

CITY OF DOVER PLANNING COMMISSION
OCTOBER 15, 2018

The Regular Meeting of the City of Dover Planning Commission was held on Monday, October 15, 2018 at 7:00 PM in the City Hall Council Chambers with Chairman Mr. Tolbert presiding. Members present were Mr. Holden, Ms. Edwards, Mr. Holt, Mr. Baldwin, Dr. Jones, Ms. Maucher and Mr. Tolbert. Mr. Roach and Mrs. Welsh were absent.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Julian Swierczek, Mr. Jason Lyon and Mrs. Kristen Mullaney.

APPROVAL OF AGENDA

Mr. Holt moved to approve the agenda as submitted, seconded by Ms. Edwards and the motion was unanimously carried 7-0 with Mr. Roach and Mrs. Welsh absent.

**APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF
SEPTEMBER 17, 2018**

Ms. Edwards moved to approve the Planning Commission Meeting minutes of September 17, 2018, seconded by Ms. Maucher and the motion was unanimously carried 7-0 with Mr. Roach and Mrs. Welsh absent.

COMMUNICATIONS & REPORTS

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Monday, November 19, 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 September 24 & 25, 2018 and October 8 & 9, 2018.

Mrs. Melson-William stated that the City's Customer Service division is actually having a public outreach event where you go to pay your electric and water bill at 5 East Reed Street. They will be having a public outreach event regarding a variety of energy assistance programs. They will have a number of groups there explaining their programs and any help. If you know of someone who may qualify for the Low Income Home Energy Assistance programs or may be interested in a Weatherization Assistance program, be sure to tell them about the outreach event which is scheduled for Tuesday, October 30, 2018 from 9-11AM. It is hosted by the City of Dover at the 5 East Reed Street location. It is open to all City of Dover residents. If you have questions about that please contact the Customer Service Department at 302-736-7035.

Mrs. Melson-Williams stated that she believes that flushing of the City's water system is ongoing and leaf collection begins today. If you have questions about leaf collection in your neighborhood, be sure to check out the City's website or contact the Public Works Office about those items.

Mr. Hugg stated that the Delaware Planning Association's Regional Conference for 2018 entitled "Planning 360 Degrees; Economy, Environment and Health" will be held October 23 & 24, 2018 at the Atlantic Sands Hotel in Rehoboth Beach, DE. He believes that there are still openings if

any members of the Planning Commission have decided that they may want to attend one of those days.

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) Re-evaluation of Conditional Use:

- a. **C-17-04 House of Pride Offices at 45 South New Street – Re-evaluation One Year Review** including Public Hearing for a Conditional Use Permit to convert an existing one-family dwelling structure into a philanthropic use as the administrative facility (offices) for House of Pride. The application was reviewed by the Planning Commission on August 21, 2017 with approval of the use conditioned upon a one-year review among other conditions. The property consists of a 9,090 SF +/- parcel. The property is zoned RG-1 (General Residence Zone). The property is located on the east side of South New Street, north of Reed Street, and south of Division Street. The owner of record is House of Pride, Inc. Property Address: 45 South New Street. Tax Parcel: ED-05-077.05-03-05.00-000. Council District: 4.

Representatives: Mr. Marion Lott, House of Pride

Mr. Diaz stated that this project is for converting a building that was previously used as a one family dwelling at 45 South New Street into office space for the House of Pride. Because the House of Pride is a philanthropic organization, it is possible for them to get office space in a residential zone through the Conditional Use process. The applicant started going through the process last year when they got Planning Commission approval at the August 21, 2017 meeting of the Commission. At that time, they were required to come back to the Commission in one year for what they call a One Year Review. The purpose of the One Year Review is to evaluate the project's progress towards meeting its original conditions of approval and also to ensure its still meeting the overall goals of the Conditional Use process. In the packet, you will find a memo that gives a detailed response to these concerns. But to summarize, there are two main things that the applicant still needs to do to meet those conditions of approval. One is that they still need to submit the documentation needed to gain final approval for the Conditional Use application. The other is that they need to submit a Building Permit application to renovate the building so that it meets the Building Code requirements for an office building. These are expected to be relatively minor changes like ADA ramps and bathrooms and fire safety improvements. The applicant did tell Staff that they would be seeking the help of a design professional to meet these two requirements. As for meeting the overall goals for the Conditional Use process, which include things like accessibility for emergency response, harmony of location, size and character with the neighborhood and compatibility with the residential zone in particular, Staff believes that these goals are currently being met. This is in light of the various conditions of approval which have already been met by the

project which include keeping the building's appearance as a residential structure, prohibiting overnight sheltering in the building and maintaining the required vehicle and bicycle parking. The Commission should consider the applicant's responses to any questions they ask tonight as well as any public testimony given tonight in evaluating whether the goals of the Conditional Use process are still met. The Planning Commission does need to take action tonight on the One Year Review. Staff has four recommendations on what the action should be. First is that Staff recommends that the Commission renew the Conditional approval granted in August 2017 and require the Conditional Use Plan to be finalized in a timely manner. Second, Staff recommends the Commission require completion on the Building Permit process in a timely manner to formally establish the office in the building. Third, Staff recommends that the Commission directs the Planning & Inspections Department to open a Code Enforcement case to track and ensure the project's progress towards finalization. Fourth, Staff recommends that the Commission consider scheduling an additional review before the Commission in the future so that we can have another check-in similar to the one that we are having tonight. Staff believes that the best time for such a review would be one year after all of the construction work is completed and the office use is formerly established.

Mr. Holden stated that the Report indicates that the Conditional Use Plan doesn't need to be filed until August of 2019. What set that timeline? He is a bit unfamiliar with what sets that timeline but it seems like a long way out to require a plan for building that is now operating under a Conditional Use already. Responding to Mr. Holden, Mr. Diaz stated that two years is the standard approval window for all Site Plans and Conditional Uses. That's how long a project typically has to finalize their Site Plans, Building Permits and actually get shovels in the ground and start constructing. In this case, the office use is already there in the building although it hasn't yet finalized the process, but Staff did still give them the standard two year timeframe to finalize the process with a caveat that they would need to come in for a check-in at the one year mark.

