will be able to use the design currently shown as it does otherwise meet Code.

Mr. Holt questioned if they had any idea of the number of cars that would be impounded there and how long would they be in the lot before they were moved or sold or whatever happens to them. Responding to Mr. Holt, Mr. Lyon stated that on average there are about fifteen vehicles. The time varies because things could be hung up in evidence.

Mr. Tolbert questioned if this lot was just for impounded vehicles or if it would also be a parking lot. Responding to Mr. Tolbert, Mr. Lyon stated that it would strictly be an Impound Lot.

Mr. Lyon stated that this was a City Council directive plan. This is located in our Capital Investment Plan project series for the Police Department. As mentioned by Mr. Diaz, the reason was higher efficiency for having this closer to the headquarters of the Police Department as well as increased security. The location of the current Impound Lot is in Schutte Park and it's not all that secure back there. As Mr. Diaz mentioned, they did rotate the original plan 90 degrees. They did have it perpendicular to Water Street for the possibility of extending the warehouse which is to the west further into the properties. He is sure that most of the Commission knows that the City purchased these properties about three years ago. There was an old residential building on it some time ago. As far as the materials go, Mr. Diaz mentioned that they do have a chain link fence with slats as well as barbed wire which is the identical material to what they have at Schutte Park currently. The reason for that is for the security of the evidence and the vehicles that are in the Impound Lot. Putting up a different type of fence or something without barbed wire, it is possible that someone could get in there and tamper with evidence. They are not opposed to screening it with landscaping but the landscaping must be built of such a height that security cameras can look into the lot. They can't put fifty foot tall Leyland Cypresses or huge Bald Cypresses or any types of trees like that. There could be a potential for a waiver request which revolves around the curbing on the entrance off of the existing drive aisle. That will be dictated by the Department of Public Works once we finalize our Stormwater Plan with the Kent Conservation District. That is going to dictate what size pipe goes under that driveway entrance. They reserve the right for that in the future.

Captain Spicer stated that he thinks that Mr. Lyon did a very nice job designing the project and he had a chance to listen to the Development Advisory Committee's concerns and they made some adjustments to the plan. He thinks that with the implementation of the trees along the side would conceal a lot of the fence and would be more pleasing to the eye. We have to have a certain type of material to protect the integrity of our evidence that we have there. It's not being very well protected now and they have had some issues at Schutte Park. Having this facility close to the Dover Police Department would be beneficial for us and the people involved in the cases that they handle. They have plans moving forward of putting some video surveillance in or around the area to help protect that area as well.

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

Mr. Baldwin questioned in this area will there be just confiscated vehicles or will there also be wrecked vehicles in there also? Responding to Mr. Baldwin, Captain Spicer stated that a lot of the cars that they impound are impounded for a variety of different reasons. Some of them being motor vehicle accidents or fatality accidents and those vehicles have to be maintained and protected for future litigation in court hearings down the road. Once those hearings are dealt with then we can dispose of those vehicles. Other vehicles could be from people involved in a homicide. Those vehicles would also be kept in this area and be secured for future litigation. There are a variety of different reasons why they have vehicles towed back there. It could be that they arrest somebody who has been involved in multiple burglaries and the vehicle is stolen or the person is driving this vehicle. That vehicle would be taken back to this Impound Lot, stored there until it's properly processed and then eventually out of there.

Ms. Edwards questioned if the slats that would be in the chain link fence make it so that the interior of the lot is not visible from the street? Responding to Ms. Edwards, Mr. Lyon stated yes, it's almost like a woven plastic slat that fits between the holes in the chain link. It makes it essentially opaque.

Ms. Edwards further questioned if there is any other material that can be used to make it secure like you need it to be and more aesthetically pleasing for the area? Responding to Ms. Edwards, Mr. Lyon stated that there is a black wrought iron fence that is around our substations but the problem is that you cannot put anything in there to make it opaque. There is probably a three inch gap between the iron fences. To put something up that would just put a façade up to it, it's probably not going to stay very long. They also considered the idea of a solid white vinyl fence but that certainly does not have the type of security that is needed in this type of situation. They have looked but this is the one that tends to be most effective.

Ms. Edwards stated that Staff made a recommendation to place a thick hedge as screening to make it more aesthetically pleasing. Is that part of the plan? Responding to Ms. Edwards, Mr. Lyon stated yes, that is something that is under consideration. He failed to mention that there will be another meeting with the Chief of Police, the Planning Director and the City Manager to discuss this. He wants to make sure that everyone realizes that they are working together as a team to get this hashed out. They are not opposed to having more of a hedge. They do know that they still have to meet a tree count regardless of the hedge.

Mr. Diaz stated that is correct. One format for screening that is suggested by our Code is a hedge that is interspersed with trees. You basically have a portion of hedge and then an evergreen and then another portion of hedge. You would have spaced evergreens rather than a continuous screen of them and then hedge between to fill in the gaps. Responding to Mr. Diaz, Mr. Lyon stated that like he said they are not opposed to that but they would be willing to work with Staff to come to a final compromise.

Mrs. Welsh stated she's in favor of that being a screening device because if you are going to have the slats in the chain link fence anyway it's all going to be closed off which will make it opaque. She thinks the hedge would not impact the security there. Responding to Mrs. Welsh, Mr. Lyon stated that the primary view point that they are all looking at is the southern side of this fence which is facing Water Street. The northern side would be facing the internal complex of the Police Department; they would not be able to put a hedge there because there is an existing swale so that would impede the stormwater runoff. On the eastern side, there is also a stormwater retention pond. There are trees currently over there that give it a little bit of a screening but that may have to be kind of massaged a little bit on that side of the road.

