

**CITY OF DOVER PLANNING COMMISSION
SEPTEMBER 17, 2018**

The Regular Meeting of the City of Dover Planning Commission was held on Monday, September 17, 2018 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, Mrs. Tracey Harvey and Mrs. Kristen Mullaney.

APPROVAL OF AGENDA

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

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF AUGUST 20, 2018

Mr. Holt moved to approve the Planning Commission Meeting minutes of August 20, 2018, seconded by Ms. Edwards and the motion was unanimously carried 8-0 with Dr. Jones absent.

COMMUNICATIONS & REPORTS

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Monday, October 15, 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 August 27 & 28, 2018 and September 10 & 11, 2018.

Mr. Hugg stated that they will talk a little more later about the continued work on the *Comprehensive Plan*. There is always a number of development and construction projects underway. Fortunately, at the time, they are fully Staffed although a number of Staff have taken to having colds and are not of the best health.

Mr. Hugg stated that there is an APA Delaware 2018 Regional Conference which is titled “Planning 360 Economy, Environment and Health” and is to be held October 24, 2018 at Atlantic Sands Hotel in Rehoboth Beach, DE.

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:
 - a. S-16-18 Loockerman Way Redevelopment Master Plan: Two Mixed Use Buildings at 126 West Loockerman Street – Request for a one-year extension of the Planning Commission approval granted on September 19, 2016 of a Site Development Master

Plan, Active Recreation Area Plan, and Architectural Review Certification to permit in two phases the construction of retail and restaurant space and a total of twenty (20) apartment units in two mixed use buildings on the existing site known as Loockerman Way. Phase 1 is to consist of the three story 24,960 S.F. west building (5,860 S.F. +/- retail and eight (8) apartment units) while Phase 2 is to consist of the four story 29,272 S.F. east building (6,913 S.F. +/- retail and twelve (12) apartment units). Reconfiguration of the existing plaza on site and construction of additional parking are also proposed. The property consists of 1.14 acres and is located on the south side of West Loockerman Street between South Governors Avenue and South State Street. The property is zoned C-2 (Central Commercial Zone) and is subject to the H (Historic District zone). The owner of record is the Downtown Dover Partnership and the equitable owner is Loockerman Plaza, LLC. Property Address: 126 West Loockerman Street. Tax Parcel: ED-05-077.09-04-06.00-000. Council Districts 4.

Representatives: None

Mrs. Melson-Williams stated that this is a request for the extension of the Planning Commission approval. They received a letter dated August 20, 2018 in regards to the Site Plan S-16-18 for Loockerman Way Redevelopment Master Plan. The Planning Commission actually saw this application back in September 2016 and granted approval conditional approval of the Master Plan at that time. The Planning Commission initial approval is good for two years and since we are coming up on the end of that two years, the applicant is seeking a one-year extension of their plan approval which the Code does allow them to seek. Their letter notes that they have been trying to work with the current property owner of the property on a number of items and appear to be moving forward with that part of the process to acquire the property. Then they will be working on the approval process to ultimately achieve Final Site Plan approval. With that, they are asking for a one-year extension.

Mrs. Welsh moved to approve a one-year extension for S-16-18 Loockerman Way Redevelopment Master Plan: Two Mixed Use Buildings at 126 West Loockerman Street, seconded by Ms. Maucher and the motion was carried 8-0 with Dr. Jones absent.

- b. S-16-19 Schutte Park Public Works Yard – Request for a one-year extension of the Planning Commission approval granted on September 19, 2016 of a Site Development Plan to permit construction of a maintenance building, a greenhouse, a salt barn, two truck wash stations, material storage, and other improvements at the City Department of Public Works Yard in Schutte Park. The total area of proposed new buildings is 7,855 S.F. The property consists of 104.33 acres and the project area consists of approximately 15.61 acres. The project site is located at the end of Electric Avenue inside Schutte Park. The property is zoned ROS (Recreational and Open Space Zone) and is subject to the SWPOZ-3 (Source Water Protection Overlay Zone- Tier 3 Excellent Recharge Area). The owner of record is the City of Dover. Property Address: 10 Electric Avenue. Tax Parcel: ED-05-076.00-01-06.00-000. Council District 2.

Representatives: None

Mrs. Melson-Williams stated that this is an application that the Planning Commission heard in September 2016 for the Schutte Park Public Works Yard. They are in receipt of a letter of request dated September 7, 2018 that was provided to the Planning Commission. The City’s Public Works Department is the applicant in regards to this application. Their plan is about to expire and they are seeking a one year extension. They do note that they have had some adjustments in the scope of the project and the extent of the project location at the Schutte Park facility. They did provide to the Planning Office their initial Revised Plan. They do note that the calculations of parking and tree planting will have to be adjusted because of the smaller scope of project site and area. Planning Staff is comfortable that those items can be reviewed during their Check Print review process of the Site Plan and if there is any necessity to return to the Planning Commission on those items, they can do that. It appears that their impacted development area is significantly reduced and likewise, the proposed buildings at the location will change as well.

Mr. Holt moved to approve a one-year extension for S-16-19 Schutte Park Public Works Yard, seconded by Mrs. Welsh and the motion was carried 8-0 with Dr. Jones absent.

