

CITY OF DOVER PLANNING COMMISSION
QUARTERLY WORKSHOP
August 23, 2017

The Regular Quarterly Workshop Meeting of the City of Dover Planning Commission was held on Wednesday, August 23, 2017 at 12:00 noon. Members present were Mr. Roach, Mr. Holt, Mr. Baldwin, Dr. Jones, Mrs. Welsh and Mr. Tolbert. Mr. Holden, Ms. Edwards and Ms. Maucher were absent.

Staff members present were Mr. Hugg, Mrs. Melson-Williams, Mr. Diaz, Mr. Swierczek and Mrs. Mullaney.

Also present was Mr. David Edgell from the State Planning Office.

PLANNING COMMISSIONER COMMENTS AND CONCERNS

Mr. Hugg stated that the first thing on the agenda is for the Planning Commission's to make any comments or bring any concerns to Staff.

Mr. Tolbert stated that he doesn't have any concerns. Is there anything that they bring up at the Planning Commission that might be a problem for Staff? At the last meeting, the spokesman for the West Side Care Wash stated his concerns and the problems that he is having with people from the liquor store. The lady from the liquor store stated that it was not the people from the liquor store that's causing problems. They have conversed with each other and he is wondering if they made Staff aware of the issues at any time? Responding to Mr. Tolbert, Mr. Hugg stated that he doesn't know that they brought any issues up.

Mrs. Melson-Williams stated no, she doesn't know that they've had anything specifically brought to the Planning Office. Some of what was presented in the public testimony on that application on the concerns of that Forest Street area may be Police related.

Mr. Tolbert stated that is why he made the statement that he made because after Mr. Giangrant made the statement complaining about the property that he was experiencing and then Ms. Jones stated that it was not the people from the liquor store. It seems to him that they hadn't talked to each other at all and it was not an issue that the Planning Commission could deal with. He wanted to make it clear to them that they should be talking to each other and they should also be talking to the Police.

Mr. Hugg stated that he doesn't know of any Code Enforcement issues that they have had since he has been here at either of those areas. He can't speak for prior but it may just be one of those things that they need to talk about.

Mr. Tolbert stated that sometimes the applications to the Commission can bring up things that aren't related to the Planning Commission and that takes up time. The applicant doesn't know that certain things are not the concern of the Commission so he wanted to make them aware of that.

Dr. Jones stated that she passes by there often and she honestly never sees that much business there. Her guess is that if there is a lot of business there it's probably foot traffic. She never sees traffic there.

Mrs. Welsh stated that she also goes through that corridor all of the time and she only sees people there maybe on a Saturday night at 10:00PM.

Mr. Tolbert stated that the car wash has a lot of employees that may add to that situation.

Dr. Jones stated that the Giangrant's have done a lot for the community in terms of employing people and from what she understands, they are treated reasonably well. She knows some of the young men that work there. He provides housing in the two houses near the car wash for his employees. She was sort of surprised to see him acting as if he were very nervous while speaking during the public hearing.

Mrs. Welsh stated that that would explain why the lady from the liquor store said what she said about it being his employees. At night after the car wash closes, they are probably going across the street because it's convenient.

Mr. Tolbert stated that he also found out that the general public does not know what the Planning Commission does. Even when he was running for City Council, people were asking what City Council did. People are not aware of what the different City offices do and what their responsibilities are. He doesn't know if there is a way that they can let people know what the Planning Commission is supposed to be doing and what they are supposed to not be doing.

Dr. Jones stated that she thinks that they sometimes take advantage of the audience by thinking that they can voice their opinions since they are there.

Mr. Tolbert agreed that they come to vent and make it aware to some official.

Mrs. Welsh stated that she thinks that Mr. Giangrant may have had the impression that the Commission was approving the operation of the store as opposed to the rezoning of an already existing situation.

Mr. Holt questioned if they had an educational trainer for new members of the Planning Staff to bring them up to speed and help them learn things a little faster? Maybe like a brochure or something that would explain a lot of the terminology that they use and could give updates for new members that come on board. Or do we should let them learn as they go? Responding to Mr. Holt, Mr. Hugg stated that the State Planning Office and the University of Delaware do some short courses which he would urge and advise all members of the Commission to attend because they are very helpful and very informative. Even if you have been on the Commission for a while, it's always a good refresher.

Mr. Hugg questioned if we do anything specifically in the way of handbooks? Responding to Mr. Hugg, Mrs. Melson-Williams stated that for a new member of the Planning Commission coming on board they do sit down with them and introduce them to the various pieces. She knows that they did this with Mr. Roach. They go over the *Zoning Ordinance* and the *Comprehensive Plan*. They don't expect the Commissioners to know the ins and outs of it. They give information on how meetings are run. They do an informational orientation meeting. They certainly do encourage when there are educational opportunities that they have funding assistance that they can help out with by sending members. On-boarding of Staff is an ongoing learning curve and they feed bits of information at a time; and that still can be very overwhelming. It's a constant process; you can't

teach them everything in the first week.

Mr. Hugg stated that if you feel strongly that you would like to use one of your workshop sessions for some kind of training opportunity they would certainly be glad to also do that for the Commission.

Mr. Edgell stated that he would add that the University of Delaware courses that have been mentioned are run annually. There are between four and six classes per year. They call it the Delaware Planning Education Program. For anybody who hasn't been to those courses, they are suitable for Staff and Planning Commissioners. There is one on housing that he is doing and he thinks that it is being held in September. In January, they start with Planning 101, 102, 103 and that type of series for the general community. The other thing that he knows on the in-house training, University of Delaware has brought their trainers to different towns to train their Planning Commissions as to an on-site overview of the Planning Commissioners role. They could put Staff in touch with them if the City is interested in doing it.

Mr. Holt stated that there are a lot of things that you learn over time but to bring someone up to speed it's sort of important; like what to do if a resident calls you on the phone. That kind of stuff should be explained to the new members. This kind of stuff could be dealt with during the first day that the Commissioner begins because that person is very vulnerable especially when you visit a site. You have to be careful when you visit sites. All of that stuff should be talked about with the new member or at least written down about what to do and what not to do. Some of the terminology that the Commission uses could be gone over. You learn it over a period of time but for a new person, you could really bring them up to speed faster by educating them on some of these other finer points the first day with a questionnaire or brochure.

