

**CITY OF DOVER PLANNING COMMISSION
DECEMBER 16, 2019**

The Regular Meeting of the City of Dover Planning Commission was held on Monday, December 16, 2019 at 7:00 PM in the City Hall Council Chambers with Chairperson Dr. Jones presiding. Members present were Ms. Edwards, Mr. Hartman, Mr. Baldwin (*arrived at 6:53pm*), Mr. Tolbert, Mrs. Welsh, Ms. Maucher and Dr. Jones. Mr. Adams and Mr. Roach were absent.

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Julian Swierczek and Mrs. Samantha Bulkilvish. Also present were Mr. Clifford Mitchell, Ms. Enghofer, Mr. John Paradee, Mr. William Harman, and Rev. Erica Crawford. Speaking from the public were Ms. Annette Mathis, Mr. Kenneth Morse, Mr. Brian Bashista, Mr. Tolano Anderson, Ms. Christine D’Gangi, Mr. Jack Phillips, and Ms. Kathleen Doyle.

APPROVAL OF AGENDA

Mrs. Welsh moved to approve the agenda as submitted, seconded by Mr. Tolbert and the motion was unanimously carried 6-0 with Mr. Adams, Mr. Roach and Mr. Baldwin absent.

APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF NOVEMBER 18, 2019

Ms. Maucher moved to approve the Planning Commission Meeting minutes of November 18, 2019, second by Mrs. Welsh and the motion was unanimously carried 6-0 with Mr. Adams, Mr. Roach and Mr. Baldwin absent.

COMMUNICATIONS & REPORTS

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Tuesday, January 21, 2020 in the City Council Chambers.

Mr. Hugg stated that in the packet there is a Schedule of Meetings and Deadlines for 2020.

Mr. Hugg provided an update on the regular City Council and various Committee meetings held on November 25 and 26, 2019 and December 9 and 10, 2019.

Mr. Hugg stated that in terms of Planning and Inspections updates, the most important item is obviously our Public Hearing tonight on the *Comprehensive Plan* and its consideration by City Council at their meeting in January 2020.

Mrs. Melson-Williams stated that their new Planner, Samantha Bulkilvish joined the office two weeks ago and has gotten the crash course in finishing up the *Comprehensive Plan* and is helping them out this evening.

OPENING REMARKS CONCERNING DEVELOPMENT APPLICATIONS

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

OLD BUSINESS

1) Requests for Extensions of Planning Commission Approval: None

NEW APPLICATIONS

1) S-19-25 Eden Hill Farm TND: Residential District – Revised Implementation Plan (Phase 2 Area, Clubhouses, and Unit Types) – Public Hearing and Review of Revised Implementation Plan for the Residential District component of the Traditional Neighborhood Design project known as Eden Hill Farm TND. The Revised Plan for the Residential District proposes to revise Phase 2 areas; to extinguish lots 339-346 to create a new clubhouse and active recreation space; to create two (2) clubhouses within the Active Open Space; to build five (5) apartment buildings to contain 180 dwelling units on lots 6-10, while using lot 11 as Open Space; and to change the unit types of lots along Alleys J, K, L, R, S and T (in vicinity of the eastern portions of Ann Moore Street, Ridgely Boulevard, and Little Eden Way) to achieve 665 total lots. The Residential District consists multiple parcels totaling of 109.034 acres ± of land and is zoned TND (Traditional Neighborhood Design). The project is located south of West North Street and Wemyss Road and east of the POW-MIA Parkway. The owner of record for the area of revision is Eden Hill Residential, LLC. Tax Parcels: Multiple parcels of the Residential District on map ED-05-076.04. Council District 2. *The Implementation Plan was previously reviewed as SB-06-03 Eden Hill Farm TND: Residential District Implementation Plan consisting of 665 dwelling units with the Planning Commission conditional approval granted June 19, 2006 and other subsequent approvals related to lot layout and Pattern Book revisions. Related Applications: SB-07-01, MI-08-03, MI-08-20, MI-09-03, MI-09-13, MI-10-04, MI-10-14, MI-10-20, and S-15-07.*

Representatives: Mr. Clifford Mitchell, Karins and Associates; Ms. Lauren Enghofer, Karins and Associates

Mrs. Melson-Williams stated that this is a related to the Eden Hill Farm TND which is a Traditional Neighborhood Design Project. This specifically focuses on the Residential District of that location. The Residential District area is shown on the screen. To the top of the screen would be where the Commercial District is that currently has the Nemours Pediatrics Offices and then the larger Eden Hill Medical Center would also be to the top of the screen. The left-hand side of the screen would be where the POW-MIA Parkway is, and they will talk about the colors on the map in a moment. With a TND, there is a requirement for an Implementation Plan which outlines how you are proposing to develop an area. For the Eden Hill property, there is an existing Implementation Plan for the Residential District; it dates to 2006. Over the years, there have been a number of amendments to that Plan, some successful and some while successful with the Planning Commission were never implemented. This evening, we are focusing on another Revised Implementation Plan for this district area. There are a number of things that they are proposing to change with this Plan, but she wants to talk about the TND Zone in particular. It is a particular zoning classification that has a list of permitted uses in the Residential District and most of the permitted uses focus on residential activity. There is also the ability to have open space areas and then also a number of civic uses. Our DAC Report actually has a chart in it that outlines the whole series of every application that has ever happened with the Residential District. At this point, we are well over a dozen applications over the years to make changes or to amend a portion of that development. Along with the plan aspect of a TND Project, there is also

what is called the Comprehensive Design Standards Manual also known as the Pattern Book. The Pattern Book sets forth how you build in the District. It includes things like approaches to building architecture; it establishes the setbacks and how much of the lot that you can cover and elements like that along with details on streets, tree plantings, and things of that nature. With the Eden Hill Resident District, the original Pattern Book is from 2005 and over the years there have been a series of five Addendums to that book. Where we are today with the Eden Hill Residential District is that the red shaded area on the screen is where the existing houses are located. There have been eighty-three permits issued for construction of what have been predominantly townhouse units and there are a series of six duplex units meaning that two units share a wall in that neighborhood as it exists today. The project as it exists tonight is a revision to some other areas of the Plan that have not yet started construction and that is what the Planning Commission will be evaluating. The first of those is a revision to what is the area that is to be encompassed in Phase 2. This will focus on the area immediately to the south or towards the bottom of the screen from the red (the area that is currently built). In Phase 2, they are looking to enlarge it to make Phase 2 really encompass what was originally labeled as Phase 2 and Phase 3 with several other additional lots as well. So not really a change to the plan or units in that area just a phasing line change. The second item for revision is a consolidation of lots in order to create a southern Clubhouse. On the map, this is the lightly shaded green area towards the bottom of the development. This would basically consolidate a number of single-family detached house lots and in that location construct a Clubhouse to serve that area. That Clubhouse area is close to several other areas of existing open space in the proposed plan. The next item for revision focuses on what is the dark green area just to the east of the red. That was the proposed location of a Community Center Building. With this project, they are proposing to create two Clubhouse buildings on that parcel of land still retaining the necessary active recreation area for the project but instead of a one building in that block, they will be proposing two buildings. The next revision deals with a revision to the overall dwelling unit count. When Eden Hill was first established it was limited to a total of 665 units. Over time with changes to the Plan, there have been some units that have been lost. There was a proposal that actually increased the number of units to over 700 units when there was a concept for an increased presence of apartments in the project, but this plan would take the residential dwelling count back to 665 dwelling units overall. What that does mean is that there is some change to the mix of unit types in number and location. The teal blue color at the far northeast part of the site towards the top of the page that is where the multi-family units are proposed. With this project, they are looking to construct multi-family in the form of apartment buildings. This is predominantly where multi-family was originally planned in the overall development. Their scenario makes use of those lot areas to create 180 apartment units. One of the block areas that was proposed for an apartment building originally, is being revised with this plan to turn into open space area. The other component to changes of unit type is shown in purple. Currently, the existing plan has a series of townhouses located in that area. This Revised Plan proposes to change them to a series of duplex units. Overall, this plan will propose 582 dwelling units so it is a mix of single family detached houses with a couple of different lot sizes for them; duplex units, townhouse units, and the multi-family in the form of apartment buildings for a total of 665 dwelling units. With this project as with all of our residential development there are landscape plan requirements that require tree plantings and then there are also requirements for active recreation. With these proposed changes for the Clubhouse areas, they are actually increasing the amount of open space for the project overall and it's just the amenities are being refined with those Clubhouse buildings. Should the

application be successful this evening, they do have additional work that they will have to do with the plans in order to develop construction plans that make refinements to the lots that they are proposing this evening. It will be through an administrative process with Staff and the regulatory agencies to finalize those plans. With the DAC Report, there is some basic information on the plans submitted for corrections that Staff has identified and additional information that will need to be updated. With this proposal for the revisions, Staff is basically in support of all of their recommended changes. The Planning Commission can find the Staff Recommendations on page 13 of the DAC Report. They are recognizing the changes in phasing, the consolidation for lots and their new concepts for Clubhouse units, the revision in the units count to take it back to 665, and the mix in the changes of the townhouses, duplexes and apartment units. We do in our Recommendations remind the applicants of some of the key concepts for the TND. They do also note that since there have been a number of changes over time there isn't actually one final version of the Pattern Book; Staff is recommending that the requirement be placed that a Final Edition of the Pattern Book be put together for the Residential District. As she mentioned there is the original book and then five Addendums, so helping people understand what the requirements for building in there or even reviewing Permits can be complicated to say the least. The DAC Report also includes information from other agencies including the Public Works Office related to water and sewer planning, the Fire Marshal's Office which has a number of comments related to planning for the apartment buildings, the State Department of Transportation, and the Kent Conservation District.

Mr. Tolbert stated that in looking at the Plan there are six phases and he doesn't see Phase 3. Responding to Mr. Tolbert, Ms. Enghofer stated that they are trying to keep this plan as close to looking the same as the previous plan as possible. They did not go through and re-number all of the other phases.

Mr. Hartman stated that he recognizes that the Pattern Book is very old. Do you need an updated Pattern Book in order to make an informed decision on this project? Responding to Mr. Hartman, Mrs. Melson-Williams stated that the Pattern Book exists in pieces at the moment. There is the original book and then all of the Addendums all of which are in place and are enforceable, but the difficulty comes in because you can't just open one book. You have to open one book and then double check the other five pieces to make sure that the element that you are looking for did not change in a subsequent approval. In the past, they have worked with prior applicants to suggest creating a final document for the Residential District specifically to help that review process go smoother both for Planning Staff in reviewing any future plans and permits as well as the applicant builder or developer of the project in understanding the requirements specific to their project.

