

**CITY OF DOVER PLANNING COMMISSION  
NOVEMBER 19, 2018**

The Regular Meeting of the City of Dover Planning Commission was held on Monday, November 19, 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, Mrs. Welsh, Ms. Maucher and Mr. Tolbert. Mr. Roach was absent. (*Mr. Roach arrived at 7:05 pm.*)

Staff members present were Mrs. Dawn Melson-Williams, Mr. Eddie Diaz, Mr. Julian Swierczek and Mrs. Tracey Harvey. Also represent were Mr. Leonard Iacono, Mr. Tolano Anderson, Mr. Paul Davis, Mr. Chris Mondoro and Mr. Luis Marcelino. Speaking from the public was Ms. Debra May and Ms. Carol Young.

**APPROVAL OF AGENDA**

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

**APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF OCTOBER 15, 2018**

*Mr. Holt moved to approve the Planning Commission Meeting minutes of October 15, 2018, seconded by Mr. Baldwin and the motion was unanimously carried 8-0 with Mr. Roach absent.*

**COMMUNICATIONS & REPORTS**

Mrs. Melson-Williams stated that the next Planning Commission regular meeting is scheduled for Monday, December 17, 2018 at 7:00pm in the City Council Chambers.

Mr. Swierczek provided an update on the regular City Council and various Committee meetings held on October 22 & 23, 2018 and November 13 & 14, 2018.

Mrs. Melson-Williams stated that the Delaware APA 2018 Regional Conference was held in Rehoboth Beach, DE over two days at the Atlantic Sands Hotel. All of the Planning Staff attended that event with a series of workshop sessions on various topics and keynote speakers. They heard some interesting information on autonomous vehicles and what that may mean for land planning in the future. It's coming sooner than you think. They also learned about getting your message across and how to simplify and use different techniques for that as well. Overall, it was a great conference and you may certainly see some of the ideas that they gathered at that conference in future activities here.

Mrs. Melson-Williams stated that they recently participated with the City Manager's Office in conducting an information meeting night on Flood Plain Mapping for the area of Bay Tree Neighborhood. There are some flood mapping changes that have occurred and that are pending in that area and this was an opportunity for outreach to property owners in that area.

**OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS**

Mrs. Melson-Williams presented the audience information on policies and procedures for the

meeting.

### **OLD BUSINESS**

1) Requests for Extensions of Planning Commission Approval:

- a. S-16-13 Revised Dunkin Donuts at 1116-1128 Forrest Avenue – Request for One Year Extension of the Planning Commission conditional approval granted November 21, 2016 for the Site Development Plan application to permit the construction of approximately 34,813 S.F. of retail and office space in four buildings and other site improvements. The project is to include a Parcel Consolidation Plan to merge the six parcels on site. The project's initial phase consists of one 7,389 S.F. building with three tenant spaces, one of which will be occupied by a Dunkin Donuts, and one 3,712 S.F. building with one tenant space. Construction would involve demolition of all existing buildings on site. The property consists of 7.7 acres and is located on the south side of Forrest Avenue west of Saulsbury Road. The property is zoned C-2A (Limited Central Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The owner of record is Ennis Business Associates, LLC. And developer/purchaser is Franchise Management Services, Inc. Property Address: 1116-1128 Forrest Avenue. Tax Parcels: ED-05-076.11-02-22.00-000, ED-05-076.11-02-59.00-000, ED-05-076.11-02-20.00-000, ED-05-076.11-02-21.00-000, ED-05-076.11-02-23.00-000 and ED-05-076.11-02-20.01-000. Council District 1. *Waivers Granted: Partial Elimination of Curbing, and Opaque Barrier Requirements – Fence Component (Material & Location); and Consideration for Determination of Superior Urban Design.*

**Representatives:** None

Mr. Diaz stated this project was originally approved in November 2016. At that time, the approval was for 34,813 SF of new commercial and office space divided between four buildings and the intention was to have construction of those buildings happen in several phases. We did not specify at that time how many phases there would be. In November of this year, the project received Final Plan approval and a Building Permit was issued for Phase 1 of the project which is a 7,389 SF building that contains the Dunkin Donuts and two other tenant spaces. There is some concern that the applicants might not be able to start construction before the original Planning Commission approval expires on the 30<sup>th</sup> of this month. If there aren't people out there actually doing work by that date then approval would expire even if they had the Permit in hand. You will see in their letter that they are requesting extension of the project mainly out of abundance of caution and they are continuing to move forward towards the start of their construction. They had a Pre-Construction meeting with the City earlier this month and a Pre-Construction meeting with the Kent Conservation District; and they are working to get their Entrance Permit from DelDOT so we do expect them to start construction very soon just not before the end of this month. Extensions are usually for one year. They might ask for a different amount of time but the Commission can chose how long to grant the extension for. Once Phase 1 of this project is complete, they will have another year in which to start Phase 2 before the plan faces expiration again. If they want, they can apply for another extension at that time.

*Mrs. Welsh moved to approve a one year extension for S-16-13 Revise Dunkin Donuts at 1116-1128 Forrest Avenue, seconded by Mr. Holt and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; his understanding is that sometimes these projects take a little bit of time to come to fruition and due to the conversation, Staff comments and that reality he is in favor. Mr. Roach voting yes. Ms. Edwards voting yes; for reasons previously stated. Mr. Holt voting yes; for reasons previously stated. Mr. Baldwin voting yes. Dr. Jones voting yes. Mrs. Welsh voting yes. Ms. Maucher voting yes. Mr. Tolbert voting yes; it's been adequately substantiated a need for this delay.*

- 2) Update on Status of Eden Hill Farm TND: Residential District (Discussion only – No Application Pending)