Mr. Tolbert stated that like most professions, development has its own language. He remembers when he first got on the Planning Commission he didn't understand all of the terms. When he would read through the applications he had a dictionary that he would use to look of terms that he was not familiar with. He doesn't know if the City would pay for that or not but if they had some kind of written material that they could look through and refer to especially when you are new. The more that you do it the more you get used to it but it takes a little while. You have to get used to the terms and what they mean so that as you go through an application you go through it with more understanding.

Dr. Jones stated that for her something as a ready access would be something that would say "these are the things that are not your concern as a Planning Commissioner." Maybe do's and don'ts as a quick reference. She is learning as she goes but sometimes she does put her foot in her mouth.

Dr. Jones stated that one of the things as she reads through the applications is that there is always a request for a waiver. A waiver says to her that they want to do something different than what you are supposed to do. To guide her and to help her when she sees that the Staff has recommended the waiver, then she knows that Staff has done what she does not have the ability to do. Why are so many waivers granted? Do we need to change something or modify something? It just seems as though it's an exercise that applicants will jump over hurdles and through hoops although they know the final analysis. One of the reasons that she is always reluctant to put something in a motion form is because she is not totally sure of everything that she should say. Something like the zoning overlay is something that she left out at the last meeting. Responding to Dr. Jones, Mrs. Melson-

Williams stated that Dr. Jones was making a motion on a rezoning application and she mentioned the base zoning but it was a property that was also subject to the COZ-1 (Corridor Overlay Zone). They wanted to make sure that it is now and that the intent is in the future as well.

Dr. Jones questioned if she has something that explains to her what that is or had she missed something from not paying attention? She meant to do some more research and she didn't get a chance to do that but does she know what's she talking about? Responding to Dr. Jones, Mrs. Melson-Williams stated that the COZ-1 (Corridor Overlay Zone) is a zoning overlay. Every property in the City has a base zoning. A zoning overlay is an additional one on top of it that may have additional requirements or specific considerations.

Mr. Roach stated that certain areas have to have different requirements. Responding to Mr. Roach, Mrs. Melson-Williams stated that for example the types of overlay zones that we have in the City are the Corridor Overlay Zone (COZ-1) which is along the Route 8 Corridor and McKee and Saulsbury Roads. This one is focused on two distinct road corridors which is why it's called a Corridor Overlay Zone (COZ-1). There is also the Historic District which in the Downtown area is an overlay. When you get over on the east side of Dover, there is the Airport Environs Overlay Zone (AEOZ) which is related to the base flight patterns. There is also the Source Water Protection Overlay Zone (SWPOZ) which is different elements throughout the City to help protect our groundwater.

Mr. Hugg stated that they actually talked about waivers at the last workshop. A couple of the zoning amendments that are coming to the Commission next month actually address that waiver question. He asked the same question; if we are always going to have the Planning Commission waive the curb requirement why can't it be done administratively or the Code needs to be more specific. There are a lot of waiver provisions built into the *Zoning Ordinance* that fall back on the Planning Commission. If everyone is going to get a waiver from the landscaping requirement then why require it? These are things that they are looking at as they go through the Ordinance.

Mr. Holt stated that it all boils down to money. Responding to Mr. Holt, Mr. Hugg stated that it does. It means the applicant has to do more work for something that should have been able to be addressed at an administrative level.

Dr. Jones asked Mr. Holt what he meant by how it all boils down to money. Responding to Dr. Jones, Mr. Holt stated that when it comes to curbing and stuff, all that is expensive. In other words, the least amount of money they have to put out for a construction job, the more money in their pockets.

Mr. Hugg stated that in some cases the requirement actually imposes a burden that isn't reasonable. Water runoff is the biggest one because there are a number of situations where if you put a curb in as required by the Code, you make the situation worse and not better.

Mr. Roach questioned that by amending the Code to not allow that, does it not make it more difficult? Let's say there is a situation where we definitely want them to have a curb. If that requirement is no longer in the Code, do they still have to power to force them to do it? If it's not in the Code, they can't force them to do it. They might actually have a situation where there needs to be a curb and the applicant is going to say no because it's not in your Code so I don't have to do it. At the end of the day, do you make a decision that is more beneficial for the applicant or

something where they can at least consistently have that opportunity to dictate whether we are going to have that or not?

Mr. Holt stated that the City could go to court. Responding to Mr. Holt, Mr. Roach stated that if you take it out of our hands then we can't go to court because we won't have a leg to stand on.

Mr. Hugg stated that that's why it's a waiver. The requirement is upright curbing. It's kind of like in the same general notion as a conditional use or a variance. It's something that deviates from the basic Code provision. It does raise that question that if everybody asks for it then maybe they need to look at the requirement.

Dr. Jones questioned the process for recommending that a waiver be granted. When she reads that the Staff recommends the waiver, her assumption is that the Staff knows what it's doing in terms of all of the Codes but then typically the Commission gets involved in discussion about that waiver.

Mr. Hugg stated that it is an issue that they have had a lot of Staff discussion on.

Mr. Roach stated that there are also the instances where they say Staff doesn't recommend requesting the waiver. If we take it out then there is going to be times where you wish that you still had that ability.

Mr. Tolbert stated that the point that comes through very clear to him is that the Staff's overview of each application is of the utmost importance.

Mr. Holt stated that he thinks it's very important because it gives you a better understanding.

Mr. Tolbert stated that it gives information on the waivers that the applicant is requesting, why they are requesting it and the Staff's response to that waiver. He listens very carefully to this information because Staff knows the Code.