Mr. Hartman questioned if Staff was concerned that the Pattern Book as old as it is does not address the apartment complexes or the new recreation Clubhouses? Responding to Mr. Hartman, Mrs. Melson-Williams stated that the Pattern Book presents general information in regards to both of those items: general information about how you build multi-family and how architecture overall should be approached. The question of the Clubhouses is very similar; there is information about the aspects of architecture but what will be needed for this project is a little more detail of the amenities of those Clubhouse areas. Do they include any specific outside recreation amenities, game court surfaces? What is the inside of the building? Is it meeting

rooms and how is that divided up? Those items of detailing out the Clubhouse areas can be achieved through an Administrative Site Plan process. The existing Pattern Book in its many pieces goes to inform that design.

Mr. Hartman stated that Staff's comments suggest that there are not enough parking spaces except on-street. Responding to Mr. Hartman, Mrs. Melson-Williams stated that the Pattern Book does not specifically outline a parking requirement for apartment units. The regular *Zoning Ordinance* provisions for apartment buildings require a parking rate of 2.25 parking spaces per unit. With this project as it is designed, they are proposing what they would call off-street parking both in surface lots and then under the apartment buildings but they do somewhat rely on on-street parking in those areas if you are looking to hold them to the 2.25 per dwelling unit requirement. Some of that could be considered that visitors would be an on-street parking option. The overall concept of a TND is meant to be multi-modal meaning people arrive by vehicle, on foot or through public transit in the area. The concern is not extensive, but they do not that it does not currently appear to meet what is our regular parking requirement for apartment units.

Mr. Hartman stated that he just wants to make it clear for the record that Article 10, Section 2.23 of the *Zoning Ordinance* requires these 2.25 parking spaces for the use of the people living there and for visitors and for obviate the parking of off-street vehicles. If this is in the *Zoning Ordinance* as a requirement, why wasn't this submitted as a waiver of some sort in the application? Responding to Mr. Hartman, Mrs. Melson-Williams stated that the TND Zone is a little unique. The Code reference that you just made to Article 10, Section 2 focuses on Site Plans. The TND Zone has its own particular process to it outlined in the section of Article 3 that deals with the TND. It does make reference to other portions of the Code related to things like tree planting and parking but with a TND the parking rate can be established through the Pattern Book itself. That is something that if they are not meeting that exact 2.25, they can present an item for the Pattern Book to revise that to something more appropriate. This is really focused on the overall concept of the apartment units. The more finalized design of apartment units would come through an Administrative Plan Review process and if that time they are still not meeting it, they could pursue a change to the Pattern Book to accommodate what they believe is the necessary parking for the apartment units.

Dr. Jones opened a public hearing.

Ms. Annette Mathis – 422 S Greenberry Lane Dover, DE 19901

Ms. Mathis stated that she has been living here for a little over eight years now and all of these things that are being said now were promised then. She wants to know if they have a builder now for this plan or how long do you think this plan is going to take this time. She was promised the Clubhouse. The last person that she knew as the builder was Pettinaro, but she doesn't know if they are still on board with this or not. Responding to Ms. Mathis, Mr. Mitchell stated that at this point the developer has multiple builders lined up to start working on the project as soon as they get through the whole process of the approval from the Dover Offices.

Ms. Mathis stated that they said this time it is supposed to be like 180 apartments. Will the residents in the apartments have to pay an HOA fee like they do? Responding to Ms. Mathis, Ms. Enghofer stated that is legal and they don't really get into that end of things.

Mrs. Melson-Williams stated that she would imagine that as part of the development of multi-family apartment units, some type of fee may be incorporated in their rental amount. That is typically how they see that done. There is an overall property management of the apartment units that may participate in taking care of various Clubhouse activities or active recreation amenities. This is somewhat unique when you've got both individual homeowners and then potentially the apartment style buildings within the same development but the City's rules and regulations say that all property owners are to be members of the HOA and/or Property Management Association to take care of those common area elements, whether it's an active recreation area or just open space so there will be some type of participation. They may not see it specifically as a line item like you do as a property owner as a payment to an HOA but that is typically how the process works.

Ms. Mathis questioned if they know who the HOA is for that development now? Responding to Ms. Mathis, Mr. Mitchell stated that they do not know.

Mr. Kenneth Morse – 422 S Greenberry Lane Dover, DE 19901

Mr. Morse stated that he does not think that the road is built to have two way. They have been there since they started building. You are building all of this around us and we are sitting there in the front. They had promised us when we first bought that townhouse that nothing would be in front of us; that view was supposed to be clear. When you start building all of these developments all around us and we have been there since it first started, what do they get in return? For instance, he has three trees on his land that are dead. It looks like a ghost town. No leaves grow on them. He wants to know what they are going to give the original people who are there now besides building all around us. Can we get any fences around our properties? Responding to Mr. Morse, Mrs. Melson-Williams stated that if the trees are actually on your property they were required to survive for two years so if they survived the two years then there is not much that Staff can do in regards to the ones that are on your property. She will let Mr. Lyon speak about street trees in the area. You can apply to construct a fence on your own property. If it was not part of your original plan and you would like a fence, the Pattern Book is going to dictate the maximum height of that fence; however, it is subject to a Building Permit. If you want to reach out to Staff, they can provide some information about what your fence options would be in your development.

Mr. Lyon questioned if the dead trees were located on their side of the property or the street side of the sidewalk? Responding to Mr. Lyon, Mr. Morse stated that these trees are on his property. The trees that are on the sidewalk are most likely on his property to because he is an owner. As you are riding into Eden Hill on that long highway, you have to make that turn to come in his house is the first. If it doesn't look decent and you are developing behind us and around us, what can you give the owners that have been there from the beginning? How can you fix our properties to make it look presentable as the rest that they are building? Responding to Mr. Morse, Mrs. Melson-Williams stated that she would give him her card and add Mr. Lyon's contact information to it.

Mr. Brian Bashista – 523 Ann Moore Street Dover, DE 19901

Mr. Bashista stated that he bought this property two years ago for his son when he comes back

from the Marines this year. He does not live there himself; however, he has been in Dover for 28 years. In the original layout of Eden Hill, how many apartments were to be built in Eden Hill? Responding to Mr. Bashista, Mrs. Melson-Williams stated that the original plan for Eden Hill referred to this multi-family area as condominiums. Condominiums are really a form of ownership, but the style was equivalent to an apartment style building. The original plan from 2006 or 2007 timeframe called for 216 condominiums. There was a previous attempt at a Revised Implementation Plan that increased that number significantly, but that plan was not finalized. The project today is proposing 180 apartment units.

Mr. Bashista stated that when Eden Hill was developed and approved in 2006, no apartments were to be built in Eden Hill. Responding to Mr. Bashista, Mrs. Melson-Williams stated that the condos were a form of multi-family which would be considered like an apartment style building.

Mr. Bashista stated that you own condominiums. Responding to Mr. Bashista, Mrs. Melson-Williams stated that typically with a condo, yes you would own the unit different than a rental scenario. In the original Pattern Book, she does not know that it made the distinction of ownership versus rental; it was the term that they used for multi-family at that point.

Mr. Bashista stated that as you look around Dover and you look at the multi-use properties that have been built across the City: Village of Westover with a mixture of dwellings and apartments, Baytree with a mixture of dwellings and apartments, Mapleton Square which dates back and even Liberty Court next to Fox Hall. You look at those apartments where people have a vested interest, but they don't have an ownership interest. In his opinion, often times when you have people who don't have an ownership vested interest in the property that they don't always take care of the property. In the past five years, there have been a large amount of apartments built in Dover so it is not like Dover isn't building affordable houses in the form of apartments. He will tell you that if you go to the Dover Police Department website as he did today, and you can look at the crime in these areas. You cluster the crime on the website which you can do, most of it is Downtown as we know but there are also higher crime rates in apartments. As a property owner in Dover he is concerned with that. He remembers when Eden Hill was developed. At that time, he was the Fire Chief in Dover, so he had firsthand knowledge at looking at what Eden Hill was, and he understood what it was. Of course, what happened in the economy happened and here where are today. But he will tell you that people who own their properties have a vested interest in their neighborhoods and their community. He first lived in Courtyard Apartments when he first came here so he understands living in an apartment and moving to difference properties; however, he thinks that we are trying to slide by the fact that this was not supposed to be apartments. We can talk about it however we want to, but it was not apartments; it was condos. He knows that he is not the only one who has that concern. It is nice that they are going to build these two recreational buildings on the property. To most people sitting here, it looks like they are going to build two recreational facilities which is great. He bets that they are both under 10,000 square feet so that you don't have to put a sprinkler system in them which is probably the real reason that they are building two.

Mr. Baldwin arrived.

Mr. Tolano Anderson – 50 Dove Creek Ln Dover, DE 19901

Mr. Anderson stated that he is the property owner of 655 West North Street. He was having a little bit of trouble trying to understand from the map exactly where the entrances and exits from the subdivision are located. He is particularly concerned with traffic on West North Street. He can't tell whether there is an ingress/egress access on North Street and if so, he would like to have some details about that. Responding to Mr. Anderson, Mrs. Melson-Williams stated that looking at the map, the red area shows the existing townhouses. They are currently accessed from Wemyss Road; it comes in off of the POW-MIA Parkway. With the full build-out of the Residential District there are two other connections to the Parkway. One is Ridgely Boulevard. There are some houses that front on Ridgely Boulevard, but you can't take Ridgely Boulevard to get to the Parkway at this point. The last kind of half block has not been constructed. There is also another entrance called Horsey Boulevard. If you ride the Parkway, you kind of see where part of that entrance would be. There is not a direct connection from the Residential District to North Street. If you take Wemyss Road, the traffic circle that is there connects into the Commercial District (which is not going to be shown on the map). It is about where the words Eden Hill are on the plan drawing. There is one building there now for multiple tenants. It then connects from that Commercial District over to Garrett House Circle that makes a connection to North Street. If you follow from the blue and purple area, there is a connection there which would be the connection to Banning Street. Banning Street continues north through the Professional Office District where you find the Center at Eden Hill and the Eden Hill Medical Center Buildings. Banning Street is the signalized intersection with North Street. There are multiple connections from the Residential District into the other areas of the overall TND and then also to the Parkway.

Mr. Anderson stated that there is an entrance from North Street where the Nemours Building is. Responding to Mr. Anderson, Mrs. Melson-Williams stated yes, that is the traffic circle entrance and exit.

Mr. Anderson stated that further down you have the entrance at Clarence Street where you have the traffic signal. Responding to Mr. Anderson, Mrs. Melson-Williams stated yes.

Mr. Anderson stated that his concern is because there are ways to get to the residential areas through the commercial areas. He is not sure whether it has been taken into consideration as to whether or not there is going to be any significant traffic impact. For 665 units, that particular intersection is already heavily inundated with traffic as it stands right now, and it has to increase because everyone is not going to go out to the POW-MIA Parkway. He just wants to make sure that this is something that is taken into consideration with the Planning Department especially since he has a project that he has been working on. The Eden Hill organization made an issue with that particular traffic signal because of the traffic that they would add to that intersection which caused them to relocate our entrance. If this subdivision is also going to add traffic into that same intersection or those two intersections, he thinks that is something that should be taken into consideration so that if it has to be upgraded or something has to be done that should also be noted.