**Representatives:** Mr. Leonard Iacono, Investment Property Associates

Mrs. Melson-Williams stated that this is an item that Mr. Hugg requested to be placed on the agenda as an update on the status of the Eden Hill Farm TND Residential District. It is for limited discussion only, there is no formal application pending so there is no action that the Planning Commission can take in regards to an application. The packet consisted of a series of letters of correspondence between the City and the applicant. In addition, the Planning Commission was emailed late last week a letter that we received dated November 13, 2018. Included in the packet is a letter dated September 5, 2018. This letter was issued by the Planning Office. It focuses on summarizing the activities to date at that point in time. It summarized the actions or presentations that occurred at the Planning Commission meetings in June and then a report that was given to the Planning Commission in July as a follow up after they again met with the interested parties. The letter very clearly outlines the review processes for the two areas of the development that were in question; the first being the townhouse area concept which is north of Little Eden Way. It was a concept for townhouses that would basically be changing out some of the multi-family large lots and dividing them into townhouse lots. Staff advised that this would be a Minor Lot Line Adjustment Record Plan submission so that qualifies for an Administrative review process and does require submission of materials to the Planning Office for a formal review. The second concept area is the area to the south of Little Eden Way; pretty much the whole southern extent of the project area. Their concept was for a 55+ community with scenarios that would eliminate alleys and reconfigure Clubhouse areas and offerings. This letter reflects that the Planning Office has determined that it requires a Revised Implementation Plan application. That is a formal application that must be made to the Planning Office in order to be heard by the Planning Commission. It is subject to our regular application filing deadlines and would be subject to public hearing in front of the Planning Commission. In response to that letter issued by the City, on September 24, 2018 the interested parties, with a letter coming from Investment Property Associates LLC submitted a letter back that summarized a large portion of the initial letter from the City and then continued to outline some of their concerns and questions about their project concept. Also attached to it was a markup diagram of potential thoughts for their concepts and then it offered a series of concepts from Ryan Homes related to both the townhouse project and the 55+ single family units. The third letter that was in the packet was from October 26, 2018 issued by the Planning Office that reiterated that the two concepts and the process for considering those concepts was again the townhouse area being an Administrative Plan Review process and the 55+ being a Revised Implementation Plan that would be needed.

Mr. Hugg also identified general concerns that the Planning Office was seeing for a number of the concepts that they were putting forth. He notes specifically that we really can't issue any kind of approval or support in regards to the concepts as they both require specific review procedures and provisions of the *Zoning Ordinance* in the form of specific applications. The letter that was forwarded to the Commission members dated November 13, 2018 comes from Ryan Homes and it outlines a number of things that they are offering in regards to the two concepts for this project and outlines some of the details of that. She believes that the intent of Mr. Hugg in requesting that this be placed on the agenda after hearing from the applicant multiple times that they wanted to appear in front of the Planning Commission was really to serve as an update as to where things were. The Planning Staff has clearly stated what the process is to begin any kind of review of changes to the project area. As noted, the applicants or interested parties are here tonight and they have some presentation that they would like to make.

Mr. Iacono stated that Eden Hill has a history. He was the original "architect" of the project as it stands approved to this day back in 2005. However, due to changes in the economy, demographics and things of that nature he found it necessary to make a submission before the City of Dover to change some of the concepts within this approved plan. He came before the Commission in June of this year, basically stating the reasons why he wanted to make these changes and why Ryan Homes has suggested the architectural changes for what they call their Simply Ryan product as well at the 55+ Community. When we met in June, the Commission approved a motion that basically suggested that the developer and his team meet with the Planning Staff to try to work out an equitable solution to the process and they did just that. In fact, they actually started that process long before the June meeting. They have been beating this up since a year and a half ago. They are basically at an impasse. The reason that he is here to speak is to basically say that even though he does not have a problem with the actual process, for example the submission of an Implementation Plan for the southern half of the property which is a 55+ and realizing that the townhouse section is an administration change, the fact remains that it is not prudent for himself to spend \$100,000+ for a plan submission if we cannot agree on the architectural plans and the concept that Ryan Homes wants to build. The Implementation Plan will simply show the reconfiguration of the infrastructure which is minimal at best. To him, the substance of the matter is not the changes to the road systems or major changes to the open space or any of those kinds of things. The TND says that he has the right within his approval process to make changes to the type of product without increasing the number of lots. In actuality, his submission actually reduces the approved 665 units down to 500+ units. As he exhausted himself to the point of wanting to stand in front of the Commission is to basically say that if he can't get the Planning Staff to sign off on the architectural submissions and approvals and recommendations by Ryan Homes, then there is no need for him to file an Implementation Plan. He can't do one without the other. If he gets the approvals for Ryan Homes and we are all on the same page for them accepting the architectural submissions, then he has no problem going through due process. He is basically here to state that if that support is there fine but if that support is not there then it is what is. Ryan Homes has provided packages that show their architectural plans and concepts and through working with the Planning Staff, they have gotten to a point where they have exhausted all of their measures on what they can do and cannot do. We are at a point where it is either going to be accepted or not but once again, it's critical for the architectural plans to be approved and accepted prior to him going through the formal application process and that's why he has not done so.

Mr. Holden stated that there seems to be some disagreement over whether it's the appropriate sequence that Code requires or the desired sequence. Could Staff please weigh in on how the sequence should occur per City Code? Responding to Mr. Holden, Mrs. Melson-Williams stated that currently there is an Implementation Plan that is in place for the Residential District of Eden Hill. It has a plan for development layout of lots, infrastructure and there is an associated Pattern Book (Comprehensive Design Standards Manual) that exists that is in place. If there are substantial changes to either the Plan or in the Pattern Book, that requires a Revised Implementation Plan to be submitted. They recognize that it is a step that is definitely necessary for the southern portion of the project. The issue here with asking Staff and/or the Planning Commission to bless architecture is that right now they have to look to the current Pattern Book that is approved and adopted. The architecture concepts that have been submitted in certain fashions deviate from the Pattern Book. Yes, there is flexibility built into the Pattern Book but some of their proposals are in direct conflict with other portions of the Pattern Book. If they were just looking to bless the architecture, they could certainly file an application of a revised submission for the architecture alone before they did any kind of full redesign of the southern part of the project. It is not the case in a TND or in other types of applications in the City for the City Staff to give any of approval or blessing of an initial concept. Everything has a particular review process through often times the Planning Commission that needs to occur. We do meet with applicants to discuss projects ahead of time and give guidance as to where we may see things that seem to work and things that seem to do work as well. But that is not to be taken as an approval to move forward with a project. In this case, she thinks over the year and a half of discussions, they have identified a number of things that they have concerns about as to whether or not it meets the Pattern Book or the approved plan that is in place. If they wish to change what is approved and in place, there is an application process that must occur.

Mr. Tolbert stated that they have already taken a vote on this at a previous hearing so a vote at this point is not necessary. The matter can still rest with the applicant and the Planning Staff as we agreed and voted on at the previous hearing about this application.

Mr. Iacono stated that in the Infrastructure Plan, one of the things that they would propose along with the architectural changes from Ryan Homes is that in the 55+ community they would be eliminating the alleyways because all of the houses would be front loaded garages; so therefore, the alleyways would then become part of their lots. In the townhouse section, there are a small number of side by side duplexes, some do have alleys, some do not and some are front loaded. Our plan is to change those few side-by-side duplexes to townhouses as well and if they accommodate alleys they would do so. If they were front loaded, they would maintain front loaded. But the primary change in the infrastructure would be the elimination of the alleyways.

Mr. Tolbert stated that he would suggest that the applicant continue to work with the Planning Staff to see if all of the differences can be resolved in the interest of all parties.