Mr. Lott stated that he is the Executive Director of the House of Pride. When they were before the Commission one year ago, they were given those conditions and they were thinking that they were meeting them. At a meeting that they recently had with the City, they were informed that there were other conditions that they had not made any progress toward and needed to be completed. One of them was to get a designer. At the meeting before, they did present floor plans and plot plans but it was not professionally done. They were informed that they need to get that professionally done so they have acquired an architect that has already come out to the site and he will be there again tomorrow to make sure that they get all of their floor plans and the plot plan professionally done. He will show that the building meets all of Codes that is needed in order for the building to be an office.

Mr. Tolbert questioned if Mr. Lott would continue to cooperate with Staff or if he had a problem with the Staff recommendations? Responding to Mr. Tolbert, Mr. Lott stated that they are definitely going to continue to work with Planning Staff. They have been very cooperative with them. They have given them the information that they need in order to make sure that the project is a success. They do thank and appreciate all of the assistance that they have been receiving.

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

Mr. Holt stated that one of their big concerns was some problems with the personal and members of the club having problems with the law as far as having things going on there that were not good for the public. We had a lot of testimony at that time that people have been shot outside and they look like they needed more control on their members. He is wondering if that has been able to be corrected for this club.

Mr. Holden stated that he thinks Mr. Holt is referring to the Square Club, not the House of Pride office.

Dr. Jones questioned how things were going in terms of the accomplishments in terms of the objectives of the House of Pride? Responding to Dr. Jones, Mr. Lott stated that they are making good progress. Their goal was to assist people who have gone through a portion of recovery with after care. After care meaning that they provide them with housing while they are continuing to seek employment and while they are continuing to attend all of their meetings. Their goal was to house no more than ten men and they are at that capacity now. Those goals are being met. Of course, there is always improvement that can be made. Their goal was also to assist people with affordable housing and their definition for "affordable housing" is that they ask those individuals who are in need of housing how much they can afford based on their income at that time. Even though they know that there is a certain rate for one bedroom and two bedrooms or three bedrooms; their method of helping them is asking them to make a commitment to what they can actually afford monthly. They have been successful with that. They have worked with the Mayor's initiative for housing Veterans, especially a Vet who had problems with sex offending. They try to alleviate problems in that section of New Street by controlling the traffic of people. They utilize fence and light and they also house individuals that are not a part of the climate that really exists on New Street. With that being done, they have alleviated quite a few problems even though there are many others that have to be addressed.

Ms. Edwards asked Mr. Lott to tell them what the intent or the timeframe within which House of Pride will be applying for the Sign Permit and the Building Permits? Responding to Ms. Edwards, Mr. Lott stated that they are on it now. He is not anticipating it being a year. With the designer coming out tomorrow, they would give them the things that need to be done in reference to the handicap ramp and the direction in which the door would need to swing. All of the other things are pretty much in place so if they get that information tomorrow then they would be able to utilize the contractors that they have already consulted with in order to meet this criteria.

Ms. Edwards stated that they have a couple signs on the property now that do not have Sign Permits. Are they helping with that too? Responding to Ms. Edwards, Mr. Lott stated yes.

Mr. Tolbert questioned how many clients they had? Responding to Mr. Tolbert, Mr. Lott stated that they have ten clients now. That is not including the individuals that they are housing in the rental properties. They have a total of twenty-nine individuals that they are assisting.

Mr. Tolbert questioned if their funding looked stable and steady? Responding to Mr. Tolbert, Mr. Lott stated yes and the reason is because their overhead is very limited and they use volunteers to run the program. Even though he is the Executive Director, he is a volunteer. They don't have anyone who is on salary. All of their work is done by their volunteers. They have an extensive

community service program where individuals come maybe by court mandate to do so many hours. Those individuals do their community service here as well as other individuals that need community service for various reasons. They utilize interns from Delaware State University to assist with the counseling or anything else that is needed there for the program. They utilize the funds that do come in from the rental properties to meet all other expenses of the program.

Mr. Tolbert stated that he raised that question because it is his understanding that the program provides a valuable service to the City of Dover and he would like to see it continue. Without adequate funding you cannot continue and we do need your service.

Mr. Holden moved to approve C-17-04 House of Pride Offices at 45 South New Street to remain in affect inclusive of all Staff comments with the note that one of those Staff comments also includes a Planning Commission request to refer this to the Code Enforcement Office to provide a path assuming if the House of Pride has some challenges with meeting the objectives and he appreciates the applicant's discussion tonight that they are going to move expeditiously to address the Building Permit and the Conditional Use Plan and Sign Permits. He includes in the motion a six month review to allow the Planning Commission to review the actions that are taken between here and there, seconded by Dr. Jones and the motion was carried 7-0 by roll call vote with Mr. Roach and Mrs. Welsh absent. Mr. Holden voting yes; due to Staff comments and the lack of public opposition. Ms. Edwards voting yes; as Mr. Tolbert said, it is a much needed service in the City of Dover and they are working diligently to take care of everything that needs to be taken care of. Mr. Holt voting yes; he feels that it is a good service for the City of Dover. Mr. Baldwin voting yes; based on the recommendation of Staff. Dr. Jones voting yes; on the basis of all that has been said as well as observing that there has been a long history of notable service from the House of Pride in the Dover community and we thank Mr. Lott and his staff. Ms. Maucher voting yes; for reasons previously stated. Mr. Tolbert voting yes; for all of the information that he is aware of and for the statements that have been made by the applicant.

NEW APPLICATIONS

- 1) Z-18-02 Lands of Hansen White Oak Partners, LLC at 951 White Oak Road – Public Hearing and Review for Recommendation to City Council on a rezoning of a parcel of land totaling 1.125 +/- acres located on the north side of White Oak Road and east of Halsey Road. The property area is zoned CPO (Commercial Professional Office Zone). The proposed zoning is IO (Institutional and Office Zone). The owner of record is Hansen White Oak Partners, LLC; the equitable owner is L&S Davis Properties Inc. Property Address: 951 White Oak Road. Tax Parcel: ED-05-068.14-05-85.00-000. Council District 3. Ordinance #2018-10. For this zoning map amendment, the First Reading was held at the City Council Meeting of September 24, 2018. The Final Reading/Public Hearing is scheduled for November 13, 2018 before City Council.