Ms. Christine D'Gangi – 514 Ann Moore Street Dover, DE 19901

Ms. D'Gangi stated that as it stands right now, when you are trying to exit out of the Eden Hill

residential area you cannot actually turn left onto the POW-MIA Parkway. The one exit that looks like it's in Phase II that would allow people to actually turn left on the POW-MIA Parkway, is that going to get finished first with the possible expansion of everything or are these entrances/exits going to be left until the end? Responding to Ms. D'Gangi, Mrs. Melson-Williams stated that the construction of connections to a public street are actually predicated on the number of units. Right now, there are eighty-three units. When they reach a threshold of either 125 or 150 units, there has to be two connections to a public street. So that means that connection at Ridgely Boulevard would have to be in place before they could issue Permits for construction beyond that or the connection to Banning Street would have to be in place before they could issue anymore Permits. That is a threshold that is set by the City's Zoning Regulations and applies to large developments like this. It was made a requirement of our Code for emergency response situations to ensure that there are multiple ways to get into an area. The answer is yes. She would anticipate them focusing on a build-out in that Phase II area immediately south of the red. That last bit of the red line is Ridgely Boulevard so she would imagine that that's going to be their prime focus of getting that entrance established and constructed. It is subject to DelDOT review in how they build it. She would imagine that this is one of the first things on their "to do" list moving forward with any new construction in the neighborhood.

Ms. D'Gangi stated that before becoming a homeowner she actually rented an apartment. She lived in Woodmill Apartments for a good eight years before she became a homeowner and she had seen a lot of changes in just that area itself. Her concern is that with the apartment buildings that are proposed here, there obviously is a percentage that has to be set off to the side for low income housing. Is that correct? Responding to Ms. D'Gangi, Mrs. Melson-Williams stated that there is not a City requirement that requires a set aside for an income-based scenario. Depending on how a project is financed, there are some that participate in a tax credit program that may have requirements such as that but there is nothing in the City's Zoning Regulations that requires that set aside. The Building Code may require a certain number to be fully handicapped accessible but that is about the only requirement in the City regulations.

Ms. D'Gangi questioned if they have an idea of if any of those things apply to the builder of these apartments at all? Responding to Ms. D'Gangi, Mrs. Melson-Williams stated that Planning Staff has not been advised that they are seeking to pursue anything in that fashion. It is their understanding that the apartments would be market rate but even with market rate apartments there are programs that provide assistance for paying that market rate rent.

Mr. Jack Phillips – 934 Ruth Way Dover, DE 19901

Mr. Phillips stated that there are a lot of questions that he is hearing tonight that leave a lot to be desired in his mind. They say you will proceed with this plan and then they can ask for exceptions later. If I was a developer, I would want those answers now and he is not hearing that from this group. They are saying that we are going to have two Clubhouses. What is going there for the kids? There was a promise of a swimming pool. What is the relationship of this group of people that are now going to run this project to the group of people that all of them bought from? He is not hearing anything about those of us that live there. He thinks that the Commission needs to do some homework.

Mrs. Melson-Williams stated that she didn't know if the applicant had any information to share on the recreation aspects. The project overall for Eden Hill does have a variety of open space areas; some of them are just a walking area that has benches and others do have amenities. There is at least one area that does have playground equipment. She is not sure what the applicant is seeking to do with the Clubhouse areas, but the playground equipment will be located in an area that is shown just below the purple area on the map.

Mr. Phillips asked if they can hear something from the developers that are here tonight instead of from Staff thinking on what they are going to do. Responding to Mr. Phillips, Ms. Enghofer stated that she would like to point out that they are actually changing precious little of the approved plan that theoretically could be built right now. They are not changing any of the streets or entrances. They are changing types of units, but they are not changing the overall count. The overall count is still the originally approved amount. As far as the proposed open space, they are adding more open space than what was there before. The reason that they are splitting to two Clubhouses is because that is what the owners and developers think the market wants. All of the new areas of open space do propose active recreation. In discussing things with their clients, they still have not definitively landed on exactly what that active recreation is. A swimming pool is one of the things being discussed especially considering the fact that it is one of the things that was originally supposed to be constructed. The concern that they have is that a lot of HOA's end up selling subscriptions to swimming pools because of the cost of the upkeep. That is something that they are investigating, and they have not made a decision yet. When they do make a decision, it will be on the Plan.

Mr. Phillips stated that speaking of the HOA, they have an HOA now and if we add all of this what does it mean? Do we all become members of another HOA, or do we keep our own? Responding to Mr. Phillips, Mrs. Melson-Williams stated that the current HOA would be expanded. The original HOA documents would have covered all of the units in the subdivision. You would have to go back to the documents that established that HOA. A lot of times an HOA has a management company so that as new units and new lots come on they are advised of the HOA procedures for the neighborhood whether that is how often you pay fees or what amenities there are and those types of things.

Mr. Brian Bashista – 523 Ann Moore Street Dover, DE 19901

Mr. Bashista stated that the HOA did not cover anything to do with apartments; it was condos and he thinks that is the sore spot here tonight to be quite honest.

Dr. Jones closed the public hearing.

Mr. Hartman questioned if there were four or five apartment buildings? Responding to Mr. Hartman, Mrs. Melson-Williams stated that there are a total of five apartment buildings. The blue area should carry over to one more block to the east of what you are seeing on the map. The apartment buildings are Lots 6-10.

Mr. Hartman stated that from what he read from the past meetings here before he was aware of this project, the Planning Commission actually requested a Pattern Book from the applicant didn't they? Responding to Mr. Hartman, Mrs. Melson-Williams stated yes, in the past there was

a requirement for a Pattern Book with some of the other previous attempts at Revised Implementation Plans. There was in 2015 a Revised Implementation Plan that was approved that was approved by this Commission and did carry with it the requirement for a Revised Pattern Book meaning a Pattern Book that encompassed everything. With this application, Planning Staff is recommending that a Revised Final Version of the Pattern Book also be a requirement of this project.

Mr. Hartman stated that if it was required before then he doesn't understand why we don't have it before us at this point. He would like to get back to the TND Zone. Mrs. Melson-Williams had mentioned before that there was leeway with the parking. In Article 28 Section 4.23, "the Planning Commission may act to approve the Implementation Plan once it is determined that the Implementation Plan meets the purpose and intent of this Ordinance as well as the objectives found in Article 10, Section 2.2 of the *Zoning Ordinance*." If you go to Section 2.2 of the *Zoning Ordinance* there is the parking requirement of 2.25 units. This is a quality of life issue for these people. There is nobody there now but there will be. Under the parking, there are thirty-six spaces allotted to each apartment building and thirty-eight spaces to Lot 10 and the rest of it is on the street. You are going to have mothers with their children dragging their groceries down the street to the apartment buildings. He just thinks that is a quality of life issue and the Commission has perfectly good reason to deny this application because it is against the Ordinance and it wasn't even addressed as a waiver.

Ms. Edwards questioned what the purpose was of changing from condos to apartments? Responding to Ms. Edwards, Ms. Enghofer stated that is what their client feels is needed by the market housing conditions.

Ms. Edwards further questioned how they came to that conclusion? Is it through market research? Responding to Ms. Edwards, Ms. Enghofer stated that she cannot answer that. She was not part of the research coming to that decision.

Mr. Hartman moved to disapprove application S-19-25 Eden Hill Farm TND: Residential District – Revised Implementation Plan (Phase 2 Area, Clubhouses, and Unit Types) based on the fact that it does not meet the Ordinance and based on the fact that they did not provide the Pattern Book as required. (There was no second; motion is lost.)

Dr. Jones asked Mr. Hartman to hold off on his motion until they were sure there were no more questions or concerns from the Commissioners.

Ms. Enghofer stated that she understands that Mr. Hartman has some great concerns about the Pattern Book, and she would like to point out that their client has already started reaching out and discussing with Mrs. Melson-Williams about creating this new complied Pattern Book. They have started talking with her trying to get a hold of some of these previous versions because they didn't create them. They are trying to make sure that they have all of the correct information to assemble and create this new Pattern Book. It's not we don't have it now; it's being worked on.

Ms. Edwards questioned what options they have to at least address the parking? The parking does seem to be a little bit of an issue particularly with safety with the on-street parking. What

options do they have as a Commission to address that? Responding to Ms. Edwards, Mrs. Melson-Williams stated that there are a couple of options. One would be for them to build to the Pattern Book and Code requirements. That is something that could certainly be addressed by looking at the design of those apartment buildings and number of units. The Planning Commission could defer action on the entire request this evening. You could approve part of it and hold out the apartments seeking additional information about the parking specifically whether they would need to come back with a Pattern Book Amendment that deals with what the rate for parking would be for that area or Mr. Hartman's potential motion was to deny the whole thing. You can certainly approve with conditions, defer action, or approve part of it.

Mr. Hartman moved to defer action of application S-19-25 Eden Hill Farm TND: Residential District – Revised Implementation Plan (Phase 2 Area, Clubhouses, and Unit Types) until the Pattern Book and the questions about the parking can be resolved and parking should follow the Ordinance, seconded by Ms. Edwards and the motion was carried 5-2 by roll call vote with Mr. Adams and Mr. Roach absent. Mr. Hartman voting yes. Mr. Baldwin voting yes; for reasons stated. Mr. Tolbert voting no; this project has been before us for a considerably long period of time and Staff has been working cooperatively with the builders and developers. He thinks that Staff can continue to work with them to resolve every problem that has been stated because DelDOT is a whole other ball game. Mrs. Welsh voting no; she agrees with Mr. Tolbert's statement and in the past with all of the issues that we have addressed with this project the applicants have worked with Staff. She believes that their intent is to make the project work so that it is a good neighborhood and facility for everyone involved. She believes that Staff will work with them. She thinks to jeopardize progress on it would be something that would detrimental to the community and what they are trying to do in that area. Ms. Maucher voting yes; she does share the concerns about continuing the delay of building out this project; however, it is better to get it done right rather than swiftly. Ms. Edwards voting yes; she does agree with Mrs. Welsh in that this project has been before the Commission a couple of times but the issue with the safety and the parking is of concern. Dr. Jones voting yes; some of the issues need to be resolved. She thinks that this application has been before the Commission many times even during her time and she thinks that we probably need to try and get it right. It doesn't mean that you can't come back; there are just some minor things that need to be dealt with.