Mrs. Melson-Williams stated that she would note the handout (at the meeting) that was received from Ryan Homes. It is a series of the building elevations and color renderings. It appears that it is the same series or a comparable series to what was attached to one of the letters of their packet dated September 24, 2018.

**NEW APPLICATIONS**

- 1) Z-18-03 Lands of Faithwork LLC, and Paul & Justine Davis at 971, 975, 983, 987, and 991 Forest Street, 21 and 27 Saulsbury Road, and 20 and 30 Carver Road - Public Hearing and Review for Recommendation to City Council on rezoning of nine parcels of land totaling 2.32 +/- acres located on the north side of Forest Street, between Saulsbury Road to the west, and Carver Road to the east. The properties are zoned IO (Institutional and Office Zone), C-1A (Limited Commercial Zone), and C-PO (Commercial and Professional Office Zone) and are subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning is C-2A (Limited Central Commercial Zone) and subject to the COZ-1 (Corridor Overlay Zone). The owners of record are Faithwork, LLC and Paul Davis & Justine J. Davis (Paul and Justine Davis Rev Trust). Property Addresses: 971, 975, 983, 987, and 991 Forest Street, 21 and 27 Saulsbury Road, and 20 and 30 Carver Road. Tax Parcels: ED-05-076.07-01-62.00-000, ED-05-076.07-01-37.00-000, ED-05-076.07-01-36.00-000, ED-05-076.07-01-35.00-000, ED-05-076.07-01-34.00-000, ED-05-076.07-01-38.00-000, ED-05-076.07-01-39.00-000, ED-05-076.07-01-61.00-000, and ED-05-076.07-01-60.00-000. Council District 4. Ordinance #2018-11. The First Reading for this zoning map amendment was completed on October 22, 2018. The Final Reading/Public Hearing is scheduled before City Council for December 10, 2018

**Representatives:** Mr. Tolano Anderson, Faithwork LLC; Mr. Paul Davis, property owner

Mrs. Melson-Williams stated that this is a request for rezoning. As the Chairman mentioned, it involves a number of properties that are addressed on Forest Street, Saulsbury Road, and Carver Road. In fact, a total of nine parcels are part of this application that totals 2.33 acres. For the present uses on the site, Staff put together a summary chart that is actually part of the Development Advisory Committee Report. They have a mix of uses currently on these parcels including a restaurant, five single family detached residences, and what is termed by our Code as an “emergency shelter” which was a youth group home facility that was occurring in three buildings; and there is also a motor vehicle service and auto detailing building as well. With the mix of current uses, there is also a mix of zoning on the properties. There are properties zoned IO (Institutional and Office Zone), some zoned C-1A (Limited Commercial Zone) and some zoned C-PO (Commercial and Professional Office Zone). All of the properties; however, are subject to the COZ-1 (Corridor Overlay Zone). The proposed zoning request takes all of the properties to the same zoning classification and that is a request for C-2A which is the Limited Central Commercial Zone with the properties remaining subject to the COZ-1 (Corridor Overlay Zone). This is kind of the southern half of the block that is bounded by Carver Road on the east, Forest Street on the south and then Saulsbury Road on the west. To the north there are a mix of office buildings, a credit union building and some other residences. At this intersection of Route 8 and Saulsbury Road we find two pharmacies and the Gateway West Shopping Center. Two of the corners are zoned C-2A (Limited Central Commercial Zone) already and then the shopping center is zoned SC2 which is a Community Shopping Center Zone. To the east of this property set on the east side of Carver Road, you find the school facilities of William Henry Middle School and Booker T. Washington Elementary School.

This subject area has been through the rezoning process a couple of times before and has resulted

in the mix of zoning that we see today. We have rezonings in this area that date back to 2005 as a result of some of the planning that happened with the *2003 Comprehensive Plan*. Likewise, after the *2008 Comprehensive Plan*, the 2009 Comprehensive Rezoning Project acted to rezone a couple of the properties in the Carver Road area. The most recent rezoning application is from 2014 that involved three of the properties taking them to the IO (Institutional and Office Zone) and that was in order to establish that group home youth facility in several of the buildings that basically wrap around the Subway parcel. We are dealing with multiple property owners in this case. The owners are Faithwork LLC and Paul & Justine Davis Revocable Trust. With the *Comprehensive Plan*, when we look at rezoning applications, they have to look at their Land Development Plan Map. In this case, that Map shows the area with a land-use classification of Commercial and there are a series of zoning districts that would meet that classification. C-2A (Limited Central Commercial Zone) is one of them. For the request of C-2A (Limited Central Commercial Zone), the uses are really a variety of commercial type uses including retail, offices, personal service, restaurants, service establishments, hotels, places of assembly, drive throughs and also some residential components are allowed; that being one family residences, apartments and multi-family. There are some things that would be subject to Conditional Use and that would be if it was a standalone parking lot or parking structure and any kind of fuel pumps accessory to a permitted use. The project area is part of the COZ-1 (Corridor Overlay Zone) and that would continue. That is a specialized zone that promotes urban corridor development and there are a series of architecture, parking and landscaping provisions that come into play during the development activity process. The Planning Staff is recommending that the properties be rezoned to C-2A (Limited Central Commercial Zone), finding that that zoning is consistent with the City's *Comprehensive Plan* and that the properties remain subject to the COZ-1 (Corridor Overlay Zone). They find that this area is a key gateway leading in from the west and it's another key intersection in the City. They hope that the consistency in zoning for a much larger block would encourage redevelopment in the long run for the property. In this case, there are comments from the Development Advisory Committee. Most of them are basically no objections to the rezoning; however, they do note some guidance should the properties be redeveloped as infrastructure planning would have to occur accordingly. Any future redevelopment of this area is not being voted on this evening. That would be subject to future application processes be it plan review perhaps with this body or even building permitting processes. The Commissioners are making a recommendation. This project request for rezoning is subject to review and hearing before the City Council. Tonight, they are making a request to zone a series of nine parcels to a zoning classification of C-2A (Limited Central Commercial Zone) remaining subject to the COZ-1 (Corridor Overlay Zone).

Mr. Anderson stated that he is here to represent and support this application. They have been accumulating these properties for nearly a decade and a half because of the tremendous potential for development in this area. He and the co-applicant realize the potential not only for development but also for economic opportunities for business owners as well as job creation. They are excited about the whole project at this point. It has been a successful project so far; however, this is the first step moving them towards actual development. The DAC Meeting was really positive. As Mrs. Melson-Williams noted, there was no opposition and no recommendations or anything that would adversely affect this application. They think this is a good project and it's good for the area. They have had two meetings with DelDOT so far because this is a high traffic area and those have been really positive as well. They have had really good

interaction with the Planning Department. The Development Advisory Committee meeting went very well so they have no objection. At this point, they are very excited.