Representatives: Ms. Sylvia Davis, L&S Davis Properties; Mr. Phil McGinnis, McGinnis Commercial Real Estate Company

Mrs. Melson-Williams stated that this is a Rezoning application for the property that is located at 951 White Oak Road. The current property owners are Hansen White Oak Partners, LLC. There

is an equitable owner L&S Davis Properties Inc that is a party to the application as well. The property is just over 1 acre in size; specifically, 1.1152 acres. It is currently vacant land. It is currently zoned CPO (Commercial Professional Office Zone). The proposed zoning is IO (Institutional and Office Zone). The reason for their request for the rezoning of the property is to allow for future development of a building for public assembly on the parcel of land. This is a property that is adjacent to White Oak Road having frontage on that road. To its west is a private drive that is named Halsey Road Ext. The surrounding land uses are the White Oak Farms single family detached housing to its east; to the north is the White Oak Condominiums which is an apartment style complex, and then to the west is the Center at Dover which is a multi-tenant shopping center with multiple buildings. Previously, there was a Rezoning application back in 2006 for this property to rezone it from CPO (Commercial Professional Office Zone) to IO (Institutional and Office Zone). That application at that time was successful; however, with no action taken at that time to develop the property it had to go through a process that reverted the zoning back to CPO (Commercial Professional Office Zone). Tonight, this is a totally new application for consideration. The *Comprehensive Plan* for the City identifies this as a land use category of Office and Office Parks. There are a number of zoning districts that comply with that including CPO (Commercial Professional Office Zone) as what it is currently zoned and IO (Institutional and Office Zone) their requested zoning classification and several others. The IO (Institutional and Office Zone) allows for a number of uses and rezoning to IO (Institutional and Office Zone) makes them eligible to establish any of the uses that are listed in the IO (Institutional and Office Zone) subject to future development application processes.

Staff is recommending that the request to rezone from CPO (Commercial Professional Office Zone) to IO (Institutional and Office Zone) be approved. The primary difference between IO (Institutional and Office Zone) and CPO (Commercial Professional Office Zone) is that the IO (Institutional and Office Zone) allows for a number of public and institutional type uses and some other things that can be considered through a Conditional Use process. There are some differences in what they call the bulk standards for CPO (Commercial Professional Office Zone) versus IO (Institutional and Office Zone). Those are the bulk standards related to the number of building stories, the overall height and things related to maximum lot coverage (how much of the property can be covered by building and parking and other hard surfaces). The Planning Staff also notes that the *Zoning Ordinance* does include when it comes to development, the requirements for parking, requirements additionally for buffering and landscape requirements but all of those are considered as part of the Site Development Plan application. This evening, we are focusing on a Rezoning application. She specifically notes that any concerns relating to site development are subject to a separate application, review and hearing process. That is not what is being considered tonight. Tonight is the application for Rezoning from CPO (Commercial Professional Office Zone) to IO (Institutional and Office Zone). The members of the Development Advisory Committee have provided comments in regards to this Rezoning application. The City's Public Works Office and Electric Departments have no objection to the Rezoning. They have provided some advisory comments about planning for utility services should the property move forward through a development process. Likewise, the Fire Marshal's Office has very similar comments, again noting that it is currently a vacant lot and they have no objections to the Rezoning but offer some advisory comments about future development. Tonight, the Planning Commission is considering a Rezoning. They are making a recommendation to City Council which will conduct their own Public Hearing and take final

action on the Rezoning request.

Ms. Davis stated that she agrees and will cooperate with Staff in this matter.

Mr. McGinnis stated that he represents both the owner of the property, Hansen White Oak Partners, LLC and Ms. Davis who would like to acquire the property in order to build a church. They are talking about a small neighborhood church. As Staff noted in their positive recommendation, it's a 1.15 acre lot which has its own constraints on how big a building you could build. The parking issues are Site Plan issues but they would be constrained by the four dimensions of the property. He also wants to point out that there is a fence that separates the White Oak Condominiums and also White Oak Farms on the east; and of course, there will be buffering and landscape requirements. The issue here is to build a church as he mentioned. The existing zoning permits an office which creates traffic 8AM-5PM five days a week and sometimes on the weekend. A church has traffic only on weekends. They are not talking about a mega church, they are talking about a small neighborhood church as you find commonly throughout Downtown Dover. He wants to reiterate that the property was once zoned IO (Institutional and Office Zone) so this application is not as far reaching as you may believe to lead to believe.

Mr. Tolbert opened a public hearing.

Mr. Osman Sammander – 151 Lake Drive Smyrna, DE 19977

Mr. Sammander stated that he is President of the White Oak Condo Association. He and Mr. James Munson, Vice President of the White Oak Condo Association are here on behalf of the Condominiums to submit some paperwork before they start talking about it. (*Mr. Sammander and Mr. Munson handed out paperwork to the Commissioners and Staff. These handouts included a letter dated October 1, 2018 regarding the status of Halsey Road Ext and an accompanying map.*)

Mrs. Melson-Williams stated that the Chairman was also handed a Petition that states "We the undersigned residents of the surrounding area of lot 951 White Oak Road, Dover DE are opposing the proposed rezoning of the above lot from CPO (Commercial Professional Office Zone) to IO (Institutional and Office Zone). As they are speaking she will go through and count so that we have a sense of how many people signed this petition.

Mr. Sammander stated that he has a letter (provided as the handout) from the City of Dover stating that the White Oak Condominiums is responsible for the extension of North Halsey Road. Two of their Board members are going to speak regarding this.