DEPARTMENT OF PLANNING AND INSPECTIONS UPDATE

Summary of 2017 Applications

Mrs. Melson-Williams stated that the chart in the packet shows a tally of all of the various applications. For the last two years, they break them down by quarter. We are basically on track for similar numbers. Maybe down slightly from last year in a number of areas but fairly consistent on applications. There are a number of Site Plans that have gone through an administrative process so that doesn't mean that they have come to the Commission. They are applications that are small enough and based on the Code, can actually move through an administrative review process rather than a full public hearing with the Planning Commission.

Dr. Jones questioned that when you have the administrative reviews is the notice still put out? Responding to Dr. Jones, Mrs. Melson-Williams stated that there is not a notice requirement because the public notice requirements are based on a public hearing having to be held. The smaller projects qualify for administrative review; however, that administrative review does involve more than just the Planning Office. It involves the other agencies that you typically see comments from like the City of Dover Public Works Department and the Fire Marshal's Office. The Kent Conservation District and the DelDOT Office are also part of that administrative

process. In most cases, the smaller projects don't have major involvement with those other agencies to the level that you typically see with projects coming before the Commission but they are still involved.

Current Studies and Projects

- **Regional Bicycle Plan**

Mr. Diaz stated that the Regional Bicycle Plan is almost done at this point. It still has the two major sections. One is the specific recommendations for bicycle infrastructure to fill in gaps in the Kent County area including Dover and surrounding towns. It also has recommendations for new programs and policies that can do things like improving the usefulness of bicycles for daily needs and activities; better ways getting information out about the rules of the road for both bicyclists and the motorists, and increasing the overall availability of bicycles by doing things to promote bicycle transportation. There was a final public workshop on the Plan in June and feedback from that meeting has been incorporated into the Plan. They now have a final draft that's been released to the working group members. They are expecting that the MPO will adopt the Plan in September.

- **Downtown Parking Study**

Mr. Diaz stated that this study is also almost done. There will be a final public workshop for this held tomorrow, August 24, 2017 in the Dover Public Library from 4:00-7:00PM in the Multipurpose Room A. If you would like the details on that please do comment with your feedback. The recommendations from that Plan fall into a number of areas. First, there are going to be recommendations for rebalancing the number of permit, metered and free parking spaces Downtown and also looking at where there might be possibilities for additional parking. There is a proposal for a new Comprehensive Signage package to direct people to Downtown from the surrounding areas on the highways and also to direct them to the parking areas better than the current parking signs are doing right now. There is a plan for streetscape improvements to make the Downtown area feel more safe and pedestrian friendly so that people are more comfortable going from the parking lots to the businesses. There are some gateway designs to better mark the entrances to Downtown. Finally, there is a proposal for a new pricing strategy so that the value of on-street and off-street parking is better captured by the City. We have the cheapest on-street and off-street parking of any comparable town in the surrounding states. We are expecting that the final report for that study after feedback from that meeting is incorporated will also be released in September.

Grant Project Activities

- **Parks & Recreation Grant Activities**

Mr. Hugg stated that he thinks that he may have reported to the Commission before that they have preliminary approval from the State. Parks and Recreation has received a preliminary grant award of \$70,000 to begin implementing the Master Plan for Schutte Park. Our challenge now is to figure out of the \$3,000,000 that the engineer said these improvements are going to be, what they can do for a certain amount of money. They also received \$30,000 that will be matched by another \$30,000 to do the Preliminary Master Plan for Dover Park. That will look at a couple of things. It will look at the facilities and how they may be better geared to the potential users. It will also look at the woodlands that bisect that park which it need some attention in terms of general management. They are fairly high quality woodlands but they are getting overgrown by lack of management. Lucky Eddie is going to be involved in both of them. He is going to be the project manager for Schutte Park and one of the Staff members involved in the Master Plan.

Those are two that they are working really hard to get done. Although they are not doing a grant related component right now, they are also going to be doing some new park equipment and some benches in the Bicentennial Village Continental Park and the subset of that which is called Colony Park. There will be some park investments of that type. They are also looking hard at how maintenance gets done or not done in the parks and whether there are some better models for maintaining our parks. If you aren't aware of it, September 9, 2017 there is a "Take Back the Park" community event being held at Dover Park. Councilman Sudler is leading that charge and there is going to be food and games and instructors to show you how to do sports. There will be people there to provide some activities. The under lying message to the community is that they intend to take that Park back and make it a place that is safe, attractive and usable for the residents in the area and not a place that you are afraid to go into.

Mr. Holt questioned if there are inspectors that routinely go around and check the parks to make sure that things are on the up and up? Responding to Mr. Holt, Mr. Hugg stated that that's one of the problems. Parks maintenance actually falls in Public Works and we only have five people total in the Parks Department on a full-time basis. It tends to get missed or written down but nothing happens. Some of it is just as simple as painting a back stop that is rusting.

Mr. Holt stated that some of the stuff is small stuff but it all adds up to making the Park a better place for people to go.

Mr. Hugg stated that they are really looking at the whole concept of parks and how they relate. He suspects that when they do the *Comprehensive Plan* update that they will want to take a hard look at the parks initiatives. There is a lot of really neat stuff out there for multi-generational to get more people involved in the parks.

Mr. Holt stated that maybe they can hire part time people to do some of that leg work for the City on a regular basis and save the City some money.

Mr. Hugg stated that with Dover Park they have had a lot of volunteers come out to the events that have been held already. He is hoping that some of the residents in the area actually step up and volunteer to be the eyes of the park.

Mr. Holt stated that he thinks some like adopt-a-park will be the way to go especially with the money issue.

Mr. Edgell stated that he spent many years on the Silver Lake Commission in Dover and they were originally formed about the water quality of Silver Lake. Over the years, they really started focusing on the actual park. That is an example of a City group that spends a lot of time thinking about that park. They make lists for the City of things that need to be addressed with the damn and the lake drawdown. There were annual events for the community to come out and help clean up the park. That may be the model that moving forward would be useful to help spread that around the City to look at the other parks because they all deserve to have somebody looking after them. Has anybody from the City ever taken the opportunity to reach out to some of the local Universities or Colleges? They are always looking for internships for people that need hours for community service. That is the type of resources that we need to look into.