Mr. Davis stated that he and his wife own the two parcels on the corner. Currently, there is a Subway restaurant located on that corner and he is here tonight in support of this application asking the Commission to grant approval so that they may move forward. They are excited about economic development. He supports those types of issues. What they have put together will certainly create jobs for City of Dover and County residents. They are asking that the Commission support them so they can move forward before the City Council and hopefully they get the permission granted so we can move forward. He just wants to note that they have been negotiating with several parties. They don't have a contract to date because it wouldn't be wise to sign a contract if you don't know what your zoning is going to be. Hopefully once they get approval they will be in a position to take it a step farther and negotiate with people that they have already talked to about the project. It's going to be a very nice project. It is a heavily traveled area with east and west traffic. The traffic count is extremely high. The surrounding area itself is actually a commercial area within itself.

Mr. Holt questioned how they made out with DelDOT regarding traffic? Responding to Mr. Holt, Mr. Davis stated that Mr. Anderson has been working with DelDOT. The engineers have been out there and from what they have been told, it's not going to be an issue. There is going to be some redesign of ingress and egress but DelDOT said that can be worked out with no problem. Up to this point, DelDOT is supporting this but obviously they have to get approval in order to nail this thing down.

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

*Mr. Holt moved to recommend approval to City Council for Z-18-03 Lands of Faithwork LLC, and Paul & Justine Davis at 971, 975, 983, 987, and 991 Forest Street, 21 and 27 Saulsbury Road, and 20 and 30 Carver Road to rezone it to C-2A (Limited Central Commercial Zone),*

Mr. Holden questioned if the motion was to make a recommendation to City Council to recommend the approval of the rezoning for the sum of the parcels listed since there are two owners? He just wanted to be clear. Responding to Mr. Holden, Mr. Holt stated yes.

*The motion was seconded by Mr. Holden.*

Mrs. Melson-Williams stated that they (the motion makers) are recommending approval to rezone to C-2A (Limited Central Commercial Zone) but does that also continue the COZ-1 (Corridor Overlay Zone) classification as well? Responding to Mrs. Melson-Williams, Mr. Holt stated yes.

*The motion was carried 9-0 by roll call vote. Mr. Holden voting yes; due to Staff comments that it is consistent with the 2008 Comprehensive Plan and that the COZ-1 (Corridor Overlay Zone) promotes corridor redevelopment and coordination as they would like to see it fit. Mr. Roach voting yes; he is very familiar with the area and he would like to see some nice things come that way so he appreciates them working on the redevelopment of that area. Ms. Edwards voting yes;*



*the economic development in that commercial area would be most welcomed. Mr. Holt voting yes; he thinks it's a good mix for the area and it joins in with our Comprehensive Plan very well. Mr. Baldwin voting yes; based on all of the aforementioned conversation. Dr. Jones voting yes; based upon previous comments from Commissioners as well as recommendations from the Staff and DAC. Mrs. Welsh voting yes; for all of the reasons previously stated. Mrs. Maucher voting yes; for reasons previously stated. Mr. Tolbert voting yes; the applicant is in compliance with the Comprehensive Plan and they will remain in the COZ-1 (Corridor Overlay Zone).*

- 2) S-18-11 Lidl Grocery Store & Retail Space at North DuPont Highway and Kings Highway NE – Public Hearing and Review of a Site Development Plan Application to permit construction of two new buildings and accompanying site improvements. The larger 29,089 SF building is proposed to be used as a new Lidl Grocery Store. The second 6,000 SF building has a proposed use as a retail space. The previous structures on the site have been demolished, and the site is now vacant. The property consists of a total 6.73 acres (7.275 acres prior to right-of-way dedication) and is located on a site bounded by North DuPont Highway, Maple Parkway, and Kings Highway. The property is zoned C-4 (Highway Commercial Zone) and IO (Institutional and Office Zone) with all site improvements to occur in the C-4 zone. The owners of record are Davis H. Wood, and Kings Highway Land Partners, LL; and equitable owners are Lidl US Operations LLC. Property Addresses: 122, 136, 140 and 162 North DuPont Highway and 321 Kings Highway NE. Tax Parcels: ED-05-068.18-01-20.00-000, ED-05-068.18-01-21.00-000, ED-05-068.18-01-22.00-000, ED-05-068.18-01-23.00-000, ED-05-068.18-01-24.00-000 and ED-05-068.18-01-25.00. Council District 2. *This Application is to supersede Site Plan S-16-14 Lidl Grocery Store previously granted conditional approval by the Planning Commission in July 2016 and a previous submission S-18-03 Lidl Grocery Store & Retail Space.*

**Representatives:** Mr. Chris Mondoro, Bohler Engineering; Mr. Luis Marcelino, Lidl US

Mr. Diaz stated that this project is for a 29,089 SF grocery store as well as a 6,000 SF retail building on a site that is bound by North DuPont Highway to the east, Kings Highway to the north and west and Maple Parkway to the south. This project is the Lidl Grocery Store and it's a revision of the original Lidl project that was approved by the Planning Commission in July 2016. That original project did receive an extension of approval at the July 2018 meeting so as of now that original project is still active; however, if the plan before the Commission tonight is approved it will supersede the old plan. It is considered by the Planning Office to be an entire new plan so any of the approvals it got the last time would need to be gotten again following tonight. If you look at the plan, there are a few differences between it and the original 2016 plan. First, is the new building which is located to the southeast of the grocery store. The grocery store itself is also smaller coming down from 36,000 SF to about 29,000 SF and its architecture has also changed significantly as a result of that. They do not yet have architecture yet for the 6,000 SF retail building. That will come before the Planning Commission at a later date. In addition, some aspects of the Site Plan have changed as well. There is a somewhat different parking configuration and the residual parcel which is carried over from the last application along Kings Highway has a new proposed access south of the grocery store instead of north of it as it was originally proposed. Other minor things are the dumpsters. There is one each for the grocery store and for the retail building. Site entrances have not changed. It is still connected to the existing Wells Fargo Bank to the south. You will see that the row of parking spaces near the bottom of the display was

constructed by the bank. That project is almost done if not done yet and the Lidl project will still be connecting to that.