Ms. Marie Hudson – 566 Gobbler Lane Milford, DE 19963

Ms. Hudson stated that she owns a couple of the units in White Oak Condominiums. Their biggest problem with the property being rezoned from CPO (Commercial Professional Office Zone) to IO (Institutional and Office Zone) mean public assembly. Public assembly means a lot of people. The lot out front is not that big. According to the City, it is west of North Halsey Road. That is not a City road; its their road and they (White Oak Condos) maintain it. If there is a church there, hopefully a church is going to grow. It's going to outgrow the spot that they are in

and they are going to overflow into their driveway. The people on White Oak Road and Halsey Road, they are coming before the Commission because the lot is just not big enough for public assembly. They are also talking about a six-story building versus a three-story building.

Mr. Tolbert stated that at this point they are only talking about the zoning. They are going to have to come back the Commission for anything else. Responding to Mr. Tolbert, Ms. Hudson stated that she has no problem with a church but if you change the zoning and the church decides not to go there, the zoning won't go back to CPO (Commercial Professional Office Zone). They are going to leave it IO (Institutional and Office Zone). There is already going to be a building there and someone else can come in and do what they want.

Mr. Tolbert stated that whatever they want to do later on, they are going to have to come before the Commission. She will be notified if she is within the area and he suggests that she come back at that time too to make a statement. Responding to Mr. Tolbert, Ms. Hudson stated that they will be.

Ms. Ayesha Sammander – 151 Lake Drive Smyrna, DE 19977

Ms. Sammander stated that she is here on behalf of the residents of the White Oak Condominiums and also the residents of the surrounding area of the 951 White Oak Road. They are here to express their opposition to the rezoning of the lot from CPO (Commercial Professional Office Zone) to IO (Institutional and Office Zone). The Commission had a copy of the petition of all the residents that includes the White Oak Road and North Halsey Road and also the residents of White Oak Condominiums. As they talked to each individual household, they were really furious and frustrated with the traffic and speeding that there already is. They wanted her to tell the Commission that this neighborhood used to be a really safe and quiet environment. They said that it isn't anymore. The traffic is so heavy on North Halsey Road. They are saying that they used to be able to walk across the street and talk to a neighbor or check on a neighbor. They used to be able to sit on a porch and enjoy the weather but not anymore. The traffic is so bad right now but changing the zoning and giving allowance to this application is going to generate even more problems with parking and everything else. On the other side of White Oak Condos there are eighty-four units, so each unit at least has about two cars plus visitors. We are talking about two hundred plus cars are coming out of White Oak Condominiums on a daily basis. Four doors down there is a church. The day that the church is meeting, they are parking all over both sides of White Oak Road. The shopping center behind the church is packed. Even people on North Halsey Road say they are being impacted by the parking when they meet. It is going to be a huge problem with parking and traffic. White Oak Road is not that wide. Down the street there is another community. The traffic from Towne Point is coming into White Oak Road. There is another community called Baytree Apartments and they are coming into White Oak Road. This is going to generate more chaos on White Oak Road. She is here to say that the bottom line is that what you are doing is creating a problem for this community that is going to create so much traffic and chaos that it is going to cause accidents and bring tragedy to the neighborhood. The bottom line is that this community is going to suffer as a result of rezoning. Please consider the concerns and the voices of the residents from White Oak Condominiums, from the surrounding neighbors and consider voting "no" to this proposed rezoning. They are the people who have to deal with this. They are the people who are being affected in their everyday life. It's easy to say that it's not going to affect anything, but the

residents are really frustrated as it already is.

Mr. Tolbert questioned if they had talked to DelDOT about the traffic problem in that area? Responding to Mr. Tolbert, Ms. Sammander stated that she personally did not, but she believes the people as she has talked to numerous people. The way they reacted as soon as we said that there was going to be a church they said they are not against a church but there is a problem. This road has become like a highway with traffic speeding. She believes that they are telling the truth and no, she has not spoken to DelDOT.

Mr. Tolbert questioned if she was speaking for the whole community? Responding to Mr. Tolbert, Ms. Sammander stated yes, all of these people in the audience plus the people who couldn't come but signed the petition.

Mr. Osman Sammander – 151 Lake Dr Smyrna, DE 19977

Mr. Sammander stated that the two lots across from 951 White Oak Road are two houses. They signed the petition and they were supposed to come but unfortunately, they called him at 6PM tonight stating that their son was sick and they couldn't make it. The residents on North Halsey Road are more affected than any other place because the road is so small. When they were going to the houses to speak with the residents, people were speeding so much that you would have thought that you were on Route 13. The two houses on the left side of North Halsey Road, said that they had a problem with neighborhood people parking there in the afternoons and they don't have enough parking. Almost seventy people signed the petition that was given to the Commission tonight. Some of them are from the residential areas around the lot and some of them are from the condominiums. He had two extra sheets signed but he couldn't pull it together to get it to the Commission. They have a problem with homeless people coming to sleep on the road. They call the Police and when the Police come they say that it is not their road and they can't do anything about it. There was a homeless person who parked their car on North Halsey Road two years ago. They came to one of the White Oak Condo buildings and slept in the laundry room (which whoever opened the door burned up the building). They already have problems with their own residents and the parking. Imagine if we have an extra building. He doesn't know where they are going to get their entrance and exit. White Oak Road wouldn't be a good idea because it is already crowded. He heard that before it was approved for this proposal but that was for residential housing; it wasn't for any type of public gathering. If they can't build a church, they could build a halfway house. He knows Mr. Lott because he used to own a house on New Street and he sold it to Mr. Lott. He is familiar with drug rehab programs and he doesn't want a drug rehab place built there. He doesn't mind a church but there is a church down the street in walking distance. A church is going to expand. It may be a small congregation now but, in a year, or two it could be 200, 300 or 500 people. They are going to park on North Halsey Road Ext. They are going to park all over the place and they are going to have accidents and problems. Right now, they are paving North Halsey Road Ext and the letter that was given to the Commission tonight came from the City. They have been fighting the City for almost a year and a half until they got that letter. We have to have some kind of monitoring system. We have to hire somebody to stop people from parking there. The only funding that we have is our condo fees; they don't have enough money to hire a security guard or something to block people from parking on North Halsey Road.