NEW BUSINESS

- 1) **2019 Comprehensive Plan** - The City of Dover 2019 Comprehensive Plan includes text and a Map series outlining information and policies regarding land use activities in the City of Dover. The FINAL DRAFT 2019 Comprehensive Plan (12.3.2019) document is on file at the Department of Planning and Inspections, City Hall, 15 Loockerman Plaza, Dover and at the Dover Public Library, 35 Loockerman Plaza, Dover.

See Project website: <https://www.cityofdover.com/2019-comprehensive-plan>

- a) Project Scope and Process

Mr. Hugg stated that this is an important step in a process that goes back to at least June 2018 or perhaps even further than that to review or refine and ultimately recommend to the Planning Commission and City Council a new *Comprehensive Plan* for the City of Dover.

You have probably heard him say many of these things before and he will try to be brief. Dover's current *Comprehensive Plan* was prepared in 2008 and formally adopted in 2009 and it has served the City very well in the decade. Since then, it has had a few modifications but as he has said multiple times, it was a very good Plan to begin with and so the challenge for the Planning Staff was to take an already excellent Plan and make it better. To make it a contemporary Plan that reflects what has happened in Dover over the last decade and where we see the community going in the future. The requirements for preparation of a Plan are set by State Code and they require among other things that every ten years a municipal jurisdiction has to review and adopt a new Comprehensive Plan; hence, the fact that they are now doing it in 2019. There is an extensive list of items that must be addressed in the *Comprehensive Plan*: a series of policies and recommendations and implementation steps; ultimately a Land Development Plan showing how land will be used in the community and then an Annexation Plan showing how the community will grow in the future. Where they are in the process is that they are kind of at the next to the last step. They have spent a long time modifying and addressing and preparing this plan and getting public input. It has gone through a couple of reviews internally and externally and reviewed by the State; he will touch on those in a few minutes. It is their intention to have a fully certified and adopted *Comprehensive Plan* in affect by February 2020.

Julian Swierczek stated that the project schedule for the *2019 Comprehensive Plan* was broken down into five main phases. The first one and perhaps the most important one was the Information Gathering. They started, as Mr. Hugg said with the 2008 document, gathered various other plans and studies and most importantly they engaged with the public as much as possible before they could begin the plan and map development which was the second phase of the 2019 Plan update. From there, they moved to Consideration of the Plan Recommendations which is where they obviously reflected on what they did, and they reached out to confirm that they were sort of in the right direction with this new plan. Currently, they are now in part of the Formal Review and Adoption Process. Finally, they will be moving hopefully by February 2020 into the Plan Implementation Phase.

Mr. Swierczek continued for the Information Gathering activities, they of course started with the website for the *2019 Comprehensive Plan*. This is where they made available to the public, all of the information that they were working on, contact information so that they could leave the door open to the public as much as possible to reach out to them in the process. In Summer 2018, they had done the evaluation of Goals and Recommendations of the 2008 Plan. It was a good plan and it was a good starting point for us. In 2018 and 2019, there was ongoing reporting and project updates to the Planning Commission and City Council; so, thank you again for your valuable input and participation in this project. They did project team meetings of Planning Staff as well as with City Departments and Divisions. They also met with other State Agencies and other groups like the State Planning Office and other relevant departments. In 2019, they were doing intergovernmental coordination meetings with neighboring municipalities and the County. For the engagement activities, they held a series of events because they wanted to reach out to relevant parties and the public as much as possible. June 13, 2018 was their first public event which was the "Dover Economic Development Forum." June and July 2018 were a Survey Questionnaire. Many of the Commissioners remember Mr. Eddie Diaz, he was instrumental as all of us were in trying

to formulate what they needed to find out from the public and other relevant agencies trying to get the feedback to begin this process. On July 11, 2018 they attended the “Understanding the Housing Market Trends Forum Event” where they brought together different representatives from the housing sector. On August 23, 2018 was an Open House Event; the first of several. September 27, 2018 was their presentation to a Wesley College class where they got some really good feedback from young adults in the community. June 20, 2019 was the Historic District Workshop. Of course, we are all aware of our City’s beautiful historic character. On October 23, 2019 was another Open House Event and the following day, October 24, 2019 was a Visitation Event at City Hall. Throughout their time, they have been working on the process of updating the plan. They formulated several drafts. There was the Preliminary DRAFT of the Land Development Plan Map Series, the Preliminary DRAFT of the Annexation Plan Map Series, DRAFT #2A Goals and Recommendations, and the Preliminary DRAFT of Chapter 15 Implementation Plan. All of these were pulled out as key components of areas that they really needed to focus on to finalize the Plan. On August 24, 2019 they released the Staff Draft, and this was really with all of the other City Agencies that were so instrumental in working with us and coordinating our efforts to get this Plan written. They wanted to share with them and really get their okay that they were satisfied with any parts of the Plan relevant to their field of work. On October 1, 2019 they released a First DRAFT of the Documents and Maps. Then on December 2, 2019 they released the Final DRAFT of the Documents and Maps and that is what they have shared with the Commission for discussion this evening.

- b) Preliminary Land Use Services (PLUS) Review by State agencies: Letter of November 8, 2019

Mr. Hugg stated that throughout this whole process the various drafts and various versions have been available on our website and available to the public. They have been made widely available to people to look at, comment on and have input. One of the key steps in the process of putting together a Plan is something called the Preliminary Land Use Services. It is a State process where the Office of State Planning Coordination and various State agencies are provided both an informal and a formal opportunity to comment on various drafts of the Planning document. Although it isn’t on the list, very early in the process they went to the State submitted the 2008-2009 Plan to them and essentially said tell us what you think of it so that we have a starting point for any issues that the State might have. Then they had multiple discussions with State Agencies throughout the entire plan development process. In order to meet our approval deadlines, they had an October 1, 2019 filing deadline. This essentially sent the Release Draft to the PLUS Process. They had a meeting with the State Agencies to discuss the document and give them an overview of sort of where we were. On November 8, 2019 they received a comment letter back, a formal response from the State, identifying both technical and grammatical issues as well as potential certification issues that might result in the Plan ultimately not being approved. One of the things that they provided to Planning Commission in their packets is a chart that says PLUS Comments. That is our official response back to the State and what that did was respond to every comment that every State Agency raised during the course of this process. Some are certification issues which mean that they have to be addressed before the State could consider certifying and approving the Plan. Some are comments like you should go back and create a couple of new

maps; or some of what you are trying to explain isn't necessarily clear. They were a couple of cases where they pointed out topics that they could elaborate a little bit on and at least in one case a suggestion from DelDOT that they had used some data and text that even they weren't so sure was appropriate; that it was more confusing than it was informative so we actually took some things out of the Plan as a result of the State review. As you look through that section you can see what the comment was, what we did and then importantly where in the document they responded and what our response was.

The FINAL DRAFT Plan is again at the Office of State Planning with this Chart. They are hoping that the revisions that they made, the charting of the changes and the other materials that they supplied allow them to ultimately certify the Plan. He would like to have Mrs. Melson-Williams walk everyone through the key components of the Plan and at least give some background on where we are and then they will certainly address any questions or concerns that you might have. We do have six items/questions that have been brought forward by various property owners that the Commission will need to deal with tonight.

c) Review of FINAL DRAFT 2019 *Comprehensive Plan*

Mrs. Melson-Williams stated that with the review of the FINAL DRAFT of the *Comprehensive Plan*, this is what they would call the formal review and adoption process. That of course starts with the issuance of the FINAL DRAFT and that is the document dated December 3, 2019. It's the text portion as well as the entire Map Series. From a review process standpoint, a public hearing and review must occur with the Planning Commission and then a review and public hearing has been scheduled with City Council for their January 13, 2020 meeting. Focusing on the introduction to the Plan itself and the key pieces, there is the Plan Document and a series of maps. There are Goals and Recommendations. The Land Development Plan Map focuses really on land use and has a text and map component, likewise with the Annexation Plan Maps and then ultimately the Implementation Plan.

i) Plan and Map Series Format

Mrs. Melson-Williams stated that starting with the Table of Contents, there are a total of fifteen chapters. The beginning is an introduction and then we move into some data rich chapters in Chapters 2 and 3 that talk about things like population and applications over the last few years. Chapter 4 is where we have to present information on how the citizens participated in the process. Chapters 5 through 11 are really the meat of the document focusing on very specific topic areas. Chapter 12 is the Land Development Plan. Growth and Annexation is Chapter 13. In Chapter 14, they have to report on intergovernmental coordination and that's basically with our adjacent neighboring jurisdictions like the County and nearby municipalities as well as their interaction with State Agencies. Chapter 15 is ultimately the Implementation Plan, so moving forward what happens. That is the text side of things and the next side is the list of maps. There are a significant number of maps. Some chapters have multiple maps associated with them and the text references the maps. The beginning is with things like where is Dover with a location map. They move into information on existing land use, natural features and historic resources. Continuing onto the next list of maps, this is where there are a number of maps now included as part of the Transportation Chapter that focus on things like streets and their functional

classification as well as things like byways and then concerns where if improvements aren't made, then there are low levels of service issues perhaps. There is also information about our Downtown Area and where in the City there are low- and moderate-income areas. Perhaps the most significant map series in the document is the Land Development Plan Map and then the Annexation Maps as well. For Chapters of 5-11, there were Planning Staff members assigned to each chapter and they kind of became the experts in the topic areas ranging from things like natural resources. The Historic Preservation Chapter actually had some grant assistance in writing that chapter dedicated to Staff time. Other chapters are titled Transportation, Economic Development, Community Services and Facilities which really focuses on other City Services that the City provides, where Utilities has its own chapter as Chapter 7 for Water, Sewer, Stormwater and Electric.

ii) Goals and Recommendations

Mrs. Melson-Williams stated that a number of the chapters have chapter goals so even up front in Chapter 1 as they wrap up the introduction to the Plan, they present the quick summary chart of the chapter goals. So, each chapter is identified and then has series of four or five goals for that specific topic area. For example, at the end of Chapter 5 there is a section that lists the goals. Each goal has a series of recommendations and then the bullet points are the action items to then strive to meet those recommendations and ultimately the goals. This is the format that was utilized for those topic chapters.