There are also a few things that have not changed from the original project that were specifically requested by the Planning Commission or Planning Staff. These include the row of street trees along Kings Highway, a row of evergreen trees along the back of the grocery store building to screen that side of the building and a multi-use path along Kings Highway and DuPont Highway frontages. We do have a number of recommendations for this project tonight even though it is substantially similar to the one that came before. These are just intended to address some differences that have popped up between the original submission and this one here. The first is that Staff is recommending the Planning Commission evaluate the architecture of the grocery store to determine if it acceptably meets the City's architectural standards. The architecture of this building did change somewhat significantly and they are concerned that the east wall in particular may run afoul of the *Zoning Ordinance* provisions prohibiting blank walls. If the Planning Commission sees fit to request a change to the architecture that could be achieved through such methods as windows, projecting elements on the façade, material differentiation, landscape screening or a combination of such elements. The second thing that Staff is recommending is that the Commission requires some or all of the parking in front of the building to either be removed or to be moved to another area of the site. They are concerned that having parking directly adjacent to a major intersection of the drive aisles would potentially cause problems for cars moving in that area maybe even collisions. The plan that is shown in this color rendering (on presentation screen) is slightly revised from the original submission for this month and it shows a few spaces removed but the Commission can decide whether they think that is enough. The third thing that Staff is recommending is that Commission require an additional pedestrian entrance from Kings Highway. This is to reduce the distance pedestrians have to walk in order to get onto the site particularly when they are coming south from Kings Highway. Doing so would reduce conflicts between pedestrians and vehicles at the Kings Highway main site entrance. As you will see on the Revised Plan Rendering, they did include that but Staff still wanted to ask for it. The fourth thing that Staff is recommending is that the Commission require reinstatement of the second cross access location. As he previously mentioned, the first one is to the residual parcel that is south of the grocery store but there is previously one to the corner parcel at the north where is says existing Pay Day Loans. That potential cross access location is important for if that parcel is redeveloped in the future because in such case it would very likely no longer be able to have the access directly from the intersection as it does now. The fifth thing that Staff is recommending is that the Commission renew the requirements for landscaping that they previously asked for in 2016. Again, this is for the screening row of trees behind the grocery store and street trees for Kings Highway. The reason for having those trees hasn't changed but since this is a new plan those requirements would have to be reinstated for them to be effective. They are also recommending that the Commission ask for a greater variety of tree species in the rear screen. That is to prevent if one of the trees gets sick it would prevent that disease from just propagating down the line of trees because different species are resistant to different diseases. As a final note, he would like to impress upon the Commission the importance of considering these recommendations and making a motion accordingly based on what improvements to the site design or architecture that you agree they need.

Mr. Mondoro stated that he would like to thank the Commission for having them here. He knows that they were here a couple of years ago for the old store and he knows that a couple of the

Commissioners are probably wondering why it wasn't under construction. At that time, the plan was for an approximately 36,000 SF building. Today they are coming back in with a 29,000 SF building. There has been modified architecture that they will address later as well. Lidl has opened dozens of stores on the East Coast and evaluated what they needed in the U.S. They have lots of experience in Europe but they weren't sure how that was going to apply to the U.S. market so there has been a reevaluation of the store and what they need internally. Also during that time, they did not stop pursuing this site. They have worked extensively with DNREC to enter into the Brownfield's program to come up with an agreement there for the remediation of that site. A lot of money has been spent on the investigations. As Mr. Diaz mentioned in his report, there was a gas station and a laundry mat onsite which will have contaminants in the soils that they are looking to address as part of this application to make sure that they are incorporated. Mr. Diaz also mentioned that at the time of this application, initially Lidl did not own the property. They have since closed on the parcels and are now owners of the site.

As Mr. Diaz mentioned, the location that is being displayed is on the eastern side of the building. What you will see in the rendering is at the point where the access comes into the site from Route 13, that was the area that was discussed during the DAC Meeting as being one of the primary areas of concern. Since that meeting, there were initially four parking spaces located there; they have removed them from that intersection and relocated them elsewhere on site to partially address some of the concerns there. As Mr. Diaz mentioned, there are parking spaces located along that drive aisle which they would like to keep. They would like to keep the ADA spaces close to the building so that they are not crossing a lane of traffic. Also, Lidl has a number of stores in operation today with this very configuration and to his knowledge there have not been significant issues at those locations. They are okay with the internal pedestrian facilities. They think that it's good recommendation after talking with Staff and reviewing the site after leaving the DAC Meeting. They have proposed a sidewalk and they are okay with that condition on the Site Plan as well as the additional bike spaces for the retail building. The cross access to the north to the Pay Day Loans was an oversight on their part; they will provide that cross access. As that was intended to be there as part of this application. As far landscaping, they do still propose a row of evergreen trees consistent with the previous approval and they are okay with varying the species there. They feel like they have tried to accommodate all of Staff's comments for the site elements. For the architecture, there is a representative here tonight from Lidl. They have developed a building that they are very proud of. Yes, it is different from what was previously approved but they still think that it is a quality product. There is still varying surfaces on the building. On the right side, the plan is the main entry into the building. There will be some signage there as well. There is a brick façade there as well as white EIFS panels with broken up columns at points along the building as well as a stone watertable there which Lidl has looked to pursue at this location.

Mr. Tolbert stated that he is not understanding what the applicant is saying about the architecture. That building is just a flat roof building and very non-descript looking. It's going to be facing North DuPont Highway and they would always like buildings to have more architecture than just that the flat non-descript rendering that we see today. What did you intend to do about the architecture? Responding to Mr. Tolbert, Mr. Marcelino stated that they have gone through some minor changes to the building. They have maintained the glass façade to provide some transparency. The materiality of the building remains the same. The large element that has been removed from what was previously seen is the curved roof. They now went to a more standard

approach to their roofing. As far as the façade that faces east which is the one in question here, there were some clerestory windows up high there. Considering what's behind the wall, they really didn't see the need to maintain those; however, breaking the east façade with pilasters and the wainscot and the change in materials in them, they felt like they were approaching certain projections in the east façade which is pretty standard in our prototype. They would like to maintain the façade. If they have to break it up more, they will certainly entertain those but it's really hard to tell from a two-dimensional drawing what it would look like. They believe that it is broken up and they stand firm behind their design as they believe that the architect has done a good job of breaking the façade down into panels and then different materials with gray pilasters, the brick wainscot and then EIFS panels setback from those.

Dr. Jones stated that she too has some concern about the appearance of the building looking flat. The applicant made a statement that in the original plan there was a curved roof but they decided to go with the standard roof. Is the standard roof the company's standard? Responding to Dr. Jones, Mr. Marcelino it's in terms of a parapet and the way it functions that would be standard; it drains to one side because it's sloped.