Ms. Nancy Watson – 2364 Pearsons Corner Road Dover, DE 19904

Ms. Watson stated that she works closely with Ms. Davis and Mr. McGinnis. She has lived in Dover for about fifteen years and she lived and walked on White Oak Road. She is very familiar with Dover. Their church is on Pearsons Corner Road. They are a small congregation and she has listened to the remarks from the White Oak Condominiums. In their congregation, they do have some members that do live in that area in those condominiums and they also live in that area, so she is very familiar with the area. She does understand Dover and she does understand the concern about the parking. They would appreciate if the Commission would accept the zoning. One of the plans that she doesn't mind sharing is that their parking will be closed within that unit. It is a small church; it will not proceed on the outside. They have also taken the consideration and looked at what DelDOT had to say in their proposal and what they presented to us. They also take in great consideration what the Fire Marshal had stated. They will take those statements and put them together with our architect to ensure that within the community it would not violate anyone that lives in the area. The zoning was there before and they ask that it be done again. They can provide to the community and they want to help the community. Having a small church can provide that spiritual guidance for that homeless man. It can provide the spiritual guidance and the help of the community to enhance what Dover already has. It has great value in Dover, from being a resident herself and having a church here and being in Delaware for a very long time. They can provide for and enhance the community. She understands the concern and she would be concerned as well. She can assure them that they have went to through the Fire Marshal and DelDOT comments and they will have everything that they have confined into that property. For the parking space that is allotted there, they have considered it and it will be on that property, not on the outside. There is nowhere that they see in the planning where it should interfere. If anything, it will help the residents or members that go to the church will be able to walk instead of driving.

Mr. Tolbert stated that he wants to make it clear that all the Commissioners are doing at this point is voting on a recommendation, pro or con to City Council. What goes on beyond this is going to require your attention at City Council and the attention of DelDOT and a lot of other things.

Mr. Osman Sammander – 151 Lake Dr Smyrna, DE 19977

Mr. Sammander stated that imagine if they are not successful for whatever reason. Suppose that they are not passed by the Fire Marshal, but the property has already been rezoned. They sell it to somebody else and they are going to come and build a halfway house or some other place that they don't want there. He is not against a halfway house; he used to work at a prison for twenty-seven years. He used to work at the drug rehab for the prison. If the association and the residents that are complaining about it, then obviously there must be a problem. He has a lot of problems with North Halsey Road. He doesn't know where they are going to have their entrance and exit because they are not allowed to use North Halsey Road because it is a private road. We already have a problem with parking and he knows that once the zoning is passed you can't go back to it. When it was approved for IO (Institutional & Office Zone) before, it was for a housing complex. He assumed that it would be like White Oak Condominiums. The reason that it wasn't approved was because they wouldn't accept Section 8 people. This is a good example; they couldn't do it so they sold it to somebody else. How do they know that they are going to do what they say they are going to do? They are not against a church but they are afraid that if something happens and

they cannot build the church.

Mr. Tolbert stated that they are only dealing with rezoning. They are not dealing with what might go on at that parcel of land. They can't go through all of the issues. Responding to Mr. Tolbert, Mr. Sammander said that all of the people in the back of the audience are against it and so are all of the people who signed the petition.

Mr. Tolbert stated that they are only dealing with the rezoning. All of the problems that you anticipate are going to come up at another time. You and all of the people that agree with you should go to City Council when the issue is heard before City Council. You should be in contact with DelDOT. There are a lot of things that you need to do besides address us here. They are limited and are only going to deal with the rezoning. What goes up on that lot is another ball game. A church doesn't necessarily have to go there.

Mr. Tolbert closed the public hearing.

Mrs. Melson-Williams stated that the Petition has names and signatures for a total of 64 individuals. A quick look through the addresses shows three categories that the addresses could be grouped in. Those addresses are on North Halsey Road which is the area to the south side of White Oak Road. There are about a dozen signatures from that area. The second address collection is for addresses specifically in White Oak Condominiums and there are around thirty signatures. There are about twenty addresses that are other than Halsey Road or White Oak Road. Some of them are out of the City. They may be owners of individual condo units that don't physically reside in the condo unit itself.

Mr. Holden stated that anything that happens on the parcel tonight relative to access either has to come off of the public right-of-way or they have to gain the approval and a cross access easement from a neighboring parcel. They can't, by their own choosing, provide themselves an entrance onto the condominium road of North Halsey Road Ext. That would have to be done with the joint agreement of both parties. A lot of the vehicle concerns that they heard raised can be raised with City Council and DelDOT. To the extent that they can benefit, they would be the ones to address those concerns too. Those concerns sound like they exist today regardless of what happens here on the parcel. There were some comments from Mr. McGinnis relative to the potential implications for traffic other than from the current zoning use relative to what could be done under the proposed zoning use. That's tough because it's a bit of a crystal ball to understand what could happen there in the future. He is certainly emphatic to the issues that you face there in that footprint. He has seen those issues crop up as growth has occurred across Dover and areas get more dense with population and they are challenges that they face similarly across the City as a whole.

Dr. Jones stated that as she is reading the application, the zoning was initially CPO (Commercial Professional Office Zone) then to IO (Institutional and Office Zone) and then back to CPO (Commercial Professional Office Zone) over a period of time. There was this reversal. What was going on? Nothing was going on with the application at that time? Responding to Dr. Jones, Mrs. Melson-Williams stated that there was a rezoning application from 2006 that was to rezone the property from CPO (Commercial Professional Office Zone) to IO (Institutional and Office

Zone). She is not familiar enough to know what the proposed development was at that time. However, at the time there were provisions in the *Zoning Ordinance* that looked at all rezoning applications to see if development moved forward. You could not do speculative rezoning meaning rezone it and hope something comes. That's what happened with the previous rezoning application for this property. It was rezoned. They had a specific time frame to move forward with establishing or making an application to develop the property and that did not occur so there was a process to reverse the zoning from IO (Institutional & Office Zone) back to CPO (Commercial Professional Office Zone). It was a provision in the *Zoning Ordinance* at the time but that provision is no longer part of our Code.