NEW APPLICATIONS

- 1) Z-18-01 Lands of the Clyde Corporation at 127, 129, 133 and 135 Roosevelt Avenue – Public Hearing and Review for Recommendation to City Council for rezoning of three parcels of land (133 and 135 Roosevelt Avenue share one parcel) totaling 0.83 +/- acres located on the north side of Roosevelt Avenue east of South DuPont Highway. The property area is zoned R-8 (One-Family Residence Zone). The proposed zoning is RG-2 (General Residence Zone). The owner of record is The Clyde Corporation. Property Addresses: 127, 129, 133 and 135 Roosevelt Avenue. Tax Parcels: ED-05-077.18-02-71.00-000, ED-05-077.18-02-72.00-000, and ED-05-077.18-02-73.00-000. Council District 2. Ordinance #2018-08. *For this zoning map amendment, the First Reading was completed on August 27, 2018 and Final Reading/Public Hearing is scheduled for October 8, 2018 before City Council.*

Representatives: Mr. David Miller, Miller Investments LLC

Mrs. Melson-Williams stated that this is a request for rezoning. It is a series of three parcels of land. It actually has four addresses: 127, 129, 133 and 135 Roosevelt Avenue. Those correspond with the existing buildings that are on these three properties. Currently, there are two single family detached dwellings and then two buildings that consist of multiple apartment units. Currently, the property is zoned R-8 (One-Family Residence Zone) and the request is for rezoning to RG-2 (General Residence Zone). Their request for rezoning is to necessitate a zoning classification that would allow for apartment uses for the future redevelopment of the land area for a garden apartment building. Any future redevelopment would be subject to its own separate review and application process. With any rezoning, they also look to their *Comprehensive Plan* for the City. Specifically, the Land Development Plan Map for this property area recommends that it be used for Residential Medium Density as a land use classification. There are a series of zoning districts that fit that requirement and RG-2 (General Residence Zone) is one of them. Some of the types of uses that are allowed in that zone do include the uses permitted in the R-8 (One-Family Residence Zone). So things like single family detached houses would continue to

be allowed in the zone as well as garden apartments. Through the Conditional Use process in the RG-2 (General Residence Zone), there are a number of residential activities that could occur: townhouses, duplexes and multiple dwelling type units. With this, the Planning Commission is making a recommendation on the rezoning only. Any future development as noted would be subject to other applications. This did go through the Development Advisory Committee process. At this point, most of the reviewing agencies have no objection to rezoning. A number of them provided some advisory comments about future redevelopment of the site and how they may need to be working with those individual agencies.

Mr. Miller stated that his objective here is to obviously beautify the neighborhood. It's an old 1925 structure currently on the property so they are looking to build a new residential apartment complex to service the community for their needs.

Mr. Tolbert opened a public hearing.

Mr. Mark Newman – 124 & 126 Roosevelt Avenue Dover, DE 19901

Mr. Newman stated that he doesn't know what is coming for these properties. Roosevelt Avenue is a dead-end street with one way in and one way out. On that street, there is the Shore Car Wash, Hertrich Dealership, a day care center, the Kent County Theater Guild and two trailer parks. At the end of the road, there is an eighty-unit apartment complex. As you can see, on this short road they have a lot going on and he doesn't know how much more the street can support. His major concern is what exactly the plans are and how it's going to impact the street. There is on-street parking. Shore Car Wash backs up onto Roosevelt Avenue. He is just concerned about how many more units; will it be ten, thirty or forty more units? At some point the street is going to reach the maximum number.

Mr. Tolbert questioned if Mr. Newman was speaking for all of the residents in the area? Responding to Mr. Tolbert, Mr. Newman stated that he is speaking for himself; he doesn't know what other people feel.

Mr. Tolbert questioned if Mr. Newman had spoken to DelDOT? Responding to Mr. Tolbert, Mr. Newman stated that he hasn't spoken to anyone; he received a letter and showed up here. He intends to do whatever he can do.

Mr. Tolbert stated that for traffic problems he would suggest that Mr. Newman speaks to DelDOT. Responding to Mr. Tolbert, Mr. Newman stated that this is just everyday living. If you have eighty units at a dead-end street with one way in and one way out, that is a lot of cars. You have constant traffic. It is an everyday traffic problem. There is absolutely nothing that they can do. His concern is what is the future of this street.

Mr. Tolbert closed the public hearing.

Ms. Edwards questioned if Mr. Miller has an answer to Mr. Newman's question in reference to what the plans are for the complex? Responding to Ms. Edwards, Mr. Miller stated that at this point they have been working with the City to determine the number of units that they would actually allow on the property. All of their plans that they would be able to get approved would

obviously have to conform to those guidelines. He believes that they require two parking spaces per unit. His attempt is to try to get all of those parking spaces to be covered on the site so that there is no additional off-street parking.