Mr. Tolbert stated that this application is not requesting any waivers but says that waivers may be requested in the future. Mr. Diaz, how will that be handled? Responding to Mr. Tolbert, Mr. Diaz stated that the possible waiver that Mr. Lyon is talking about is a waiver for curbing on the driveway connection between the Impound Lot and the existing driveway. This is a type of waiver that used to come before the Planning Commission but recent Code amendments transferred responsibility over that to the Planning Office as an Administrative Waiver because the thought was that the curbing considerations are often of a very technical nature related to the stormwater. They didn't want to basically burden the Planning Commission with them. When they are ready to submit a waiver request they will submit it directly to the Planning Office and it will be approved administratively.

Mrs. Welsh questioned how high the fence would be? Responding to Mrs. Welsh, Mr. Lyon stated it would be eight feet tall and the barbed wire would be on top of that eight feet.

Mr. Roach questioned what the capacity of the space would be? Responding to Mr. Roach, Captain Spicer stated that he doesn't know if there really figured that out. He knows that it is around 11,000 SF of area. He doesn't think that number has really been decided. It probably varies based on vehicle sizes but he would say that it would be no more than 15-20 cars at a time and probably 15 or less.

Mr. Lyon stated that the size was based on the existing footprint. To our knowledge there hasn't been any issue with overflow of that situation and as Captain Spicer alluded to, different vehicles could take of different amounts of space.

Mr. Roach stated that if there is now only space for 20 vehicles and 25 vehicles end up happening, what are we going to do with that? Responding to Mr. Roach, Mr. Lyon stated that there is room for surplus.

Mr. Holt moved to approve S-18-04 Dover Police Department Impound Lot at 401 West Water Street along with the elimination of the curbing requirements that will be dealt with by the Planning Office at a later date, seconded by Mrs. Welsh and the motion was carried 7-0 by roll call vote. Mr. Roach voting yes; he hopes by moving it closer it increases security and puts less stress on our great Police Department. Ms. Edwards voting yes; she certainly does understand the need for bringing it from the outskirts in so that it's more readily monitored by the Police Department. Mr. Holt voting yes; he thinks that it's a needed asset to the City. Mr. Baldwin voting yes; efficiency is always key. Dr. Jones voting yes; for all of the reasons previously mentioned. Mrs. Welsh voting yes; for all of the reasons previously stated. Mr. Tolbert voting yes; for all of the reasons previously stated and the City does need an adequate Impound Lot.

NEW BUSINESS

PROJECT FOR DOVER'S 2019 COMPREHENSIVE PLAN

Mrs. Melson-Williams questioned how many people have done their homework and turned in their homework? At last month's meeting, they started involving the Commission in their discussion of the 2019 Comprehensive Plan. Staff continues to meet weekly. They have actually been focusing on developing a questionnaire series that they hope to go out to the public with. They have been working very diligently on that and also working on their homework for seeing how they have done on the action items from the *2008 Comprehensive Plan*. They do hope to bring both of those items to the Planning Commission at a future meeting. They ask that the Planning Commission evaluate the 2008 Goals and Recommendations. There were two charts for the Commissioners to fill out. She has been trying to track who has turned it in and who has not. If you have not turned it in, she will take it tonight or you can drop it by the office. There are five members who have completed the Goals section and we have three members who have completed the Recommendations section. We did also send an email to the Commissioners which had the electronic version of the spreadsheets. She would encourage the Commissioners to try to get their homework done and turned into the Planning Office. She does have extra copies of both of the charts. If you can't remember what you have done or not done, please see her after the meeting. They also gave this same task to the Historic District Commission at their meeting last week.

Update on Project Activities

Mrs. Melson-Williams stated that Mr. Hugg has been working extensively on what will be an economic development symposium for June 13, 2018 that Wilmington University is helping host. There will be invitations going out for that. They helped bring together a number of individuals in more of a panel discussion to talk about economic development in Dover and what the future holds in a number of topic areas. They will certainly be sharing that information with the Commission. You are going to be hearing a lot about the Comprehensive Plan as we move forward in the upcoming months.

Evaluation of 2008 Goals and Recommendations

Mr. Hugg stated that they really do want the Commission's input. They are approaching the 2019 Comprehensive Plan as kind of a report card and progress document as opposed to rewriting the thing as if it didn't exist. There is a lot of really good information in the *2008 Comprehensive Plan*. There are a lot of good recommendations: some of which were implemented and some of

which were not. They want to understand better which of those are still relevant and what priorities should be assigned to each of them so that they know where to focus our efforts. If you have done your homework, thank you very much. If you need help, call Mrs. Melson-Williams.

Mrs. Melson-Williams stated that they had mentioned the Ethics Training sessions. This is a reminder that each Commissioner needs to be signed up for attending one of those sessions. The first session actually starts on Wednesday of this week. There are a series of dates running through May and into June. As of earlier today, there are still four Commissioners that need to sign up for Ethics Training. The training is required of all City staff and elected and appointed officials.

Meeting adjourned at 8:26 PM.

Sincerely,

**Kristen Mullaney
Secretary**