Dr. Jones questioned if they were talking about the same owners? Responding to Dr. Jones, Mrs. Melson-Williams stated that she is not sure that she can answer that but she doesn't quite think so. She doesn't think that the (current) equitable owner was involved in the earlier one but it may be a question that Mr. McGinnis can answer.

Mr. McGinnis stated that at some point Mr. Leon Hansen purchased the property in 2004 or 2005. He has since passed away as has his wife so his son and two daughters are now the owners of the property. It's the same family ownership and he thinks that they owned it during the first rezoning stage.

Mr. Holden stated that he thinks the concerns that the public has raised are very valid relative to issues that it sounds like everybody feels are pretty consistent within the neighborhood. He doesn't personally know that the proposed zoning is going to result in a better or worse outcome than the current zoning for you.

Mr. Holden moved to recommend approval to City Council for Z-18-02 Lands of Hansen White Oak Partners, LLC at 951 White Oak Road, seconded by Mr. Holt and the motion failed by a 3-4 by roll call vote. Mr. Holden voting yes; due to Staff comments and compliance with the City's Comprehensive Plan. Ms. Edwards voting no; due to the outpouring of the residential concern. Mr. Holt voting yes; and throw the ball back to City Council to see what happens. Mr. Baldwin voting no. Dr. Jones voting no. Ms. Maucher voting no; this is a permanent zoning change and as expressed that should this project not go forward something else could come in. Mr. Tolbert voting yes; he agrees with the motion as it was stated. The only thing that they are dealing with here is the rezoning. Even if it's not rezoned, they have no guarantee that something won't go up in that area that may hinder traffic and all of that as it stands now. The issue is not over; it has to go before City Council and there are issues with DelDOT regarding traffic concerns. There is a lot to be done and voting for the motion is not a problem at this time for him.

NEW BUSINESS

1) Project for Dover's 2019 Comprehensive Plan

a) Update on Project Activities

Mrs. Melson-Williams stated that there have been a number of project activities that are ongoing that we will bring to the Commission's attention. Staff has continued to meet with what they call

the various stakeholders: the meetings with Staff of DNREC, DelDOT and the Kent MPO as well as the City Departments. They have met with people from the Library and the Parks Department. We actually have a meeting scheduled with the Police Department later this week. A couple of weeks ago they were invited to present to a class at Wesley College. Some of those students were in attendance at the last Planning Commission meeting and learned a little bit about your process and they continue to learn about the *Comprehensive Plan*. That presentation introduced them to what the plan was and then they had a discussion of how the college students can be involved in the success of Dover as a city and in particular in the Downtown area. It was another opportunity to gather comment from residents of our City. They continue to remind the Commission that there is the Comprehensive Plan web page for information. They have recently posted or are in the process of posting the three items that are on the agenda tonight for discussion. The Preliminary Draft Goals and Recommendations was provided to the Commission and we would like to have a discussion on that tonight. We have also issued in late August, the Preliminary Draft of the Land Development Plan Map Series and also about a week and a half ago issued the Preliminary Draft Annexation Plan Map Series. Before we move into discussions of those Preliminary Draft documents she will go to Mr. Hugg for any comments that he may have on where we stand process and activity wise.

Mr. Hugg stated that Mrs. Melson-Williams pretty well covered where they are. Preliminary Goals and Recommendations as Mrs. Melson-Williams indicated will soon be posted on our website and the Commission will be getting a copy of them as well. They are rapidly reaching that stage in the *Comprehensive Plan* where words start to appear on paper and maps start to appear. They begin to focus on what the real recommendations are. They have sent letters of request to the four adjacent communities: Cheswold, Little Creek, Camden and Wyoming and they will be meeting this week with people from Kent County to talk about related issues. He has heard back from the Town of Cheswold who looks forward to sitting down and talking with them sometime in the next week or so. They will be doing that part of their intergovernmental coordination outreach. It is very important that the members of the Planning Commission take the time to carefully look at the materials that are being presented to them. Ultimately, Staff will be coming back before the Commission with a Preliminary Plan and asking for their blessing and we want to make sure that we are all on the same page.

b) Review of Preliminary Goals & Recommendations

Mrs. Melson-Williams stated that tonight, take at least a couple minutes to look at the Preliminary Draft Goals and Recommendations. This was delivered to the Commission last Thursday or Friday. This is the series of chapters in the center of the document that deal the particular topic areas and what it does is sets up a series of goals and then each goal has recommendations. Then under the recommendations are bullet point items which are really the action items to achieve the stated recommendation and goals. They have a series of goals and recommendations for the following chapters: the Natural Resources and Environmental Protection Chapter, the Historic Preservation Chapter, the Utilities Chapter, the Community Services and Facilities Chapter which really focuses on the other things that the City does, the Transportation Chapter, the Economic Development Chapter, and Housing and Community Development. Hopefully the Commissioners have had a chance to at least read through it. Staff

would be happy to take any comments or general questions that the Commissioners might have on these goals and recommendations.

Mrs. Maucher questioned if these recommendations would be more finely tuned as we move forward? There are a lot of very broad statements that seem to encompass just about anything without much precision. Responding to Mrs. Maucher, Mr. Hugg stated that the goals are obviously very broad as are most of the recommendations. The sort of bullet points that fall below them are actual action items and that is where they are attempting to be as specific as they can. This is a ten year plan so some things will be broader than others simply because they are an ongoing project of the Staff or the Department. But clearly as you work down the hierarchy the goals set the frame work and the recommendations are things that they want to focus on and the specific bullet items are the action items.

Mrs. Maucher questioned if they went 1, 3, 5 and 10 year? These are the things that we want to do in the next year; these are the things that we want to do in the next three years and so on. Understanding that you have a 10 year goal to reach but what are the steps in between?

Responding to Mrs. Maucher, Mrs. Melson-Williams stated that there is an Implementation Chapter to the *Comprehensive Plan* which the Commission does not have, which then does that short term, medium term and long term scenario. It draws on the action items as to where we place those. You have to remember that this is not just the Planning Office doing all of these actions; this is a City document that involves various City Departments and even State Agencies as well in some instances. There will be an implementation scenario of what do you intend to focus on in the near term versus the long term. If you want to look at the current 2008 Plan, she thinks that it is Chapter 15 of that plan. It gives us a guideline of what they should be working on. There are always other initiatives that come forward that redirect Staff efforts so it will be their best suggestion for what that 10 year plan looks like from the action items standpoint. It looks holistically at the entire plan for implementation.