Ms. Maucher asked Planning Staff what the maximum potential of this property is? Responding to Ms. Maucher, Mrs. Melson-Williams stated that trying to figure that out is always tricky because it is a balancing act between the number of units for an apartment complex which then translates to the size of building. There are some limitations on the number of stories. Parking is at a rate per unit and really, it ends up at 2.25 parking spaces per dwelling unit because there is also an accommodation for visitor space that would have to be accommodated on-site. Also, there are setbacks from property lines and other requirements for dealing with stormwater management. There are a number of things that go into the decision of how many units you could design for the site. With the RG-2 (General Residence Zone) zoning district for an apartment complex, there are requirements of minimum lot area per dwelling unit. For RG-2 (General Residence Zone), that would be 1,700 SF of lot area per dwelling unit, so the overall size of the property does set a threshold there but then its balancing all of the design requirements that also comes into play. You may not be able to achieve that full lot area per dwelling unit calculation. The RG-2 (General Residence Zone) would be limited to three stories, forty-five feet and there is also a lot coverage maximum too. In trying to accommodate the building and parking on the site, you are limited that way as well. There are a number of variables that go into potentially how many dwelling units. The concepts that Staff has seen and these are all subject to future application should the property be rezoned, they are looking at somewhere potentially in the 20-24 unit range. We are talking about a site that is less than an acre in size.

Mr. Holden stated that the specific task in front of the Commission is a Rezoning and not a Site Plan. Some of Mr. Newman's concerns may be better addressed when we have a Site Plan in front of us that we could speak to the actual impact. The other challenge is our ability to weigh the rights of individual property owners to do what others have been allowed to do on their property; so, we have to find some balance there. He has been up and down the street and he does acknowledge that there is a stop light there at the highway so there are some benefits that other streets don't have. The way to address that is both at a Site Plan Planning Commission Hearing and talking to DelDOT about expressing the concerns to the City about specific traffic concerns, if it's speeding or parking or other. Those are certainly valid concerns to try to address. There is a lot that we try to balance so if those things are important to you and you have those concerns to certainly explore those opportunities. They at times do find beneficial solutions to help resident concerns.

Mr. Holden moved to recommend approval to City Council for Z-18-01 Lands of the Clyde Corporation at 127, 129, 133 and 135 Roosevelt Avenue (for rezoning to RG-2) due to its compliance with the Comprehensive Plan and its similar growth opportunities to near properties, seconded by Mr. Holt and the motion was carried 8-0 by roll call vote with Dr. Jones absent. Mr. Holden voting yes; due to previous comments and Staff recommendation. Mr. Roach voting yes; for Staff comments in regards to this petition. Ms. Edwards voting yes; based on Staff recommendation and previously stated remarks. Mr. Holt voting yes; based on Staff recommendations. Mr. Baldwin voting yes. Mrs. Welsh voting yes. Ms. Maucher voting yes; it's consistent with the Comprehensive Plan. Mr. Tolbert voting yes; this motion is limited to a

petition to amend a zoning district and nothing more.

- 2) AX-18-02 Lands of Steven E. Andrew at 179 Mifflin Road – Public Hearing and Review for Recommendation to City Council on an Annexation Request and Rezoning Request for a parcel of land totaling 1.37 acres +/- located at 179 Mifflin Road. The property is currently zoned RS-1 (Single Family Residential Zone) in Kent County. The proposed zoning is R-8 (One-Family Residence Zone). The property is located on the east side of Mifflin Road and south of but not adjacent to Woodmill Drive. The annexation category according to Dover's 2008 *Comprehensive Plan* is Category 1: High Priority Annexation Areas and the land use designation is Low Density Residential. The owner of Steven E. Andrew. Property Address: 179 Mifflin Road. Tax Parcel: ED-00-076.10-01-32.00-000. Proposed Council District 1. Ordinance #2018-09. *For this Annexation request, the First Reading was completed on August 27, 2018 and Final Reading/Public Hearing is scheduled for October 8, 2018 before City Council.*

Representatives: None

Mrs. Melson-Williams stated that Planning Staff was alerted that Mr. Andrew is on a work assignment in Massachusetts. She has a contact number should we need to contact him for a particular question. She also has a statement to read into the record that he provided.

Mrs. Melson-Williams stated that this is an annexation and rezoning request for the property at 179 Mifflin Road. The property is 1.37 acres in size. It is currently part of Kent County and has a zoning classification of RS-1 (Single Family Residential Zone). They are seeking annexation into the City of Dover and with that a zoning district of R-8 (One-Family Residence Zone). With annexations, they are also looking at what the *Comprehensive Plan* says. In this regard, this property area is identified on the Potential Annexations Area Map of the *Comprehensive Plan* as a Category 1 High Priority Annexation Area which are areas that are mostly surrounded by the City. This is the only property on the east side of Mifflin Road in this block that is not currently in the City. They also look to the *Comprehensive Plan* Land Development Plan Map for information about potential land use for the property. On that map, we find that in this case it is proposed for Low Density Residential land use classification and the R-8 (One-Family Residence Zone) that this property has requested fits that. The main use in the R-8 (One-Family Residence Zone) is a one family detached dwelling. This property actually does contain such a unit already. The parcel that is closest to Mifflin Road is where the house is located and that is the property that is not in the City. To the rear is also another parcel of land owned by the same owner which includes a garage facility and that property is already in the City. Planning Staff is recommending annexation of the property and rezoning to the R-8 (One-Family Residence Zone). The DAC member agencies provided comments, having no objections to the proposed annexation. Some of them provided some guidance about once within the City about service provisions and making sure your house has it's address numbers on it and the like.