iii) Land Development Plan Map

Mrs. Melson-Williams stated that this really has two components and they have to be utilized together. Chapter 12 is considered the Land Development Plan and the key element of the chapter goes through talking about each of the land use categories and then the Land Use Matrix that is at the end of Chapter 12. This takes each of the land use categories that are identified and then lists the corresponding zoning districts that are appropriate for those land use categories. This is key in that this chart is utilized for any future Rezonings and will actually be a key element in dealing with a Comprehensive Rezoning which is one of the Implementation Plan steps. With the Land Development Plan Map and there is also the Map Series, as presented on the screen is the overall city view, it is the really colorful map. Each Land Use Category is identified by color. The range of yellows for example are residential areas; green is open space areas. There are shadings of red that identify our commercial areas and that is actually one of the changes in this *Comprehensive Plan*. In our commercial areas, they've identified a Commercial - Low Intensity, a Commercial - High Intensity, and then a Commercial - Entertainment Land Use Category so that is something new for this 2019 Plan. We have areas that are Mixed Use that are a light purple color. Also, areas of Public Utilities have been separated out in a dark purple color from what are Institutional areas which are blue and then in Industrial areas which are gray. The royal blue color is the Dover Air Force Base. We have the overall City Map and then for better readability we developed what are really quadrant maps which takes this map, chops it up and focuses in on areas across the City so that it is quadrant based. There is one that focuses right in the Downtown because it ended up on the corners of four maps. One of the suggestions that the PLUS Process gave was to show them a map that just focuses on the Downtown area; so, they did that.

iv) Annexation Plan Maps

Mrs. Melson-Williams stated that this is Chapter 13 which is the Growth and Annexation Chapter. The text has to describe what the City's approach to Annexation is and for them, they have divided Annexation areas into three categories. Category 1 which is their High Priority Annexation Area is the darkest green. That is basically areas that are pretty much surrounded by the City otherwise known as "enclaves." Category 2 areas are a Priority Annexation Area. These areas are perhaps on the outskirts of the City, but they make sense to round off boundaries and make boundaries a little easier to read and understand in the landscape. Category 3 is kind of the Long Term Annexation Areas. These areas may require ultimately more properties to come into the City before they can even be considered contiguous. They also are areas where it makes sense to create as a boundary for the City. For example, in the south, the Isaacs Branch is kind of a dividing line between us and the Town of Camden. There is a light green color that mean Areas of Concern. They are marked as Areas of Concern because they may be a concern of our jurisdiction as well as another jurisdiction. An example is some of the lands in the area of Wyoming Mill Road where there is concern with the Town of Wyoming and what their expansion may be versus what the City of Dover's future expansion may be. There are also a number of areas to the east of State Route 1 where the City is not looking to expand but we have concerns about what happens on our borders. So, this is a way to make that known.

The second map that is associated with Annexation is a Land Use Map. So using the same land use categories that we used for areas within the City, we have to identify for the Category 1 and Category 2 areas, what the potential land uses would be for those to help with future zoning selections should these areas become part of the City. It was done for Category 1 and Category 2 areas. Those are the areas that are most likely or most potentially available for annexation into the City. They did not identify land use for any locations that were identified as Category 3 or Areas of Concern. If annexation was anticipated or confirmed eligible for one of those areas, they would need to move through a Comprehensive Plan Amendment to focus on what the appropriate land uses should be in those areas before they could be annexed. Those were envisioned as Long Term Annexation Areas and they did not necessarily want to predict what their future activity would be at this point.

v) Implementation Plan

Mrs. Melson-Williams stated that the last key piece of the *Comprehensive Plan* is Implementation Plan Chapter; this is Chapter 15. It does not have an accompanying map, so you have to read the text. It takes the Goals and Recommendations and the series of action items that are part of those Goals and divides them up into a work plan. This is a work plan that is not just for the Planning Office; it is for the City as a whole. That means other departments would likely be involved in some of these items. What it does is first identifies Immediate Actions. Immediate Actions would be adoption of the *Comprehensive Plan* and getting it certified and then they have to move into what would be a Comprehensive Rezoning Project. There are a number of things that they have identified as just Ongoing Activities that are not specifically tied down to one timeframe or another, but the City is probably working on a more constant basis. Then they have divided the other items into what are called Short Term, Intermediate Term, and Long Term

Implementation. That focuses on the years up to 2025 and beyond. What it does in each of these areas is identifies things by project, studies, Code amendments, and other activities. It does focus in on chapter by chapter so you can easily go back and reference some more detailed information on those items.

With the Plan as noted, has been out for public review since early October 2019. The differences between the October DRAFT and the FINAL DRAFT are really a lot of housekeeping type things, proofreading, data correction, name correction, and then focusing on the PLUS Review comments. Over the time period that they have been dealing with the *Comprehensive Plan*, there are a number of specific requests that have come in and Staff has tracked those. We have six of them and Mr. Hugg is actually going to take us through those. For the Planning Commissioners, we are going to do a combination of presenting each Request to you and then also conducting the public hearing on that individual Request. Once we have dispensed with those, they will come back to the overall Plan to address it.

- d) Review of Comprehensive Plan Requests:
- e) Public Hearing on Comprehensive Plan Requests:

Mr. Hugg stated that obviously in an undertaking of this nature with as much detail and all that they have been through, there will be certain situations and certain Requests that come from property owners requesting a particular consideration of their property or a group of properties that will need to ultimately be determined as the Plan is finally adopted. We received six formal Requests that were not otherwise resolved and are before you tonight. As Mrs. Melson-Williams said, we are going to take them individually and conduct a public hearing and then at the end have the Commission make a recommendation regarding each one. We may not have representatives for a couple of them here, but they will at least introduce them. He will give the quick version of the application and then give Staff's Recommendation and then we can open to a public hearing.

- i) Request #1: 5.0-acre parcel on north side of Route 8/Forrest Avenue

Representatives: Mr. John Paradee, Baird Mandalas Brockstedt

Mr. Hugg stated that this Request is to change the land use classification from Residential Medium Density to either Mixed Use or Commercial Use for a 5.0-acre parcel on the north side of Route 8 on Forrest Avenue. This is a Request from Draper Farms, LLC via the attorney John Paradee. The Request dates back to August 20, 2018. In the letter, it asks about the particular piece of property which is on the north side of Route 8 west of Mifflin Road to be shown on the Land Development Plan as a Mixed Use or a potential Commercial use. The DRAFT Plan shows it as a Low Density Residential Use.

From the letter written by Staff back to Mr. Paradee: "In your letter dated August 20, 2018 you had requested that land use classification category for the parcel (identified by number) be changed from Residential Medium Density to Commercial in the Land Development Plan Chapter 12 Map Series 12-1. The FINAL DRAFT will reflect the recommendations of Planning Staff regarding your request in reference to Map 12-1C."

“Planning Staff is not recommending your Request finding that the character and the existing use of the immediate area of the subject parcel is residential and there is an extensive commercial corridor further east on Route 8 to the east of Mifflin Road. The section of Route 8 Corridor is a residential area and with nearby institutional uses (this area is across from the high school and immediately east of two church locations) are a transition from the rural areas west of Dover to the commercial areas and center core of Dover. The land use classification as Residential Medium Density allows for a series of residential zoning districts with a variety of housing types and it also allows consideration of the C-1 Neighborhood Zone where smaller scale commercial activity is permitted. The smaller scale commercial activity is likely a more compatible fit given the traffic concerns along the overall Corridor, the availability of bike and pedestrian facilities and the adjacent residential land uses.”

Dr. Jones opened a public hearing.

Mr. Paradee stated that he wants to commend the Staff for their excellent work on the *Comprehensive Plan*; it is a long and laborious process. He has been working with Staff on a number of different properties along the way for almost two years it seems. You are very fortunate to have an excellent Staff. He works in a lot of jurisdictions and the City of Dover is one of the best and one of his favorites to work in. He wants to talk a little bit about the points that were raised in his letter because what they are asking for here is not as dramatic as it might appear at first blush. He doesn't believe that the difference between the Staff view of the matter and his client's view of the matter is all that great. They would like to modify the request slightly. When they first sent it in back in August 2018, it was a request that the Comp Plan designation be changed from its current designation to either Commercial or Mixed Use. After conferring with his client and speaking with Staff, they believe that Commercial would be asking for too much. All they are really going to be asking for tonight and next month at City Council is for a designation of Mixed Use not Commercial. Having reviewed the DRAFT of the Comp Plan, he believes that Commercial is in fact too much to ask. As Mr. Hugg indicated, the property is located directly across from the new Dover High School and it is on a major arterial roadway which serves as the western gateway to this City. It is also not very far from a lot of existing commercial uses. It is about 1,700 feet from the intersection of Mifflin Road and Route 8. If you think about this particular area of the City of Dover, it is a lot like Route 10 on the south side of Dover where he happens to live. He lives in the Windswept Subdivision which was built in the early 1990's. When that subdivision was built, there really wasn't a lot on Route 10 other than residences. They ultimately ended up with a shopping center across the street. There are a couple fast-food restaurants as you get closer to the Air Base but there wasn't anything on the north side of Route 10 until Wawa came along. He doesn't know how many of the Commissioners remember that, but it was in the County and still is in the County. Every one of his neighbors opposed it; they thought it would ruin the neighborhood because as in this case, everything on that side of the street for as far as you could see was residential. His neighbors knew that he was a lawyer and they asked if he would get involved and try to help them fight it. Ultimately, the County approved it and now for every single one of his neighbors it's the first place they stop on the way to work in the morning and it's the last place they stop on their way home at night. The point simply is that it provides a very much needed convenience to a residential neighborhood. If you think about the modern concept in Planning as village development or neighborhood villages; that is what we are talking about here. You can't simply

build a City that has all of the commercial and retail in one part and all of the residential on the outskirts. You need to have village or neighborhood areas where certain retail conveniences are provided. What that does is it helps reduce vehicle trips and traffic throughout the City because if you only have to travel a quarter of a mile to get milk, bread, gas or cigarettes then that is less traffic that is going all the way across town. The concept of village development is what we are suggesting here. You can look to your very own *Comprehensive Plan* to find the justification for it. The existing *Comprehensive Plan* says that among its goals are the creation of neighborhood centers and urban centers which the Plan recommends be established along major roadways and feature mixed use development. The *Comprehensive Plan* also acknowledges that Route 8 west of the railroad tracks has become a key commercial corridor for the City. That jobs and commerce in the retail, wholesale and service sectors are an important part of Dover's vitality and that commercial centers and corridors contribute to the City's overall image and positive feeling of its residents. Finally, in regard to the Route 8 Corridor in particular, the existing *Comprehensive Plan* recommends that "the area continue to develop as either commercial or professional offices." You are also talking about long term, where is the City of Dover going to grow? There is not a lot of room to the east because that area is environmentally sensitive. There is not a lot of room to the south because you have Camden-Wyoming. There is not a whole lot of room to the north other than on the highway because eventually you run into Smyrna. There is a lot of room on the west and you think what is Dover going to look like 40, 50, 60 or 100 years from now? Chances are that growth is going to be on the west side of town and you already have a lot of residential development that has crept out that way over the years. He would respectfully submit to you that those residents are going to need services. They are going to need groceries, they are going to need gas, they are going to want some retail; the neighborhood conveniences that he was talking about earlier and the village concept. He thinks that it would be unrealistic to simply draw a line at Mifflin Road and say we are not going to allow anything other than residences west of Mifflin Road. It is not good planning and it doesn't make sense in the long term. What they are asking that you consider in this particular instance, is a small 5-acre piece of ground directly across from the High School that would be proposed for a Mixed Use development, not commercial. That would allow a number of very limited commercial uses but only upon a Rezoning approval by City Council. This body would not be deciding tonight what is going to happen at that property in the future beyond a range of possibilities that the vision of the City can adjudge a later time when it's appropriate. It is not this body's job tonight to say what is going to happen specifically, what type of use specifically is going to happen at that property. You are looking at a broad range, a category. There are specific types of zoning uses that permitted within those categories. What he is respectfully submitting to you is that Mixed Use would be appropriate here. It would give you and City Council the flexibility in the future to say upon application we might consider Rezoning this to C-1, C-2 or C-2A and that is as high as you can go in Mixed Use. The more intensive commercial uses are not the type of neighborhood village uses that you would want to see in an area where there are a lot of residents; however, C-1, C-2 or C-2A are. They have an honest, professional and respectful disagreement with the City about how far you can go here. He and Mr. Hugg have worked together for a long time and he respects his opinion and he hopes that Mr. Hugg respects his. They just think that Mixed Use here is appropriate given what your *Comprehensive Plan* has said. If the City is desirous of growing west in the future, even if it is 30, 40 or 60 years from now as part of that natural growth and expansion of the City's western boundaries, that continuing growth and development on Route 8 at the western gateway is contemplated by the *Comprehensive Plan*. They simply think

that it would be a responsible thing to allow a neighborhood center under Mixed Use to occur at this property.