Mr. Hugg stated that they are certainly open and would welcome the Commission's suggestions and priorities as they go through the actions. If there is something that really just strikes you please feel free to give Staff that input. Their pride of ownership is only so long and they are certainly open to, if you think we are crazy tell us, if you think we have missed something tell us and if there are things that you feel very strongly about then they want to know them too.

Dr. Jones stated that under Recommendation 5: Expand and improve transit service. She is looking at Bullet #1 – Support the addition of new transit stops. Along those lines, in the drafts and in all of the input including hers, was there not something that addressed the appropriate bus stops for the residents of the City of Dover? Responding to Dr. Jones, Mr. Hugg asked if she was referring to the regional transportation and not the local transportation.

Dr. Jones stated that for instance, the Greyhound Bus line stops at the Wawa (7-Eleven) near where Kirby and Holloway used to be. Some of the new residents to Dover wonder why hasn't the City addressed having a decent stop for the bus lines. Responding to Dr. Jones, Mr. Hugg stated that was a very relevant comment. One of the Staff related comments that they have made as they have looked through this is that the fundamentals of the Transit Neighborhood planning effort that was done a couple of years ago envisioned that transit center as being more than just a

place for the City buses pick up people and discharge people. He thinks that is something that they will be commenting on in the plan.

Dr. Jones stated that is good because it was suggested to her for them to utilize the current transit center. It is more user friendly.

Mr. Holt stated that he is very familiar with the DART Bus that he used to take constantly because he can't drive. Recently, it has gotten more and more expensive and he just throws a comment in that if the prices are making the DART Door to Door Transit out of reach for a lot of people that would benefit by it. It's very convenient especially in inclement weather to leave your house and go right to where you need to go. At this point, it becomes too expensive to keep taking the DART bus. He would like to know the reason for the added expense and see if they could back off on some of that. It started out very reasonable but now it's just getting out of hand. Responding to Mr. Holt, Mr. Diaz stated that one of the meetings that they are currently trying to schedule is with DART and the Delaware Transit Corporation. So certainly when they have a discussion with them that is an issue that they can bring up.

Mr. Holt stated that he would suggest to them that if they want to do a community service they can't have the rates out of reach for a lot of people. People that really need it are the ones that financially can't really afford to drive or have other means of transportation.

Ms. Edwards stated that obviously this is a Preliminary Draft so she is wondering if they are supposed to really dive into this over the next month before the next Planning Commission meeting. Are they looking at the entire document tonight? Are they just commenting on it? She is a little confused, especially because they got it so late. It's very comprehensive to have a conversation about after only having it for a couple of days. Responding to Ms. Edwards, Mr. Hugg stated that the short answer is yes to all of the questions. The Commission received it about 24 hours after the rest of Staff shared it. He would like the Commission to review it. It is certainly not the entire plan document but it probably is the crux of what the plan is all about. He wants the Commission to take the time to critique it and question it and if there are issues that need to be elaborated on. Each time that he has looked at pieces of it he has edited it more. They really do want the Commission's input. They are reaching that point in the production of the plan where within a month they are going to try to have that first cut of the whole document which is why you have received the critical maps already.

Ms. Edwards questioned if there was a timeline that Staff wants the Commission to have this completed by? Responding to Ms. Edwards, Mrs. Melson-Williams stated that certainly by the next Planning Commission meeting if they could have mark-up comments back to Staff. The Commission basically got it the same time as Staff got each other's chapters so they haven't even done a really thorough in house mark-up review. They certainly encourage any thoughts that the Commission has which is why it is not a public hearing on it tonight. It is just another bit of information Staff is pushing out that they want to have a response to. The same thing goes with the two map series as well. Take your copy, mark it up and stop by the office so that Staff can make a copy of your comments. They would like to have comments back by the November meeting because Mr. Hugg is correct, they are into the writing the whole document phase at this point. The Planning Commission is the first group to really see it. The Historic District

Commission will see their chapter in November. It is their thought that they are going to be doing some kind of project update presentation to City Council also in November to really get the initial thoughts out in front of them. Now is the time to do the heavy thinking about at least the Goals and Recommendations section and the Key Map series.

Dr. Jones questioned if the *Comprehensive Plan* is in essence work plans? Work plans to the extent of being tied to specific areas of responsibility followed by evaluation on progress. Responding to Dr. Jones, Mr. Hugg stated that the short answer is yes. The *Comprehensive Plan* as a variety of purposes. One, it is the documented guide of how Staff makes recommendations to the Planning Commission for land use and development but it is also the guide for the City's Capital Improvements Program because it does set forth not only the land uses but the densities and the timing of development. Many of the recommendations as you look at it are in fact work item task kinds of things. Some pieces are broad and some pieces are fairly specific that continue to amend zoning ordinances. One of the things that they will be doing and sort of one of the challenges that they took on when they started this process was to actually look at this as a report card as to where they have been for the last ten or eleven years with the idea that we said a lot of these things ten years ago and have we made progress or moved forward.

Mr. Tolbert stated that under Natural Resources and Environmental Protection is Goal #3: Improve Air Quality. It deals for the most part with public transportation with motor vehicle emissions. Should he assume that there are not businesses that are also polluting the air in this area that they should be concerned about? All of the pollution in the air doesn't come from motor vehicles. Responding to Mr. Tolbert, Mr. Hugg stated that he is definitely correct. Recognizing that the City's ability to make meaningful improvements in air quality is probably pretty limited but that is a good point and they will certainly take a look at that topic.

Mrs. Melson-Williams stated that she thinks this air quality goal was actually in the Transportation Chapter and we moved it to the Natural Resources and Environmental Chapter so it probably does have some additional tweaking to make it more holistic.