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

Mrs. Melson-Williams stated that she wanted to read into the record, the statement that was

received from Mr. Andrew since he was unable to attend this evening’s meeting. A copy was provided to the Commission.

The letter states: “Dear Commission Members, I Steven E. Andrew submit this Annexation and Rezoning request AX-18-02 for my parcel of land totaling 1.3 acres at 179 Mifflin Road Dover, DE. The property is currently zoned RS-1 (Single Family Residential Zone) in Kent County and the requested future zoning is R-8 (One-Family Residence Zone) to coincide with the surrounding properties. The property is located on the east side of Mifflin Road and south of but not adjacent to Woodmill Drive. The annexation category according to the Dover’s 2008 *Comprehensive Plan* is Category 1: High Priority Annexation Areas and the land use designation is Low Density Residential. Once annexed, this parcel which contains my residence, pool area and garden shed will match the zoning of my rear property which is currently zoned R-8 (One Family Residence Zone) and is located in the City limits. This annexation will also alleviate the confusion with Police support and waste removal as with the current zoning. I have read the draft DAC Report dated August 29, 2018 along with the application review commentary dated September 5, 2018 and agree. Thank you for your time and consideration of this request.”

Mrs. Welsh moved to recommend approval to City Council for AX-18-02 Lands of Steven E. Andrew at 179 Mifflin Road to change the zoning from RS-1 (Single Family Residential Zone) to R-8 (One-Family Residence Zone), seconded by Mr. Holt.

Mr. Holden questioned if they needed to recommend both annexation and rezoning? Responding to Mr. Holden, Mrs. Melson-Williams stated that they can certainly recommend both. It’s an annexation and rezoning request so you can reference both.

Mrs. Welsh moved to recommend approval to City Council for AX-18-02 Lands of Steven E. Andrew at 179 Mifflin Road for annexation into the City and to change the zoning from RS-1 (Single Family Residential Zone) to R-8 (One-Family Residence Zone), seconded by Mr. Holt and the motion was carried 8-0 by roll call vote with Dr. Jones absent. Mr. Holden voting yes; due to Staff comments and compliance with the Comprehensive Plan. Mr. Roach voting yes. Ms. Edwards voting yes; for reasons previously stated and it makes sense that both properties of his will be zoned the same. Mr. Holt voting yes; due to Staff recommendations and the Comprehensive Plan. Mr. Baldwin voting yes; based on Staff’s recommendation and that it’s a good fit. Mrs. Welsh voting yes; for reasons stated in the motion. Mrs. Maucher voting yes; for reasons previously stated. Mr. Tolbert voting yes; it makes sense and will make things a lot easier for the authorities in Dover.

- 3) C-18-04 Little Kids Swagg Learning Center LLC at 631 Ridgley Street: Child Day Care Center – Public Hearing and Review of Conditional Use Application to permit conversion of 7,800 SF an existing one-story building into a Child Day Care Center to serve 100 children. The subject site contains one large warehouse-like facility; and the Child Day Care Center is proposed to occupy only a part of the structure. The property consists of a 28.5-acre parcel and is located on the north end of Ridgley Street, immediately west of the railroad tracks. The property is zoned IPM (Industrial Park Manufacturing Zone). The owner of record is Clara Ridgley Properties, LLC and the applicant (lessee) is Shakiah Davis. Location Address: 631 Ridgley Street #5. Tax Parcel: ED-05-076.08-01-01.00-000. Council District 4.

Representatives: Ms. Shakiah Davis

Mrs. Harvey stated that the Conditional Use Plan is to permit the conversion of an existing vacant 7,800 SF one-story building into a Child Day Care Center. The development area is estimated at 27,900 SF located on the north end of Ridgely Street, west of the railroad tracks and on the east end of Clara Street Ext. The existing parcel includes a large warehouse/office building. The applicant is proposing a Child Day Care Center that will serve up to 100 children that would include a 783 SF playground area in the interior of the building at the rear of the tenant space. It is not an outdoor play area. The property is zoned IPM (Industrial Park Manufacturing Zone). The property address is 631 Ridgely Street. The owner of record is Clara Ridgely Properties and the applicant (lessee) is Shakiah Davis.

Child Day Care Centers require one parking space for every ten children and one parking space for every adult attendant. The required number of adult attendants and children must be confirmed by Child Care Licensing before the number of parking spaces can be determined; however, the applicant identified eleven existing parking spaces on the plan. The existing parking lot does not include curbing and Planning Staff will not require the installation of upright curbing due to the proposed concrete parking bumpers to be installed at the head of each parking space. Sidewalks exist along the properties street frontage of Clara Street. Onsite in the vicinity of a tenant space is a sidewalk with connecting steps leading to the Child Day Care Center. The applicant is not proposing any exterior improvements or additions to the existing building. A total of ten trees are required to be planted per the Landscaping Plan with four existing trees in the general area of the proposed use. Additional tree plantings are required.

