

**CITY OF DOVER PLANNING COMMISSION
JANUARY 19, 2021**

The Meeting of the City of Dover Planning Commission was held on Tuesday, January 19, 2021 at 7:00 PM as a Virtual Meeting using the phone/videoconferencing system WebEx due to Delaware's Declaration of the State of Emergency for COVID-19. The Meeting Session was conducted with Chair Mrs. Maucher presiding. Members present were Mr. Adams, Mr. Roach, Mr. Hartman, Mrs. Baldwin, Mrs. Lord, Mrs. Welsh, Dr. Jones and Mrs. Maucher. Mrs. Malone was absent (*arrived at 7:24PM*).

Staff members present were Mr. Dave Hugg, Mrs. Dawn Melson-Williams, Mr. Julian Swierczek, Mrs. Samantha Bulkilvish, Mr. Jason Lyon and Mrs. Kristen Mullaney. Also present were Mr. Mark North and Mr. Michael Cassidy.

APPROVAL OF AGENDA

Mrs. Welsh moved to approve the Agenda tonight, seconded by Dr. Jones and the motion was unanimously carried 8-0 with Mrs. Malone absent.

**APPROVAL OF THE PLANNING COMMISSION MEETING MINUTES OF
DECEMBER 20, 2020**

Mrs. Welsh moved to approve the Planning Commission Meeting Minutes of December 20, 2020, seconded by Mr. Adams and the motion was unanimously carried 8-0 with Mrs. Malone absent.

COMMUNICATIONS & REPORTS

Mr. Hugg stated that the next Planning Commission regular meeting is scheduled for Tuesday, February 16, 2021 at 7:00PM.

Mr. Hugg provided an update on the regular City Council and various Committee meetings held on January 11 & 12, 2021.

Mr. Hugg stated that in the Summary of Applications Chart, you can clearly see that in 2005, 2006, 2007 and 2008 they were probably seeing the "boom" period followed by a long flat cycle of Site Plans and other activities through about 2017 or 2018. If you look at the averages of Conditional Uses, it shows that we seem to be back on the right track now. The average for Site Plans was 26 over the years, ranging from 66 to 12. He believes, but in 2019 we were at 25 Site Plans, so it was kind of back on a normal track and then COVID hit. You can see the impact of COVID in the second, third and fourth quarters of 2020 when you see zero Conditional Use Applications, zero Subdivisions and reduced numbers of Site Plans. This gives the volume in the Planning Office; both currently and over the years.

Mrs. Melson-Williams stated that they do have data that goes beyond this but only so much fits on a page. They break it into quarters for the past two years and as Mr. Hugg mentioned, for 2020 our numbers were slightly down. She can tell you that even though application numbers in total may be slightly down, the Planning Office is continuing to work very hard. There are a number of inquiries ranging from "What's the zoning of my property?" to "How do I deal with parking for this site?" that aren't captured in this. The total number of inquiries are probably in

Horsepond Road along a private drive known as Cassidy Drive. The owner of record is Cassidy Commons, LLC. Property Address: 101-1001 Cassidy Drive. Tax Parcel: ED05-077.00-01-28.04-000. Council District 2. This Plan was originally submitted as Conditional Use Site Plan Application C-09-03 then superseded by C-11-04 M & L Ventures at Lafferty Lane. C-11-04 received Conditional Approval by the Planning Commission in June 2011 and as amended in February 2012 with Final Plan Approval granted on April 23, 2012. Four of the originally proposed ten building were constructed, but due to a prolonged period of inactive construction the Plan C-11-04 has since expired. Waivers to be Requested: Reduction of Bicycle Parking, Partial Elimination of Curbing, and Partial Elimination of Sidewalk and Consideration of a Performance Standards Review Application.