Dr. Jones stated that that's probably a good idea. The University of Delaware and Delaware State

are land grant institutions and have the agriculture programs by mandate. Park Service people who work for the Federal government typically come from programs like that. It's a good idea to approach those two Universities because they have the expertise.

- **FFY2017 Certified Local Government (CLG) Grant Project**

Mrs. Melson-Williams stated that the next thing in the packet is a project narrative for a grant for the Certified Local Government status that we have that is related to Historic Preservation. A couple of years ago, the City of Dover was designated as a Certified Local Government (CLG) meaning that they have appropriate measures and practices in place to deal with historic preservation issues, concerns for historic resources and the like. Each year through the Historic Preservation Office through Federal monies that are received, they offer a grant program. As a CLG, we are eligible to apply for grant funding. The particular project that we have received grant funding for this year is related to the *Design Standards and Guidelines for the City of Dover Historic District Zone* which is the document that governs how you approach exterior improvements and new construction within the Historic District Zone. The project that they have funding for is to look at that document in light of what modern materials are available and modern technologies. The *Design Standards and Guidelines* document was originally crafted in the mid 1990's so there are things like vinyl fencing that everybody uses that wasn't even contemplated at the time that those original guidelines were originally written. Also things like Hardi-Plank and the number of the composite type materials which may give an appearance of wood but aren't wood. How do you deal with those if someone wants to use that in the Historic District? There are a number of things like that that they want to take a concentrated look at those *Design Guidelines* and offer some further information and guidelines and standards for use of those in the Historic District. The grant will allow us to seek consultant assistance for this project and that will be something that they will be working on in the next month to get the consultant on board to help with that project. She wanted it to be of notice to the Planning Commission because their charge also involves the *Design Standards and Guidelines* in certain instances when a project requiring Architectural Review Certification also requires Site Plan review. They will keep the Commission posted and if there is any way that the Planning Commission needs to participate in that process of developing those new standards and guidelines specifically, they will let them know. It's a grant that requires a City match and the City match was successful in the budget. They have just under \$20,000 to focus on this project this year.

Mr. Holt questioned if the City actually matches that grant? The Federal grant is about \$9,000 and then the City has to match and it's a 60/40 situation. The City is actually over matching in what they have allocated for it. They have to spend the money and then they get reimbursed.

Mr. Tolbert questioned if we are sure that we will get the funding considering some of the changes that are going on in Washington D.C.? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that it has been allocated. The Historic District Commission asked the same question. What she understands is that this money comes from the Historic Preservation Fund and its revenue source at the Federal level for that is actually related to oil and gas leases and regulations so it's one of the things that wasn't really touched. It is in hand and there was some question when they first applied for the grant what the amounts and levels would be for this year but they have been assured that that money has been allocated and the State was able to sub-grant it back out.

Updates of Program and Plan Activities**• Downtown Development District Program**

Mr. Hugg stated that they are currently taking a brand new look at the Downtown Development District Program in terms in how it's administered and the materials. They were off to a really good rush when the designation first occurred a couple of years ago and then things kind of got lost in the wayside. Mrs. Townshend left and that left kind of a void in who was managing it. They are creating a matrix that will make it easier for all Staff and applicants to sort of know when, where and who to go to to get the incentives. The website is out of date so they will be updating that. They will be really looking at some of the outreach activities because he is still finding that there are more people than he would expect Downtown who just don't know what's available or how to go about getting them or they have gotten some wrong information by error and find themselves not eligible for something that they could have gotten if they had applied at the right time. The State Planning Office and the State Housing Authority also volunteered to sit down with the City and work on making the program more efficient and easier for people to track through and then help them get the word out. On the City side, most of the incentives that we have applied have been Business License incentives where the City is allowed to waive the Business License fee. That has been the predominant number of incentives so far this year. There have been a handful of Building Permit waivers for this year and he is not sure if there have been any tax waiver. There is some hit or miss use of the incentives and while waiving the Business License is a nice step, in the greater scheme of things it's a relatively small amount of the capital required to open a business. We are not getting the bang that we should be getting.

• Restoring Central Dover Community Plan

Mr. Hugg stated that a lot of the earlier activity was in fact more in focus with the Restoring Central Dover Community Plan, primarily on the housing side. Habitat of Humanity, NCALL, Milford Housing and Mr. Mike Maupin have been the major recipients of incentives and they have done good work with what they have been able to get. NCALL on behalf of all of those groups, came to Council and represented kind of a call for action on a focused housing initiative. They are really working to identify some target blocks with the property owners to find out what they have to do. It's hard to have somebody to move into a neighborhood in a brand new house but the house next to them is boarded up and falling down. You will probably see a lot more energy focused on some of the target blocks Downtown.

Mr. Holt stated that Habitat for Humanity has done a lot to help with these areas. Responding to Mr. Holt, Mr. Hugg stated that there are some really great success stories if you look at what both Habitat and NCALL have done. NCALL has only built two houses so far but he thinks that they have three or four more lots setup to go. Habitat has built a substantial number of houses and Mr. Maupin built homes as well. You can ride down those blocks and see what an impact they have had on these areas. If we can get rid of those couple houses left, we can really make it a very nice neighborhood. The initiative is there and there is a commitment from people who are in the business to try and make this happen. They are asking the City to basically step up and join them in being more proactive.

Mr. Holt stated that homeownership is a big part of it. Responding to Mr. Holt, Mr. Hugg stated that it is and he thinks that really the key for much of the Downtown is going to be the success of revitalizing the Downtown is going to be because there are people living there and using the shops. It's awfully tough to convince somebody to go in Downtown when there is no cliental. He really thinks that the housing piece will drive revitalization on the west end of Loockerman Street.

Dr. Jones questioned if we have anyone else in the pipeline for that area that is comparable to Family Dollar? We are talking about the residents wanting to utilize the shops in the area. Responding to Dr. Jones, Mr. Hugg stated that he can tell you that at 9 West Loockerman Street there is a ladies clothing store that will be opening sometime soon. There is a smoke shop or vape shop opening down by the Center for Mental Wellness. The owner of Bel Boutique just opened a second store next door to the Center for Mental Wellness which is another clothing store. There is a Caribbean restaurant that is probably going to close next month on a property Downtown which will be kind of nice. There are a lot of inquiries on other buildings Downtown but those are the real projects that are moving forward and probably will be open in the next few months.