Dr. Jones stated that as they looked over the designs, did they have an opportunity to drive down Route 13 to make any assessment about the aesthetics of the building that are going to be in close proximity to your facility? Responding to Dr. Jones, Mr. Marcelino stated that they have looked at that; however, the intent is to stand behind their prototype and it is very difficult to try to manipulate a prototype to kind of blend in. What they try with the materiality and the brick and the wainscot and the pilasters, they think that it blends into the materiality that you find in this area. But trying to break their prototype, if there is a prototype in every municipality that they go into it could be a challenge.

Mr. Mondoro stated that right now they have a large landscape area in between the building and the sidewalk today. As they are thinking here, they could provide some ornamental trees planted within that area to further break up that façade. It is not something that is currently anticipated out there today but something that they think would fit well within those panels and within those areas, is that something that the Commission would consider?

Mrs. Welsh stated that the roof is a TPO roof that is white as well. She has reservations about that because she doesn't believe that that type of architecture fits in with what our architectural requirements are within the City. The building is going to be block throughout, correct? Responding to Mrs. Welsh, Mr. Marcelino stated that the west façade is split face block with a brick wainscot.

Mrs. Welsh questioned if it was white split face block? Responding to Mrs. Welsh, Mr. Marcelino stated that it is not. It is gray split face. The only white surfaces on the building aside from the TPO roof from an energy standpoint is the EIFS which is primarily on the east façade.

Mrs. Welsh stated that she still feels that we could do some obstructers on there that would probably help it. The applicant did mention that it is difficult to tell what is happening with a two dimensional drawing but she is wondering if there was a possibility that they could have been provided something that was a three dimensional drawing or a rendering of that type that would

have shown a little better what the plans are on that. Responding to Mrs. Welsh, Mr. Marcelino stated that is possible. They can certainly provide a rendering of what their intent of the site is to help visualize what the building will look like. They have done it in the past and they certainly have no issues in providing this.

Mrs. Welsh stated that she has a question regarding the parking issue that the DAC had a concern about. If she is looking at the new plot plan, you basically moved the parking away from the intersection of the two drive aisles? She still sees the parking there and that is a safety concern for her as well. She envisions a lot of backing up into two lane traffic there that is a major ingress and egress area and she foresees a lot of issues there. She is not sure that moving it down really solves the issue. Responding to Mrs. Welsh, Mr. Mondoro stated that they did not eliminate all of those spaces and the spaces that were directly at the intersection, they moved those to the retail parcel. They didn't shift it down; the other spaces were there so they eliminated four spaces from that drive aisle. As he mentioned earlier, Lidl does have store operational now with this configuration.

Mr. Holden stated that he seconds what Mrs. Welsh said about a three-dimensional representation. In his view, he thinks that they have a couple of options that he thinks are good options for the Commission anyway. They would be to bring a three-dimensional rendering back to the Commission or work with Staff and the comments that they have provided, one of which is to provide a façade that is more interesting. What appears in the two-dimensional rendering is kind of a checker board blank face and what they had before from his memory was certainly more appealing. Even if you had clerestory windows or some varying architecture versus what appears to be a plain rectangle from the Route 13 Corridor which is an important corridor for us, he thinks that those are both viable opportunities that he would suspect the Commission would be supportive of. He thinks that they need to certainly be supportive of a path that works for the applicant but he thinks that generally they are hearing that that's the desire to see something more along the lines of what they had seen before.

Mr. Marcelino stated that when they look at what the east façade looks like currently per their new prototype which is currently under question, is the intent to just have the façade broken down, remove some of the whiteness and potentially introduce a new material? Some more clearer direction would really help here. Responding to Mr. Mondoro, Mr. Holden stated that the challenge that they have is that the Commission had their general thoughts and they wait to see what the applicant brings forth. What was brought forth before was approved so he sees two paths personally. You could satisfy Staff by continuing to work with them to satisfy their perspective or you could bring something back to the Commission to get their approval. It's hard for the Commission to design something in words for the applicant that they know for certainty is going to meet muster.

Mr. Marcelino stated that with the initially approved east façade, the only difference between that one and this one is the clerestory windows; all of the whiteness existed.

Mr. Mondoro stated that the previous one did have the window up there and he believes that it did have another brick face towards the southern side. Those are some of the major differences here begin the clerestore windows and additional brick panels to break up that façade. Is that the direction that Staff is looking to go; consistent to the previous architecture? Responding to Mr.

Mondoro, Mr. Diaz stated that the previous version of the architecture did not so strongly trigger our concerns about the blank wall precisely because it had a line of windows on the front façade.

Mr. Mondoro stated that if that were something that were to be added in here, being that line of windows and breaking up or providing brick panels on the southern side to what's on the northern side, is that something that would be approved? Responding to Mr. Mondoro, Mr. Holden stated that from his seat, he so comfortable with the applicant to work with Staff to satisfy Staff's concerns as they have verbalized them but that has to be an ongoing discussion so it's hard for them to provide a conclusive and turn your words into a graphic or into an architectural concept. Or you could bring it back to us. Generally, from his own personal point of view, yes but that is going to take some ongoing dialogue with Staff if we move forward with an approval tonight. The Commission can certainly move forward to offer the opportunity for them to bring back a further refined or 3D concept to the Commission. He wants to circle back to a one other issue that's been raised. The access way off of Kings Highway certainly transitions from entrance to parking lot very quickly and he thinks that there is an opportunity to hold onto the parking spots that you have but to allow for greater depth into the site so that you provide a clear drive aisle that is not driving right as parking spots. He doesn't know that he sees a space consideration that would preclude you from doing that. The challenge is that you get about a car length in from that radius and you are heading right at parking spots and you could certainly carry that vehicular pathway forward further transitioning where the drive aisles are and where the islands area a little bit differently to allow people that come off of the street with some velocity. People backing up aren't always aware of that.

Mr. Mondoro stated that it seems like there are two spaces and then an island adjacent to the building. If those two spaces were removed providing further separation from that intersection so that the backing up maneuver is further away, would that be something that would address the Commission's concerns? Responding to Mr. Mondoro, Mr. Holden stated that again he thinks that their challenge is that it is tough to verbalize. He would personally be comfortable with them working with Staff to continue to work at this. he thinks that if you come off of Kings Highway if you are coming into the site you are heading generally towards the southeast direction, you are going right at an island and some spots and whether that vehicle travel way continues forward and you kind of reorganize. You have the parking spots that face Kings Highway you could certainly continue that and have opposing parking spots there and allow that vehicular way that's a southeast/northwest direction to continue through that island and not be in conflict with it so directly. He thinks Staff is very capable of working with the applicant on that issue if you are comfortable to massage that. He doesn't think that it necessarily changes the parking count it's just a movement change.