Representatives: Mr. Mark North; Mr. Michael Cassidy

Mr. Swierczek stated that this is for the resubmission of an expired Conditional Use Site Plan that had been originally submitted back in 2011 and received approval. This is returning. As the approval was granted in 2011 and permits for the first four buildings were submitted and approved in 2012 but since then, there has not been enough construction being maintained so to continue with the project. They are having to resubmit tonight. As noted, four of the buildings are already constructed and there are six remaining. All of them are of identical size and proportions; they are 9,950 SF each. The applicant has indicated that the uses of the buildings are to be used primarily as wholesale storage, warehouses, manufacturing, and building contractor's yards. It is being filed as a Conditional Use as any development in the Manufacturing Zone is reviewed as a Conditional Use. As part of the overall Site Plan, there is also a private drive that you see along bottom running from left to right on the image in front of you and that is Cassidy Drive. That is a private road that the applicant has indicated that will not be given over to the City or anyone else for public use. You can also see in between Buildings 6 and 7, originally there was a cross access drive that was to help facilitate any potential future development on the parcels of land on either side that is still being shown on this resubmission again. The Plan back in 2011 has also submitted three waiver requests which are being submitted again. As a quick note, all three of these waiver requests were granted by the Planning Commission back in 2011. The first is for the elimination of sidewalk, specifically on the western side of that private Cassidy Drive which is the side opposite from the buildings. The applicant noting that there is relatively limited space there due to the remote location from the sidewalk being provided in the eastern side which is why they are requesting that waiver. The second waiver is for bicycle racks. Generally, there is one bicycle parking space required for every twenty vehicle parking spaces. On the plan submitted, they have shown that they have provided the bicycle rack parking in between Buildings 1 and 2; however, they received very little use again due to the remote location of the site. And the fact that this is more of a manufacturing, wholesale use which does not generally foster a lot of bicycle riding. Lastly, was the elimination of upright curbing and it was noted that this was to help facilitate water flow. This was a waiver that was submitted and approved by Planning Commission in 2011; however, now it is an administrative waiver process that is handled by Planning Staff and to that end, we have approved that waiver request. Finally, there was a Performance Standards Review. This is fairly typical for development in the Manufacturing Zone. This basically has the applicant state what the types of uses are to be used in these facilities and to ensure that there is not going to be anything detrimental to public health. They have submitted for review a Performance Standards Review Application and that should

Performance Standards. He is prepared to recommend approval of that Performance Standards Application but if the tenants do not have the licenses, he is trying to see whether or not the City has the ability to evaluate if the Performance Standards are being met. Responding to Mr. Hartman, Mr. North stated that his proposal is from a landlord's point of view. He is proposing that we require the proposed tenant to approach the City, apply for the license or receive the zoning approval and then have them produce the Business License. They might have to obtain Building Permits for each tenant even if there is no construction proposed in the building and that way the Fire Marshal can ensure that the tenant is appropriate for the space.

Mr. Hartman stated that he would like to suggest to the Commissioners tonight that we might want to make the condition for any approval that the applicants be able to meet the Fire Marshal's additional specific requirements to obtain approval, which includes the licenses and the removal of trash behind the buildings and some other things that he can see are very important. He thinks that if the Commission decides to approve this application, then it should be conditional upon the requirements specified by the Fire Marshal in the DAC. There is quite a bit of work that is detailed in the report and there are two Section VIII in the report. Each of those Sections VIII has quite a bit of work outlined and it is difficult to cite those sections because they are labeled the same. He would just like to see that corrected, in the event that someone has to cite those requirements in the DAC.

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

Mr. Hartman moved to approve C-21-01 Cassidy Commons at 101-1001 Cassidy Drive, to include the waiver to eliminate the sidewalk along the west side of Cassidy Drive, the waiver to reduce the bicycle parking spaces, as well as approval and acceptance of the Performance Standard Review Application. All conditional on the applicant meeting the specific requirements outlined by the Fire Marshal in his DAC Report, Items 1-8; particularly the removal of the trash and the licenses, and conditional upon the completion of Construction Drive prior to the issuance of Building 7 Permit. Also, to include the full DAC Report with all agencies, seconded by Mrs. Welsh and the motion was approved 9-0 by roll call vote. Mr. Hartman voting yes; as previously stated. Mr. Baldwin voting yes; based on the comments previously stated. Dr. Jones voting yes; she echoes Mr. Hartman's concerns. Mrs. Welsh voting yes; she sees the site and what's constructed there so far is very appealing and she can only think that continuing that situation will be beneficial for several different users of the site. Mrs. Lord voting yes; based on comments previously stated. Mr. Adams voting yes. Mr. Roach voting yes; for reasons previously stated. Mrs. Malone voting yes; due to the really great comments from Mr. Hartman. Mrs. Maucher voting yes; for reasons previously stated.

NEW BUSINESS - None

Meeting adjourned at 7:48 PM.

Sincerely,


Kristen Mullaney, Secretary