Ms. Davis stated that she is the current owner of the Little Kids Swagg Learning Center in Smyrna, DE. She doesn't disagree with anything. The main goal for Little Kids Swagg Learning Center is to come into the neighborhood so that they can offer valuable services to low income families and to also offer extended hours. Their current center stays open until 8PM and they also offer services on Saturdays. They will be doing the exact same thing at this location. Hopefully they can service the people who work at Kraft and Playtex so that they will be able to help with their children by having extended hours.

Mr. Tolbert questioned if Ms. Davis would cooperate with Staff regarding this application? Responding to Mr. Tolbert, Ms. Davis stated yes.

Mr. Tolbert questioned if Ms. Davis had any other centers like this or if this was the first one? Responding to Mr. Tolbert, Ms. Davis stated that this would be her second center. The first center is located in Smyrna, DE. They have been open for 3 years now and she also has background in it which is what made her branch out on her own.

Mr. Tolbert questioned if Ms. Davis had all of the licensing that is required? Responding to Mr. Tolbert, Ms. Davis stated yes and the education.

Ms. Edwards stated that she had the opportunity today to take a ride out to the site and she is a bit concerned that it is a warehouse area with loading docks on each side of the day care. Do you

know what is coming in and out of that building? The concern would be for the safety of walking across that area where the big tractor trailers would be going to a loading dock. Can you shed some more information on that? Responding to Ms. Edwards, Ms. Davis stated that currently you have the POD establishment that is right next door. They don't manufacture anything there, they are only boxing. They are boxing filing cabinets which goes into the tractor trailers to be taken to the stores so there are no chemicals or anything going on at that facility at that location. They are only boxing it up and shipping it off. As far as safety, they have the area where people are able to park. The front of the building comes out into the street. It will be repainted but there is a section for pedestrian crossing. You also have stop signs before you turn in which is on both sides of the door.

Ms. Edwards questioned if any trucks that are entering into the area will know through signage that they are to stop or slow down and that there is a pedestrian crossing area? Responding to Ms. Edwards, Ms. Davis said yes.

Mr. Holden stated that the applicant mentioned the packaging of pods that are being shipped out. Are there other activities there in the large building that are occurring now? Responding to Mr. Holden, Ms. Davis stated that it is Pods and filing cabinets. Around the bend, there is another school there, KCAP.

Mr. Holt questioned if there is going to be appropriate staff outside? Ms. Davis mentioned that the hours would coincide with the plant's hours. There is a lot of traffic coming in and out and it seems like she may need some personnel outside to make sure that safety is good for the children and no one gets run over by trucks moving back and forth. There needs to be some sort of street guard depending on the traffic. Responding to Mr. Holt, Ms. Davis stated that it is not like the traffic is on Route 13. There is not that kind of traffic going on back there. She has visited the property plenty of times before she put the application in just to make sure that it is safe enough for not only the children but for herself to be back there. They will be open until 8PM. She spoke to one of the workers at the plant and they have two shifts so they will service that first shift until the second shift.

Ms. Edwards questioned if Ms. Davis would be working closely with staff and implementing all of the recommendations that are made? Responding to Ms. Edwards, Ms. Davis stated yes, no one will run your business like you will. She is very hands on.

Ms. Maucher stated that there seems to be a question about the parking. That there needs to be a one spot per ten children and there is only eleven parking spaces there. With one hundred children you will have to have more parking spaces. Responding to Ms. Maucher, Ms. Davis stated that the whole section will cover nineteen spots in its entirety. On the original plan she showed eleven parking spaces with one handicapped space which would make it twelve spaces. There is additional parking that can be utilized along that strip but it needs to be outlined on the plan which is one of the requirements that she does agree to that will be done.

Mr. Roach questioned what previously occupied this space? Responding to Mr. Roach, Ms. Davis stated that it used to be the Escape Room. Before the Escape Room, KCAP was in that building and they moved out.

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

Ms. Edwards moved to approve C-18-04 Little Kids Swagg Learning Center LLC at 631 Ridgely Street: Child Day Care Center, seconded by Mr. Holden and the motion was carried 8-0 by roll call vote with Dr. Jones absent. Mr. Holden voting yes; we certainly need child care services within the City and it's located in an area that has several education facilities and it seems to be in keeping with the character, it's not going to be harmful and they heard no near resident complaints. Mr. Roach voting yes; he is familiar with the area and has been in the Escape Room and he thinks that it would be a really good fit to actually have it improved to serve children and to increase the "swag" of the kids in Dover. Mr. Edwards voting yes; for the reasons previously stated. Mr. Holt voting yes; he thinks that it would be a good fit for the area. Mr. Baldwin voting yes; day cares are certainly needed in this area. Mrs. Welsh voting yes; she agrees with all of the comments previously stated. Ms. Maucher voting yes; for the reasons previously stated. Mr. Tolbert voting yes; the applicant has expressed her willingness to work collaboratively with Staff should that need arise and they also have ample experience in the field of day care and preschool work. The experience and the program is well needed so thank you for bringing it to Dover.