Dr. Jones closed the public hearing.

Mr. Hartman questioned that if what Mr. Paradee is proposing is different from what is in Mr. Hugg's letter because what that proposes does not include the C-2 or C-2A zones? Responding to Mr. Hartman, Mr. Hugg stated that was correct. What they are showing on the *Comprehensive Plan* at this moment, that land use designation includes C-1 but not C-2 or C-2A. As Mr. Paradee indicated, it's kind of a matter of scale or intensity that the Planning Staff feels that Mifflin Road is appropriate point for those higher intensity commercial uses to be east of Mifflin Road and if this area were to accommodate commercial development that it be at the lowest intensity. This is one of those challenges in land use where the distinctions between particular uses can get very fine at times. Staff believes that with the neighborhood that is around it and the school across the street, they would prefer that it remain at a lower intensity commercial.

Ms. Edwards questioned what types of commercial entities can be placed in a Mixed Use? What is the worst-case scenario? Responding to Ms. Edwards, Mrs. Melson-Williams stated that she is looking at the Matrix on Page 12-27 which is the Land Use Matrix. It gives the category for Mixed Use and then the second column lists the potential zoning classifications that a property could upon application, which is not what is happening here, seek to go to. It lists C-2 but this project wouldn't be eligible for that given its location. It also lists C-2A, C-1, C-1A and a number of residential zones from R-8 through RG-4. It does allow for the consideration of a C-3 which is a Service Commercial zone and then CPO (Commercial Professional Office Zone) and then IO (Institutional and Office Zone). Most of these commercial zones are going to allow for the mix of typical commercial uses whether that is a restaurant, personal service establishment, other service establishments, or the office use. Depending on the commercial zone that you seek, there are in some cases prohibitions. Some of the commercial zones prohibit things like gas pumps. For example, in the C-1 there is a size limitation on the establishment. While the Mixed Use category allows for a variety of zoning districts ranging from commercial to more office oriented to residential, the specific zone is where the details of any particular use would be evaluated. That's where a Rezoning application would really delve into. Action tonight would not lock them into any particular zoning classification; it gives a list of opportunity and even with that, they can't lock them into one use or another. Mr. Paradee's request to go to a Mixed Use category does allow for a mix of zoning districts. What the *Comprehensive Plan FINAL DRAFT* is showing is this property as Residential Medium Density which has much more of a residential focus and does allow for C-1 as the only commercial option.

Ms. Edwards moved to recommend approval to City Council for Request #1 Draper Farms, LLC property as submitted as Mixed Use, seconded by Mrs. Welsh and the motion was carried 5-2 by roll call vote with Mr. Adams and Mr. Roach absent. Ms. Edwards voting yes; she agrees with Mr. Paradee's reasoning in that with the limited amount of commercial businesses that can be placed there it would be a good transition at the gateway of the City. Mr. Hartman voting no; with his limited experience he has to go with the recommendation of the Planning Office to have this remain as Residential Medium Density. Mr. Baldwin voting yes; since the proposal was changed to just Mixed Use and not Commercial. Mr. Tolbert voting yes. Mrs. Welsh voting yes.

Ms. Maucher voting no; based on Staff recommendations as well as the location of the property right across from the High School and the large number of students and residential areas around that area. Dr. Jones voting yes; she buys into the concept of the village development.

ii) Request #2: 1436 New Burton Road

Representative: None

Mr. Hugg stated that this is a Request from Mr. G. Michael Glick on behalf of Lighthouse Construction. It relates to the parcel of land at the southern end of the POW-MIA Parkway adjacent to the railroad. The proposed Land Development Plan identifies this piece of property for Industrial Uses. Mr. Glick has requested that the designation be changed to Commercial to provide for development of this tract of land fitting the present future land uses by the government sector, business and professional sector and medical sector and to classify it to Commercial. Staff has reviewed the Request and the Staff recommendation is as follows: “Planning Staff is not recommending your Request finding that the location of the subject parcel between the POW-MIA Parkway and the railroad corridor has transportation advantages for its development. The location is isolated from residential development limiting its potential for targeted retail or service commercial activities. This location is more appropriate for uses that can take advantage of the proximity to major road and/or rail frontage and access. In its current zoning classification of IPM (Industrial Park Manufacturing Zone), the opportunity exists for industrial type activities like manufacturing as well as for office park or other employment center type development needing road and/or rail access to meet the economic development goals of the plan.”

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

Mrs. Welsh moved to recommend approval to City Council for Request #2 1436 New Burton Road as recommended by Staff to have the property retain the land use category of Industrial, seconded by Mr. Tolbert and the motion was carried 7-0 by roll call vote with Mr. Adams and Mr. Roach absent. Mrs. Welsh voting yes; for reasons stated. Ms. Maucher voting yes; based on Staff recommendations. Ms. Edwards voting yes; based on Staff recommendations. Mr. Hartman voting yes; in order to try to meet the economic development goals in the Comprehensive Plan. Mr. Baldwin voting yes; based on Staff recommendations. Mr. Tolbert voting yes. Dr. Jones voting yes.

iii) Request #3: 1.81-acre parcel on north side of White Oak Road

Representative: Mr. John Paradee, Baird Mandalas Brockstedt; Mr. Bill Harmon, Jr

Mr. Hugg stated that this is a Request to change from the designation on the Land Development Plan of Agricultural to Commercial for a 1.81-acre parcel on the north side of White Oak Road adjacent to State Route 1. The Land Development Plan shows the land use category as Open Space Conservation and Recreation. The Request is from Mr. William Harmon with Harmon Brothers, LLC by a letter dated September 22, 2018. The Request is to change the designation to Commercial. The applicant owns adjacent parcels whose current zoning is C-2A and they wish

to have all of their parcels in the same category. The Planning Staff is not recommending that Request finding that the location and environmental and natural features of the subject parcel limit development. Direct access to the parcel is limited by land elevation and the type of the adjacent roadway elevation difference of White Oak Road and State Route 1 as a limited access highway. Environmental sensitivity concerns include existing woodland areas, impacts of a Special Flood Hazard Zone (100-year Flood Plain), and potential for wetlands. The Land Use category classification of Open Space, Conservation and Recreation, they believe is more appropriate to preserve the natural environment that is found here.

Dr. Jones opened a public hearing.

Mr. Paradee stated that he is speaking on behalf of Harmon Brothers, LLC and Mr. Harmon, Jr. is passing out a handout that they would like to share with the Commission. This is more of a housekeeping application because at the time that they submitted this Request last September there was a possibility that they may be able to use some of this acreage as part of a development of the balance of the property. They have since found out that that is not likely or possible at all. This property has been approved for a Site Plan which is the second page in the packet that you have. They have preliminary approval for apartment units on the western side of the property immediately adjacent to White Oak Road. The parcel that is in question tonight has been the subject of a Flood Plain Map Amendment and prior to that amendment there was a lot more of the frontage of this parcel that was potentially usable. They have since found out that the Map Amendment makes this property almost entirely in the Flood Plain and there are wetlands on it of course. As a practical matter, they are never going to be able to do anything with this property no matter how you zone it but as a housekeeping matter, they think it makes sense to have all four of these properties zoned the same because it at least eliminates the disagreement or the risk that someone could say you can't have an open space or recreational use on an agricultural piece that serves a Site Plan Development on a commercial piece. There is an inherent conflict in that. Frankly, it probably doesn't matter much but they would just like to have all four pieces zoned the same because it is all part of one Site Plan application. Notwithstanding the fact that they won't be able to do anything with this piece because it is in the Flood Plain. He is going to ask Mr. Harmon to give a little bit more information.

Mr. Harmon stated that he works for Harmon Brothers, LLC. His family has owned this property since 1990 and you notice the three adjacent parcels are zoned C-2A. They have worked with the Planning Commission and City Council to reach an approved Preliminary Site Plan for residential on those areas. One of the things that they are looking to have is flexibility in terms of open space use and juggling parking. One of the things that they haven't decided yet is what type or form the open space or recreational would take. There is a need in the City for over-55 housing but there is also the need for families to have housing as well. If we have an over-55 development, certainly the type of recreational or open space amenities that they would have would be very different. It would probably be an enclosed building rather than an outdoor playground based on the tenants. They are asking for this to be uniform and they think that there might be some added benefits of being flexible where they can maybe move some parking to different places. The entirety of this parcel is not fully covered by either wetlands or Flood Plain. The wetlands are a little more to the northwest and that is only a small portion. It is more of a Flood Plain issue. They would appreciate any sort of consideration that the Commission can take

in regards to keeping these parcels uniform and allowing them some flexibility in the future. Again, they really can't do much in terms of putting a ton of impervious surfaces on the property and they would pledge to use this land responsibly.

Dr. Jones closed the public hearing.

Mr. Tolbert moved to defer a motion on Request #3: 1.81-acre parcel on north side of White Oak Road due to the unsureness of the applicant and he would suggest that they work further with Staff to come up with a more conclusive agreement about what should be done with the property that is being discussed.

The motion was not seconded so motion failed.

Ms. Maucher moved to recommend approval to City Council for Request #3: 1.81-acre parcel on north side of White Oak Road to change the zoning from Agricultural to Commercial, seconded by Mrs. Welsh.

Staff asked what level of Commercial Land Use Classification that the motion maker is seeking, reminding that the Commercial Land Use Categories include: Commercial - Low Intensity, Commercial - High Intensity and Commercial - Entertainment.