Dr. Jones questioned if there was going to be a grocery store? Responding to Dr. Jones, Mr. Hugg stated that there is no grocery store Downtown.

Mr. Roach stated that there are two big grocery stores that are about to get built. Responding to Mr. Roach, Dr. Jones stated that she knows and there is public transportation now so that does help.

Mr. Hugg stated that there are a lot of grocery stores coming to Dover, they are just going to be located on the corridor of Dover. At least if they are served by the local bus service that will help.

DRAFT PRELIMINARY LAND USE SERVICES (PLUS) MEMORANDUM OF UNDERSTANDING

Mrs. Melson-Williams stated that the City of Dover currently has a Memorandum of Understanding that was written in 2004 that basically establishes what type of applications occurring here in the City of Dover have to first go through the State PLUS review process. The State PLUS review process is actually established in Delaware Code. Delaware Code establishes some thresholds but the Code provisions there also allow for local jurisdictions to change those thresholds as appropriate to serve their types of projects that they see. She is going to have Mr. Edgell explain how the PLUS process works in the State level piece and then we will talk about what they are bringing to the Commission today.

Mr. Edgell stated that the idea behind the PLUS process is that all of the various State agencies have some role in the land development process. You are probably most familiar with DelDOT; for instance, they often require a Traffic Impact Study or an Entrance Plan if it's on a State maintained road. DNREC has multiple environmental regulations. Sometimes the Historic Preservation Office is involved. Years ago, it was kind of difficult for local governments to access all of that information in a timely manner and in a way that they could make a good decision and understand what the State requirements would be. The PLUS process was put together back in 2004 and the idea is that before a project goes before a local government like the City of Dover, the State agencies all come together and have a meeting and review those projects and provide both the developer, the applicant and the local government with basic information about what the requirements at the State level will be. The agencies also provide recommendations because unlike Dover, not many other towns or cities in Delaware actually have a Planning Staff that has all of the knowledge and expertise that these people sitting here do. So, a lot of the smaller towns and jurisdictions really rely on the State Planning Office,

DelDOT, DNREC and the other agencies to provide them with recommendations and information about some of these projects. The State law kind of sets up some thresholds for what is a project that goes to before PLUS and the State requirements are anything fifty (50) residential units or more or 50,000 SF of non-residential building space or more. As Mrs. Melson-Williams mentioned, while they were putting it together the idea was that some local jurisdictions the requirements of fifty units and 50,000 SF may be a good baseline. For instance, their smaller towns want to send everything through because they don't have the expertise of a Planning Staff. Other towns like Dover have a Planning Staff and a DAC process. There may be not every project needs to go through but may be the larger ones that have more of a State impact or a regional impact might be worthwhile. In 2004, they agreed on this MOU that he believes the numbers are 125 or more residential dwelling units or 75,000 SF of commercial building space. There are a couple other things in here, notably back then, east of Route 1 was an area where the idea behind the Kent County plan and Dover's plan at the time was to preserve that area for the most part so anything east of Route 1 was seen. They would from time to time come back and review the MOU with the towns and counties and see what was working and what was not working and make amendments if need be. It just so happens that in 2017 they are here and it's overdue. They met with Mr. Hugg and Mrs. Melson-Williams and came up with this Draft.

Mrs. Melson-Williams stated that she has looked through the types of applications that have gone through PLUS review over the years. They have had multiple PLUS review applications every year since they have signed that original MOU. Every year that they had a *Comprehensive Plan* amendment that automatically has gone through the PLUS review process. Because they set their thresholds at those higher levels of 125 dwelling units and 75,000 SF of non-residential building area, that really just pushed the really big things that we see in Dover to the process. If we had left it at fifty dwelling units, they probably would have tripled the number of things that would have had to go through the PLUS review process. They felt comfortable enough that the smaller things for Dover could be dealt with at the Staff level and didn't really need to go through that State review process. Some of the bigger things were the Chesapeake Utilities new campus on Bay Road went through the process. The Blue Hen Apartments with its first phase and second phase and the Leander Lakes Apartments also went through the process. The series of school projects within the Capital School District went through the PLUS review process and some of that is related to school planning at the State level that's required to go through. From the request for annexation for the land that ultimately became Dover High School through the new Dover High School Plan; those things went through the PLUS review process in Dover. Some of our larger requests for shopping center development have gone through it. The most recent application is the Bay Road Commercial project that the Commission just saw in July. The office building project that was directly beside that didn't reach the level of 75,000 SF to have to go through the PLUS; review process. It's been a number of applications over time. Some subdivisions such as the Eden Hill project when it was initially getting started went through PLUS so it's really the big things. Anytime an application goes through PLUS review, Staff is noting that in the DAC Report that is provided to the Commission. They also try to provide the State comments that are issued on any kind of application to PLUS as well as the applicant's response to those PLUS comments so the Commission will see those in their packets.

Mr. Edgell stated that the way that the law is written, the thresholds are one as to what's required to go through but any developer or applicant can go through on their own desire. If you have a residential subdivision of fifty units in Dover and they decide that they want to go through the PLUS Review they can. He is not sure if that's ever happened but it would be possible.

Mrs. Melson-Williams stated that the one thing that they have also dealt with over the years is that there is the ability to seek a waiver of the PLUS Review process. They have done that several times, in some cases because of a project already went through the process and try number two is very similar to what already went through. In some cases, rezonings can be considered a Minor Variation and they don't have to go through the process.

Mr. Tolbert questioned what Staff's feelings have been with requesting waivers? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that for the most part they have been granted. Some of them related to the hospital project; obviously, it's not going anywhere. There are some waivers that can be sought for more of the economic reasons. There are also some waivers related to the Garrison Oak Technical Park because the original park went through and as they were seeing individual lot development, they think a number of them also got waivers.