- 4) SB-18-03: Lands of Larlham Construction LLC at 35 & 39 North New Street – Public Hearing and Review of a Site Plan and Minor Subdivision Plan for two (2) parcels of land totaling 9,822 SF (0.22 acres) located at 35 & 39 North New Street. The applicant proposes to re-subdivide the land into three (3) parcels of 5,174 SF, 1,650 SF, and 2,988 SF. The applicant also proposes to build a townhouse unit on each new parcel and construct associated site improvements. The property is zoned RG-3 (Group Housing Zone). The property is located at the southeast corner of North New Street and Fulton Street. The owner of record is Larlham Construction, LLC. Property Addresses: 35 & 39 North New Street. Tax Parcels: ED-05-076.08-05-39.00-000 and ED-05-076.08-05-40.00-000. Council District 4. *Waiver Request: Elimination of Rear Emergency Access Requirement. This application is the subject of Variance V-18-01, approved by the Board of Adjustment on March 21, 2018. The variance permits the applicant to go below the minimum lot size in the RG-3 zone for the 1,650 SF parcel and the minimum lot depth in the RG-3 zone for all three parcels.*

Representatives: Mr. Dan Larlham, Larlham Construction; Mr. Nik Patel, Elliott Surveying

Mr. Swierczek stated that this application is a review of a Minor Subdivision Plan and Site Plan to permit two parcels of land totaling 0.22 acres located at 35 and 39 North New Street to be re-subdivided into three new lots re-orienting them away from the North New Street frontage and instead having a Fulton Street frontage. The applicant also proposes one new townhouse unit to be built on each of the three new parcels with associated site improvements. The properties are zoned RG-3 (Group Housing Zone) and the townhouses are a permitted use in this zone. These properties previously went to the Board of Adjustment as Application V-18-01 which was reviewed on March 21, 2018 by the Board of Adjustment. The applicants had requested two variances from the *Zoning Ordinance* for the requirements of the minimum lot size in the RG-3 (Group Housing Zone) as well as minimum lot depth. The applicants were requesting that the minimum lot size of the new Lot 2 to be 1,650 SF instead of the required minimum of 1,800 SF and that the minimum lot depth for all three lots be 91.6 feet instead of the required minimum of

100 feet. The Board of Adjustment has reviewed and approved those requests. The proposed plan shows a sidewalk access from the existing sidewalk along Fulton Street frontage to the north to each of the three townhouse units. There is also one vehicular point of access from an unnamed alley to the east that is twelve feet wide. This access is for the parking lot that contains one parking space for each townhouse unit and there is no parking provided on the other lots. Because the parking spaces for all three units are to be located on Lot 1, Staff recommends both a parking easement and an access easement to be put in place to ensure access between the parking lot and all three townhouse units. Staff has further recommended a connecting sidewalk from the parking area north to the sidewalk along the Fulton Street frontage. The applicant will also need to identify the location of storage areas for trash and recycling cans for the townhouse units. The applicant is also submitting a waiver request for the elimination of the emergency rear access requirements.

Mr. Larlham stated that he agrees with everything that Mr. Swierczek said, and he is going to work cooperatively with the City throughout this project.

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

Mr. Holden stated that Staff had a number of different recommendations: an easement to allow property owners on Lots 2 and 3 to the parking lot on Lot 1 and a sidewalk to allow access. Is the applicant okay with those actions? Responding to Mr. Holden, Mr. Larlham stated yes.

Mr. Holden questioned if Staff got any commentary from the Fire Marshal on the waiver request regarding the emergency rear access? Responding to Mr. Holden, Mrs. Melson-Williams stated that the Fire Marshal's comments were part of the Report. They do talk specifically about townhouses. They are recommending a meeting of the applicant with the Fire Marshal and Chief Building Inspector. There are several alternatives that they could explore for the property for fire protection other than just the rear emergency access. Specifically, the Fire Marshal suggests a sprinkler system which they have seen in townhouse units before and also, the series of non-combustible siding. The Building Code is going to have fire walls between units but there are some additional measures that could be approached. A sprinkler system obviously has some other implications about water service coming to the properties and things like that, but they did not seem opposed to looking at alternatives. With that waiver request for the elimination of rear emergency access, the Planning Commission makes a recommendation and that recommendation has to be forwarded to City Council for their review. It moves up through the Safety Advisory and Transportation Committee and then ultimately to City Council.

Mr. Roach questioned if the applicant had an idea of who he planned on servicing with these townhouses in the area because he knows that Wesley College is in the area and there are a lot of low-income families in the area? Responding to Mr. Roach, Mr. Patel stated that it was primarily in hopes to make it feasible for the students and that is the reason that they went with a townhouse concept. Regarding the waiver request, they have had preliminary conversations with the Fire Marshal's Office and currently they are working with the architect to design the sprinkler system that they would be proposing in the townhomes to accommodate that waiver request.