Ms. Maucher stated that under the encourage green development and sustainable energy practices and probably elsewhere in the document there is "develop a program" and that always with her line of work has dollar signs associated with it. There is also already existing programs that can be leveraged. That was one of her comments on the drafts initially is that it seems we are all working in silos and there is no communication between groups and who is doing what and what gaps need to be filled. Should the City be starting something that is already there or can it enhance something, leveraging public/private partnerships, leveraging other programs that are in existence? DNREC has a number of programs that they could work from that already have a good foundation.

c) Review of Preliminary DRAFT Land Development Plan Map Series

Mrs. Melson-Williams stated that the Commission has another homework task. The homework task for the next month is to do some more careful reading and markup. She does want to note the other two things that are in the packet. You can do the same thing if you have a question about an area or you don't understand why we are showing something the way we are. The first

is the Preliminary Draft Land Development Plan Map Series. The Land Development Plan Map is the one where it gives the land use classifications for the City. The Map right now is divided up into four quadrants just for ease of readability. Each of the land use categories then translates into a series of zoning districts that could happen there. A couple of things that they have actually changed is splitting Public Utilities away from Industrial lands, so you will see that change if you look at it from the 2008 Map Series. There are still some areas that they are trying to sort out, one of which is clearly on this map and that is the area related to Dover International Speedway. Staff did meet with them a couple of weeks ago to talk about that and it's an ongoing discussion at this point.

d) Review of Preliminary DRAFT Annexation Plan Map Series

The other map series that they have included in the Preliminary Draft is the Annexation Plan Map Series and that consists of two maps. The first one is where they have to identify potential annexation areas for the City. The dark green is Category 1 as enclave areas, areas that are pretty much totally surrounded by land that is already in the City. The light yellow is Category 2 which would be areas that could seek annexation within a ten year timeframe. The orange areas are Category 3, that is the next level out and in a lot of cases they aren't necessarily anticipated for immediate annexation or they require annexation of other lands before you get to them because to annex you have to be contiguous. There are also areas of concern. A number of areas around the City where they are concerned about what its future may hold whether that is with our jurisdiction or with another jurisdiction. The second Map that is related to annexation is basically the land use for those potential annexation areas. Any areas that are identified as Category 1 or Category 2 they have to identify a future potential land use classification. They used the same color system for use categories as the Land Development Plan Map but they have to do it for the Annexation Areas. There are several areas that Staff is still trying to sort out so any questions or comments that the Commission may have on this map is important as well. Take a good look at those and if you have questions, Staff wants to hear about it. These maps are probably the most significant maps of the entire plan because they have ramifications of how people will develop in the City and future applications that would come before this body.

Mr. Holden questioned what they intend to convey with it being an Area of Concern on the map? Does that mean that we might want to put it in a potential annexation area in the future? He is not sure how it fits in if we are not saying that they want to annex it or don't want to annex it.

Responding to Mr. Holden, Mrs. Melson-Williams stated that "Areas of Concern" was the name that they utilized in the last Comprehensive Plan. It kind of arose from some areas in the southwest section near the City that Dover was very interested in becoming part of the City of Dover and there was also interest on the behalf of the Town of Wyoming having those areas become part of the Town of Wyoming. The negotiated statement was "Areas of Concern" meaning that if that property area would seek to develop in the future, the City certainly wants a seat at the table about the discussion of where they would do that development. Some of the areas that are marked as Areas of Concern as you can see is in the southwest sector of the City. A lot of those properties are actually in an Ag Preservation District so there are some limitations about development for a given timeframe. The other Areas of Concern really fall on the east side of Route 1 which has similar other issues related to future development from the State's view

point. "Area of Concern" gets discussion in the text which you will have to remember that with all of these maps there is a text component too.

Mr. Holden stated that it seems that if the property is adjacent to our boundary we are concerned about the future land use. Why not identify for annexation so that we can control what happens there versus pointing out that we are worried about it but we are keeping our hands off of it? He thinks about the municipality of Lewes and how they were greatly concerned about growth around Lewes and they didn't want to annex anything in but they lost all control around them anyway. Responding to Mr. Holden, Mr. Hugg stated that as Mrs. Melson-Williams indicated, some of those areas both to the south and east are properties that are in Ag Preservation but not necessarily in permanent preservation. In some cases there is no reason to consider them for annexation but we want to make sure that if should come out of the preservation program that we are prepared to be involved. With the properties to the east, the State's policy basically mandates limited growth or no growth east of Route 1 so those areas under the State Strategies would not necessarily be right for annexation. The flip side of that is that we also have to be cognoscente of the City's ability to actually provide water, sewer and electric services. Some of those areas are already City of Dover Electric customers. He thinks that what they are trying to find is that balance between where would it make sense to grow in the next five or ten years if we have the opportunity versus a broader horizon out there. They want to get on the record before the County or anybody else makes a move.

Mr. Holden stated that on the south side, he thinks the City provides water to the Boys and Girls Club. He knows often times they struggle with the State Strategies but the State doesn't control land use jurisdiction on our border, Kent County does. They kind of bend at the will of the State while the County is going a different direction and we are concerned about what happens on our foot-steps. Responding to Mr. Holden, Mr. Hugg stated that this is why they are engaged in and will be continuing to engage in discussions with Kent County. The one thing in our favor is that Kent County did just adopt a new Comprehensive Plan and their growth boundaries at least in this area are probably significantly less than what we are proposing.

Ms. Edwards asked for Staff to re-define the dark green area on the map. Responding to Ms. Edwards, Mrs. Melson-Williams stated that on the Annexation Plan Map the dark green is Category 1 which is typically enclaves meaning they are almost totally surrounded by the City already. Obviously, that is a priority for annexation. They are often called High Priority Annexation Areas. The property on Mifflin Road that the Commission just dealt with is an example of that. The light yellow is Category 2 which is still a priority for annexation but it's more within a ten-year time frame for annexation. Category 3 is still considered a potential annexation area, but it likely requires other properties to come in first or it's much more of a long term vision for annexation.

Meeting adjourned at 8:58 PM.

Sincerely,

**Kristen Mullaney
Secretary**