Mrs. Welsh questioned how Staff views the change in parking? Responding to Mrs. Welsh, Mr. Diaz stated that at the DAC meeting it was the consensus of Staff that where there are existing Lidl's in Delaware, particularly the Middletown location, and we see this configuration at those existing stores. They do have this issue with cars backing out and it creating a problem.

Mrs. Welsh questioned if it's still considered a little bit hazardous or a safety issue? Responding to Mrs. Welsh, Mr. Diaz stated yes, a little bit. They do think that moving the parking spaces from in front of the intersection addresses the problem a little bit. Certainly with the intersections to the

south where you see it intersecting with the parking in front of the retail building, those would be a little less busy so it's not necessarily as hazardous but yes, there have been issues still with cars backing out of those spaces into the main drive aisle traffic.

Mrs. Welsh stated that she agrees. She sees issues especially with the fact that there are ADA parking spaces. She is not so sure that drivers back up a little bit slower sometimes and they might be in the path of an oncoming car without realizing it until it's too late.

Mr. Tolbert questioned if the applicant is willing to work with Staff regarding some of these issues in a cooperative manner? Mr. Marcelino stated yes, they certainly want this project to happen. He knows that it has taken a little long but it was needed to take that time to finalize some of the things. They certainly want the project to happen; it will bring many jobs to the town and they think that it's a good thing. They certainly want to work with Staff to get some of these items corrected. His team will continue to reach out and get feedback. They hope to get it right very soon because they definitely want to build this project as soon as possible.

*Mr. Tolbert opened a public hearing*

**Ms. Debra May – 284 Kings Highway NE Dover DE 19904**

Ms. May stated that she has lived on Kings Highway NE for fifteen years. She literally lives just across from that lower parking lot which is Probation and Parole. At the end of that sidewalk is a bus stop and there is also a bus stop at Luther Towers but way into Luther Towers not at the street. She does know that there is a lot of road traffic between Probation and Parole up to DuPont Highway. She is wondering if there are going to be any additional bus stops perhaps because currently there is a fence around that parking lot at Probation and Parole so there would be no access. Probation and Parole does not want to take down their fence or have a walkway cut through their fence. A concern for this store is to have more traffic coming because people would not want to walk all the way up and then come down to your store to utilize your store. There is a bus stop there already but it would be difficult to utilize it and go to your store. The other concern would be the traffic going along that fence line of the parking lot of Probation and Parole.

**Ms. Carol Young – 412 Kings Highway NE Dover DE 19904**

Ms. Young stated that she lives across from the Lidl and she is right across from the trees. She did not see the new version of the plan until tonight so she was not aware of the changes. She thinks that the changes are very nice and she is very appreciative of where the trash receptacles are, they are not in the back where they were. She thinks that Ms. May's suggestion for a sidewalk entrance with a bus stop would be convenient for those people that take a bus. It would cut through some of the around that they would have to do. Her concern is the entrance off of Kings Highway and whether it's a right-in only or if it will accommodate in and out traffic. She worked at Wells Fargo and she knows that the entrance from the highway was a very congested one. There was backup traffic for the MAC machine and it would create problems at times or cause people to back into or stop into the highway because they weren't able to get in.

Mr. Mondoro stated that they have worked with DelDOT. The previous store did have approvals for the Entrance Plan. They are not proposing to change anything that's part of that. Anything

that you see out there was approved by DelDOT. We have had conversations with them since and they are okay with us continuing that plan; just updating the Record Plan, no changes to the Entrance Plan. They have reached out to DART and DelDOT because they are providing a bus stop along Route 13. DelDOT did not request a bus stop on Kings Highway so one has not been provided there. Regarding the access point on Kings Highway, it will be full movement. That is something that they have approval from DelDOT for and something that they are looking to continue here today as well.

Ms. Young questioned if that means that people coming from the highway from the north taking a right turn into the road would make a left into the store? Dunkin Donuts is right there and that can be a very congested intersection so if they have access from Kings Highway going west that could back up traffic.

Mr. Tolbert stated that he recommends that the two ladies who spoke talk to their neighbors and get together to talk to DelDOT. You also may want to sit down outside of this meeting with the applicant and you may be able to get on one page.

*Mr. Tolbert closed the public hearing.*

Mr. Tolbert stated that he thinks the motion should include a requirement to work with Staff on the issues raised in this hearing regarding this application.

Mr. Holden stated that a full movement intersection is one that you can turn right or left out of or come right or left into. At the end of the day, he travels that road and knows that there are challenges that really is a DelDOT issue and not one that the Planning Commission gets to weigh in on too much. He does understand it and it's one that someone could certainly pursue.

Mr. Holt questioned if DelDOT has signed off on this latest project? Responding to Mr. Holt, Mrs. Melson-Williams stated that from the DAC comments from DelDOT, they do note that the project was previously reviewed and approved through DelDOT's Subdivision Section. That means that it had Entrance Plan approval and that would be for both the entrance onto Kings Highway and onto Route 13 which is obviously a right-in/right-out. That also includes other improvements in the right-of-way which in this case is a multi-use path network along the roadways. The DAC comments from DelDOT note that the developer should schedule a pre-submittal meeting so basically they will have to go back to DelDOT to kind of make sure that with the revisions to this site they can still maintain their site Entrance Plan approval that they have in hand.

Mr. Holt stated that it looks like Maple Parkway is going to be a busy intersection between Maple Parkway and Kings Highway with the bank and the new shopping center and everything going on there. Good business brings in dollars and hopefully everyone will work out the traffic.

*Mr. Holden moved to approve S-18-11 Lidl Grocery Store & Retail Space at North DuPont Highway and Kings Highway NE that includes the Parcel Consolidation Plan. The motion would include a requirement for the applicant to work with Staff on all Staff recommendations to the satisfaction of Staff to address those issues; he thinks that allows the applicant a path to move*



*forward. He thinks that Staff will be reasonable and he thinks the applicant has got some room to move towards the issues that the Commission has raised tonight. They are excited for this project to come to resolution here in the City and we appreciate you bringing it back to us, seconded by Mr. Holt and the motion was carried 9-0 by roll call vote. Mr. Holden voting yes; he thinks it follows Staff comments and Planning Commission items of discussion. He thinks that it is a great project for the City and a footprint of this type of development is needed and he is pleased that the applicant is here to work with the City to make it happen. Mr. Roach voting yes. Ms. Edwards voting yes; based on the applicant's willingness to work with Staff to address the concerns. She thinks that it's going to bring a lot of jobs to the area and she shops at the Lidl store in Middletown so she is pretty excited to have one here. Mr. Holt voting yes; he thinks that it will bring jobs to the area and it's going to be a plus for the whole City of Dover. Mr. Baldwin voting yes; based on the previous comments. Dr. Jones voting yes; based upon previous statements. Mrs. Welsh voting yes; for reasons previously stated. Ms. Maucher voting yes; for reasons previously stated. Mr. Tolbert voting yes; the motion was thorough and complete.*

**NEW BUSINESS**

- 1) Project for Dover's 2019 Comprehensive Plan
  - a. Update on Project Activities (Project Update October 2018)

Mrs. Melson-Williams stated that in the packet, Staff included a three page project update. It kind of gives a status of where things stand. They submitted this update to the City Council at their Council Committee of the Whole last week. It gives an update of where they are taskwise. They continue to have various meetings among Staff and other agency groups. Outreach has begun to their adjacent jurisdictions and meetings have been held with Cheswold as well as discussions with Little Creek and some initial discussions with Kent County and the Town of Camden. At this point, the key thing that they have out there is these preliminary items. Staff continues to work on the writing of the text and what is current out for review and comment and was the Commission's homework assignment from last month was to look carefully at these Preliminary documents and maps.