Mr. Holden moved to recommend approval to City Council for SB-18-03: Lands of Larlham Construction LLC at 35 & 39 North New Street and to also approve the waiver request with the understanding that the applicant will satisfy the Fire Marshal's concerns and that the waiver makes its way through the process that Mrs. Melson-Williams defined, seconded by Mrs. Welsh and the motion was carried 8-0 by roll call vote with Dr. Jones absent. Mr. Holden voting yes; due to Staff comments, due to the need for affordable housing in the area and due to the applicant's willingness to work with Staff and the Fire Marshal. Mr. Roach voting yes; due to the fact that it is providing more housing for Wesley College students and working collaboratively with the Fire Marshal in regards to the rear access. Ms. Edwards voting yes; based on the reasons previously stated. Mr. Holt voting yes; based on the reasons previously stated. Mr. Baldwin voting yes; for the reasons previously stated. Mrs. Welsh voting yes; for the reasons previously stated and there are quite a few new residences going up there and she thinks that this will be a welcomed addition and much more in keeping with the new properties in the area. Ms. Maucher voting yes; for reasons previously stated. Mr. Tolbert voting yes; the housing in that area is certainly needed and we can appreciate the work that will be done there.

- 5) SB-18-04 Minor Subdivision Plan Bay Road Office Park at 550 Bay Road – Public Hearing and Review of a Minor Subdivision Plan for two (2) parcels of land totaling 6.46 acres located at 550 Bay Road. The applicant proposes to combine the current Lots 1 and 2 into one single parcel, while subdividing the sections of Lot 1 currently planned to contain the two smaller office buildings into their own lots as the new Lot 2 and Lot 3. The new Lot 1 would be 4.16 +/- acres, Lot 2 would be 1.20 +/- acres, and Lot 3 would be 1.10 +/- acres. The site is the subject of Site Development Master Plan Application S-17-19 conditionally approved by the Planning Commission on July 17, 2017; Phase 1 of an Office Building located on Lot 1 is under construction per Administrative Site Plan S-17-30. The property is 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 Addresses: 550 Bay Road and 540 and 544 Bay Road (The parcel to the rear of the site is located at the end of Cowgill Street and is not addressed.) Tax Parcels: ED-05-077.00-01-10.01-000 and ED-05-077.00-01-11.00-000. Council District 2. *This application is also the subject of variance V-18-04, approved by the Board of Adjustment at their July 18, 2018 meeting. This variance permits the widths of the proposed Lots 2 and 3 to be less than the minimum required in the C-4 zone.*

Representatives: Mr. Alex Schmidt

Mr. Swierczek stated that this is an application to review a Minor Subdivision Plan for two parcels of land totaling 6.46 acres located at 550 Bay Road. The applicant proposes to combine the current Lots 1 and 2 into one single parcel while subdividing the sections of Lot 1 currently planned to contain two smaller office buildings into their own lots as the new Lot 2 and Lot 3. This property has previously come to the Planning Commission for review as Site Development Master Plan S-17-19 Bay Road Office Park at the July 17, 2017 meeting. Phase I of the office building located on Lot 1 is under construction per Administrative Site Plan S-17-30. The property is zoned C-4 (Highway Commercial Zone). The site was also subject to a Variance application V-18-04 which went to the Board of Adjustment on July 18, 2018 and received

approval. This application went asking for an area variance of the lot widths because the current owner, Century Engineering wished to maintain ownership of the central road off of Bay Road while being able to have the option to sell on the two newly created parcels to other developers if they choose. This variance allowed the newly proposed lots to have less than the required minimum of 150 feet in lot width. Another Variance application V-17-12 went before the Board of Adjustment on July 19, 2017 and received approval. This application was to increase the allowable parking on-site for Phase I of the project from eighty-four parking spaces to one hundred nineteen parking spaces. This location's Site Development Master Plan already went through the review process. The main issue for the Planning Staff was to ensure access for the three new proposed lots. The plan notes an existing thirty foot wide cross access easement for future development along the main access drive off of Bay Road and to the west to the parking lot for the building on Lot 1. The applicant also proposed a twenty-four foot wide cross access easement for Martin Road, across Lot 3 to the main access drive of Lot 1. The plan also notes a maintenance access easement established to benefit the new Lots 2 and 3 for the purpose of performing maintenance and for stormwater facilities, stormwater conveyance and utilities. This easement connects the proposed Lots 2 and 3 directly to Lot 1 to the stormwater management area. Staff further recommends a parking easement to be put in place to ensure access between Lots 2 and 3 to the parking lot of Lot 1. This is in order to comply with the parking requirements for the Development Master Plan S-17-19.

Mr. Schmidt stated that they agree with the overview as stated and they intend to work proactively with Staff to address all of the comments that they have and that would include placement of an easement to allow shared parking between the three lots in place. They have also submitted the Subdivision Plan to the Kent Conservation District and to DelDOT so they are actively pursuing all of the additional agencies that they need approval from. The original intent of this plan was to lease on the front two pad sites; however, they have had several interested parties and all of those parties have express that they their preference would be to own the lot not to lease.