Ms. Maucher stated that she would clarify that it would be consistent with the adjacent properties so that would be C-2A. Responding to Ms. Maucher, Mrs. Melson-Williams stated that the land use category for the adjacent properties is the Commercial - Low Intensity.

The motion was carried 6-1 by roll call vote with Mr. Adams and Mr. Roach absent. Ms. Maucher voting yes; she had some concerns the initial application for the other properties and she thinks that this will allow them to make some benefits and they fully recognize the limitations on the property. Ms. Edwards voting yes; based on the fact that the property is primarily in the Flood Plain and there are some wetlands on the property and there is limited use of the property. Mr. Hartman voting yes. Mr. Baldwin voting yes. Mr. Tolbert voting no; consistent with his thoughts. Mrs. Welsh voting yes; based on the fact that the applicant has clarified their intentions and their understanding of the limitations of the property and she can see why it would be beneficial to have everything categorized in the same classification. Dr. Jones voting yes; for reasons previously stated.

iv) Request #4: Various properties owned by Mt. Zion AME Church in Downtown Dover

Representatives: Mr. John Paradee, Baird Mandalas Brockstedt; Reverend Dr. Erica Crawford, Mt. Zion AME Church

Dr. Jones recused herself from this application because she is a member of the church. Mr. Tolbert recused himself from this application because he is a member of the church.

Mrs. Melson-Williams stated that Vice-Chair Ms. Maucher would need to be the Acting Chairperson.

Mr. Hugg stated this Request comes to us on behalf of Mt. Zion AME Church in Downtown Dover. It involves thirteen parcels, eleven of which are currently designated and zoned for Residential Medium Density Use and two of which are currently Mixed Use. The Church recognizes the goals of the *Comprehensive Plan* to revitalize Downtown Dover. The Church has indicated that their long term vision for future use and development of their properties is to extend the vision of Mr. Richard Allen to develop their properties for Institutional Uses such as worship space, classroom facilities, parsonage or other uses which basically benefit the neighborhood. This is a somewhat complicated request in part because the Church's properties are not necessarily all in one block there. They are scattered across a couple of individual blocks and as a matter of normal practice, they try to avoid creating situations where non-contiguous or scattered properties are independently zoned different from their neighbor or what looks like kind of a hodgepodge of uses. Staff's recommendation states: "The Request would be for land use classification of the properties to be changed to Institutional in the Land Development Plan. This would be for all thirteen properties so eleven of them would go from Residential and a current Mixed Use classification. Planning Staff is not recommending approval of your Request but instead has made an alternative recommendation; please see Map 12-1F Land Development Plan. While we are sympathetic to the desires that the Church as set forth in your letter, the Planning Staff does not support making changes to scattered parcels within this larger neighborhood. The Land Development Plan reflects the designation of three blocks including these parcels and properties owned by others as Mixed Use. This land use classification allows for institutional and office uses as desired by Mt. Zion AME Church as well as a variety of residential and commercial activities better meeting the opportunities for revitalization, renewal and redevelopment of this portion of the City." He would add that the blocks immediately south of these areas are in fact designated for mixed use and he thinks that Staff's position is that by putting a Mixed Use designation on the area they create many more opportunities for both AME Church and other property owners to request uses of properties in some cases that might not necessarily otherwise meet minimum requirements for a particular zoning classification and then would also allow for some consolidations of properties for a variety of uses.

Ms. Maucher opened the public hearing.

Mr. Paradee stated that he commends Mr. Hugg for recognizing what the Church is asking for because it is actually what Mr. Hugg has recommended. He has an opportunity to discuss this with Mr. Hugg and he did not realize it at the time of the request that everything that the Church wants to do can be done in Mixed Use as opposed to Institutional/Office which would potentially have some other bad things. As his letter indicates, this is part of the Downtown Dover Target Area. It is in the same neighborhood as Wesley College and some other institutions of learning and worship. What the Church would like to do is ultimately develop a campus for a sort of comprehensive unified approach to worship which might include additional congregational space, perhaps reception areas, maybe a parsonage or some other residential uses. Mr. Hugg is very wise; he recognized that Mixed Use would do very nicely. They agree 100% with the Staff recommendation and ask that you give it favorable consideration.

Reverend Dr. Erica Crawford – Mt. Zion AME Church Dover, DE 19901

Reverend Crawford stated that Mt. Zion AME Church has been a staple in the Dover community for 146 years in the Downtown Dover area. They have been asked by the City repeatedly to do

something with our parcels of land to develop it but based on the fact that is has all been residential, it has not been developable for the Church. So, they are seeking your favor that as they try to meet the request of the City to do something other than cut the grass that you will grant our Request.

Mr. David Anderson – 217 Cecil Street Dover, DE 19901

Mr. Anderson stated that he has no comments on the issue because it is not his place to make any comments because he has that opportunity at another time. Will the Mixed Use be just for these properties or does that affect other properties in the area? Responding to Mr. Anderson, Mr. Hugg stated that the designation is basically three full blocks. It is the AME Church properties as well as all of the others that fall in that extended area; so, it is a broader designation.

Ms. Maucher closed the public hearing.

Mrs. Welsh moved to recommend to City Council approval of Request #4: Various properties owned by Mt. Zion AME Church in Downtown Dover following Staff recommendations of Items 4A through 4K to change the category to Mixed Use and to retain the current Mixed Use designation for 4L and 4M, seconded by Mr. Baldwin and the motion was carried 5-0 by roll call vote with Mr. Adams and Mr. Roach absent and Dr. Jones and Mr. Tolbert recused. Mrs. Welsh voting yes; for reasons annotated in the Request. Ms. Edwards voting yes; the applicant and the City are in agreement. Mr. Hartman voting yes; because the City and the applicant are in agreement. Mr. Baldwin voting yes; based on Staff's recommendations. Ms. Maucher voting yes; for the reasons previously mentioned.

Dr. Jones and Mr. Tolbert returned to the meeting. And Dr. Jones resumed the activities as Chair.

v) Request #5: Lands of Dover Motorsports, Inc./Dover International Speedway

Representatives: None

Mr. Hugg stated that this Request involves a number of parcels. The Request was submitted by Dover Motorsports, Inc under a letter from October 5, 2018 as a request to preserve the Commercial designation of Dover International Speedway property or properties. The letter is from Mr. Dennis McGlynn, President and CEO of Dover Motorsports, Inc. They feel that it is very important to preserve the Commercial designation of Dover International Speedway's property. Firefly Music Festival and NASCAR provides significant economic impact to the region and they do so by making significant investments in the events themselves and on the property through construction activities. Without the assurance and confidence that Commercial designations will remain intact, it will be difficult for Dover International Speedway and Firefly to make future investments in Firefly like events and activities. For the record, Staff worked closely with Dover Motorsports and Dover International Speedway to create a new ~~zoning~~ (land use) classification which appears on the Land Development Map as a dark red and it's called Commercial - Entertainment. The idea was to more formally recognize the fact that those properties are not just your standard commercial properties that would otherwise be designated in a commercial zoning district. Staff's recommendation states: "Planning Staff has worked diligently to craft a land use classification of Commercial - Entertainment that recognizes the unique nature of the Dover

International Speedway properties. This designation focuses on entertainment, indoor and outdoor recreations, supports gaming and similar uses where retail activities are secondary to the primary purpose.”

They supplied that language to them and Mr. McGlynn’s letter goes on to say that “Staff had requested that they (the speedway) provide language that could be added into the 2019 *Comprehensive Plan* that would identify their unique use. The references that you provided from the current *Comprehensive Plan* seemed more than adequate and is difficult to imagine any enhancements.

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

Ms. Maucher questioned just to verify that Dover Downs is agreeable to the Staff recommendation. Responding to Ms. Maucher, Mr. Hugg stated yes, Dover Downs is agreeable to Staff’s alternative recommendation which was to create the Commercial - Entertainment category with its specific focus on those kinds of activities.

Ms. Maucher moved to recommend approval to City Council for Request #5: Lands of Dover Motorsports, Inc./Dover International Speedway for the alternative recommendation made by Staff to create a Commercial - Entertainment category, seconded by Mr. Tolbert and the motion was carried 7-0 with Mr. Adams and Mr. Roach absent. Ms. Maucher voting yes; based on Staff recommendations and the agreement from Dover Downs. Ms. Edwards voting yes; based on comments previously made. Mr. Hartman voting yes; based on Staff recommendations and their hard work with the Speedway. Mr. Baldwin voting yes. Mr. Tolbert voting yes. Mrs. Welsh voting yes; due to the fact that the City Planners and the applicant both concur with this new classification. Dr. Jones voting yes; for reasons previously stated.

vi) Request #6: Designation of Employment Center in vicinity of Kent County AeroPark

Representatives: None

Mr. Hugg stated that this is a Request relating to the Annexation Plan. It was a Request submitted by Kent County Levy Court. It is a Request to include lands north and west of the Kent County AeroPark for potential annexation. These lands are identified for a potential employment center development in the 2018 *Kent County Comprehensive Plan*. The letter was sent on behalf of Levy Court by Michael Petit de Mange, the County Administrator on January 25, 2019. Staff agrees and recommends the approval of this request. The recently adopted and certified the 2018 *Kent County Comprehensive Plan* identifies the land area north and west of the AeroPark for potential employment center development. The County Plan recommends that Master Plans be developed for such employment center in advance of any land use changes.

Staff’s response to the applicant states: “They are writing to request that the City consider an amendment to the current Annexation Areas Map. A component of the *Comprehensive Plan* is to identify lands north and west of the AeroPark for potential annexation to accommodate business park expansion.” The letter indicates that Planning Staff concurs with their request.

The reason that this is an issue is that this is outside of the normal or expected growth zone on the east side of Route 13 and Route 1. It involves changes to both the County Plan which they made and changes to our initial philosophy. It's probably one of the two or three major changes in the *2019 Comprehensive Plan* versus *2008 Comprehensive Plan*.

Dr. Jones opened the public hearing and after seeing no one wishing to speak, closed the public hearing.

Ms. Edwards moved to recommend approval to City Council for Request #6: Designation of Employment Center in vicinity of Kent County AeroPark as submitted, seconded by Mrs. Welsh and the motion was carried 7-0 with Mr. Adams and Mr. Roach absent. Ms. Edwards voting yes; based on the fact that Staff concurs with the Request. Mr. Hartman voting yes; to support the County and the creation of an employment center. Mr. Baldwin voting yes; based on Staff's recommendation. Mr. Tolbert voting yes. Mrs. Welsh voting yes; in concurrence with Staff's recommendations. Ms. Maucher voting yes; based on Staff recommendations. Dr. Jones voting yes; based on Staff's recommendation.