Mr. Edgell stated that what the law says is that the reasons for a waiver have to be related to some extraordinary benefit to the local government and State related to economic development or environmental preservation. The one that he can really remember is the Bayhealth Campus. When they were building their new multi-story parking garage, they came through and asked for a waiver. The reason was that they felt like they could use the extra months' time because they had a deadline to get their permit and they felt that they could use the extra time. Also they had seen a plan before for that site and not much was changing with the entrances or any utilities. That was kind of the rationale for the waiver and his Director, Connie Holland took the responsibility to grant the waiver. He would say that they do grant most of the waivers with good reason. They have turned a few down but not in the City. The only reason that they would turn one down is if they feel as though the agencies need a chance to see it and that it might be something to do with a permit or some kind of reason that they would need to see an application.

Mr. Roach questioned how long the PLUS Review usually takes? Responding to Mr. Roach, Mr. Edgell stated that it's about a month and a half. The applications are due the first working day of each month. The meetings are the fourth Wednesday of each month and twenty working days from that, the letter is issued to the applicant and the local government. After that, the applicant which is usually the developer has to respond to it in some way. When people are really rushed to get to their local government deadline, they have allowed them to go kind of concurrently to some extent just so that the letter is available by the time the Planning Commission would see the application. They have tried to make it user friendly and there's no cost to apply. It's really designed so that you don't have to have a plan as detailed as you would need to go before the Planning Commission. You can have a Concept Plan for your shopping center (and not necessarily on the back of a napkin) but a more general plan showing the locations of the buildings on the site and the parking lots. They can take that and provide comments. As soon as they can give the applicant information, that is information that they can use as they design the project and consequently the local government gets a better plan without the concerns that there will be some other outstanding State requirement.

Mr. Tolbert questioned if the Commission had to be involved in a request for waiver? Responding to Mr. Tolbert, Mrs. Melson-Williams stated no.

Dr. Jones questioned that in the matter of the one hundred twenty-five residential dwellings is there a requirement to go through PLUS or not? Responding to Dr. Jones, Mrs. Melson-Williams

stated that there is a requirement to go through PLUS if you are proposing one hundred twenty-five dwelling units or more.

Dr. Jones stated what happens in the case of a developer who ran into trouble and stopped developing. At that time, there were one hundred twenty-five or two hundred dwellings. A new developer comes in to continue to development in that area and there are less than one hundred twenty-five dwellings so the process just goes through the Planning Commission? Responding to Dr. Jones, Mrs. Melson-Williams stated that it depends on what the project is. If it were a subdivision that was already plotted for over the one hundred twenty-five units and they started it and stopped, the lots are still there and the plan approvals for the subdivision still exist. If they were going to what they call re-plat or redesign, meaning change where the roads are, change where the lots are and things like that then they might be into a process depending on the chunk that they are redesigning.

Mr. Edgell stated that they get that question a lot. A lot of times it's things that aren't started yet and they come back and want to redesign it. They always review it. The PLUS Review never expires. As long as they are keeping with the same general plan or the same number of units or reducing the units, it usually doesn't have to go through the review process again. There are times when people say we were going to build one hundred units and now we are going to build two hundred units and we are changing all of the roads. That would be a new plan and it would have to go through the PLUS Review again. Another instance is a developer has a 2005 plan and they are coming through in 2017. It might be worth it to go through again because all of the rules and regulations that have changed since 2005.

Mr. Tolbert stated that the Eden Hill development changed dramatically from the original concept. Responding to Mr. Tolbert, Mrs. Melson-Williams stated yes and no. For the Residential District, the Commission saw a Revised Implementation Plan that kind of re-organized the residential portion of where active recreation was going to be approached and the mix of unit types. They did not require that to go back through the PLUS Review because the overall Eden Hill project had gone back in 2004 and the Residential District was basically still in the same place and the road linkages were still in the same place. It was just more internal re-organization that happened with that.

Mr. Edgell stated that if they start changing roads or adding units then sometimes it triggers a review.

Mrs. Melson-Williams stated that what they have for the Commission today is a Draft of the updated MOU. It starts with the typical "whereas" statements that kind of establish what it is and then it outlines how the process kind of works and that it doesn't supersede their current DAC process that the City has. It establishes what types of projects would be required to go through the PLUS Review process for the City of Dover. The ones that they are recommending to hold are residential projects, still keeping that threshold at one hundred twenty-five dwelling units. One hundred twenty-five is referenced in the *Zoning Ordinance*. There are some other things that once you hit that threshold, you have to have so they kept that number the same. For non-residential plans, it's new construction with a total new floor area of 75,000 SF. That's going to capture the bigger things but the one restaurant building on an individual site isn't going to have to go through this PLUS Review process. It's the large, either industrial or multiple building shopping centers that would probably rise to that level to have to go through the process. There's

an update to the certification date of the most recent *Comprehensive Plan*. Their *Comprehensive Plan* is due shortly for its ten-year review or update.

Number three deals with the Minor Variation provision which is established in the *Comprehensive Plan* that allows for a waiver. The zoning always has to comply with the Land Development Plan which is the land-use component of the *Comprehensive Plan*. Sometimes that map may need a slight tweak and this kind of allows for those minor variations. They just saw one that was a Minor Variation when they dealt with the lodge property on College Road where the main building was good from a rezoning standpoint for the land-use classification to go to institutional but there happened to be two little parcels that were also owned by the Lodge that in the plan were shown as Residential but collectively they could make the case for it being a Minor Variation. The driveway crossed one of them and the other one was a grass lawn. It really would be meaning to function with the land-use classification of the institutional use and allow the zoning. They want to maintain that opportunity to seek Minor Variations for the small and minor things that mapping doesn't always pick up when dealing with large scale properties.