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

Mr. Holt moved to approve SB-18-04 Minor Subdivision Plan Bay Road Office Park at 550 Bay Road, seconded by Mrs. Welsh and the motion was carried 8-0 by roll call vote with Dr. Jones absent. Mr. Holden voting yes; due to Staff comments and the applicant's willingness to work with Staff requests. Mr. Roach voting yes. Ms. Edwards voting yes; based on the applicant's willingness to work with Staff and you certainly can't sell property if it's not subdivided. Mr. Holt voting yes; due to Staff comments and the owner's willingness to work with Staff. Mr. Baldwin voting yes. Mrs. Welsh voting yes. Ms. Maucher voting yes; for reasons previously stated. Mr. Tolbert voting yes; there is no reason for concern regarding what the applicant wishes to do at this site.

NEW BUSINESS

- 1) 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 Planning Staff was able to contact Ms. Sarah Keiffer who is the current Director of Planning Services for Kent County and Dr. RJ Chandler who is a faculty member of the Architecture Department at Delaware Technical and Community College. Both individuals agreed to continue their service on the Architectural Review Oversight Subcommittee. If the Planning Commission will accept their designations, then you will have a full complement of people for the Architectural Review Oversight Subcommittee. We don't have alternates at this point to bring to the Commission on the side of design professionals.

Mr. Tolbert questioned if there was a Mayor's Designee? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that the Mayor can serve or he can designate someone.

Mr. Tolbert questioned if there was anyone in mind for the alternates at this time? Responding to Mr. Tolbert, Mrs. Melson-William stated that Staff did not work on any kind of suggestions for design professionals to join that group.

Mrs. Welsh moved to accept Ms. Sarah Keiffer and Dr. RJ Chandler as the two design professionals on the Architectural Review Oversight Subcommittee, seconded by Ms. Edwards and the motion was unanimously carried with Dr. Jones absent.

- 2) Project for Dover's 2019 Comprehensive Plan
 - a. Update on Project Activities
 - i. Update on Survey and Data Collection
 - ii. Report on Open House Event
 - b. Review of Preliminary Goals
 - c. Review of Preliminary DRAFT Land Development Plan Map Series

Mrs. Melson-Williams stated that the most significant activity that happened since the Commission's last meeting was the Open House Event that was held on August 23, 2018 at the Dover Public Library from 3-7PM. They did see several of the Planning Commissioners there as well as Historic District Commission members, a couple City Council members, as well as members of the public and other interested people. She thinks that the sign-in sheet reflected sixty-five people that actually signed in but they are sure that there are probably some people who did not sign in. During that Open House Event, there were a number of activities that people could participate in. They had a series of boards of focus areas for six key areas in the City that they asked people to leave a post-it note with their ideas or concerns for those areas. They also presented what was the Preliminary Draft of the Land Development Plan Maps. During the event, they did have two points where there did a presentation. During the presentation, they talked about what the *Comprehensive Plan* was and what the process was and then also reported on some of the results of the questionnaire/online survey that they conducted in June and July. If you are interested in the Power Point, the presentations have been posted to the City's website on the Comprehensive Plan Page. They also have posted the Preliminary Goals and the Preliminary Drafts of the Land Development Plan Map Series which is a series of four maps that cover the City. It was a very exciting event and Staff was well pleased. They received a lot of comments from that activity that they are tasked with sorting through. Staff has been continuing to meet with a number of different specific agencies. This afternoon they met with some people from

DNREC to talk about their subject areas that they are trying to address in the *Comprehensive Plan*. They have another meeting scheduled with DeIDOT later this week so that they can continue to do those data gatherings and fact findings in order to help their report writing of all the chapters. With that, they have taken an assessment of kind of where we are versus the February deadline. Mr. Hugg is going to talk about where we see ourselves and what they are doing about it.

Mr. Hugg stated that they have been working extensively since winter of last year with a lot of activities ongoing from the May until now time period. There have been a lot of meetings with stakeholders and open houses. They are actively engaged in the final data collection and preliminary writing to start putting together pieces of the *Comprehensive Plan*. It has occurred to them working backwards from a February deadline that they find themselves trying to get ready for what would be City Council, Council Committee of the Whole, Planning Commission, Historic District Commission as well as the State PLUS Process right in the middle of the holidays. They recognize that Council tends to not meet the second meeting in December and may not meet during the second meeting in November. You combine that with their desire to continue to high quality standards that have been set for the *Dover Comprehensive Plan* now for a couple of decades, they are going to be asking the Office of State Planning for an extension of their deadline. That is something that they and the Cabinet Committee on State Planning issues and typically they do grant when there are compelling reasons to do so. He thinks that they have a good case to demonstrate both their commitment to the planning process that they are engaged in and just the sheer difficulties that would prevail by trying to do a lot of this during the holidays. The extension request is an automatic six months. It is their intention to go to PLUS Review in December to have a first draft of the plan out before the holidays and to be meeting with the Planning Commission early next year for public review, comment and adoption. They are not going to use the maximum extension, but they simply want to get a little cushion for the difficulties that they see in scheduling.

Mr. Hugg stated that he would like to recognize Dr. Tony DePrima and some of his students in the audience. They are going to be meeting with them on the 27th as part of their outreach. They are going to be asking them and other college students what they like, don't like and how to get them more engaged in the City of Dover.

Meeting adjourned at 8:34 PM.

Sincerely,

Kristen Mullaney
Secretary