- b. Review of Preliminary Goals & Recommendations

Mrs. Melson-Williams stated that this is a series of goals and recommendations and action items for their topic chapters of the Plan. There is everything from Natural Resources through Preservation and Utilities and City Services and Economic Development and Housing. All of them have a series of goals, recommendations and then the bullet points are kind of like action concepts or action items specifically.

She has received some comments from Mr. Tolbert but not sure that she has heard anything from other Commission members.

- c. Review of Preliminary DRAFT Land Development Plan Map Series

Mrs. Melson-Williams stated that the Preliminary DRAFT Land Development Plan Map Series is also out for review. This is the one with a rainbow of colors that identifies land-use classifications for all properties that are in the City.

d. Review of Preliminary DRAFT Annexation Plan Map Series

Mrs. Melson-Williams stated that the Annexation Plan Map Series is also in the Preliminary DRAFT phase. It focuses on identifying potential annexation areas for the City. At this point, she would be happy to entertain any questions or comments that the Commission has on these drafts. They have put out this information to get an early reaction to this document. It is available on the City's website so the public can see it. Like she said, they did present it to Council and their Committee group. They had some minor comments from them but nothing substantial. They would like to hear comments at this point because it allows them if they have totally missed something to make sure we are capturing that before we move into really what would be issuance of a Draft and then the very formal review process when they get into 2019. If the Commissioners would like another hard paper copy of these documents, Staff would be happy to get those to them. It's okay to take your red pen to it and write comments and mark up and questions. Staff would like to hear from the Commission as part of this process.

Ms. Maucher questioned when more text of the documents will be available? She had some concern with the language where it sounded like there was the starting of processes which she thinks are already in place. Rather than work with it would be "continuing" to work with. If she had the backup textual document she could look at the recommendations. Responding to Ms. Maucher, Mrs. Melson-Williams stated that at this point there is no draft full document; there are bits and pieces of it. They anticipate releasing a Draft of the document in January. It is still a work in progress. The chapter pieces that the Commission is not seeing at this point are a lot of background information, facts information and that kind of thing. If you think that there is something that they should have already done and it should be continued with, circle it. Staff may have already flagged it at this point. Staff is looking at all of this as well. Each of these sections of Goals and Recommendations was written by the Staff member who is assigned that chapter so they are doing the markups of everybody else's stuff as well. This is what they have at this point that they can release.

Mr. Diaz stated that at this point they have received written comments from the City Manager and a few City Departments as well. So any comments that the Commission wants to provide to Staff in writing would certainly be welcome because they will put them all together and in the next few weeks they are going to be revising these DRAFT Goals and Recommendations as well as continuing to write the main plan text.

Ms. Maucher stated that she started to go through with a red pen and then thought if she has some backup information maybe this wouldn't be necessary. It just seemed like she has a lot of comments that might not need to be there. Responding to Ms. Maucher, Mrs. Melson-Williams stated that was okay, they can sort it out.

Ms. Edwards stated that she has a question under the Utilities Chapter under Goal 2 Recommendations 5 and 6. They really have no text to them as far as the action plans are concerned. Is there any update on that? Have there been any action plans identified for those two recommendations? Responding to Ms. Edwards, Mr. Swierczek stated that it has come to their attention that there could potentially be more added to that. The basis for the Utility Chapter was from the previous *2008 Comprehensive Plan* and that has been added to so they are looking to

add more specificity to the Action Plan.

Mr. Holt questioned if any of the properties in the green (on the Annexation Plan Map) currently receive City services now? Responding to Mr. Holt, Mrs. Melson-Williams stated that there may be areas in the dark green (enclave areas) where they are almost totally surrounded by the City in one way or another. Some of them very likely may have one type of City service. If they have anything it may be electric because our electric service territory extends outside City boundaries. There are certainly other areas in yellow and even orange that may have City water or sewer but they are not part of the City. In the past, you were able to get City water and sewer without the caveat of annexing into the City; however, that policy has changed. In order for that property to receive City water and sewer unless it's some very significant public safety health issue, we do require annexation into the City to receive those services now.

Ms. Edwards stated that under the Economic Development goal about revitalizing Historic Downtown Dover, they have been attempting to do that for a very long time. She is wondering if there has been a City that has been identified by the City of Dover or Downtown Dover Partnership or whoever would be responsible for that, identifying a City who was in a position that we are in and really trying to revitalize their Downtown and has been successful in doing so, a model City if you will that we could learn from. Responding to Ms. Edwards, Mrs. Melson-Williams stated that she doesn't know if there is any one specific city but certainly there are other cities that are participants in the National Main Street Program which Dover is a participant in. Levels of success and whether it's been achieved or not could vary person to person and what their opinions are. Certainly, we have seen revitalization steps even in the time that she has been here. She thinks that it is ongoing and will continue to be an ongoing effort as cities evolve. From a land development perspective places come and go, building vacancies get filled and become vacant again so change is always happening. She doesn't know that there is one perfect example because you can look to other capitol cities but then they may not have the same demographics that Dover has. She knows that a lot of times people point to Annapolis but the demographics of what's in their City boundary is very different than what's in Dover. Throw in the fact that we are also a military City and a college town, and she doesn't know that there is another exact replica of Dover out there somewhere.

Mrs. Melson-Williams stated that she was just looking for comments so if the Commission would like another paper hard copy see Staff forwards. If you want to mark up what you have, please drop it by the Planning Office at any time.

Ms. Edwards questioned how they register for the 2019 Planning Series? Responding to Ms. Edwards, Mrs. Melson-Williams stated to see Planning Staff and they will get it taken care of.

**Meeting adjourned at 9:00 PM.**

**Sincerely,**

**Kristen Mullaney**  
**Secretary**