Number four is where they are proposing a particular change. The current MOU has the statement that a project of any size, if it is east of State Route 1 and north of South Little Creek Road would be required to go through the PLUS process. It so happens that that area is where the Garrison Oak Technical Park is located which is a City owned industrial park. They have seen development of three lots out there with soon to be four with the Advantech project. The overall subdivision went through that process but having the individual lots having to go through PLUS just because of where they are located doesn't seem to make sense unless there is a proposal for something that is rather large out there that would meet that kind of large threshold test of 75,000 SF. Then they think that it may have larger or more broader implications than somebody just building a building. What was seen most recently was the Advantech office and facility that was much smaller than that on an individual lot and the lot already exists and the street already exists to get there. This is a proposed refinement to that locational requirement. Mr. Edgell can probably talk about why east of State Route 1 is a particular concern which is why this is part of our MOU. It goes back to before the City's most recent *Comprehensive Plan*.

Mr. Edgell stated that it actually goes back to when they were designing Route 1. Route 1 went east of Dover. At that time from what he can gather, it was the idea that the business community was very concerned that since they had this new road which will have interchanges and be limited access that all of the businesses would go out east of Route 1 and it would be like a new commercial district. There was also great concern about agricultural preservation and the natural resources in that area and not wanting to have Dover and parts of Kent County sprawl out towards that way because now there is this new road access being granted. Over the years, there was an MOU with Kent County and the City was a part of it at the time. The idea was that they would focus their development on the Route 13 corridor. Anything east of Route 1 they would try to maintain as lower intensity, more rural type of an area. That kind of exist today. Kent County has a growth zone that is basically bounded by Route 1; anything east of Route 1 in their plan is rural. All of the growth and utilities in the growth zone are focused on the inside. For Dover's Plan, they do have the Technical Park that we are discussing now but for the most part it's lower intensity and lower residential housing and things of that nature in that area. That's kind of the history and reason for it. This is really just to catch anything that would go out there to make sure we take an extra look at it and make sure that they are all aware of what's happening and if there is any kind of advice or information that they can give about that area.

Mrs. Melson-Williams stated that South Little Creek Road was shown as the southern boundary because once you are south of there, the implications of the Airport Environ Overlay Zone associated with the Dover Air Force Base are somewhat limiting as to the type of new uses that can happen in that area because of that overlay zone and what it's rules cover.

Mr. Edgell stated that you have Horsepond Road which is mostly industrial with the Kent County Aero Park and the AEOZ really says that you don't want to have a lot of residents out there. Industrial and warehousing is probably the right thing because it's not going to be bothered by noise and other things. That is kind of why that area was excluded because once you get down in that area, it's an industrial kind of area.

Dr. Jones questioned how she gets to the Garrison Oak Technical Park? Responding to Dr. Jones, Mrs. Melson-Williams stated that it is off of White Oak Road. Take the bridge that goes over Route 1 and it's on the left.

Mrs. Melson-Williams stated that the other items are that it gives them the ability for any kind of proposed ordinance they could actually refer them to the PLUS process to get State input on if they chose. There is also the voluntary submission that can occur that's documented. Any amendment or modification to our *Comprehensive Plan* had to go through this process as well as the Plan itself. Then they do have a very specific exemption for any project that is in the Downtown Redevelopment Target Area. If it for some reason met the threshold test of the unit count or the size count, because of its location in the Downtown Redevelopment Target Area it would not be required to go through PLUS because that is where they want activity to happen.

Mrs. Melson-Williams stated that basically the rest of it is that the City is supposed to help out in the applicant's understanding of this process. During their pre-application meeting they want to make sure that if it is a project that is going to meet those threshold tests to have to go through PLUS that they are letting the applicant know. The management of the application process for PLUS is all at the State level. We are just a helpful agency that tells the applicant to go through that process first. There are the provisions for the waiver ability. There is a signature page which ultimately includes the Chairman of the Planning Commission, the City Planner, City Council and the Mayor to agree to the memorandum as well. They wanted to bring it to the Commission today. They will have to move forward to presenting it to City Council so that they have the same kind of understanding about it to ultimately get the signatures for it.

Mr. Tolbert stated that he read in the newspaper that the City is having some problems with appointments that the Mayor has made recently. Will that affect the Planning Commission in any way? Responding to Mr. Tolbert, Mrs. Melson-Williams stated that Mr. Tolbert has actually not been re-appointed but she is not sure what the status of all of that is.

Mr. Holt stated that somebody wrote an article about people that are appointed by the Mayor should go through more of a strict questioning and all of that kind of stuff with City Council.

Mr. Holt stated that he had a quick question on restaurants. Dover is getting to be a restaurant capital. There are only so many people here that can eat out. He guesses that it's really up to the applicant if they want to spend the money.

Mr. Hugg stated that the role of the Planning Commission is not to challenge whether somebody thinks that they can make a living with a successful business but whether that use is appropriate in that location. He has had to sit back and ask himself why in the last couple of months, three new supermarkets within stone distances of each other that have come in. He doesn't see the market being that healthy but it's their money and if they are willing to take that risk.

RESEARCH PROJECT UPDATE ON POTENTIAL ZONING ORDINANCE AMENDMENTS

Mr. Hugg stated that he thinks they touched on some of the zoning stuff. The Commission will have the first set for review next month and there will be a number more coming. Basically, it's a combination of housekeeping and trying to think about some new uses like adult day cares. This is one that the Ordinance doesn't provide for and it is an emerging kind of thing. They are trying to figure out some ways to be a little more flexible under the *Zoning Ordinance* on the Site Plan side. Mr. Diaz is spearheading that effort but with input from a lot of the Staff. He just wants the Commission to realize that they are going to be really trying to go through the *Zoning Ordinance* fairly specifically overtime trying to make it more efficient and more easy to understand. For example, home occupations is treated differently in two situations within three pages of each other in the Ordinance.