- f) Public Hearing on Comprehensive Plan
- g) Discussion
- h) Action by Planning Commission

Mr. Hugg stated that it is his privilege to ask the Commission to take action recommending to the City Council the *2019 Comprehensive Plan* for the City of Dover with this amendments and corrections as presented.

Dr. Jones opened the public hearing.

Ms. Kathleen Doyle – 500 North State Street Dover, DE 19901

Ms. Doyle stated that she hasn't looked at the FINAL DRAFT. The last time that she read the Plan was in October but her two main areas of interest these days are the components that deal with watershed quality as well as improving air quality. She feels like she had to really do a scavenger hunt to try to find the specifics that are in the Plan for both of those items. For example, for air quality, there is no mention of trees anywhere. Towards the end of the document there is something about ongoing activities. The more trees, the better the air quality. The City has recently taken down forty trees in town and she is not sure what the plan is to replace those trees. She knows that it does say somewhere that there will be ongoing efforts with updating the Tree Planting and Preservation Ordinance. For watersheds, there has been a lot of great things done along the St. Jones River, Silver Lake and Mirror Lake over the last ten or fifteen years with planting a lot of great trees and native plants but then the City allowed those items to not be managed well. About six months ago or less, they just sprayed everything and now everything is kind of dead along the North State Street Bridge, along parts of Silver Lake, and parts of Mirror Lake. The accomplishments that are listed in *Comprehensive Plan* say that we have updated the Tree Planting and Preservation Ordinance and developed a buffer along St. Jones, Silver Lake and completed remediation activities at Mirror Lake. Those are accomplishments and then they are not mentioned again for the next ten years and yet trees have been taken down and vegetation has been destroyed. She is concerned about those things. She is hoping that there are some

specific actionable items that are going to happen and that it's not just saying that we have added to these Ordinances.

Mrs. Melson-Williams stated that Chapter 5 is the chapter of the Plan that deals with Natural Resources and Environmental Protection. There are goals there. An overarching goal of protecting the natural environment and there is also an overarching goal of improving air quality. For the Planning Commissioners, she is reading from Pages 5-15 and 5-16. There are a number of Recommendations that focus efforts in those areas. The *Comprehensive Plan* does list some action items, but it may not be as detail specific as what Ms. Doyle is looking for. Yes, in the past there have been amendments to our Tree Planting regulations. They clarified some of the how you calculate it but as you all know ordinance writing is always ongoing and their Tree Planting and Landscape elements of the *Zoning Ordinance* are probably likely items that we would focus on in the future. If you look at some of the Implementation items, they are to continue to identify and help protect those environmentally sensitive areas. One of the things that they do want to focus on is looking at the City's Recommended Tree List. There are certainly efforts in recent years to focus on more native plantings and updating their tree list is certainly one of those tasks. Air quality is a little more elusive on the local level. A lot of the regulations are at the State or Federal level so their partners with DNREC and others have enforcement mechanisms in that realm. Certainly, the City is a caretaker of our park areas such as Silver Lake Park. There have been some changes in the Department of Parks and Rec and with what Public Works also manages. She thinks that there is at least some recognition of those caretaker activities that there needs to be a better focus on those areas perhaps and that long-term management planning has been recognized in those areas as well as other areas of City infrastructure Citywide. She thinks that there are certainly efforts in this Plan to recognize that the caretaker responsibility in addition to the regulatory side of the City as well.

Dr. Jones closed the public hearing seeing no one else wishing to speak.

Mr. Hartman stated that he has a quick list of housekeeping items that he saw. Pages 2-5 and 2-6: TND, PND, SCHO are just listed and not spelled out and he had to look them up. Page 2-10 and 2-11: there are two tables labeled Table 10. On Page 3-7 with all of this data that is coming from different organizations, Censuses and labor departments but on Table 3-5, you have Management listed for 2014 as 220 and for 2024 as 150 and on another table, Management is listed with a much higher numbers. What is the discrepancy there? Responding to Mr. Hartman, Mr. Hugg stated that these tables show Employment by Occupation and Employment Projections. You would think that both coming from the Department of Labor that they would be consistent definitions but unfortunately, they are not. They wrestled with rather or not they even wanted to include them or not because in some cases he couldn't necessarily reconcile them, but they are the best information that's available.

Mr. Hartman stated that on Page 12-1 it references the Comprehensive Zoning Map Amendment Process and it references Article 10, Section 5.3 and it should be Article 10, Section 5.4. In Table 12-1 (they have looked at that table several times tonight), the table identifies the TND but not a PND. Why is that? Responding to Mr. Hartman, Mrs. Melson-Williams stated that TND is actually a zoning district. PND while it sounds like it's a zoning district it is not; it is more an application process. That is why you do not find it listed in the Land Use Category Matrix.

Mr. Hartman stated that the over-pumping in the Columbian Aquaphor was something that he noticed in the Report right away and when he reviewed the PLUS comments he sees that it was the PLUS Process that actually prompted you to put that in the *Comprehensive Plan*. That is at the Long Point Road well. He is not sure where that is because he couldn't find it on the map. Responding to Mr. Hartman, Mrs. Melson-Williams stated that it is not a specific well that is labeled on the map. The well locations are identified in a general sense, but it does not identify which aquifer the specific one pumps from. There are a collection of wells that are in the vicinity of Long Point Road.

Mr. Hartman stated that the *Comprehensive Plan* mentions a Report by the Delaware Geological Survey and in that Survey, it talks about over-pumping of the Columbia through irrigation sources and an electric generating station. In the *Comprehensive Plan*, you don't mention the electric generation station. What generation station are they talking about in the Survey that they are concerned about with over-pumping of the Columbia? Responding to Mr. Hartman, Mr. Lyon stated that the electrical generation station is Calpine which is located at the Garrison Oak Technical Park. Their concern is that they believe that the proximity of that power plant and the proximity of the wells which are on the east side of town directly feed from those wells to the generation plant but is not accurate. It is fed off of the Distribution System which gets its water from various locations and it is all interconnected. We only have one pressure system.

Mr. Hartman stated that he recalls when that plant was first considered by the City, there was a question about over-pumping of the Columbia Aquifer with saltwater intrusion into the aquifer and partial destruction as the over pumping brings down the level of it and it can't really be brought back. As a Planning Commission, shouldn't that be an action item for us to look at when something comes into that location where the electric generation station is? Shouldn't the City look at their water usage and at least the plan for it in some way? It appears to him that it should be an action item in the *Comprehensive Plan*. This Plan is great; he has never looked at it from the point of view as a Planning Commissioner and it's an excellent road map. But he would like you to address the Columbia Aquifer and the industry out there. He knows that this is a sensitive point with the City because it is one of your economic development areas, but if you could address how they are supposed to approve Site Plans and development in that area with this specter of pumping dry the Columbia Aquifer.

Mrs. Melson-Williams stated that the comments about the over-pumping are in the *Comprehensive Plan* in the text on Page 7-9 that talks about a general discussion about planning for utilities. While it is not a specific item in the Goals and Recommendations, there are goals that are specifically targeted. For example, Goal #1 is to proactively maintain existing infrastructure and expand infrastructure when beneficial. So, one of those is relating to Utility plans. As Mr. Lyon indicated, any one entity doesn't exactly get water from just one well because of how our system works. So, she thinks that it is part of the overall charge of really the Department of Public Works in addressing how we have an adequate water system. We are regulated related to our draw of water and from where. Some of it is beyond the expertise of what the Planning Commission is charged with; it's more on the side of how the Utility provider provides the water source under all of the regulations that we are required to meet as a City.

Mr. Hartman stated that it is certainly something that the City should look at. Responding to Mr.

Hartman, Mr. Lyon stated that they do. There was a 1.5-million-gallon tank built for that specific energy center as well as the interconnection at three different points to our distribution system. They did water modeling and they modeled it as best as they could based on the information given to us from that developer. Just to reiterate, we have requirements from DNREC at each one of our well locations. We do not go beyond our Allocation Permits. The DGS Report says that there is going to be over pumping but that is not just the City of Dover; that is all of the other people on that side of Route 9.

Mr. Hartman questioned who in the City looks at the water allocation? Is it 60 million gallons a year or something like that? Responding to Mr. Hartman, Mr. Lyon stated that Public Works looks at the allocation and they have 11.59 million gallons per day divided by three different aquifers: Columbia, Cheswold and Piney Point. They keep an eye on that and they have reports daily, monthly and yearly that they have to give to DNREC.

Mr. Hartman questioned what the process is within the City if someone comes into that industrial park and wants to use a lot of water? Will you just go to your water allocation of 600 million gallons a year or will you look at other things like the Report from the Geological Survey about over-pumping the aquifer? Responding to Mr. Hartman, Mr. Lyon stated that they look at the demand that the client will be providing and then will calculate based on their water model. The water doesn't come directly from each aquifer; it is kind of a melting pot from each one. They run the model and if it works without diminishing our reserves and our fire protection then they approve it. That is done through the DAC process. When the project comes through that is when they review it before the Commission sees it and that's what they write in the Reports that go to the Commission.

Mr. Hartman stated that in the Delaware Geological Survey Report it says the potential for over-pumping will become more significant when an electric generating station served by the Long Point Road well is expected to increase capacity and requires more water. Is that accurate? Responding to Mr. Hartman, Mr. Lyon stated that he has not read that Report in a long time, but the original intent of that energy station was to have two phases. The first phase was 2.3 million gallons a day peak demand and the second phase was twice that. Throughout the amount of time that it has been open, it has gone through various cycles of high demand and they haven't come close to that number. His guess is that DGS is looking at the worst-case scenario based on those projections and running it through their modeling software and assuming that all of water is coming from Columbia which is not accurate.

Mrs. Welsh moved to recommend approval to City Council for the 2019 Comprehensive Plan FINAL DRAFT dated December 3, 2019: Planning for a Bigger Better Dover as presented in the document and map series dated December 3, 2019 along with recommendations on the Comprehensive Plan Requests #1-6, seconded by Ms. Maucher and the motion was carried 7-0 with Mr. Adams and Mr. Roach absent. Mrs. Welsh voting yes. Ms. Maucher voting yes; she thinks that it is a wonderful work product and she appreciates all of the hard work that went into it by Planning Staff. Ms. Edwards voting yes; she does want to commend the Staff as she knows there was a tremendous amount of time and energy invested in the Comprehensive Plan, so thank you. Mr. Hartman voting yes; it is impressive work. Mr. Baldwin voting yes; it's a job well done. Mr. Tolbert voting yes; the job was well done in a most professional manner. Dr. Jones voting

yes; for the reasons previously stated.

Note: A Public Hearing before the City of Dover City Council on the *2019 Comprehensive Plan* has been scheduled for January 13, 2020 at 7:30 P.M., in the City Council Chambers of City Hall. (Ordinance #2019-21)

Meeting adjourned at 9:23 PM.

Sincerely,

Kristen Mullaney
Secretary