Mr. Hugg stated that Mr. Diaz didn't share with the Commission about the AARP Grant. Responding to Mr. Hugg, Mr. Diaz stated that the City applied for and received a grant for \$2,000 from the AARP and that is going to be used to promote a new bicycle route that will lead to Downtown. There are three parts to the route; one is the existing multi-use path on the south side of North Street and Hazletville Road that goes from Schutte Park to the train tracks. That path has been partially closed for a while because of the construction of the West Dover Connector. The second part is a trail extension that would go from where it ends at the tracks now down to the Dover Transit Center along West Street. The third section would be Bank Lane which is a low traffic street which goes from West Street to The Green. These pieces of the trail have been more or less there for a while; it's only really now that they are really coming together into a coherent route so that's why we wanted to promote it as a way to get to Downtown on a bicycle. What the grant money will actually be used for is to fund some temporary signage announcing the route in advance of it's opening, particularly the re-opening of the portion around the West Dover Connector and the opening of the West Street connection. They will also do some additional outreach with AARP's help. It all has to be done by November.

EDUCATION AND TRAINING OPPORTUNITES

Mrs. Melson-Williams stated that she knows they have mentioned the University of Delaware Institute for Public Administration. Their workshop series really kicks off in January. She will check on the one in September that Mr. Edgell has mentioned. That must be a new class so they will get that information to the Commission. A number of the Commissioners have actually gone to these workshops. They are held locally in Dover at the University's Paradee Center. It's good background information and they progressively get more complicated. It's normally a half day workshop in the morning. She knows that a lot of the Commissioners have been through these classes before but you can certainly participate again.

Mr. Tolbert stated that these classes are very informative.

Mr. Edgell stated that he will email Mrs. Melson-Williams the date of the workshop in

September. He will add that even if you have been to the workshops before, the curriculum is updated every year and there are new speakers. It's worth going again if you haven't been in a few years. The best thing is that there are towns from all over the State in the room and they are all a mix of Planning Commissioners, City Council and Planning Staff. They all have the same questions and concerns so it's great to ask questions that you have been thinking about but have been afraid to ask. The instructors can kind of give their perspective and there can be a class discussion.

OPEN DISCUSSION

Dr. Jones stated that Mr. Diaz just talked about a bicycle path and had mentioned Schutte Park. Is the sidewalk from Nottingham Meadows to Schutte Park near fruition? Responding to Dr. Jones, Mrs. Melson-Williams stated that it has not been constructed. It is the burden of the developer to actually complete that in order to have the City issue the last 20% of the permits in that development. She thinks that they are about one permit away from not being able to get anymore permits until the sidewalk is completed.

Dr. Jones questioned that when a subdivision is still in the process of development, who has the responsibility for the common area? Responding to Dr. Jones, Mrs. Melson-Williams stated that it is the burden of the developer unless they have taken steps to turn it over to an association.

Dr. Jones further state the main reason is if there is one area, for example, the area near Dover Plumbing Supply on the Route 13. Responding to Dr. Jones, Mrs. Melson-Williams stated that Dover Plumbing Supply is not in the city limits of Dover. The other side of the street which is kind of where the Del-Tech Campus reaches over is in the City but the other side of the highway is not.

Dr. Jones stated that there are some people who live in Moore's Meadows who consider themselves people without a vote. Responding to Dr. Jones, Mrs. Melson-Williams stated that it is not in City limits. They are in Kent County limits. They may have a Dover mailing address but they are not in the corporate limits of Dover.

Dr. Jones stated that she thinks they know that. Her question is what may be a reason that an area like Dover Plumbing is not located in the City limits. Is it that when the developer was developing they did not ask to be part of City limits or did it have something to do with land use? Responding to Dr. Jones, Mrs. Melson-Williams stated that she thinks that is just where the City limits are. As you go north on Route 13 north of the Mall, there are some areas that are in the City up to where the Wawa is and then there are portions that are still in the County and then Wilmington University campus was annexed into the City within the last 15 years.

Dr. Jones questioned if that happens because someone has not requested annexation for whatever the reasons? Responding to Dr. Jones, Mrs. Melson-Williams stated yes, in order to annex into the City, you have to be contiguous with lands that are already in the City and then it also has to be part of the City's Annexation Plan within the *Comprehensive Plan*. The area right along the frontage of Route 13 going to where Fork Branch Road is identified as a Category 2 which means the City could consider annexation should an applicant come forth. The residential areas that you are referring to are not included in the City's annexation area at the present time.

Mr. Edgell stated that he did find the date of the workshop being held in September. It's

scheduled for September 29, 2017 from 9:00AM to noon at the Paradee Center. It's called "Housing Demographic Re-Alignment" and it's going to be taught by himself, Ms. Karen Horton with the State Housing Authority and Mr. Phil McGinnis who is a commercial realtor. They will be talking about the housing market and how demographics are affecting the different mix of unit types and the different types of developments that they are seeing today. Late in the year these tend to be kind of more elective courses but it is interesting information especially since the City is going to be doing the *Comprehensive Plan* update over the next year or so. It's thinking about the types of housing in the City and what that mix should be. They have talked a lot about the Downtown home ownership today but he thinks that it is very relevant to what you do and the types of things that the Commission will be seeing especially with the *Comprehensive Plan* being on the agenda.

Mrs. Welsh stated that we pay attention a lot of times to orientation and the architectural features of the building and everything. Several people have asked her why Panera Bread has two windows on the highway facing side and a door? Why is the front of the building on a different side of the building? She has responded that they have a drive through and that is the only place that the drive-through was going.

Mr. Tolbert stated that he thinks that we should be very concerned about what the buildings are going to look like.

Mrs. Welsh stated that if she recalls correctly from what the Commission approved, that was all approved or voted upon with two different restaurants being there. Responding to Mrs. Welsh, Mrs. Melson-Williams stated that the architecture of that changed during the process. It may be that for the part that has the sloped roof, there may be more windows in there that they are not seeing. What's facing directly towards Route 13 is the drive-through pick-up window and then there is a portion of the dining area that does end up facing that area. We don't have provisions for the stacking of the drive-through lanes and stuff like that. Some jurisdictions do have provisions of how much you need to be able to stack in your approach to the drive-through. The positioning probably somewhat accommodates that.

Mrs. Melson-Williams stated that Longhorn is moving through the process. They are almost ready for final plan approval so they are anticipating a fall construction start.

Meeting adjourned at 1:56 PM

Sincerely,

Kristen Mullaney
Secretary